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**REGULAR SESSION
SEVENTY-THIRD
GENERAL ASSEMBLY**

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**Volume II
April 7-April 8**

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

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NINETIETH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, April 7, 1990

The Senate met in regular session at 8:04 a.m., Senator Husak presiding.

Prayer was offered by the Honorable Leonard L. Boswell, member of the Senate from Decatur County, Davis City, Iowa.

The Journal of Friday, April 6, 1990, 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 6, 1990, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 133, a concurrent resolution relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects.

ALSO: That the House has on April 6, 1990, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date (S—5987).

ALSO: That the House has on April 6, 1990, 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 2423, 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, providing effective dates, and providing retroactive applicability.

ALSO: That the House has, on April 6, 1990, adopted the conference committee report and passed **Senate File 2306**, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date.

ALSO: I am directed to inform your honorable body that the members of the conference committee, appointed April 6, 1990, on **House File 731**, a bill for an act relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor, on the part of the House are: The Representative from Madison, Mr. Hibbard, Chair; The Representative from Winnebago, Mr. Branstad, The Representative from Buena Vista, Mr. Eddie, The Representative from Palo Alto, Mr. Fogarty, and the Representative from Linn, Representative Osterberg.

ALSO: I am directed to inform your honorable body that the members of the conference committee, appointed April 6, 1990, on **House File 2559**, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, on the part of the House are: The Representative from Linn, Ms. Chapman, Chair; the Representative from Ida, Mr. Bennett, the Representative from Benton, Mr. Brand; the Representative from Lyon, Mr. DeGroot; and the Representative from Jackson, Mr. Tabor.

BILLS ASSIGNED TO COMMITTEE

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

- H.F. 2566 Ways and Means
- H.F. 2567 Appropriations

QUORUM CALL

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

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

President Zimmerman took the chair at 8:32 a.m.

GOVERNOR'S ITEM VETO MESSAGE

April 6, 1990

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
LOCAL

Dear Madam President:

I hereby transmit Senate File 2327, an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small business advocate, and establishing a small business advocate.

Senate File 2327 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as section 1, subsection 10, unnumbered and unlettered paragraph 2 in its entirety. This provision stipulates that any official Iowa trade mission led by a member of the executive council shall be represented by a bipartisan delegation of the executive council. This is nearly identical to language that was item vetoed last year and is currently the subject of litigation. An appeal of the recent district court's decision on the case is pending, so no final determination has been made. The rationale for last year's veto is still valid. Should a trade mission require the participation of a member of the executive council because of their particular expertise, the invitation is certain to be extended.

I am unable to approve the designated portion of Section 1, subsection 27, unnumbered and unlettered paragraph 1. This provision provides that unencumbered or unobligated funds appropriated from previous fiscal years be reallocated to satellite centers. The Department of Economic Development currently has the flexibility to allocate funds to the satellite centers should this be determined to be the most pressing need. However, there are many other responsibilities associated with the satellite center network appropriation, some of which have been expanded in other legislation this session. It is important for the department to maintain the flexibility to allocate the funds as necessary to carry out the mission of the network as a whole.

I am unable to approve the designated portion of section 6, subsection 3, unnumbered and unlettered paragraph 1. This language would provide programmatic detail concerning the new value-added agricultural financing program. I am pleased the General Assembly has accepted my recommendation to establish this new program, which will assist in building upon our agricultural strengths. However, the specific provisions in Senate File 2327 are inconsistent with Senate File 2385, a separate bill creating the program which I have approved.

The result of this veto will be to allow the provisions of Senate File 2385 to remain in effect.

I am unable to approve the item designated as section 6, subsection 3, unnumbered and unlettered paragraph 2 in its entirety. This provision allows the agricultural products advisory council to expend funds to employ a consultant to assist in the development and implementation of a program and plan for the promotion of agricultural products. However, the plan has now been completed, adopted by the council and submitted to me and to the General Assembly. Because the Code requirements have been satisfied, the provision in Senate File 2327 is unnecessary.

I am unable to approve the item designated as section 8, unnumbered and unlettered paragraph 5 in its entirety. This provision stipulates that if the Treasurer of State has not provided the total amount appropriated for fiscal year 1991 to the World Food Prize Foundation by June 30 of 1991, the remaining amount shall not revert but shall be available for expenditure by the Department of Economic Development for technical assistance centers. It would be fiscally irresponsible to commit in advance potential unspent balances for expenditure in the subsequent fiscal year.

I am unable to approve the item designated as Section 13 in its entirety. This provision provides a \$50,000 appropriation for a special events fund in the Department of Economic Development. This is similar language I vetoed last year, for reasons which are still valid. Currently, the community cultural grants program is dedicated to providing assistance for similar purposes.

I am unable to approve the items designated as sections 27, 36 and 37 in their entirety. These provisions relate to the responsibilities given to all agencies in state government for implementing the small business advocate program created and funded elsewhere in the bill.

Section 27 requires that in the event that processing takes more than two weeks, agencies which issue licenses and permits send a notice of issuance procedures to applicants two weeks after receipt of the application. Section 36 requires each agency to designate a small business assistance officer and specifies the responsibilities of the officer. Section 37 relates to requirements for maintaining and disseminating a current catalogue of all types of projects, licenses, permits and other regulatory requirements administered by the agency.

I support the concept of providing relief to small businesses, and as such I am leaving intact the provisions which create, fund and specify the responsibilities of the office of small business advocate. However, sections 27, 36 and 37 may actually work to the detriment of small business through the imposition of requirements that may further delay the process of issuing licenses and permits, and the resolution of complaints. It should be the small business advocate's responsibility to work with state government to design more reasonable and workable procedures.

I am unable to approve the designated portion of section 28. This provision commits future year receipts from the Iowa Community Development Loan Fund to the Iowa Finance Authority for the E911 financing program. I am leaving intact the \$500,000 appropriations in this bill for fiscal year 1991. However, from the standpoint of fiscal responsibility and accountability, I cannot support making future year funding commitments for the E911 program. There is no compelling reason why this program should not be reviewed on a regular basis in the same manner as are other programs that compete for state resources.

Overall, the action taken by the General Assembly in Senate File 2327 will enable the state to move ahead in several key areas: international trade, work force development, community betterment, housing and business financing.

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 2327 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

BILL REMOVED FROM ITEM VETO MESSAGES CALENDAR

Senator Hutchins asked and received unanimous consent that action on the Governor's item vetoes of Senate File 2327 be indefinitely postponed and that the bill be removed from the Item Veto Messages Calendar.

ADOPTION OF RESOLUTION

Senate Resolution 121

On motion of Senator Hutchins, Senate Resolution 121, a resolution to amend Senate Rule 36, to establish permanent subcommittees of the committee on rules and administration, Senate Rule 52, to establish the duties of the president of the senate, and Senate Rule 53, to establish the duties of the president pro tempore of the senate, all to become effective on the last day of the Seventy-third General Assembly, was taken up for consideration.

Senator Hutchins moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 2500

Senator Doyle called up for consideration, House File 2500, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5793 to Senate amendment H—5874 filed March 30, 1990.

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

Senator Doyle 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?" (H.F. 2500) the vote was:

Ayes, 47:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	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, none.

Absent or not voting, 3:

Hutchins	Mann	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.

UNFINISHED BUSINESS
(Deferred March 16, 1990)

House File 366

The Senate resumed consideration of House File 366, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property, deferred March 16, 1990.

Senator Fraise offered amendment S—5419 filed by the committee on Local Government on March 8, 1990, to page 1 of the bill and moved its adoption.

Amendment S—5419 was adopted by a voice vote.

Senator Jensen offered amendment S—5560 filed by him on March 19, 1990 to page 2 and the title page of the bill.

Senator Jensen offered amendment S—5935 filed by him on April 5, 1990, to pages 1, 2, 4 through 6, and 8 of amendment S—5560.

Senator Fraise raised the point of order that amendment S—5560 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5560 out of order.

The Chair ruled amendment S—5935 and amendment S—5928 filed by Senator Jensen on April 5, 1990, to amendment S—5560, out of order.

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. 366) the vote was:

Ayes, 49:

Boswell
Corning

Bruner
Deluhery

Coleman
Dieleman

Connolly
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, none.

Absent or not voting, 1:

Mann

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order Senate File 2429.

Senate File 2429

On motion of Senator Varn, Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Varn offered amendment S—5941 filed by the committee on Judiciary on April 5, 1990, to pages 2, 4, 5 and the title page and moved its adoption.

Amendment S—5941 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?" (S.F. 2429) the vote was:

Ayes, 42:

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

Nays, 2:

Gentleman	Murphy
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Absent or not voting, 6:

Deluhery	Hutchins	Mann	Pate
Priebe	Soorholtz		

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

SENATE RECEDES

Senate File 514

Senator Husak called up for consideration Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities, amended by the House, further amended by the Senate and moved that the Senate recede from its amendment.

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

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?" (S.F. 514) the vote was:

Ayes, 45:

Boswell	Bruner	Coleman	Connolly
Corning	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
Peterson	Rensink	Rife	Riordan
Scott	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Deluhery	Pate	Priebe	Running
Soorholtz			

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 2500, 366** and **Senate File 2429** and **514** be immediately messaged to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 2049

Senator Sturgeon called up for consideration Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S—5982 filed April 6, 1990.

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. 2049) the vote was:

Ayes, 44:

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

Nays, 3:

Hagerla	Hedge	Tinsman
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Absent or not voting, 3:

Hultman	Murphy	Pate
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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.

Senate File 2093

Senator Horn called up for consideration Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, amended by the House, and moved that the Senate concur in House amendment S—5983 filed April 6, 1990.

A non record roll call was requested.

The ayes were 10, nays 38.

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Concurrent Resolution 129

On motion of Senator Drake, Senate Concurrent Resolution 129, a concurrent resolution urging the President of the United States, the Federal Highway Administration of the United States Department of Transportation, and the United States House Public Works and Transportation Committee, and the United States Senate Commerce, Science and Transportation Committee to work toward ascertaining funding for development of a four-lane highway to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints," with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent to withdraw amendment S—5703 filed by Senators Gronstal and Coleman on March 27, 1990, to pages 1 and 2 of the resolution.

Senator Drake moved the adoption of Senate Concurrent Resolution 129, which motion prevailed by a voice vote.

UNFINISHED BUSINESS
(Deferred March 16, 1990)

House File 2294

The Senate resumed consideration of House File 2294, a bill for an act relating to the establishment of an Iowa affordable heating program, deferred March 16, 1990.

Senator Gronstal offered amendment S—5968 filed by him on April 6, 1990, to page 5 of the bill and moved its adoption.

Amendment S—5968 was adopted 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. 2294) the vote was:

Ayes, 43:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Gettings	Gronstal
Hannon	Hedge	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	Varn	Welsh	

Nays, 6:

Fuhrman	Gentleman	Goodwin	Hagerla
Hester	Vande Hoef		

Absent or not voting, 1:

Jensen

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 Files 2049, 2093, Senate Concurrent Resolution 129 and House File 2294** 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 April 7, 1990, passed the following bill in which the concurrence of the House was asked:

Senate File 2427, a bill for an act codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date.

HOUSE AMENDMENT CONSIDERED

Senate File 2422

Senator Welsh called up for consideration Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, amended by the House in House amendment S—5987 filed April 7, 1990.

Senator Welsh offered amendment S—5993 filed by him from the floor to page 1 of House amendment S—5987 and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 18.

Amendment S—5993 was adopted.

Senator Welsh offered amendment S—5990 filed by him from the floor to page 2 of House amendment S—5987 and moved its adoption.

Amendment S—5990 was adopted by a voice vote.

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

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

On the question "Shall the bill pass?" (S.F. 2422) the vote was:

Ayes, 30:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Drake
Fraise	Gettings	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer

Peterson
Szymoniak

Priebe
Welsh

Running

Soorholtz

Nays, 14:

Gentleman
Hester
Scott
Tinsman

Goodwin
Pate
Sturgeon
Vande Hoef

Hannon
Rensink
Taylor

Hedge
Rife
Tieden

Absent or not voting, 6:

Doyle
Riordan

Fuhrman
Varn

Gronstal

Hagerla

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 for consideration.

Senate File 2433

On motion of Senator Welsh, Senate File 2433, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date, was taken up for consideration.

Senator Boswell withdrew amendment S—5965 filed by him on April 6, 1990, to page 10 of the bill.

Senator Boswell offered amendment S—5980 filed by him on April 6, 1990, to pages 10 and 11 of the bill and moved its adoption.

Amendment S—5980 was adopted by a voice vote.

Senator Fraise withdrew amendment S—5986 filed by him from the floor to page 11 of the bill.

Senator Vande Hoef withdrew amendment S—5985 filed by him from the floor to page 12 of the bill.

Senator Welsh withdrew amendment S—5994 filed by him from the floor to page 9 of the bill.

Senator Running withdrew amendment S—5996 filed by him from the floor to pages 10 and 11 of the bill.

Senator Welsh offered amendment S—5995 filed by him from the floor to page 11 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 34, nays 4.

Amendment S—5995 was adopted.

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

On the question “Shall the bill pass?” (S.F. 2433) the vote was:

Ayes, 30:

Bruner	Coleman	Connolly	Corning
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Scott	Soorholtz	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 19:

Boswell	Drake	Fuhrman	Gentleman
Goodwin	Hagerla	Hedge	Hester
Hultman	Jensen	Nystrom	Pate
Rensink	Rife	Running	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 1:

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 **Senate Files 2422 and 2433** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lloyd-Jones asked and received unanimous consent to take up for consideration Senate File 2435.

Senate File 2435

On motion of Senator Bruner, Senate File 2435, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, was taken up for consideration.

Senator Gentleman offered amendment S—5988 filed by her from the floor to page 9 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 24.

Amendment S—5988 lost.

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. 2435) the vote was:

Ayes, 46:

Boswell	Bruner	Connolly	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	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 1:

Gentleman

Absent or not voting, 3:

Coleman Nystrom Szymoniak

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 **Senate File 2435 be immediately messaged** to the House.

BILL REMOVED FROM ITEM VETO MESSAGES CALENDAR

Senator Lloyd-Jones asked and received unanimous consent that further action on the Governor's item vetoes of Senate File 2410 be indefinitely postponed and that the bill be removed from the Item Veto Messages Calendar.

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 7, 1990, passed the following bill in which the concurrence of the House was asked:

Senate File 2420, a bill for an act relating to the transfer of appropriations within and between state departments, institutions, and agencies.

ALSO: That the members of the conference committee, appointed April 7, 1990, on Senate File 2280, 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, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, on the part of the House are: The Representative from Greene, Mr. Blanshan, will replace the Representative from Hardin, Mr. Fuller.

ALSO: That the House has on April 7, 1990, passed the following bill in which the concurrence of the Senate is asked:

House File 2568, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus.

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

RECESS

On motion of Senator Lloyd-Jones, the Senate recessed at 12:25 p.m., until 1:30 p.m.

APPENDIX

GOVERNOR'S ITEM VETO MESSAGE

April 6, 1990

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 2410, an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

Senate File 2410 reflects Iowa's commitment to provide quality post-secondary educational opportunities for all of our citizens. The act creates a Community College Excellence 2000 program, which will encourage the development of quality instructional centers and provide incentives for program sharing among the community colleges. Also included is a provision which authorizes the State Board of Education to establish an accreditation process for community colleges to assure quality education programs in all community colleges. The act provides additional funding which may be used to improve faculty salaries and to reduce tuition in the community colleges. I am pleased to approve these initiatives included in Senate File 2410 which will help Iowans acquire the knowledge and skills necessary to compete in a global economy.

Senate File 2410 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 25, in its entirety. This provision would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. These reimbursements are used for extraordinary expenditures such as presidential searches, organizational audits, staff activities relating to bonding for the universities, and preparation of materials which are of benefit to the universities. The board should continue to be authorized to seek appropriate reimbursements from the universities. Therefore, this provision cannot be approved.

I am unable to approve the item designated as Section 118, in its entirety. This provision would require the Higher Education Strategic Planning Council to explore the creation of an Iowa "Electronic University." While it may be appropriate for the Strategic Planning Council to include the use of new technologies in a strategic plan, the Strategic Planning Council should be responsible for determining which issues should be studied, as provided in Section 11 of this act.

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 2410 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2554)

A conference committee report signed by the following Senate and House members was filed April 7, 1990, on House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates:

On the Part of the Senate:

WILLIAM DIELEMAN, Chair
CHARLES BRUNER
RICHARD F. DRAKE
JACK W. HESTER
EMIL J. HUSAK

On the Part of the House:

DAVID TABOR, Chair
JOHN GRONINGA
JANET METCALF
HUGO SCHNEKLOTH
PHILIP WISE

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 6, 1990, 8:46 p.m.

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

Members Absent: Goodwin (excused).

Committee Business: Recommended passage of Senate File 2434 as amended; approved LSB 8476 as a committee bill.

Adjourned: 9:16 p.m.

SUBCOMMITTEE ASSIGNMENT

Senate File 2432

JUDICIARY: Varn, Chair; Gronstal and Drake

EXPLANATION OF VOTES

MADAM PRESIDENT: Had I been present to vote on April 6, 1990, I would have voted "nay" on Senate File 149 and "aye" on House File 2543.

PAUL PATE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 7, 1990, when the final vote was taken on Senate File 2422.

Had I been present, I would have voted "nay" on the bill.

MARK HAGERLA

AMENDMENTS FILED

S—5985	S. F.	2433	Richard Vande Hoef
S—5986	S. F.	2433	Eugene Fraise
S—5987	S. F.	2422	House amendment
S—5988	S. F.	2435	Julia Gentleman
S—5989	S. F.	2434	Calvin Hultman
S—5990	S. F.	2422	Joe Welsh
S—5991	S. F.	2153	Leonard Boswell
			Patrick Deluhery
			Emil Husak
			Michael Gronstal
			Jim Riordan
S—5992	S. F.	2416	Larry Murphy
S—5993	S. F.	2422	Joe Welsh
S—5994	S. F.	2433	Joe Welsh
S—5995	S. F.	2433	Joe Welsh
S—5996	S. F.	2433	Richard Running
S—5997	S. F.	2153	John P. Kibbie
			Richard Vande Hoef
			H. Kay Hedge
			Kenneth D. Scott
			Alvin V. Miller

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President pro tempore Mann presiding.

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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

UNFINISHED BUSINESS

(Deferred April 5, 1990)

Senate File 205

The Senate resumed consideration of Senate File 205, a bill for an act relating to the credentialing and regulation of respiratory care practitioners, and House amendment S—5886, deferred on April 5, 1990.

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

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 17.

The motion prevailed.

Senator Hannon 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. 205) the vote was:

Ayes, 28:

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

Nays, 17:

Corning	Dieleman	Drake	Fuhrman
Gentleman	Goodwin	Hagerla	Hedge
Hester	Hultman	Jensen	Lind
Pate	Rensink	Taylor	Tinsman
Vande Hoef			

Absent or not voting, 5:

Hutchins	Rife	Soorholtz	Sturgeon
Tieden			

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

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

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 34 present, 16 absent and a quorum present.

SENATE RECEDES

House File 2115

Senator Sturgeon called up for consideration House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees,

providing a civil penalty, and providing effective and applicability dates, amended by the Senate, and moved that the Senate recede from its amendment.

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

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. 2115) the vote was:

Ayes, 48:

Boswell	Bruner	Coleman	Connolly
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	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 2:

Tieden	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.

MOTIONS TO RECONSIDER WITHDRAWN

House File 209

Senators Coleman, Hultman, Husak and Sturgeon withdrew the motions to reconsider House File 209, a bill for an act relating to the limitations on smoking, and providing penalties, filed by them on April 4, 1990, and found on page 1551 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 205** and **House Files 2115** and **209** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2416

Senator Murphy called up for consideration Senate File 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the rights of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date, amended by the House in House amendment S—5959 filed April 6, 1990.

Senator Murphy offered amendment S—5992 filed by him from the floor to amendment S—5959 and moved its adoption.

Amendment S—5992 was adopted 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. 2416) the vote was:

Ayes, 44:

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

Nays, none.

Absent or not voting, 6:

Gronstal
Varn

Hultman
Welsh

Hutchins

Tieden

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 March 16, 1990)

House File 2235

The Senate resumed consideration of House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards, deferred March 16, 1990.

Senator Kibbie offered amendment S—5430 filed by the committee on State Government, on March 12, 1990, to page 1 of the bill and moved its adoption.

Amendment S—5430 was adopted by a voice vote.

Senator Hannon asked and received unanimous consent to withdraw amendment S—5932 filed by Senators Hannon and Gentleman on April 5, 1990, to page 1 of the bill.

Senator Hannon offered amendment S—5962 filed by Senators Hannon and Gentleman on April 6, 1990, to page 1 of the bill and moved its adoption.

Amendment S—5962 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2235) the vote was:

Ayes, 43:

Boswell

Bruner

Coleman

Connolly

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

Nays, none.

Absent or not voting, 7:

Gronstal	Hultman	Hutchins	Priebe
Tieden	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 Lloyd-Jones asked and received unanimous consent that **Senate File 2416** and **House File 2235** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2402)

A conference committee report signed by the following Senate and House members was filed April 7, 1990, on Senate File 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board:

On the Part of the Senate:

DONALD E. GETTINGS, Chair
RICHARD F. DRAKE
EMIL J. HUSAK

On the Part of the House:

DENNIS M. COHOON, Chair
JACK BEAMAN
DEO A. KOENIGS

JIM LIND
JOE WELSH

LOUIS J. MUHLBAUER
DON SHONING

CONFERENCE COMMITTEE REPORT LOST

Senate File 2402

Senator Gettings called up the conference committee report on Senate File 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, filed on April 7, 1990, 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 23.

The motion lost.

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

MADAM PRESIDENT: I move to reconsider the vote by which the conference committee report on Senate File 2402 failed to be adopted by the Senate on April 7, 1990.

A non record roll call was requested.

The ayes were 26, nays 20.

The motion prevailed and the conference committee report was taken up for reconsideration.

Senator Gettings moved the adoption of the conference committee report.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 2402) the vote was:

Ayes, 27:

Boswell	Bruner	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gentleman
Gettings	Gronstal	Hedge	Horn
Husak	Hutchins	Kinley	Lind
Lloyd-Jones	Mann	Nystrom	Palmer
Pate	Riordan	Running	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 22:

Coleman	Corning	Drake	Fuhrman
Goodwin	Hagerla	Hannon	Hester
Hultman	Jensen	Kibbie	Miller
Murphy	Peterson	Priebe	Rensink
Rife	Scott	Soorholtz	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 1:

Tieden

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

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

On the question "Shall the bill pass?" (S.F. 2402) the vote was:

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

Ayes, 26:

Boswell	Bruner	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings

Gronstal	Hedge	Horn	Husak
Hutchins	Kinley	Lind	Lloyd-Jones
Mann	Nystrom	Palmer	Pate
Riordan	Running	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 22:

Coleman	Corning	Drake	Fuhrman
Goodwin	Hagerla	Hannon	Hester
Hultman	Jensen	Kibbie	Miller
Murphy	Peterson	Priebe	Rensink
Rife	Scott	Soorholtz	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 2:

Gentleman	Tieden
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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 Lloyd-Jones asked and received unanimous consent that **Senate File 2402** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2153

Senator Boswell called up for consideration Senate File 2153, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates, amended by the House in House amendment S—5915 filed April 5, 1990.

Senator Pate offered amendment S—5967 filed by him on April 6, 1990, to pages 1 and 23 of House amendment S—5915 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5967 to House amendment S—5915 be adopted?" (S.F. 2153) the vote was:

Ayes, 16:

Bruner	Corning	Gentleman	Goodwin
Hagerla	Hedge	Hester	Hultman
Jensen	Lind	Pate	Priebe
Rensink	Rife	Taylor	Vande Hoef

Nays, 31:

Boswell	Connolly	Deluhery	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Mann	Miller	Nystrom
Palmer	Peterson	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Absent or not voting, 3:

Coleman	Murphy	Tieden
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Amendment S—5967 lost.

Senator Pate offered amendment S—5956 filed by him on April 6, 1990, to pages 1, 9, 11 and 24 of House amendment S—5915 and moved its adoption.

Amendment S—5956 lost by a voice vote.

Senator Pate offered amendment S—5964 filed by him on April 6, 1990, to pages 2 and 7 of House amendment S—5915 and moved its adoption.

Amendment S—5964 lost by a voice vote.

Senator Boswell offered amendment S—5991 filed by Senators Boswell, et al., from the floor to pages 2 through 7, 9, 11, 12, 22, 23 and 24 of House amendment S—5915.

Senator Riordan offered amendment S—6005 filed by Senators Riordan, et al., from the floor to amendment S—5991 to House amendment S—5915.

Amendment S—6005 was adopted by a voice vote.

Senator Boswell moved the adoption of amendment S—5991 to House amendment S—5915, which motion prevailed by a voice vote.

With the adoption of amendment S—5991 as amended to House amendment S—5915, the Chair ruled the following amendments to House amendment S—5915, out of order:

S—5940 filed by Senator Vande Hoef on April 5, 1990, to page 11.

S—5970 filed by Senator Pate on April 6, 1990, to pages 11 and 12.

S—5971 filed by Senator Pate on April 6, 1990, to pages 11 and 24.

S—5981 filed by Senator Kibbie on April 6, 1990, to page 10.

S—5997 filed by Senator Kibbie from the floor to pages 10 and 11.

Senator Taylor offered amendment S—5955 filed by him on April 6, 1990, to page 15 of House amendment S—5915 and moved its adoption.

Amendment S—5955 lost by a voice vote.

Senator Rife offered amendment S—5949 filed by him on April 6, 1990, to page 23 of House amendment S—5915 and moved its adoption.

Amendment S—5949 lost by a voice vote.

Senator Pate withdrew amendment S—5969 filed by him on April 6, 1990, to pages 8 and 9 of House amendment S—5915.

The Chair announced that amendments S—5997, 5940 and 5970 to House amendment S—5915, previously ruled out of order, were eligible for consideration of the Senate.

Senator Kibbie offered amendment S—5997 refiled by Senators Kibbie, et al., from the floor to pages 10 and 11 of House amendment S—5915 and called for a division: line 4 as division S—5997A and lines 5 and 6 as division S—5997B.

Senator Hutchins asked and received unanimous consent that action on House amendment S—5915, divisions S—5977A and S—5997B to House amendment S—5915 and **Senate File 2153** be deferred.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 1990, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2287, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date (S—6006).

ALSO: That the House has on April 7, 1990, adopted the conference committee report and passed House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

ALSO: That the House has on April 7, 1990, failed on reconsideration to pass the bill, the objection of the Governor to the contrary notwithstanding, House File 2371, 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.

ALSO: That the House has on April 7, 1990, 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 366, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property (S—6012 to H—6165).

ALSO: That the House has on April 7, 1990, **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 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

ALSO: That the House on April 7, 1990, **insisted on** its amendment to Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, and that the members of the conference committee on the part of the House are: The Representative from Polk, Mr. Renaud, Chair; the Representative from Greene, Mr. Blanshan; the Representative from Polk, Ms. Metcalf; the Representative from Woodbury, Mr. Shoning; the Representative from Jackson, Mr. Tabor.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 135, by Running, Hannon, and Sturgeon, a concurrent resolution relating to the creation of an interim committee to study recommendations relating to the exposure of emergency medical care providers to contagious and infectious diseases, including the human immunodeficiency virus.

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the assignment of the following conference committee on **Senate File 2093** on the part of the Senate: Senators Horn, Chair; Kibbie, Fraise, Rife and Nystrom.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2554

Senator Dieleman called up the conference committee report on House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the

elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, filed on April 7, 1990.

President pro tempore Mann took the chair at 5:18 p.m.

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

On the question "Shall the bill pass?" (H.F. 2554) the vote was:

Ayes, 48:

Boswell	Bruger	Coleman	Connolly
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	Nyström	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Gentleman.

Absent or not voting, 1:

Tieden

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 2554** be immediately messaged to the House.

BILL ASSIGNED TO COMMITTEE

The Chair announced that **Senate Concurrent Resolution 135** was assigned to the committee on **Rules and Administration**.

BUSINESS PENDING

Senate File 2153

The Senate resumed consideration of Senate File 2153, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates, House amendment S—5915, and divisions S—5997A and S—5997B to House amendment S—5915, previously deferred.

Senator Kibbie asked and received unanimous consent to withdraw divisions S—5997A and S—5997B to House amendment S—5915.

Senator Vande Hoef withdrew amendment S—5940 refiled by him on April 5, 1990, to page 11 of House amendment S—5915.

Senator Pate withdrew amendment S—5970 refiled by him on April 6, 1990, to pages 11 and 12 of House amendment S—5915.

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

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

On the question "Shall the bill pass?" (S.F. 2153) the vote was:

Ayes, 42:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle
Fraise	Gettings	Goodwin	Gronstal
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	Szymoniak	Taylor	Tinsman
Varn	Welsh		

Nays, 6:

Fuhrman	Gentleman	Hagerla	Jensen
Pate	Vande Hoef		

Voting present, 1:

Drake

Absent or not voting, 1:

Tieden

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 2153** be immediately messaged to the House.

President Zimmerman took the chair at 6:25 p.m.

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 April 7, 1990, adopted the conference committee report and passed **Senate File 2402**, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

ALSO: That the House has on April 7, 1990, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2428, a bill for an act relating to and making appropriations of federal and other nonstate funds including funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants (S—6014).

QUORUM CALL

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

The vote revealed 40 present, 10 absent and a quorum present.

SENATE INSISTS

Senate File 2422

Senator Welsh called up for consideration Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, amended by the House, and moved that the Senate insist 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 2422** on the part of the Senate: Senators Kinley, Chair, Dieleman, Szymoniak, Lind and Corning.

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: SENATE FILE 2432, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-6008.

Final Vote: Ayes, 13: Varn, Mann, Gentleman, Coleman, Deluhery, Drake, Fuhrman, Gettings, Gronstal, Hagerla, Hester, Horn and Taylor. Nays, none. Absent or not voting, 2: Murphy and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2557, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Miller, Szymoniak, Vande Hoef, Fraise, Goodwin, Jensen, Kinley, Murphy, Priebe and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 116, a resolution honoring Senator Calvin O. Hultman.

Recommendation: APPROVED COMMITTEE RESOLUTION.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 117, a resolution honoring Senator Charles H. Bruner.

Recommendation: APPROVED COMMITTEE RESOLUTION.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 118, a resolution honoring Senator Norman J. Goodwin.

Recommendation: APPROVED COMMITTEE RESOLUTION.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 119, a resolution honoring Senator Thomas Mann, Jr.

Recommendation: APPROVED COMMITTEE RESOLUTION.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 120, a resolution honoring Senator Julia B. Gentleman.

Recommendation: APPROVED COMMITTEE RESOLUTION.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

House File 2557

On motion of Senator Szymoniak, House File 2557, a bill for an act relating to the filing of liens against property for

nonpayment of city utility or enterprise charges, was taken up for consideration.

Senator Szymoniak offered amendment S—6003 filed by Senators Szymoniak, et al., from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—6003 was adopted by a voice vote.

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. 2557) the vote was:

Ayes, 43:

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

Nays, 1:

Scott

Absent or not voting, 6:

Boswell	Connolly	Hutchins	Lind
Nystrom	Tieden		

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 7, 1990, adopted the conference committee report and passed **House File 2416**, a bill for an act relating to corporal punishment.

ALSO: That the House has, on April 7, 1990, adopted the conference committee report and passed **House File 2559**, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2416)

A conference committee report signed by the following Senate and House members was filed April 7, 1990, on House File 2416, a bill for an act relating to corporal punishment:

On the Part of the Senate:

LARRY MURPHY, Chair
JOY CORNING
WALLY HORN
JEAN LLOYD-JONES
MAGGIE TINSMAN

On the Part of the House:

PATRICIA HARPER, Chair
RON CORBETT
MARK HAVERLAND
STEWART IVERSON
C. ARTHUR OLLIE

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2416

Senator Corning called up the conference committee report on House File 2416, a bill for an act relating to corporal punishment, filed on April 7, 1990, 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 Corning 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. 2416) the vote was:

Ayes, 46:

Bruner	Coleman	Connolly	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	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Boswell	Hutchins	Nystrom	Tieden
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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 2559)

A conference committee report signed by the following Senate and House members was filed April 7, 1990, on House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date:

On the Part of the Senate:

JIM RIORDAN, Chair
DONALD V. DOYLE
EUGENE FRAISE
JACK W. HESTER
JOHN E. SOORHOLTZ

On the Part of the House:

KAY CHAPMAN, Chair
WILLIAM BRAND
WAYNE BENNETT
KENNETH DE GROOT
DAVID TABOR

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2559

Senator Riordan called up the conference committee report on

House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, filed on April 7, 1990, and moved its adoption.

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

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

On the question "Shall the bill pass?" (H.F. 2559) the vote was:

Ayes, 47:

Boswell	Bruner	Coleman	Connolly
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	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hutchins	Taylor	Tieden
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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 April 7, 1990, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 431, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and applicators, providing registration requirements, and providing for fees and civil penalties (S—6015).

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2557, 2416, 2559** and **Senate File 2422** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration **Senate File 2432**.

Senate File 2432

On motion of Senator Varn, **Senate File 2432**, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Varn asked and received unanimous consent that action on **Senate File 2432** be **deferred**.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2568, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Welsh, Boswell, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 1: Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**CONSIDERATION OF BILL
(Appropriations Calendar)**

Senator Horn asked and received unanimous consent to take up for consideration House File 2568.

House File 2568

On motion of Senator Welsh, House File 2568, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2568) the vote was:

Ayes, 45:

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

Nays, none.

Absent or not voting, 5:

Lloyd-Jones	Riordan	Running	Taylor
Tieden			

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

UNFINISHED BUSINESS
(Deferred April 2, 1990)

House File 656

The Senate resumed consideration of House File 656, a bill for an act relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind, deferred April 2, 1990.

Senator Deluhery asked and received unanimous consent that action on amendment S—3578 filed by the committee on Energy and Environment Utilities on April 6, 1989, to page 4 of the bill be deferred.

Senator Pate withdrew amendment S—5595 filed by him on March 20, 1990, to pages 1, 6 and the title page of the bill.

Senator Coleman withdrew amendment S—5587 filed by him on March 20, 1990, to pages 1 through 5 of the bill.

Senator Deluhery offered amendment S—5840 filed by Senators Deluhery and Coleman on April 2, 1990, to pages 1 through 6 of the bill and moved its adoption.

Amendment S—5840 was adopted by a voice vote.

With the adoption of amendment S—5840, the Chair ruled the following amendments out of order:

S—3578 by the committee on Environment and Energy Utilities to page 4 of the bill, previously deferred.

S—5677 filed by Senator Coleman on March 22, 1990, to pages 1 through 6 of the bill.

S—5686 filed by Senator Coleman on March 26, 1990, to amendment S—5677.

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. 656) the vote was:

Ayes, 48:

Boswell	Bruner	Coleman	Connolly
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	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Peterson Tieden

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 2057

Senator Tinsman called up for consideration House File 2057, a bill for an act relating to prohibited interests in public contracts, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5758 to Senate amendment H—5667 filed March 28, 1990.

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

Senator Tinsman 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. 2057) the vote was:

Ayes, 47:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	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	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

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

UNFINISHED BUSINESS

(Deferred April 5, 1990)

House File 2268

The Senate resumed consideration of House File 2268, a bill for an act relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act' applicability, deferred on April 5, 1990.

Senator Corning called up the motion to reconsider the vote by which amendment S—5822 to House File 2268 was adopted by the Senate on April 5, 1990, filed by her on April 5, 1990, found on page 1575 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5822 by Senator Mann to page 1 of the bill, was taken up for reconsideration.

Senator Hultman raised the point of order that amendment S—5822 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5822 out of order.

The Chair stated that amendments S—5833, S—5837, S—5822 to S—5837 and S—5887 to S—5837, ruled out of order on April 5, 1990, were now eligible for consideration by the Senate.

Senator Szymoniak offered amendment S—5833 refiled by her on April 7, 1990, to page 1 and the title page of the bill.

Senator Szymoniak asked and received unanimous consent that action on amendment S—5833 be deferred.

Senator Szymoniak asked and received unanimous consent that action on amendment S—5837 refiled by her on April 7, 1990, to page 1 and the title page of the bill be deferred.

Senator Szymoniak offered amendment S—5920 filed by her on April 5, 1990, to page 1 of the bill.

Senator Varn raised the point of order that amendment S—5920 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5920 in order.

Senator Mann offered amendment S—5966 filed by him on April 6, 1990, to amendment S—5920.

Senator Varn asked and received unanimous consent that action on amendment S—5966 to amendment S—5920 and **House File 2268** be deferred.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 2568, 656 and 2057** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2268

The Senate resumed consideration of House File 2268.

Senator Mann withdrew amendment S—5966 to amendment S—5920, previously deferred.

Senator Varn withdrew amendment S—6004 filed by him from the floor to amendment S—5920.

Senator Mann withdrew amendment S—5922 filed by him on April 5, 1990, to amendment S—5920.

Senator Lloyd-Jones withdrew amendment S—5921 filed by her on April 5, 1990, to amendment S—5920.

Senator Szymoniak withdrew amendment S—5920 to page 1 of the bill.

Senator Szymoniak withdrew amendment S—5833 and S—5837 by her to page 1 and the title page of the bill, previously deferred.

The Chair ruled amendment S—5882 refiled by Senator Mann on April 7, 1990, to amendment S—5837, out of order.

The Chair ruled amendment S—5887 refiled by Senator Lloyd-Jones on April 7, 1990, to amendment S—5837, out of order.

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

On the question "Shall the bill pass?" (H.F. 2268) the vote was:

Ayes, 45:

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

Nays, 1:

Dieleman

Absent or not voting, 4:

Lind

Murphy

Nystrom

Tieden

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 2268 be immediately messaged to the House.**

HOUSE AMENDMENT CONSIDERED

Senate File 2428

Senator Welsh called up for consideration Senate File 2428, a bill for an act relating to and making appropriations of federal and other nonstate funds including 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 catagorical grants are consolidated into new or existing block grants, amended by the House, and moved that the Senate concur in House amendment S—6014 filed April 7, 1990.

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

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

On the question "Shall the bill pass?" (S.F. 2428) the vote was:

Ayes, 48:

Boswell
Corning
Drake
Gettings
Hannon
Hultman
Kibbie

Bruner
Deluhery
Fraise
Goodwin
Hedge
Husak
Kinley

Coleman
Dieleman
Fuhrman
Gronstal
Hester
Hutchins
Lind

Connolly
Doyle
Gentleman
Hagerla
Horn
Jensen
Lloyd-Jones

Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Running Tieden

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

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2567, a bill for an act relating to and making appropriations from the energy conservation trust.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-6018.

Final Vote: Ayes, 20: Welsh, Boswell, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 1: Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2567.

House File 2567

On motion of Senator Welsh, House File 2567, a bill for an act relating to and making appropriations from the energy conservation trust, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—6018 filed by the committee on Appropriations from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—6018 was adopted by a voice vote.

Senator Fraise offered amendment S—6019 filed by him from the floor to page 2 of the bill.

Senator Hultman raised the point of order that amendment S—6019 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—6019 in order.

Senator Fraise moved the adoption of amendment S—6019.

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 28, nays 19.

Amendment S—6019 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. 2567) the vote was:

Ayes, 32:

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

Nays, 14:

Corning	Drake	Gentleman	Goodwin
Hagerla	Hester	Hultman	Jensen
Lind	Rensink	Rife	Soorholtz
Tinsman	Vande Hoef		

Absent or not voting, 4:

Fuhrman

Pate

Priebe

Tieden

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2428** and **House File 2567** be **immediately messaged** to the House.

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senate Resolution 112

Senator Hultman asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 112
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator John N. Nystrom for his years
4 of legislative service.
5 WHEREAS, Senator John "Jack" Nystrom will this year
6 complete twenty years of service to the State of Iowa
7 as a member of the General Assembly; and
8 WHEREAS, Senator Nystrom has served honorably and has
9 unselfishly given of his time and efforts to further
10 the interests of the State of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Nystrom be honored
13 for his many years of service to the State of Iowa;
14 NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Nystrom and express its gratitude for
17 the service rendered by him; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Nystrom his Senate chair in appreciation for his
20 service.

Senator Hultman moved the adoption of Senate Resolution 112, which motion prevailed by a voice vote.

Senator Nystrom was presented with his Senate chair and an enrolled copy of Senate Resolution 112.

Senate Resolution 113

Senator Hutchins asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 113
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator Emil J. Husak for his years
4 of legislative service.
5 WHEREAS, Senator Emil J. Husak will this year
6 complete twenty years of service to the State of Iowa
7 as a member of the General Assembly; and
8 WHEREAS, Senator Husak has served honorably and has
9 unselfishly given of his time and efforts to further
10 the interests of the State of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Husak be honored
13 for his many years of service to the State of Iowa;
14 NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Husak and express its gratitude for
17 the service rendered by him; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Husak his Senate chair in appreciation for his
20 service.

Senator Hutchins moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

Senator Husak was presented with his Senate chair and an enrolled copy of Senate Resolution 113.

Senator Husak addressed the Senate with brief remarks.

Senate Resolution 114

Senator Hutchins asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 114
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator George R. Kinley for his years
4 of legislative service.
5 WHEREAS, Senator George R. Kinley will this year
6 complete twenty years of service to the State of Iowa
7 as a member of the General Assembly; and

8 WHEREAS, Senator Kinley has served honorably and has
9 unselfishly given of his time and efforts to further
10 the interests of the State of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Kinley be honored
13 for his many years of service to the State of Iowa;
14 NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Kinley and express its gratitude for
17 the service rendered by him; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Kinley his Senate chair in appreciation for his
20 service.

Senator Hutchins moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

Senator Kinley was presented with his Senate chair and an enrolled copy of Senate Resolution 114.

Senator Kinley addressed the Senate with brief remarks.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 366

Senator Fraise called up for consideration House File 366, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-6012 to Senate amendment H-6165 filed April 7, 1990.

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. 366) the vote was:

Ayes, 48:

Boswell	Bruner	Coleman	Connolly
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	Tinsman	Vande Hoef	Welsh

Nays, none.

Absent or not voting, 2:

Tieden Varn

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 366** be immediately messaged to the House.

UNFINISHED BUSINESS (Deferred March 15, 1990)

House File 2504

The Senate resumed consideration of House File 2504, a bill for an act relating to criminal and child abuse record checks concerning facilities providing care to children, deferred on March 15, 1990.

Senator Sturgeon took the chair at 9:55 p.m.

Senator Varn offered amendment S—5783 filed by him on March 29, 1990, to strike everything after the enacting clause of the bill.

Senator Murphy offered amendment S—5787 filed by Senators Murphy and Bruner on March 29, 1990, to page 3 of amendment S—5783 and moved its adoption.

Amendment S—5787 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—5783 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. 2504) the vote was:

Ayes, 48:

Boswell	Bruner	Coleman	Connolly
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
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Tieden

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2432.

Senate File 2432

On motion of Senator Varn, Senate File 2432, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Varn offered amendment S—6008 filed by the committee on Judiciary from the floor to page 1 of the bill.

Senator Varn offered amendment S—6017 filed by him from the floor to page 1 of amendment S—6008 and moved its adoption.

Amendment S—6017 was adopted by a voice vote.

With the adoption of amendment S—6017 to amendment S—6008, the Chair ruled amendment S—6009 filed by Senator Drake from the floor to amendment S—6008, out of order.

Senator Mann offered amendment S—6020 filed by him from the floor to amendment S—6008 and moved its adoption.

Amendment S—6020 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—6008 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?” (S.F. 2432) the vote was:

Ayes, 37:

Boswell	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Miller	Nystrom
Pate	Priebe	Rensink	Rife
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 12:

Bruner	Coleman	Connolly	Fuhrman
Hannon	Lloyd-Jones	Mann	Murphy
Palmer	Peterson	Riordan	Running

Absent or not voting, 1:

Tieden

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2432** and **House File 2504** be immediately messaged to the House.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 118

Senator Hultman asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 118
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator Norman J. Goodwin.
4 WHEREAS, Senator Norman J. Goodwin is retiring from
5 legislative office after completing three terms in
6 office as a state Senator; and
7 WHEREAS, Senator Goodwin's distinguished career as
8 a state legislator has included service as Vice
9 Chairperson and Ranking Member of the Natural
10 Resources Committee and as Ranking Member of the
11 Regulation Appropriations Subcommittee; and
12 WHEREAS, Senator Goodwin has served on many other
13 standing committees and appropriations subcommittees
14 throughout his twelve years of legislative service and
15 has been a devoted legislator; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Norman J. Goodwin for his devoted
18 service to the Iowa General Assembly and the citizens
19 of this state and wish him the very best in the years
20 ahead; and
21 BE IT FURTHER RESOLVED, That an official copy of
22 this Resolution be prepared and presented to Senator
23 Norman J. Goodwin.

Senator Goodwin addressed the Senate with brief remarks.

Senator Hultman moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

Senators Hultman and Miller escorted Senator Goodwin to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 118.

The Senate rose and expressed its tribute to Senator Goodwin.

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 7, 1990, 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 2153, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates.

ALSO: That the members of the conference committee, appointed on April 7, 1990, on Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, on the part of the House are: The Representative from Dubuque, Mr. Jochum, Chair; the Representative from Scott, Mr. Arnould; the Representative from Clayton, Mr. Halvorson; the Representative from Woodbury, Mr. Hansen; and the Representative from Cherokee, Mr. Miller.

ALSO: That the House has on April 7, 1990, passed the following bill in which the concurrence of the House was asked:

Senate File 2425, a bill for an act relating to the care of children when a legally responsible adult is unavailable to provide the care.

ALSO: That the House has on April 7, 1990, 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 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards (S—6021 to H—6178).

ALSO: That the House has, on April 7, 1990, adopted the conference committee report and passed **House File 2534**, a bill for an act relating to sanitary disposal projects.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2235

On motion of Senator Hannon, House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6021 to Senate amendment H—6178 filed April 7, 1990.

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. 2235) the vote was:

Ayes, 49:

Boswell	Bruner	Coleman	Connolly
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	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Tieden

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

INTRODUCTION OF RESOLUTION

Senate Resolution 123, by committee on Rules and Administration, a senate resolution relating to daily operations of the Senate.

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

INTRODUCTION OF BILL

Senate File 2436, by committee on Appropriations, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bond, and providing an effective date.

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

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2534)

A conference committee report signed by the following Senate and House members was filed April 7, 1990, on House File 2534, a bill for an act relating to sanitary disposal projects:

On the Part of the Senate:

PATRICK DELUHERY, Chair
MICHAEL E. GRONSTAL
PAUL PATE
BERL PRIEBE
JOHN SOORHOLTZ

On the Part of the House:

GLEN JESSE, Chair
BRADLY BANKS
JIM LYKAM
DAN PETERSEN
RALPH ROSENBERG

President Zimmerman took the chair at 10:55 p.m.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2534

Senator Deluhery called up the conference committee report on House File 2534, a bill for an act relating to sanitary disposal projects, filed on April 7, 1990, 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 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. 2534) the vote was:

Ayes, 43:

Boswell	Connolly	Corning	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gentleman	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	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	

Nays, 4:

Coleman	Dieleman	Riordan	Welsh
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Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that.

House Files 2235 and 2534 be immediately messaged to the House.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 123, 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.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Resolution 123.

Senate Resolution 123

On motion of Senator Hultman, Senate Resolution 123, a resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 123, which motion prevailed by a voice vote.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2093)

A conference committee report signed by the following Senate and House members was filed April 7, 1990, on Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales:

On the Part of the Senate:

WALLY HORN, Chair
EUGENE FRAISE
JOHN P. KIBBIE

On the Part of the House:

DENNIS RENAUD, Chair
EUGENE BLANSHAN
DOROTHY CARPENTER

JOHN NYSTROM
JACK RIFE

DAVID TABOR
DON SHONING

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2093

Senator Horn called up the conference committee report on Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, filed on April 7, 1990, and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 7.

The motion prevailed and the conference committee report 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. 2093) the vote was:

Ayes, 27:

Coleman	Deluhery	Doyle	Fraise
Gettings	Goodwin	Gronstal	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Priebe	Rife	Riordan	Running
Soorholtz	Szymoniak	Varn	

Nays, 16:

Boswell	Bruner	Corning	Dieleman
Fuhrman	Gentleman	Hannon	Hedge
Kinley	Lind	Peterson	Rensink
Scott	Taylor	Tinsman	Vande Hoef

Absent or not voting, 7:

Connolly
Sturgeon

Drake
Tieden

Hagerla
Welsh

Hultman

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 2093** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred March 16, 1990)

House File 2506

The Senate resumed consideration of House File 2506, a bill for an act requiring allocation of pregnancy-related health expenses equally among female and male policyholders, subscribers, or enrollees of individual third-party payor medical expense contracts, deferred March 16, 1990.

Senator Pate asked and received unanimous consent that action on amendment S—6001 filed by him from the floor to page 1 of the bill be deferred.

Senator Dieleman offered amendment S—6013 filed by him from the floor to page 1 of the bill.

Senator Hutchins asked and received unanimous consent that action on amendment S—6013 and **House File 2506** be **deferred**.

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

The Senate resumed session at 12:40 a.m., Senator Welsh presiding.

QUORUM CALL

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

The vote revealed 38 present, 11 absent and a quorum present.

ADOPTION OF RESOLUTIONS
(Regular Calendar)

Senate Resolution 119

Senator Riordan asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 119
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator Thomas Mann, Jr.
4 WHEREAS, Senator Thomas "Tom" Mann, Jr. is retiring
5 from legislative office after completing two terms in
6 office as a state Senator; and
7 WHEREAS, Senator Mann's distinguished career as a
8 state legislator has included service as the President
9 Pro Tempore in the Senate during the Seventy-third
10 General Assembly; and
11 WHEREAS, Senator Mann's service as Chairperson of
12 the Business and Labor Relations and Ethics Committees
13 and as Vice Chairperson of the Judiciary and Business
14 and Labor Relations Committees is well recognized; and
15 WHEREAS, Senator Mann has served on many other
16 standing committees and appropriations subcommittees
17 throughout his eight years of legislative service and
18 has been a devoted legislator; and
19 WHEREAS, Senator Mann is distinguished by his many
20 years of work in the areas of human rights and
21 judiciary; NOW THEREFORE,
22 BE IT RESOLVED BY THE SENATE, That the Senate pay
23 tribute to Senator Thomas Mann, Jr. for his devoted
24 service to the Iowa General Assembly and the citizens
25 of this state and wish him the very best in the years
26 ahead; and
27 BE IT FURTHER RESOLVED, That an official copy of
28 this Resolution be prepared and presented to Senator
29 Thomas Mann, Jr.

Senator Mann addressed the Senate with brief remarks.

Senator Riordan moved the adoption of Senate Resolution 119, which motion prevailed by a voice vote.

Senators Riordan and Fuhrman escorted Senator Mann to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 119.

The Senate rose and expressed its tribute to Senator Mann.

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 7, 1990, 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 2567, a bill for an act relating to and making appropriations from the energy conservation trust (S—6024 to H—6189).

ALSO: That the House has on April 7, 1990, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions (S—6022).

Senate File 2433, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date (S—6023).

Senator Kinley took the chair at 1:22 a.m.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 120

Senator Corning asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 120
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator Julia B. Gentleman.
4 WHEREAS, Senator Julia B. Gentleman is retiring
5 from legislative office after completing three terms
6 in office as a state Senator and two terms as a member
7 of the House of Representatives; and
8 WHEREAS, Senator Gentleman's distinguished career
9 as a state legislator has included service as
10 Chairperson of the Human Resources Committee and as
11 Ranking Member of the Human Resources and Judiciary
12 Committees and the Corrections and Mental Health
13 Appropriations Subcommittees; and
14 WHEREAS, Senator Gentleman has served on many other
15 standing committees and appropriations subcommittees
16 throughout her sixteen years of legislative service
17 and has been a devoted legislator; and
18 WHEREAS, Senator Gentleman is distinguished by her
19 many years of work in the areas of corrections,
20 juvenile justice, and mental health; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate pay
22 tribute to Senator Julia B. Gentleman for her devoted
23 service to the Iowa General Assembly and the citizens
24 of this state and wish her the very best in the years
25 ahead; and
26 BE IT FURTHER RESOLVED, That an official copy of
27 this Resolution be prepared and presented to Senator
28 Julia B. Gentleman.

Senator Gentleman addressed the Senate with brief remarks.

Senator Corning moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

Senators Corning and Hannon escorted Senator Gentleman to the well of the Senate and she was presented with an engraved plaque and an enrolled copy of Senate Resolution 120.

The Senate rose and expressed its tribute to Senator Gentleman.

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 8, 1990, adopted the conference committee report and passed **Senate File 2093**, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

ALSO: That the House has on April 8, 1990, 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 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

INTRODUCTION OF BILL

Senate File 2437, by committee on Appropriations, a bill for an act relating to and making appropriations to finance state government and its obligations, and providing effective dates.

Read first time and placed on Appropriations calendar.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 2436, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Welsh, Boswell, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lloyd-Jones, Peterson, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, 3: Lind, Pate and Rensink. Absent or not voting, 1: Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2436.

Senate File 2436

On motion of Senator Welsh, Senate File 2436, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date, 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. 2436) the vote was:

Ayes, 32:

Boswell	Bruner	Coleman	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Goodwin	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Peterson	Priebe	Riordan	Running
Sturgeon	Tinsman	Varn	Welsh

Nays, 15:

Corning	Fuhrman	Gentleman	Hagerla
Hedge	Hester	Hultman	Jensen
Lind	Pate	Rensink	Rife
Szymoniak	Taylor	Vande Hoef	

Absent or not voting, 3:

Scott	Soorholtz	Tieden
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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 2567

Senator Welsh called up for consideration House File 2567, a bill for an act relating to and making appropriations from the energy conservation trust, amended by the Senate, further

amended by the House and moved that the Senate concur in House amendment S—6024 to Senate amendment H—6189 filed April 8, 1990.

The motion prevailed by a voice vote 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. 2567) the vote was:

Ayes, 39:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Gettings	Goodwin
Gronstal	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Peterson	Priebe	Rensink	Riordan
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 8:

Fuhrman	Gentleman	Hagerla	Hultman
Lind	Pate	Rife	Running

Absent or not voting, 3:

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

HOUSE AMENDMENT CONSIDERED

Senate File 2433

Senator Welsh called up for consideration Senate File 2433, a bill for an act relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan

fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—6023 filed April 7, 1990.

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

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

On the question "Shall the bill pass?" (S.F. 2433) the vote was:

Ayes, 31:

Boswell	Bruner	Coleman	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Goodwin	Gronstal
Horn	Hultman	Husak	Hutchins
Kibbie	Kinley	Lind	Lloyd-Jones
Miller	Murphy	Nystrom	Palmer
Peterson	Priebe	Riordan	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 14:

Corning	Fuhrman	Gentleman	Hagerla
Hannon	Hedge	Hester	Jensen
Rensink	Rife	Running	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 5:

Mann	Pate	Scott	Soorholtz
Tieden			

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that

Senate Files 2436, 2433 and House File 2567 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2429

Senator Varn called up for consideration Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions, amended by the House, and moved that the Senate concur in House amendment S—6022 filed April 7, 1990.

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

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

On the question "Shall the bill pass?" (S.F. 2429) the vote was:

Ayes, 46:

Boswell	Bruner	Coleman	Connolly
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	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 2:

Gentleman Murphy

Absent or not voting, 2:

Soorholtz Tieden

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

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2280)

A conference committee report signed by the following Senate and House members was filed April 8, 1990, on Senate File 2280, 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, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions:

On the part of the Senate

MICHAEL GRONSTAL, Chair
WILLIAM W. DIELEMAN
CALVIN O. HULTMAN
JOHN W. JENSEN
JOHN P. KIBBIE

On the part of the House:

DENNIS L. RENAUD, Chair
JANET L. ADAMS
EUGENE H. BLANSHAN
JOSEPH M. KREMER

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2280

Senator Gronstal called up the conference committee report on Senate File 2280, 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, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, filed on April 8, 1990, 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. 2280) the vote was:

Ayes, 43:

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

Nays, 5:

Fuhrman	Gentleman	Hagerla	Peterson
Rensink			

Absent or not voting, 2:

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2429 and 2280** 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 April 7, 1990, 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 2517, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date (S—6028 to H—5817).

ALSO: That the House has on April 8, 1990, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2435, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date (S—6027).

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senate Resolution 117

Senator Gronstal asked and received unanimous consent to take up the following resolution:

- 1 SENATE RESOLUTION 117
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Resolution honoring Senator Charles H. Bruner.
- 4 WHEREAS, Senator Charles "Charlie" Bruner is
- 5 retiring from legislative office after completing two
- 6 terms in office as a state Senator and two terms as a
- 7 member of the House of Representatives; and
- 8 WHEREAS, Senator Bruner's distinguished career as a
- 9 state legislator has included service as Chairperson
- 10 of the Ways and Means and Energy and Environment
- 11 Committees, as Chairperson of the Human Services

12 Appropriations Subcommittee, and as Vice Chairperson
13 of the Human Resources Committee; and

14 WHEREAS, Senator Bruner has served on many other
15 standing committees and appropriations subcommittees
16 throughout his twelve years of legislative service and
17 has been a devoted legislator; and

18 WHEREAS, Senator Bruner is distinguished by his
19 expertise and working knowledge in the areas of health
20 care, human services, juvenile justice, and tax
21 policy; and

22 WHEREAS, Senator Bruner's efforts in program
23 development have resulted in national recognition of
24 Iowa as a leader in a number of public policy areas;
25 NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the Senate pay
27 tribute to Senator Charles H. Bruner for his devoted
28 service to the Iowa General Assembly and the citizens
29 of this state and wish him the very best in the years
30 ahead; and

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1 BE IT FURTHER RESOLVED, That an official copy of
2 this Resolution be prepared and presented to Senator
3 Charles H. Bruner.

The Senate stood at ease until the fall of the gavel because of a power outage.

The Senate resumed session at 3:20 a.m., President Zimmerman presiding.

Senator Bruner addressed the Senate with brief remarks.

Senators Gronstal and Nystrom escorted Senator Bruner to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 117.

Senator Gronstal moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Bruner.

Senate Resolution 116

Senator Drake asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 116

2 BY COMMITTEE ON RULES AND ADMINISTRATION

3 A Resolution honoring Senator Calvin O. Hultman.

4 WHEREAS, Senator Calvin "Cal" Hultman is retiring
5 from legislative office after completing five terms in
6 office as a state Senator; and

7 WHEREAS, Senator Hultman's distinguished career as
8 a state legislator has included service as the Senate
9 Majority Leader during the Sixty-eighth and Sixty-
10 ninth General Assemblies and as Senate Minority Leader
11 during the Sixty-seventh, Seventieth, Seventy-first,
12 Seventy-second, and Seventy-third General Assemblies;
13 and

14 WHEREAS, Senator Hultman's service as Chairperson
15 of the Rules and Administration Committee and as
16 Ranking Member of the Rules and Administration,
17 Finance, Commerce, and Energy Committees, is well
18 recognized; and

19 WHEREAS, Senator Hultman has served on many other
20 standing committees and appropriations subcommittees
21 throughout his eighteen years of legislative service
22 and has been a devoted legislator; and

23 WHEREAS, Senator Hultman is distinguished by his
24 many years of work as a legislative leader, including
25 his service as Chairperson of the Legislative Council
26 during the Sixty-ninth General Assembly and as Vice
27 Chairperson of the Legislative Council during the
28 Sixty-eighth General Assembly; and

29 WHEREAS, Senator Hultman's mastery of parliamentary
30 rules and procedures is highly regarded; and

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1 WHEREAS, Senator Hultman has served in numerous
2 leadership and committee posts in the National
3 Conference of State Legislatures; and has been honored
4 as one of the ten best Republican state legislators in
5 the nation; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, That the Senate pay
7 tribute to Senator Calvin O. Hultman for his devoted
8 service to the Iowa General Assembly and the citizens
9 of this state and wish him the very best in the years
10 ahead; and

11 BE IT FURTHER RESOLVED, That an official copy of
12 this Resolution be prepared and presented to Senator
13 Calvin O. Hultman.

Senator Hultman addressed the Senate with brief remarks.

Senator Drake moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

Senators Drake and Hutchins escorted Senator Hultman to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 116.

Senator Hutchins asked and received unanimous consent that Senator Hultman be presented with his Senate chair and desk.

The Senate rose and expressed its tribute to Senator Hultman.

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 8, 1990, adopted the conference committee report and passed **Senate File 2280**, 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, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

ALSO: That the House has on April 8, 1990, 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 2564, a bill for an act relating to and making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties (S—6035 to H—6162).

Senator Kinley took the chair at 4:07 a.m.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 122, a resolution honoring Lieutenant Governor Jo Ann Zimmerman.

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.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 122

Senator Hutchins asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 122
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Lieutenant Governor Jo Ann Zimmerman.
4 WHEREAS, Lieutenant Governor Jo Ann Zimmerman is
5 the first woman to serve as Lieutenant Governor of the
6 State of Iowa; and
7 WHEREAS, Lieutenant Governor Zimmerman is also the
8 last Lieutenant Governor to serve as President of the
9 Senate, and
10 WHEREAS, Lieutenant Governor Jo Ann Zimmerman is
11 retiring from legislative office after completing one
12 term in office as Lieutenant Governor and two terms as
13 a member of the House of Representatives; and
14 WHEREAS, Lieutenant Governor Zimmerman's
15 distinguished career has included her service as the
16 President of the Senate during the Seventy-second and
17 Seventy-third General Assemblies; and
18 WHEREAS, Lieutenant Governor Zimmerman's service as
19 Vice Chairperson of the Human Resources Committee
20 during her tenure in the House of Representatives is
21 well recognized; and
22 WHEREAS, Lieutenant Governor Zimmerman has served
23 on many other standing committees and appropriations
24 subcommittees throughout her years of legislative
25 service and has been a devoted legislator; and
26 WHEREAS, Lieutenant Governor Zimmerman is
27 distinguished by her many years of work in the areas
28 of health care, agriculture, education, and women's
29 issues; NOW THEREFORE,
30

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1 BE IT RESOLVED BY THE SENATE, That the Senate pay
2 tribute to Lieutenant Governor Jo Ann Zimmerman for
3 her devoted service to the Iowa General Assembly and
4 the citizens of this state and wish her the very best

5 in the years ahead; and
 6 BE IT FURTHER RESOLVED, That an official copy of
 7 this Resolution be prepared and presented to
 8 Lieutenant Governor Jo Ann Zimmerman.

President Zimmerman addressed the Senate with brief remarks.

Senator Hutchins moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

Senators Hutchins and Hultman escorted President Zimmerman to the well of the Senate and she was presented with an enrolled copy of Senate Resolution 122.

The Senate rose and expressed its tribute to President Zimmerman.

HOUSE AMENDMENT CONSIDERED

Senate File 2435

Senator Bruner called up for consideration Senate File 2435, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, amended by the House, and moved that the Senate concur in House amendmetn S—6027 filed April 8, 1990.

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. 2435) the vote was:

Ayes, 44:

Boswell	Bruner	Connolly	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	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Running
Scott	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 6:

Coleman	Drake	Nystrom	Peterson
Soorholtz	Tieden		

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 **Senate File 2435** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2517

Senator Deluhery called up for consideration House File 2517, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other 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—6028 to Senate amendment H—5817 filed April 8, 1990.

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. 2517) the vote was:

Ayes, 44:

Boswell	Bruner	Connolly	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
Priebe	Rensink	Riordan	Running
Scott	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Rife

Absent or not voting, 5:

Coleman	Nystrom	Peterson	Soorholtz
Tieden			

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 2517** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2564

Senator Varn called up for consideration House File 2564, a bill for an act relating to and making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6035 to H—6162 filed April 8, 1990.

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

Senator Varn 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. 2564) the vote was:

Ayes, 44:

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

Nays, none.

Absent or not voting, 6:

Coleman	Goodwin	Nystrom	Peterson
Soorholtz	Tieden		

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 2564** be immediately messaged to the House.

UNFINISHED BUSINESS

(Deferred March 13, 1990)

House File 2213

The Senate resumed consideration of House File 2213, a bill for an act relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989, deferred March 13, 1990.

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. 2213) the vote was:

Ayes, 43:

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

Nays, none.

Absent or not voting, 7:

Boswell	Hutchins	Nystrom	Peterson
Soorholtz	Tieden	Vande Hoef	

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

UNFINISHED BUSINESS

(Deferred March 16, 1990)

House File 2393

The Senate resumed consideration of House File 2393, a bill for an act relating to minimum liability limits for motor carriers and related procedures, deferred March 16, 1990.

Senator Coleman asked and received unanimous consent to withdraw amendment S—5368 filed by the committee on Transportation on March 6, 1990, to pages 1 through 3 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?" (H.F. 2393) the vote was:

Ayes, 45:

Boswell	Bruner	Coleman	Connolly
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	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Running	Scott	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Gentleman

Absent or not voting, 4:

Nystrom	Peterson	Soorholtz	Tieden
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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 2213 and 2393** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senator Running called up the motion to reconsider House File 2536 filed by him on April 4, 1990, found on page 1550 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2536) the vote was:

Ayes, 35:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle

Drake	Fraise	Gettings	Gronstal
Hannon	Horn	Hultman	Husak
Hutchins	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Pate	Priebe	Riordan
Running	Scott	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 10:

Fuhrman	Gentleman	Goodwin	Hagerla
Hedge	Hester	Rensink	Rife
Taylor	Vande Hoef		

Absent or not voting, 5:

Jensen	Nystrom	Peterson	Soorholtz
Tieden			

The motion prevailed.

Senator Running moved to reconsider the vote by which House File 2536 went to its last reading, which motion prevailed by a voice vote.

House File 2536

On motion of Senator Running, House File 2536, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements, was taken up for reconsideration.

Senator Welsh withdrew amendment S—6002 filed by him on April 7, 1990, to page 3 of the bill.

Senator Welsh offered amendment S—6016 filed by Senators Welsh, et al., on April 7, 1990, to page 3 of the bill and moved its adoption.

Amendment S—6016 was adopted by a voice vote.

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. 2536) the vote was:

Ayes, 45:

Boswell	Bruner	Coleman	Connolly
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	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Running	Scott	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Gentleman

Absent or not voting, 4:

Nystrom	Peterson	Soorholtz	Tieden
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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 Lloyd-Jones asked and received unanimous consent that **House File 2536** be **immediately messaged** to the House.

The motion to reconsider House File 2536 filed by Senator Welsh on April 4, 1990, and found on page 1550 of the Senate Journal, was out of order.

Senator Connolly took the chair at 5:03 a.m.

LEADERSHIP RECOGNITION

Senator Hutchins was escorted to the well of the Senate by Senators Husak and Jensen and presented with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of his service as Senate Majority Leader during the Seventy-third General Assembly.

Senator Hutchins addressed the Senate with brief remarks.

Senators Corning and Gronstal escorted Senator Hultman to the well of the Senate and presented him with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of his service as Senate Minority Leader during the Seventy-third General Assembly.

Senator Hultman addressed the Senate with brief remarks.

President Zimmerman was escorted to the well of the Senate by Senators Lloyd-Jones and Fuhrman and presented a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of her service as President of the Senate during the Seventy-third General Assembly.

President Zimmerman addressed the Senate with brief remarks.

Senators Horn and Hester escorted President pro tempore Mann to the well of the Senate and presented him with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of his service as President pro tempore during the Seventy-third General Assembly.

Senator Mann addressed the Senate with brief remarks.

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 8, 1990, passed the following bills in which the concurrence of the House was asked:

Senate File 2426, a bill for an act relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date.

Senate File 2436, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date.

President Zimmerman took the chair at 5:11 a.m.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2413)

A conference committee report signed by the following Senate and House members was filed April 8, 1990, on Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing a family preservation program, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for

the chemical testing of persons arrested for felony offenses, and providing penalties:

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
LINN FUHRMAN
MARK R. HAGERLA
RICHARD VARN

On the Part of the House:

DANIEL JAY, Chair
MICHAEL PETERSON
GARY SHERZAN
BILL TRENT

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2413

Senator Gronstal called up the conference committee report on Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing a family preservation program, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to

discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, filed on April 8, 1990, 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. 2413) the vote was:

Ayes, 41:

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

Nays, 4:

Coleman	Doyle	Mann	Murphy
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Absent or not voting, 5:

Drake	Nystrom	Peterson	Soorholtz
Tieden			

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 2413** be **immediately messaged** to the House.

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

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

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

The vote revealed 37 present, 13 absent and a quorum present.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2287

Senator Palmer called up the conference committee report on House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, filed on April 6, 1990, 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 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. 2287) the vote was:

Ayes, 41:

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

Nays, none.

Absent or not voting, 9:

Drake
Peterson
Tieden

Gentleman
Priebe

Mann
Rensink

Nystrom
Soorholtz

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

Senator Lloyd-Jones asked and received unanimous consent that **House File 2287** 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 April 8, 1990, passed the following bill in which the concurrence of the House was asked:

Senate File 2372, a bill for an act relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa.

ALSO: That the House has on April 8, 1990, passed the following bill in which the concurrence of the Senate is asked:

House File 2569, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

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

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 2437, a bill for an act relating to and making appropriations to finance state government and its obligations, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Welsh, Boswell, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 1: Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lloyd-Jones asked and received unanimous consent to take up for consideration Senate File 2437.

Senate File 2437

On motion of Senator Welsh, Senate File 2437, a bill for an act relating to and making appropriations to finance state government and its obligations, and providing effective dates, was taken up for consideration.

Senator Welsh offered amendment S—6036 filed by him on April 8, 1990, to pages 3, 18, 22, 24 and the title page of the bill and moved its adoption.

Amendment S—6036 was adopted by a voice vote.

Senator Bruner withdrew amendment S—6033 filed by him on April 8, 1990, to page 3 of the bill.

Senator Husak withdrew amendment S—6032 filed by him on April 8, 1990, to page 5 of the bill.

Senator Varn withdrew amendment S—6030 filed by him on April 8, 1990, to page 19 of the bill.

Senator Lind asked and received unanimous consent to withdraw amendment S—6034 filed by Senators Drake and Lind on April 8, 1990, to pages 30 through 32 of the bill.

Senator Lind asked and received unanimous consent to withdraw amendment S—6029 filed by Senators Mann, Lind and Sturgeon on April 8, 1990, to page 32 of the bill.

Senator Fraise withdrew amendment S—6031 filed by him on April 8, 1990, to page 32 of the bill.

Senator Fraise withdrew amendment S—6026 filed by him on April 8, 1990, to pages 11 and 12 of the bill.

Senator Welsh asked and received unanimous consent that **House File 2569** be substituted for **Senate File 2437** as amended.

House File 2569

On motion of Senator Welsh, House File 2569, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates, was taken up for consideration.

Senator Welsh offered amendment S—6040 filed by him on April 8, 1990, to page 4 of the bill and moved its adoption.

Amendment S—6040 was adopted by a voice vote.

Senator Husak offered amendment S—6037 filed by him on April 8, 1990, to page 5 of the bill and moved its adoption.

Amendment S—6037 was adopted by a voice vote.

Senator Varn withdrew amendment S—6042 filed by him on April 8, 1990, to page 20 of the bill.

Senator Fraise withdrew amendment S—6039 filed by him on April 8, 1990, to pages 11 and 12 of the bill.

Senator Fraise offered amendment S—6038 filed by him on April 8, 1990, to page 32 of the bill and moved its adoption.

Amendment S—6038 was adopted by a voice vote.

Senator Welsh offered amendment S—6041 filed by him on April 8, 1990, to page 32 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 13.

Amendment S—6041 was adopted.

Senator Lind offered amendment S—6043 filed by Senators Lind and Sturgeon on April 8, 1990, to page 32 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 16, nays 21.

Amendment S—6043 lost.

Senator Riordan offered amendment S—6044 filed by him on April 8, 1990, to page 32 of the bill.

Senator Palmer raised the point of order that amendment S—6044 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—6044 in order.

Senator Riordan moved the adoption of amendment S—6044, which motion lost by a voice vote.

Senator Fraise offered amendment S—6045 filed by him on April 8, 1990, to pages 11 and 12 of the bill.

Senator Husak took the chair at 7:25 a.m.

President Zimmerman took the chair at 7:30 a.m.

Senator Fraise moved the adoption of amendment S—6045.

A record roll call was requested.

On the question “Shall amendment S—6045 be adopted?” (H.F. 2569) the vote was:

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

Ayes, 16:

Boswell	Corning	Fraise	Fuhrman
Gettings	Goodwin	Hagerla	Hester
Jensen	Lind	Miller	Pate
Riordan	Szymoniak	Taylor	Tinsman

Nays, 20:

Bruner	Connolly	Deluhery	Dieleman
Doyle	Gronstal	Hedge	Horn
Husak	Hutchins	Kibbie	Lloyd-Jones
Murphy	Palmer	Rife	Running
Scott	Vande Hoef	Varn	Welsh

Absent or not voting, 14:

Coleman	Drake	Gentleman	Hannon
Hultman	Kinley	Mann	Nystrom
Peterson	Priebe	Rensink	Soorholtz
Sturgeon	Tieden		

Amendment S—6045 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?” (H.F. 2569) 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	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Horn	Husak	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Riordan	Running	Scott
Szymoniak	Varn	Welsh	

Nays, 14:

Corning	Fuhrman	Goodwin	Hagerla
Hedge	Hester	Hutchins	Jensen
Lind	Pate	Rife	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 13:

Coleman	Drake	Gentleman	Hannon
Hultman	Mann	Nystrom	Peterson
Priebe	Rensink	Soorholtz	Sturgeon
Tieden			

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1990, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty (S—6046).

HOUSE AMENDMENT CONSIDERED

Senate File 2412

Senator Riordan called up for consideration Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S—6046 filed April 8, 1990.

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

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

On the question "Shall the bill pass?" (S.F. 2412) the vote was:

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

Ayes, 38:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hagerla	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Rife	Riordan	Running	Scott

Szymoniak
Varn

Taylor
Welsh

Tinsman

Vande Hoef

Nays, none.

Absent or not voting, 12:

Drake

Gentleman

Hannon

Hultman

Mann

Nystrom

Peterson

Priebe

Rensink

Soorholtz

Sturgeon

Tieden

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 April 8, 1990, adopted the conference committee report and passed **House File 2329**, a bill for an act relating to elections and election procedures.

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

The Senate resumed session, Senator Connolly presiding.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2329))

A conference committee report signed by the following Senate and House members was filed April 8, 1990, on House File 2329, a bill for an act relating to elections and election procedures:

On the part of the Senate:

MICHAEL E. GRONSTAL, Chair
JOHN P. KIBBIE
JEAN LLOYD-JONES

On the part of the House

EMIL PAVICH, Chair
ROD HALVORSON
MARY LUNDBY
DONALD KNAPP
GREGORY SPENNER

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2329

Senator Gronstal called up the conference committee report on House File 2329, a bill for an act relating to elections and election procedures, filed on April 8, 1990, 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. 2329) the vote was:

Ayes, 36:

Boswell	Bruner	Coleman	Connolly
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Palmer	Pate	Priebe
Rife	Riordan	Running	Scott
Szymoniak	Tinsman	Varn	Welsh

Nays, 2:

Hagerla	Vande Hoef
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Absent or not voting, 12:

Drake	Gentleman	Hannon	Hultman
Murphy	Nystrom	Peterson	Rensink
Soorholtz	Sturgeon	Taylor	Tieden

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 2329** be **immediately messaged** to the House.

President Zimmerman took the chair at 8:35 a.m.

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.

Senator Hutchins filed the following motion to reconsider on April 8, 1990, and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which House File 2569 failed to pass the Senate on April 8, 1990.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2569) the vote was:

Ayes, 26:

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

Nays, 13:

Corning	Fuhrman	Goodwin	Hagerla
Hedge	Hester	Jensen	Lind
Pate	Rife	Taylor	Tinsman
Vande Hoef			

Absent or not voting, 11:

Doyle	Drake	Gentleman	Hannon
Hultman	Nystrom	Peterson	Rensink
Soorholtz	Sturgeon	Tieden	

The motion prevailed.

Senator Hutchins moved to reconsider the vote by which House File 2569 went to its last reading, which motion prevailed 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?" (H.F. 2569) the vote was:

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

Ayes, 27:

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

Nays, 13:

Corning	Fuhrman	Goodwin	Hagerla
Hedge	Hester	Jensen	Lind
Pate	Rife	Taylor	Tinsman
Vande Hoef			

Absent or not voting, 10:

Drake	Gentleman	Hannon	Hultman
Nystrom	Peterson	Rensink	Soorholtz
Sturgeon	Tieden		

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 2569** be **immediately messaged** to the House.

WITHDRAWN

Senator Welsh asked and received unanimous consent that **Senate File 2437** be **withdrawn** from further consideration of the Senate.

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

The Senate resumed session, President Zimmerman presiding.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2422)

A conference committee report signed by the following Senate and House members was filed April 8, 1990, on Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date:

On the Part of the Senate:

GEORGE KINLEY, Chair
WILLIAM W. DIELEMAN
ELAINE SZYMONIAK
JIM LIND
JOY CORNING

On the Part of the House:

THOMAS JOCHUM, Chair
TOM MILLER
STEVEN HANSEN
ROGER HALVORSON
ROBERT ARNOULD

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2422

Senator Kinley called up the conference committee report on Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, filed on April 8, 1990, 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 Kinley 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. 2422) the vote was:

Ayes, 33:

Boswell
Corning

Bruner
Deluhery

Coleman
Dieleman

Connolly
Doyle

Fraise	Gettings	Goodwin	Gronstal
Hester	Horn	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Priebe	Rife	Riordan
Running	Szymoniak	Tinsman	Varn
Welsh			

Nays, 7:

Fuhrman	Hagerla	Hedge	Pate
Scott	Taylor	Vande Hoef	

Absent or not voting, 10:

Drake	Gentleman	Hannon	Hultman
Nystrom	Peterson	Rensink	Soorholtz
Sturgeon	Tieden		

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 2422** be immediately messaged to the House.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 136, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 136, a concurrent resolution to provide for adjournment sine die.

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.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 136.

Senate Concurrent Resolution 136

On motion of Senator Hutchins, Senate Concurrent Resolution 136, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins offered amendment S—6025 filed by him on April 8, 1990, to page 1 of the resolution and moved its adoption.

Amendment S—6025 was adopted by a voice vote.

Senator Hutchins moved the adoption of Senate Concurrent Resolution 136 as amended, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 136** be **immediately messaged** to the House.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: April 7, 1990, 2:10 p.m.

Members Present: Varn, Chair; Mann, Vice Chair; Gentleman, Ranking Member; Coleman, Deluhery, Drake, Fuhrman, Gettings, Gronstal, Hagerla, Hester, Horn and Taylor.

Members Absent: Murphy and Welsh (both excused).

Committee Business: Recommended passage of Senate File 2432 as amended.

Adjourned: 2:16 p.m.

RULES AND ADMINISTRATION

Convened: April 6, 1990, 3:30 p.m.

Members Present: Hultman, Ranking Member; Jensen, Kinley and Lloyd-Jones.

Members Absent: Hutchins, Chair and Gettings, Vice Chair.

Committee Business: Approved proposed committee resolution amending Senate Rules 36, 52 and 53; approved proposed committee resolutions for retiring senators.

Adjourned: 3:35 p.m.

RULES AND ADMINISTRATION

Convened: April 7, 1990, 6:35 p.m.

Members Present: Hutchins, Chair; Gettings, Vice Chair; Hultman, Ranking Member; Jensen, Kinley and Lloyd-Jones.

Members Absent: none.

Committee Business: Approved committee resolution honoring Lt. Governor Zimmerman; approved committee resolution relating to the daily operations of the Senate; approved concurrent resolution providing for adjournment sine die.

Adjourned: 6:40 p.m.

WAYS AND MEANS

Convened: April 7, 1990, 12:40 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hester, Ranking Member; Bruner, Fuhrman, Murphy, Palmer and Riordan.

Members Absent: Connolly, Drake, Fraise, Gentleman, Hultman, Soorholtz and Szymoniak.

Committee Business; Assigned bills to subcommittees.

Adjourned; 3:02 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2456

WAYS AND MEANS: Soorholtz, Chair; Fraise and Hester

House File 2566

WAYS AND MEANS: Connolly, Chair; Riordan and Soorholtz

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 6, 1990, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 332 — Relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

SENATE FILE 2003 — Permitting a refund or credit of unexpired motor vehicle registration fees to persons who sell, trade, or junk their motor vehicles and providing an effective date.

SENATE FILE 2100 — Relating to fraternal benefit societies, imposing penalties, and providing an effective date.

SENATE FILE 2163 — Relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

SENATE FILE 2240 — Relating to the transfer of racing dogs, and providing penalties.

SENATE FILE 2244 — Relating to parking fines, handicapped parking spaces, and handicapped identification devices and providing an effective date.

SENATE FILE 2274 — Relating to targeted small businesses, and imposing penalties.

SENATE FILE 2326 — Requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

SENATE FILE 2366 — Establishing councils of governments and providing certain duties.

SENATE FILE 2379 — Relating to earthen waste slurry storage basins, making penalties applicable, and providing for applicability of the act.

AMENDMENTS FILED

(Filed April 7, 1990)

S—5998	H.F.	2062	Paul Pate
S—5999	H.F.	2062	Paul Pate
S—6000	H.F.	29	Richard Varn Calvin Hultman
S—6001	H.F.	2506	Paul Pate
S—6002	H.F.	2536	Joe Welsh
S—6003	H.F.	2557	Elaine Szymoniak George Kinley Eugene Fraise Richard Vande Hoef John Jensen Alvin Miller Berl Priebe Larry Murphy Norman Goodwin Maggie Tinsman
S—6004	H.F.	2268	Richard Varn
S—6005	S.F.	2153	Jim Riordan Leonard Boswell H. Kay Hedge Emil Husak
S—6006	S.F.	2287	House amendment
S—6007	H.F.	29	Richard Varn

S-6008	S. F.	2432	Calvin Hultman
S-6009	S. F.	2432	Judiciary
S-6010	H. F.	2062	Richard Drake
S-6011	H. F.	2062	Jack Rife
S-6012	H. F.	366	Jack Rife
S-6013	H. F.	2506	House amendment
S-6014	S. F.	2428	William Dieleman
S-6015	S. F.	431	House amendment
S-6016	H. F.	2536	House amendment
			Joe Welsh
			Richard Running
			Richard Varn
			Jim Lind
S-6017	S. F.	2432	Richard Varn
S-6018	H. F.	2567	Appropriations
S-6019	H. F.	2567	Eugene Fraise
S-6020	S. F.	2432	Tom Mann, Jr.
S-6021	H. F.	2235	House amendment
S-6022	S. F.	2429	House amendment
S-6023	S. F.	2433	House amendment

AMENDMENTS FILED

(Filed April 8, 1990)

S-6024	H. F.	2567	House amendment
S-6025	S. C. R.	136	Bill Hutchins
S-6026	S. F.	2437	Eugene Fraise
S-6027	S. F.	2435	House amendment
S-6028	H. F.	2517	House amendment
S-6029	S. F.	2437	House amendment
			Tom Mann, Jr.
			Jim Lind
			Al Sturgeon
S-6030	S. F.	2437	Richard Varn
S-6031	S. F.	2437	Eugene Fraise
S-6032	S. F.	2437	Emil Husak
S-6033	S. F.	2437	Charles Bruner
S-6034	S. F.	2437	Richard Drake.
			Jim Lind
S-6035	H. F.	2564	House amendment
S-6036	S. F.	2437	Joe Welsh
S-6037	H. F.	2569	Emil Husak

S—6038	H.F.	2569	Eugene Fraise
S—6039	H.F.	2569	Eugene Fraise
S—6040	H.F.	2569	Joe Welsh
S—6041	H.F.	2569	Joe Welsh
S—6042	H.F.	2569	Richard Varn
S—6043	H.F.	2569	Jim Lind Al Sturgeon
S—6044	H.F.	2569	Jim Riordan
S—6045	H.F.	2569	Eugene Fraise
S—6046	S.F.	2412	House amendment

The Senate stood at ease at 9:40 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 1990 Regular Session of the Seventy-third General Assembly, will be considered to have **failed**:

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 (Senate passed February 9, 1990). Motion filed by Senator Welsh on February 9, 1990.

HOUSE FILE 2476, a bill for an act relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance (Senate passed March 15, 1990). Motion filed by Senator Running on March 15, 1990.

HOUSE FILE 2384, a bill for an act establishing a state fair challenge grant foundation (Senate passed March 26, 1990). Motions filed by Senators Welsh and Soorholtz on March 26, 1990.

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 January 19, 1990, passed the following bill in which the concurrence of the Senate is asked:

House File 2061, a bill for an act relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aide program.

ALSO: That the House has on February 20, 1990, passed the following bill in which the concurrence of the Senate is asked:

House File 2267, a bill for an act relating to the definition of public accomodation, making corrections, and removing inconsistencies under the civil rights law.

ALSO: That the House has on March 1, 1990, passed the following bill in which the concurrence of the Senate is asked:

House File 2323, a bill for an act relating to the annexation or incorporation of territory under the control of a lake association.

ALSO: That the House has on March 5, 1990, passed the following bill in which the concurrence of the Senate is asked:

House File 2513, a bill for an act relating to medical support for children receiving child support and certain dependents.

ALSO: That the House has on April 4, 1990, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 724, a bill for an act relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to a penalty.

House File 2486, a bill for an act relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees.

ALSO: That the House has on April 5, 1990, passed the following bill in which the concurrence of the House was asked:

Senate File 2393, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards.

ALSO: That the House has on April 5, 1990, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 121, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date.

House File 2009, a bill for an act relating to elections, providing for special late registration to enable an eligible elector to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting.

House File 2407, a bill for an act relating to the designation, inventory, and protection of wetlands, providing for mediations, providing a civil penalty for violations, and providing a property tax exemption for wetlands.

House File 2440, a bill for an act relating to the duties of the board of educational examiners, providing for alternative routes to licensing and defining which persons are teachers for purposes of educational excellence programs.

House File 2548, a bill for an act relating to agricultural health and safety.

House File 2551, a bill for an act relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates.

ALSO: That the House has on April 5, 1990, 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 2422, a bill for an act relating to retroactive modification of support orders (S—6047 to H—5837).

ALSO: That the House has on April 6, 1990, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 677, a bill for an act relating to written credit agreements between a creditor and debtor and rights of action on that agreement.

House File 2188, a bill for an act relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees.

House File 2313, 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.

House File 2412, a bill for an act providing for the enactment of municipal infractions relating to the environment and providing penalties.

House File 2495, a bill for an act relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges.

House File 2537, a bill for an act relating to the sale of funeral services and merchandise.

House File 2546, a bill for an act relating to child day care and the state child and dependent care tax credit, making an appropriation, and providing a retroactive applicability date.

ALSO: That the House has on April 7, 1990, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 123, a concurrent resolution relating to manipulative practices by the Chicago Board of Trade and the Commodity Futures Commission causing hardship on agricultural economies, and emphasizing the need to support fair and equitable pricing of agricultural commodities.

ALSO: That the House has on April 7, 1990, passed the following bill in which the concurrence of the House was asked:

Senate File 2319, a bill for an act relating to private farm railway crossings.

ALSO: That the House has on April 7, 1990 concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 209, a bill for an act relating to the limitations on smoking, and providing penalties.

House File 658, a bill for an act relating to savings and loan associations and their regulation by the superintendent of savings and loans.

House File 2166, a bill for an act relating to the identification and eradication of marijuana.

House File 2268, a bill for an act relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harrassment and providing for the Act's applicability.

House File 2294, a bill for an act relating to the establishment of an Iowa affordable heating program.

ALSO: That the House has on April 8, 1990, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 136, a concurrent resolution to provide for adjournment sine die.

ALSO: That the House has on April 8, 1990, passed the following bill in which the concurrence of the House was asked:

Senate File 2432, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations.

ALSO: That the House has on April 8, 1990, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 2504, a bill for an act relating to criminal and child abuse record checks concerning facilities providing care to children.

House File 2536, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements.

House File 2569, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

ALSO: That the House has on April 8, 1990, adopted the conference committee report and passed **Senate File 2413**, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing a family preservation program, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

ALSO: That the House has on April 8, 1990, adopted the conference committee report and passed **Senate File 2422**, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2049, the following correction was made:

1. Title page, line 3, the word "repreal" was changed to the word "repeal".

ALSO: That in enrolling Senate File 2280, the following corrections were made:

1. Page 1, line 14, the word and number "section 34" was changed to the word and number "section 48".

2. Page 28, line 12, the words and numbers "sections 30 through 33" were changed to the words and numbers "sections 44 through 47".

3. Page 33, line 8, the words and numbers "sections 101 and 201" were changed to the words and numbers "sections 36 and 43".

4. Page 33, line 11, the words and numbers "Sections 202 through 210" were changed to the words and numbers "Sections 50 through 58".

5. Page 33, line 14, the words and number "Sections 210" was changed to the word and number "Section 58".

6. Page 33, line 16, the words and numbers "Sections 30, 31, 32, and 34" were changed to the words and numbers "Sections 44, 45, 46, and 48".

ALSO: That in enrolling Senate File 2304, the following correction was made:

1. Page 7, line 34, the word "supplement 1989," was changed to the word "Supplement 1989,".

ALSO: That in enrolling Senate File 2306, the following corrections were made:

1. Page 11, line 19, the word and number "section 1" was changed to the word and number "section 3".

2. Page 11, line 23, the word and number "Section 100" was changed to the word and number "Section 3".

ALSO: That in enrolling Senate File 2329, the following correction was made:

1. Page 67, line 5, the word and number "Section 711" was changed to the word and number "Section 89".

ALSO: That in enrolling Senate File 2402, the following corrections were made:

1. Page 1, line 15, the punctuation after the word equipment was changed from "." to ":",

2. Page 31, line 18, the words and numbers "Sections 399, 400, 401 and 402" were changed to the words and numbers "Sections 23, 42, 43, and 44".

ALSO: That in enrolling Senate File 2408, the following correction was made:

1. Page 4, lines 27 and 28, the words "Legislative Session," was changed to the words "legislative session,".

ALSO: That in engrossing Senate File 2413, the following corrections were made:

Correction to the Conference Committee Report:

1. Operation number 32 should have stricken lines 15 through 20.

Correction to the Bill:

1. Page 45, line 7, the word and number "Section 200" was changed to the word and number "Section 35".

ALSO: That in enrolling Senate File 2422, the following correction was made:

1. Page 40, line 20, the word and number "Section 18" was changed to the word and number "Section 19".

ALSO: That in enrolling Senate File 2423, the following corrections were made:

1. Page 15, line 30, the words and numbers "subsections 11 through 15" were changed to the words and numbers "subsections 12 through 14".

2. Page 28, lines 17, 18, 19, 25, 26, 27 and 34, the word and number "section 15" was changed to the word and number "section 14".

3. Page 34, lines 11 and 12, the word and number "section 15" was changed to the word and number "section 14".

4. Page 66, line 24, the words and numbers "Sections 22, 25, 26, 28, 30, 31, 42, 43, 66, 67, and 100" were changed to the words and numbers "Sections 21, 25, 28, 29, 31, 33, 34, 46, 47, 78 and 79".

ALSO: That in enrolling Senate File 2425, the following correction was made:

1. Page 2, line 2, the words "department of" were changed to the words "Department of".

ALSO: That in enrolling Senate File 2435, the following corrections were made:

1. Page 41, line 20, the word and number "section 35" was changed to the word and number "section 36".

2. Page 48, line 23, the words "community-based programs" were changed to the words "community-based programs:".

3. Page 52, line 29, the words "General assembly" were changed to the words "General Assembly".

4. Page 58, line 30, the words and numbers "Sections 35, 37, 39, and 48" were changed to the words and numbers "Sections 36, 38, 40, and 49".

JOHN F. DWYER
Secretary of the Senate

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills and resolution have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of April, 1990:

Senate Files 205, 390, 514, 2011, 2048, 2049, 2057, 2093, 2114, 2115, 2153, 2277, 2280, 2304, 2306, 2319, 2324, 2329, 2349, 2372, 2393, 2395, 2402, 2403, 2406, 2407, 2408, 2411, 2412, 2413, 2415, 2416, 2420, 2422, 2423, 2425, 2426, 2427, 2428, 2429, 2430, 2432, 2433, 2435, 2436 and Senate Concurrent Resolution 133.

JOHN F. DWYER
Secretary of the Senate

AMENDMENT FILED

S—6047 H.F. 2422 House amendment

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hutchins moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 136.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Coleman and Gentleman.

COMMITTEE TO NOTIFY THE HOUSE

Senator Hutchins moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 136.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Husak, Doyle and Nystrom.

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 Husak 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 Coleman reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report and a message from the Governor were received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 136, duly adopted, the day of April 8, 1990, having arrived, President Zimmerman declared the 1990 Regular Session of the Seventy-third General Assembly adjourned sine die.

MESSAGE FROM THE GOVERNOR

April 24, 1990

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

Dear Madam President:

In January, I challenged the 1990 Session of the General Assembly to help make Iowa a state that is strong and safe, clean and compassionate, a state with open arms for a growing population, a state where our children and our children's children can find a world class education system and good jobs to help them build a family and a future here.

We were able to work together to resolve the major needs of the state. We stepped up education and treatment programs to combat substance abuse and we brought the war to the streets with support for communities. We added law enforcement, prosecution and prison space to get dangerous criminals off our streets. We need

to do more with tougher laws if we are going to convince drug dealers and drug and alcohol abusers that crime does not pay.

We took another step to keep Iowa a leader in education with quality postsecondary education opportunities for all. The Community College Excellence 2000 Program, worked out in the final days of the session, increases state funds for community colleges by over 16 percent to provide top professional educators and quality instructional centers on our campuses throughout the state. We took steps to make improvements on the campuses of our four year universities and maintained our commitments to professional faculty development to offer our students a better college education.

The new school aid formula and additional state funding assures that children in Iowa will receive an education second to none in this nation. In the future, we must pledge we will provide an education that is second to none in the world.

Economic development is the engine that drives the state's economy. We can't continue to provide important services without a strong economy to provide better jobs and generate more income for Iowans. That means we need to maintain our commitment to economic development programs.

We took some positive steps to help small businesses start up and grow. The housing measures will help communities and individuals. But the legislature retreated from policies to provide quality jobs in all parts of the state when it cut our marketing and job creation programs. The General Assembly also failed to approve my recommendations for seed and venture capital formation (which is consistently identified as an area of need) and research and development incentives that would give our future a solid foundation.

My greatest concern is that the majority in the legislature failed to account for fiscal reality with its overall level of spending. There was little will to say "no" and to make choices required for a responsible budget. Unlike recent years when revenues exceeded estimates, this year's revenue is below expectations. The majority in the legislature was slow to respond but progress was made after I had to veto the major appropriation bills. I remain concerned that the legislature overspent my recommendations by \$45 million. It will be important to maintain an ending balance adequate to meet our obligations and avoid a deficit.

The 1990 Session tackled some tough issues but left several issues unresolved. We must improve the state's financial ledger. We must stand tough against crime and we must accelerate our efforts to create more quality jobs and help Iowans throughout the state participate in economic recovery.

Sincerely,
TERRY E. BRANSTAD
Governor

**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Seventy-third General Assembly
1990 Regular Session**

**SENATE BILLS APPROVED, ITEM VETOED
OR VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of action on Senate bills by the Governor and transmitted to the Secretary of State after the close of the 1990 Regular Session:

- S.C.R. 133 — Relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects. Approved April 17.
- S.F. 205 — Relating to the credentialing and regulation of respiratory care practitioners. Approved April 26.
- S.F. 390 — Relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability. Approved May 6.
- S.F. 514 — Providing a state sales and use tax exemption for certain facilities. Vetoed May 7. See Governor's Veto Message.
- S.F. 2011 — Providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public. Approved April 30.
- S.F. 2048 — Prohibiting the discharge of firearms near a feedlot and subjecting violators to existing penalties. Approved April 26.
- S.F. 2049 — Relating to the licensing of blood collection, blood processing, and plasmapheresis centers, and providing for a repeal. Approved April 19.
- S.F. 2057 — Relating to the conduct of pari-mutuel racing by authorizing wagering on simultaneous telecast races, by providing for the conduct of meetings by certain nonprofit corporations, by authorizing sales of alcoholic beverages at racetracks and on Sundays, by subjecting violators to existing penalties, and by providing an effective date. Approved April 19.
- S.F. 2093 — To reduce the markup percentage on state alcoholic liquor sales and provide a date of repeal. Vetoed May 2. See Governor's Veto Message.

- S.F. 2114 — Relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, providing an effective date, and providing certain retroactive applicability dates. Approved April 17.
- S.F. 2115 — Relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date. Approved April 26.
- S.F. 2153 — Relating to the environment, agriculture, and natural resources including making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for funding for rural water districts, and for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, providing a penalty, and providing effective and applicability dates. Item Vetoed and Approved May 8. See Governor's Item Veto Message.
- S.F. 2277 — Relating to tourist-oriented signs. Approved April 24.
- S.F. 2280 — 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, and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions. Item Vetoed and Approved May 7. See Governor's Item Veto Message.
- S.F. 2304 — Relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates. Approved April 17.
- S.F. 2306 — Relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date. Approved April 18.
- S.F. 2319 — Relating to private farm railway crossings. Approved April 24.

- S.F. 2324 — Providing for area education agency administrative costs relating to special education services reimbursed under the medical assistance program. Approved April 24.
- S.F. 2329 — Relating to motor vehicles including provisions relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable and providing for the Act's applicability date. Approved May 1.
- S.F. 2349 — Relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks. Approved April 30.
- S.F. 2372 — Relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa. Approved May 6.
- S.F. 2393 — Authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards. Vetoed May 6. See Governor's Veto Message.
- S.F. 2395 — Relating to the protection of trade secrets and providing remedies. Approved April 27.
- S.F. 2402 — 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date. Item Vetoed and Approved May 7. See Governor's Item Veto Message.
- S.F. 2403 — Relating to energy efficiency. Approved May 8.
- S.F. 2406 — Relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date. Approved April 24.
- S.F. 2407 — Relating to the premium taxation on certain health maintenance organization payments. Approved April 17.

- S.F. 2408 — Relating to and making appropriations to the justice system and providing effective date. Item Vetoed and Approved May 7. See Governor's Item Veto Message.
- S.F. 2411 — Providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates. Approved April 26.
- S.F. 2412 — Relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty. Approved April 27.
- S.F. 2413 — Relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing a family preservation program, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties. Approved May 6.
- S.F. 2415 — Authorizing an additional tax levy and the creation of a reserve account by a benefited fire district. Approved April 24.

- S.F. 2416 — Relating to transfer and expiration of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date. Approved April 27.
- S.F. 2420 — Relating to the transfer of appropriations within and between state departments, institutions, and agencies. Vetoed May 7. See Governor's Veto Message.
- S.F. 2422 — Relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date. Item Vetoed and Approved May 7. See Governor's Item Veto Message.
- S.F. 2423 — 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, providing effective dates, and providing retroactive applicability. Item Vetoed and Approved May 8. See Governor's Item Veto Message.
- S.F. 2425 — Relating to the care of children when a legally responsible adult is unavailable to provide the care. Approved April 30.
- S.F. 2426 — Relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date. Approved April 30.
- S.F. 2427 — Codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date. Approved May 6.
- S.F. 2428 — Relating to and making appropriations of federal and other nonstate funds including 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 May 6.

- S.F. 2429 — Relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions. Approved April 30.
- S.F. 2430 — Relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities. Item Vetoed and Approved May 6. See Governor's Item Veto Message.
- S.F. 2432 — Relating to the drug testing of certain individuals as required pursuant to certain federal regulations. Approved April 24.
- S.F. 2433 — Relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date. Item Vetoed and Approved May 7. See Governor's Item Veto Message.
- S.F. 2435 — Relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date. Item Vetoed and Approved May 7. See Governor's Item Veto Message.
- S.F. 2436 — Relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date. Vetoed May 6. See Governor's Veto Message.

GOVERNOR'S ITEM VETO MESSAGES

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2430, a bill for an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

Senate File 2430 amends Senate File 2410, which I have previously approved. Primarily, Senate File 2430 revises the provisions of Senate File 2410 which increase funding for community colleges and which authorize the issuance of community college dormitory bonds. These changes reflect the fiscal constraints of the state while maintaining the commitment to provide quality post-secondary educational opportunities for Iowans.

Senate File 2430 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 20, 21, 22, 23, 24, 25, and 27, in their entirety. These sections would remove provisions which I have previously approved in 1990 Iowa Acts, Senate File 2410. Those provisions in Senate File 2410 would make a variety of studies by the Department of Personnel, Department of Education, the Board of Regents and the Board of Educational Examiners conditional upon the appropriation of funds. I have asked state agencies to curtail expenditures for hiring personnel and for travel and equipment due to the fiscal constraints of the state. Given these circumstances, I am unable to approve these sections.

I am unable to approve the item designated as Section 26, in its entirety. This section would amend 1990 Iowa Acts, Senate File 2410, Section 118. Because I did not approve that section of Senate File 2410, it would be incongruous to approve this section.

I am unable to approve the item designated as Section 31, in its entirety. This provisions would require the Higher Education Strategic Planning Council to recommended a process for assessing the quality of instruction and student learning. It is inappropriate for the General Assembly to single out this issue for study by the Strategic Planning Council. The Council should be responsible for determining the issues to be included in a strategic plan for higher education in Iowa. However, I concur that the assessment of instruction and student learning is an important concern, and I would encourage each sector of higher education to examine this issue.

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 2430 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2280, 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, and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Senate File 2280 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 1, and Sections 44, 45, 46, 47 and 48 in their entirety, and Section 61, subsection 4, in its entirety. These provisions would establish a new information and filing system within the Office of the Secretary of State. Funds for this new system would be provided by additional fees charged by the Secretary of State for the filing of certain documents. The fees collected under these provisions would have been imposed upon individuals or entities filing documents with the Secretary of State, and not upon those who would utilize the information system established by this section. It would be appropriate for users of the information to share in the cost of operating the system. Furthermore, the fees should be deposited in the state general fund, rather than a special revolving fund.

I am unable to approve the item designated as Section 10, subsection 9, in its entirety. Because procedures for notifying the Legislative Fiscal Bureau about any intradepartmental transfers are already in place, this requirement is unnecessary and duplicative.

I am unable to approve the item designated as Section 10, subsection 12, in its entirety. This item specifies, in the event that layoffs in the Department of General Services are required due to budget constraints, service contracts with private parties must be reviewed and reduced or canceled where possible before personnel reductions are implemented. Furthermore, if layoffs do occur, they must be prorated between management employees, non-management employees in a union, and non-management employees not in a union. Decisions concerning the implementation of layoff procedures, if needed, are the responsibility of the executive branch and subject to the relevant provisions of contracts negotiated pursuant to Chapter 20.

I am unable to approve the item designated as Section 12, unnumbered paragraph 2, in its entirety. This item directs the Department of General Services to pursue utility rate reductions for the Capitol Complex. Iowa law does not allow utility companies to grant a special rate to the state and does not permit discriminatory rate setting practices.

I am unable to approve the designated portions of Section 13, subsection 7. This item would transfer funds from the Division of Insurance revolving account to the Department of General Services and require that those funds be utilized to renovate their space in the Lucas Building and to move the Insurance Division to another location off of the State Capitol Complex while renovation is being done. While I do not object to the transfer of funds, any arrangements for the renovation of the Lucas Building or other facilities should be made by the Department of General Services.

I am unable to approve the designated portion of Section 20. This provision limits the discretion of the Department of Management to allocate the funds appropriated among salaries, support and miscellaneous purposes. The need for this flexibility is important for an agency as small as the Department of Management, especially in view of current restrictions on hiring and expenditures for travel and equipment.

I am unable to approve the item designated as Section 26, in its entirety, which directs the Department of Personnel to work with the Department of Management, the Department of Revenue and Finance, and the Department of General Services to establish a program for employees of those departments whose positions are terminated as the result of this act. Because a layoff of state employees is not being considered at this time, and because this provision differs from the layoff provisions contained in the AFSCME collective bargaining agreement and with the Department of Personnel's administrative rules, this section cannot be approved.

I am unable to approve the items designated as Sections 30 and 40, in their entirety. These provisions would allow the Board of Optometry Examiners to retain outside counsel without the prior approval required for other state agencies. The Attorney General's Office is responsible for providing legal counsel to state agencies and they should be able to rely on that office to represent them competently. Currently, all state agencies may request outside counsel if special expertise is needed or when the Attorney General's Office has a conflict of interest. These

provisions would authorize the Optometry Board to hire outside counsel at will. Not only should this be unnecessary, but it would make future requests by other agencies to hire their own legal counsel difficult to resist. Adequate funding is provided to the Attorney General's Office to provide legal services to state agencies. These provisions would require additional expenditures for services which the Attorney General's office currently has a responsibility to provide.

I am unable to approve the item designated as Section 37, in its entirety. This section would create a general fund standing unlimited appropriation to pay postage for voter registration forms returned by mail. Voter registration in Iowa has been made increasingly easier by past actions of the legislature and myself. Potential voters must accept some responsibilities and cost of postage for one postcard is not an excessive burden.

I am unable to approve the item designated as Section 39, in its entirety. This section would greatly expand the number of employees who would be brought under special IPERS retirement provisions. The 1988 legislature directed the Department of Personnel and the Department of Corrections to jointly determine specific job classes to be covered by the correctional officer special protective occupation retirement provisions.

This provision would supersede the actions taken in response to that legislation by changing the definition of a correctional officer for the purposes of chapter 97B to include any employee whose primary purpose is to provide security within a correctional facility. Under current law, the definition of correctional officer is limited to persons who have direct inmate contact and who enforce and maintain discipline, safety and security within a correctional facility. This expansion of special retirement provisions would include employees who do not have direct inmate contact, possibly including management positions, and could lead to inequitable and inconsistent determinations for special retirement coverage.

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 2280 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date.

Senate File 2402 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. This item calls for an appropriation of \$12,000 for replacement of sanitary and maintenance equipment for the Iowa Law Enforcement Academy. Given the fiscal constraints of the 1991 budget, I am unable to approve this item.

I am unable to approve the item designated as Section 3, subsection 3, paragraph b, in its entirety. This item would appropriate \$75,000 to the Department of Public Safety for the purchase of DNA laboratory equipment. I recommended an appropriation of \$250,000 for the purchase of laboratory equipment and the remodeling of facilities to accommodate this equipment. The remodeling must precede the purchase of equipment. Since this portion of Senate File 2402 has the "cart before the horse", I must disapprove of it. It will work with the legislature to accomplish remodeling prior to a fiscal year 1992 appropriation for the equipment.

I am unable to approve the item designated as Section 3, subsection 7, in its entirety. This item calls for funding the Department of Public Safety's administrative functions to implement the accreditation for law enforcement agencies with an appropriation of \$25,000, which is only a minor portion of the funding necessary to complete the accreditation process. The department is in the process of determining the benefits of accreditation and the total cost of implementation.

I am unable to approve the item designed as Section 6, subsection 2, in its entirety, which calls for the lease purchase of a building and equipment related to vehicle theft operations with an appropriation of \$350,000. While the Department of Public Safety is interested in new housing for this operation, it is in the process of examining the long term housing needs of the entire department and it would be unwise to enter into such an agreement at this time.

I am unable to approve the item designed as Section 6, subsection 7, in its entirety, which calls for the planning and site selection of a new Highway Patrol Post at Fort Dodge at a cost of \$25,000. The department is in the process of developing a priority rating system for post improvements and it is now inappropriate to approve planning money for any specific location.

I am unable to approve the item designed as Section 8, unnumbered paragraph 3, in its entirety. This section unnecessarily limits the utilization of unspent balances for other areas of potential need.

I am unable to approve the item designated as Section 15, subsection 2, in its entirety. This item would require a total expenditure of \$250,000 for terminal improvement or construction, marketing, advertising or public relations programs and cultural programs to increase passenger traffic at five airports. The pre-designation of recipients of funds by the legislature, as indicated, would be counterproductive to the sound programming of capital improvements. Decisions of this nature are better left to the Transportation Commission.

I am unable to approve the item designated as Section 16, in its entirety. This section appropriates \$175,000 from the Parks and Institutional Roads fund for the completion of North Shore Drive in Clear Lake. Lottery funds were appropriated last year for a similar project in neighboring Ventura but this use of Road Use Tax Funds appear illegal. While this road borders a state park, it is not wholly within the boundaries of the park as required in Chapter 306, Section 1, subsection k, paragraph 2, subparagraph k, Code of Iowa.

I am unable to approve the item designed as Section 17, in its entirety. This section would unnecessarily limit the transfer of appropriations between programs or functions. While I do not anticipate the need for such transfers, this section could seriously infringe upon the executive branch's ability to manage the department.

I am unable to approve the item designated as Section 21, in its entirety. This item requires the Department of Transportation to post "keep right except to pass" signs on uphill traffic lanes. This would be a departure from the nationally accepted standards recommended by the Federal Highway Administration. Additionally, requiring vehicles to change lanes unnecessarily creates the opportunity for accidents and during winter months the left-hand lanes are plowed and sanded first.

I am unable to approve the item designated as Section 22, in its entirety. It is unnecessary to put into law a requirement to have the state of Iowa, in conjunction with other states, initiate a lawsuit against the United States Department of Transportation. The executive branch should weigh the merits of such an action before proceeding.

I am unable to approve the item designated as Section 33, in its entirety. This section creates a standing unlimited appropriation from the Use Tax receipts to retain independent legal counsel to defend the state against suits arising out of appropriations made from the Road Use Tax Fund. The Attorney General is required to defend the state on issues of this nature. Therefore, the retention of independent legal counsel is both expensive and 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 2402 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2408, an act relating to and making appropriations to the justice system and providing effective dates.

Senate File 2408 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, lettered paragraph b, subparagraph 3. This intent language states that the Department of Corrections and the Department of Personnel shall employ the additional correctional officers for the Anamosa facility by July 1, 1990. While the departments are employing the additional FTE's in an orderly process, there is no greater need at Anamosa than at other institutions and this provision would disrupt the hiring and training of new staff and placing them where the greatest need exists. The Anamosa staff/inmate ratio is more favorable than several facilities. The additional FTE's will be added without this restrictive language.

I am unable to approve the item designated as Section 5, subsection 1, unnumbered paragraph 2, in its entirety. This paragraph calls for the Department of Corrections to employ an education director and clerk to administer a centralized education program for institutions upon the enactment of Senate File 2408. These are important positions, however, no funding was allocated in fiscal year 1990 for these positions and the department must wait until the beginning of the new fiscal year before filling them.

I am unable to approve the items designated as Section 6, subsections 1, paragraph c; subsection 2, paragraphs c and d; subsection 3, paragraph c; subsection 5, paragraph c; subsection 6, paragraph b; subsection 7, paragraph b; and subsection 8, paragraphs b and c. These items add staff for field services and residential services in specified community based correction districts and a tactical unit in the fifth CBC district. I recommended increases in these areas but the above goes far beyond what the state's fiscal condition will allow us to appropriate.

I am unable to approve the item designated as Section 6, subsection 1, paragraph d, in its entirety. This item appropriates \$90,000 for a personal development program. One hundred thousand dollars was appropriated in Senate File 2212, the supplemental bill, for this same program and carry forward language to fiscal year 1991 is being approved.

I am unable to approve the item designated as Section 6, subsection 9, paragraph d, in its entirety. This item calls for a pilot project to study revocation rates to prison. I recognize that recidivism is a problem however, fiscal constraints do not allow the beginning of this new program. I have asked the Department of Corrections and the Board of Parole to make recommendations for reducing the revocation rate without the need for this \$200,000 study. And, I have approved greatly increased funding for treatment and educational programs within our correctional system which will work to reduce revocation.

I am unable to approve the items designated as Section 8, subsections 2 and 3, in their entirety. These items call for \$536,000 to be appropriated only if House File 2533 was enacted by the 73rd General Assembly, 1990 Session. House File 2533, which dealt with a pilot program of mandatory mediation of contested issues of child custody and visitation and a pilot program establishing a family court, did not pass, hence there is no need for these appropriations.

I am unable to approve the items designated as Sections 12 and 13, in their entirety. These sections would have directed the Department of Human Services to enter into a cooperative agreement with the Judicial Department by May 1, 1990, for reimbursement and incentive payments to the Judicial Department for activities eligible for federal financial participation. Federal regulations mandate that the federal government review all cooperative agreements and expenditures pertaining to incentive payments. Further, the state must justify and demonstrate the benefits to the child support enforcement program resulting from a cooperative agreement. If the cooperative agreement is not cost effective, it may result in a decrease in incentives paid to the state thereby creating a negative fiscal impact on Iowa. It is premature to authorize such an agreement between the Department of Human Services and the Judicial Department because Senate File 2408, Section 12, does not provide adequate time to meet these federal mandates and determine the costs and benefits of such a cooperative agreement. Further, it is impossible to meet the May 1, 1990, effective date since that date has already passed.

I am unable to approve the items designated as Sections 15 and 16, in their entirety, for they are immediate enactment clauses for items in Senate File 2408 which I have item vetoed.

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 2408 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2422, an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

Senate File 2422 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 5, subsection 5. This item would place the Executive Director of the Board of Educational Examiners in salary range four. The salary range established for this position would be higher than for comparable positions which are responsible for the administration of other licensing programs in state government. The salary for this position should be established by the Department of Personnel in cooperation with the Board of Educational Examiners.

I am unable to approve the item designated as Section 20, in its entirety. This provision would exempt the Iowa Finance Authority from the pre-audit and central accounting systems of the Department of Revenue and Finance. It is important that the Iowa Finance Authority continue to operate within the pre-audit and central accounting systems of state government. Information about the financial transactions of the Authority should be handled in a manner which is consistent with the rest of state government in order to assure integrity in the expenditure of public funds. Additionally, the establishment of separate pre-audit, payroll, and accounting systems for the Authority would be expensive and inefficient.

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 2422 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2433, an act relating to appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date.

Senate File 2433 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 7, 8, 9, and 10, in their entirety, Section 14, new subsection 10, paragraph a, in its entirety, and Section 15, in its entirety. These sections relate to the creation, administration and \$1.5 million appropriation for a new disaster recovery program. Particularly in light of our difficult fiscal situation, it would be unwise to embark on a new program with potentially unlimited exposure for the state as an insurer for non-insured or underinsured individuals. Moreover, creation of such a program could jeopardize our ability to receive federal disaster assistance in the future.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph b, in its entirety. This provision appropriates \$35,000 to the Iowa Civil Rights Commission for a program to recognize twenty-five years of achievement. Certainly the commission has reason to be proud of its record of accomplishments, and I personally pledge to work with the Commission in garnering private sector support for the project. However, the use of tax dollars for this purpose cannot be justified at this time.

I am unable to approve the item designated as section 14, new subsection 10, paragraph c, in its entirety. This provision appropriates \$50,000 to the Department of Justice for a study of dispute resolution services. Earlier this year I vetoed Senate File 2296, which would have created a council for dispute resolution, substantially changing the informal dispute resolution program currently administered in the Office of Prosecuting Attorneys Training Coordinator of the Department of Justice. This office should be able to provide recommendations without the necessity of a formal study.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph d, in its entirety. This provision appropriates \$50,000 to the Department of Agriculture and Land Stewardship for the establishment and operation of a foreign trade office in Taipei, Taiwan. This action by the legislature is contrary to the marketing plan developed at the legislature's direction by the Agricultural Products Advisory Council. The plan calls for foreign offices to be attached to the Department of Economic Development whose Hong Kong office serves the Pacific Rim including Taiwan.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph e, in its entirety. This provision appropriates \$100,000 to the Department of Public Health for rural health planning. Improving rural health care is one of my priorities. However, an additional appropriation is unnecessary since the Department received a \$100,000 increase in House File 2371 for rural health

planning and may also access the Department of Economic Development's rural enterprise fund for this purpose. Rural health safety will be further augmented as a result of a \$250,000 appropriation for this purpose contained in House File 2569.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph h, in its entirety. This provision appropriates \$100,000 to the Iowa State University Cooperative Extension Service for four horticultural specialists. This item was not included in the university's budget request nor in the Board of Regents' budget recommendation to me.

I am unable to approve the item designated as Section 16, subsection 1, in its entirety. This subsection would appropriate all remaining funds in the Iowa Plan surplus account to the items receiving Iowa Plan funds for fiscal year 1990 as specified in House File 785, 1989 Acts of the 73rd General Assembly. This provision cannot be approved in view of the state's difficult fiscal situation.

Section 16, subsection 1 also appropriates \$250,000 from the Community Economic Betterment account for construction of a rehabilitation center for head-injured patients located in Ankeny, Iowa. This project should stand on its own merits within the rules of the Community Economic Betterment program.

I am unable to approve the designated portion of Section 16, subsection 2. This language would reallocate repayments made in the subsection according to the provision in subsection 1, which I have vetoed. The result of this veto will be to send the repayments back to the surplus account.

Because economic development is one of my most important priorities, the decision to exercise my veto authority in this bill is a very difficult one to make. However, it is clear that in order to provide a responsible budget, even my priority areas must be considered. As a result of the item vetoes in this message, it is estimated the balance in the lottery surplus account will be essentially "frozen" at \$6.8 million. This action will significantly enhance the ability of both the executive and legislative branches to construct a balanced budget for fiscal year 1992.

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 2433 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary Of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2435, an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Senate File 2435 provides funding for the operations of the Department of Human Services and the many and various programs it administers. My actions will provide an appropriations increase of approximately 8.6 percent or \$47 million for the Department for fiscal year 1991.

I have approved a four percent increase in AFDC benefits to enable families to receive adequate assistance to meet their basic needs. This budget also continues our efforts in welfare reform by providing increased funding for child care, job training, work experience, and self-employment opportunities.

I have also approved significant increases in funding to make further improvements in our child welfare system. Private agencies and families providing foster care will receive increases of six and nine percent, respectively. Increases are provided also for child protective day care assistance and family preservation and reunification services.

New funding is provided to establish a substance abuse treatment unit for adolescents at Cherokee. Also funding for adolescent pregnancy prevention grants and aid for county juvenile detention facilities is increased.

New initiatives are included to address the problems of the homeless and to provide community living alternatives for persons with mental illness, mental retardation and developmental disabilities. The family support subsidy program which provides assistance to families of children with disabilities is expanded to allow more families to participate.

Additionally, nursing facilities and medicaid providers will receive substantial increases in funding to reimburse them for their costs of caring for our elderly and infirm. I proposed many of these adjustments and initiatives and I am pleased to be signing them into law.

Senate File 2435 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 5, in its entirety. This provision would require the department of Human Services to reimburse an ambulance service for transporting a medical assistance recipient

to a hospital regardless of a determination of medical necessity. Under the guidelines of the Medicaid Program, federal funding for ambulance services is available only when the state can show the ambulance services provided were medically necessary. The cost to the state of this provision has been estimated at \$75,000, for which no appropriation is provided. Given the many critical needs that must be funded in the state Medicaid Program and the fiscal constraints on the State, I cannot approve this provision.

I am unable to approve the item designated as Section 2, subsection 6, in its entirety. This provision would allow up to \$20,000 to be used to fund a workshop on health care issues. Rural health care, maternal and child health services and health care cost containment have all been the subject of review by task forces which I have commissioned. Recommendations made by these task forces have been useful in developing a health care strategy for the State. We must continue to focus on these important health care policy issues and can do so without expending the funds specified in this provision.

I am unable to approve the item designated as Section 2, subsection 7, in its entirety. This provision would require the Department of Human Services to reimburse nursing facilities for residents' transportation causing the facilities' costs to exceed their Medicaid reimbursement rate. This provision would also require the department to make direct payment to a single provider of such services. The cost of providing transportation services to obtain medical care can be and is included by most nursing facilities in the costs used to determine their reimbursement from the state. Providing direct Medicaid payments to a particular transportation provider would result in unnecessary cost increases and administrative problems.

I am unable to approve the items designated as Section 2, subsection 9 and Section 51, in their entirety. These provisions would exempt for up to one year new and expanded nursing facilities from the 80 percent occupancy requirement used to determine their Medicaid reimbursement rate. The provisions are made retroactive to January 1, 1990. The full fiscal impact of this provision cannot be determined and it cannot be approved.

I am unable to approve the designated portion of Section 13, subsection 1. This provision appropriates \$350,000 to reimburse counties that develop decategorization programs to reduce placements in state institutions. This provides an expansion of the current program which should not be undertaken until its cost effectiveness can be fully evaluated.

I am unable to approve the designated portion of Section 13, subsection 6. This provision would prevent the reversion of unused funds in the foster care home insurance program 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 item designated as Section 13, subsection 9, in its entirety. This provision would prohibit reversion to the general fund of any excess federal funding provided for foster care services. This provision would be difficult

to implement since the amount of federal funds actually received will not be known until late in the year. In any event, should a surplus occur, the funding that remains should revert and be subject to the regular appropriation process.

I am unable to approve the designated portion as Section 13, subsection 10. This provision would authorize the Department of Human Services to use Medicaid dollars to pay for day treatment services provided by psychiatric medical institutions for children. I have approved language directing the department to review the need for such services. Until the department's study is complete and the needs and costs identified, it would be premature to authorize the department to spend for this new program. Given the fiscal constraints on the state, spending for this purpose cannot be approved at this time.

I am unable to approve the item designated as Section 13, subsection 11, in its entirety. This provision would appropriate \$30,000 for a study of the foster care system. While a study may be useful in making improvements in our foster care system, my emphasis at this time must be on direct program services. Thus in a period of fiscal constraint, I must defer this study until a future time.

I am unable to approve the item designated as Section 13, subsection 12, in its entirety. This program would require the Department of Human Services to develop a therapeutic foster care pilot program at a total cost of nearly \$400,000. While there may be merit in developing such a program, I cannot approve spending for this purpose at this time.

I am unable to approve the item designated as Section 14, subsection 7, in its entirety. This provision would appropriate funding for a conference on the issue of providing reasonable efforts to avert out of home placements. This is a worthwhile project and I am supportive of it. However, child protection training funds are available and can be used to pay for the costs of this conference making this appropriation unnecessary.

I am unable to approve the item designated as Section 20, in its entirety. This provision would establish a computerized system to record patient clinical information at the Iowa Veterans Home in Marshalltown. I included this project in my original recommendations but eliminated it from my revised budget to the Legislature when it became apparent that the State would not be receiving revenues at the rate earlier projected. During a time of fiscal constraints, I cannot approve spending for this purpose.

I am unable to approve the item designated as Section 24, subsection 4, in its entirety. This provision would make an appropriation to provide an enhanced reimbursement for community based facilities for persons with mental illness. The level of funding included in the bill is substantially more than I recommended and cannot be approved given the state's current fiscal situation.

I am unable to approve the item designated as Section 24, subsection 5, in its entirety. This provision would appropriate \$75,000 to the Department of Human Services to contract for technical assistance for counties and service providers for the development of community-based services for persons with mental

retardation, mental illness, and developmental disabilities. Staff and resources are available within the Department of Human Services to assist counties and providers in the development of their plans. Additional spending for this purpose is unnecessary.

I am unable to approve the item designated as Section 24, subsection 6, in its entirety. This provision directs the Department of Human Services to adopt rules providing for reimbursement of supervised apartment living and cooperative housing arrangements under state supplementary assistance effective July 1, 1991. While the language in this provision suggests that the supplemental per diem would be available only in situations involving certain populations of persons receiving state supplementary services, it would have to be extended to all SSI eligible persons receiving services in those facilities. Estimates of providing the supplemental payment to all who would be eligible run as high as \$11.7 million. Given our current fiscal situation, I cannot commit the state to such a costly program.

I am unable to approve the designated portions of Section 27, subsections 2 and 3, and subsection 5, paragraphs a and b, in their entirety. These provisions would expand the Medicaid program to include rehabilitation services. Funds not spent for enhanced mental health, mental retardation, and developmental disabilities services would be automatically transferred to the mental health and mental retardation fund. Also, transfers of encumbered funds from the mental health institutes and hospitals-schools would be restricted to the enhanced services fund.

Federal approval to include rehabilitation services in our State Medicaid plan has not been received and is unlikely given the uncertain status of the waivers granted to two other states for the inclusion of rehabilitation services. While we will continue to pursue federal approval, in its absence, authorization to provide funding for this purpose should not be approved. Also, I cannot approve provisions which prohibit the reversion of unused funds to the state general fund.

I am unable to approve the item designated as Section 28, subsection 3, paragraphs a and b, in their entirety, and the designated portion of Section 28, subsection 4. These provisions would require the Department of Human Services to project possible vacancies in field staff positions and to begin hiring for those positions regardless of the budget impact or FTE limits. While I agree with the need to provide necessary staff to carry out the programs of the Department, filling of those positions should occur as the need arises and in accordance with the process which applies to all agencies of state government. I cannot approve provisions which would direct a department to exceed its authorized spending level.

I am unable to approve the item designated as Section 28, subsection 8, in its entirety. This provision would require the Department of Human Services to spend up to \$100,000 to contract a field staff caseweight study. I agree with the need to study caseweight factors and staffing needs. However, I believe the resources and staff are available within state government to undertake this project. I have requested the Department of Human Services to work with the Departments of

Management and Personnel to review these issues and to make their recommendations to me.

I am unable to approve the item designated as Section 29, subsection 9, in its entirety. This provision would authorize the Developmental Disabilities Council to spend state dollars on a computerized information and referral project for which federal dollars are available. Given the limited amount of discretionary funds available in the state budget, federal funds should be used to finance this project.

I am unable to approve the item designated as Section 29, subsection 11, in its entirety. This provision would appropriate \$75,000 for computerization of department manuals and would authorize staff for this purpose. The department's estimates indicate in the second year of this project an additional \$168,985 will be necessary as well as more staff. Again, given the fiscal constraints on the state, I cannot approve this spending at this time.

I am unable to approve the item designated as Section 29, subsection 14, in its entirety. This provision would authorize the Department of Human Services to expend \$50,000 and hire two staff to assist in the development of a plan identifying the needs which exist in residential programs for children. I have approved in this bill and support the development of such a plan, however, adequate resources and staff are available in the department to assist in this effort.

I am unable to approve the item designated as Section 29, subsection 15, in its entirety. This provision would require the Department of Human Services to request a supplemental appropriation to address budget short-falls. The department should make every effort to operate within the funds appropriated.

I am unable to approve the item designated as Section 29, subsection 16, in its entirety. This provision requires the Department of Human Services to develop a plan to reduce the number of field operation district offices to not less than five. The department has, on its own initiative, recently undergone a reorganization in its central office operations and should be allowed to decide whether and when it would be appropriate to reorganize the district offices.

I am unable to approve the item designated as Section 31, subsection 1, unnumbered and unlettered paragraph 2 in its entirety. This provision authorizes the Department of Human Services to provide a differential per diem for psychiatric medical institutions for children for certain services up to 120 percent of the current rate. The estimated cost of providing this higher level of payment of PMICs is approximately \$110,000 for which no appropriation is provided.

I am unable to approve the items designated as Section 31, subsection 2, paragraph b, Section 31, subsection 3, paragraph b, and Section 32, in their entirety. These provisions would authorize an additional increase to human services providers on January 1, 1991, if there is a \$100 million balance in the general fund on June 30, 1990. I have approved in this budget significant additional funding to the human services providers, increasing their reimbursement from the State by six percent. I cannot approve this additional spending at this time.

I am unable to approve the designated portion of Section 31, subsection 6. This provision attempts to restrict the Governor's discretion in developing his or her budget by directing the level of spending the Governor can recommend in certain human services programs. The Governor, by law, must submit a proposed budget to the Legislature which includes a summary of appropriations recommended for the following fiscal year for each department of state government. The Legislature may accept, modify or reject the Governor's recommendations. The Legislature cannot and should not attempt to interfere with the Governor's responsibility to establish priorities and make recommendations which ensure that his or her proposed budget is balanced.

I am unable to approve the designated portion of Section 33. This provision again provides anti-reversionary language, which I cannot approve.

I am unable to approve the item designated as Section 37, in its entirety. This provision would require the Department of General Services to assess the computer needs of the Department of Human Services and to submit a quarterly report to the legislature regarding those needs. This intrusion into the prerogatives of the executive branch cannot be approved.

I am unable to approve the items designated as Section 41, subsection a, paragraphs 2, 3, and 4 in their entirety. These provisions would shift funding from the Gamblers Assistance Fund to provide additional increases to programs already funded in this bill. Funds which exceed the needs of the Gambler's Assistance Program should be reverted to the general fund.

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 2435 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 8, 1990

The Honorable Elaine Baxter
Secretary Of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2153, an act relating to the environment, agriculture, and natural resources including making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for funding for rural water districts, and for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, providing a penalty, and providing effective and applicability dates.

Senate File 2153 provides for the appropriation of funds to programs for the improvement and protection of our natural resources. By approving the expenditure of up to \$27.4 million per year for fiscal year 1990-91, I am supporting a substantial increase in Iowa's commitment to a quality environment.

Up to \$25 million per year will be allocated to the Iowa Resources Enhancement and Protection Fund (REAP). These funds are to be used for the acquisition and maintenance of open spaces; county conservation activities; soil and water enhancement activities such as reforestation, the protection of erodible soils and clean water programs; the acquisition and maintenance of parks and open spaces in Iowa cities; the maintenance and expansion of state lands; historical resources development; and for roadside vegetation and beautification.

I have also approved the expenditure of about \$2.4 million for soil and water conservation cost sharing activities and for surface water protection and reforestation programs.

While I continue to place a high priority on activities to protect the environment in Iowa I also have a constitutional responsibility to assure that the state budget is balanced. Unfortunately, the General Assembly has left me little choice but to disapprove some new programs, some of which I recommended to the General Assembly in January.

The state of Iowa must live within its financial resources, be they from sales taxes, income taxes, or from the sale of lottery tickets. I renew my recommendations to the General Assembly that proceeds from the Iowa Lottery be deposited in the state general fund.

Senate File 2153 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. This provision would require the marketing activities of the Iowa Lottery to focus on the concept of investing in Iowa's environment, agriculture, and natural resources. Marketing for the lottery would no longer be required to focus on economic development.

Given the action that I have taken on other portions of Senate File 2153, it is possible the revenues derived from the lottery may be used for purposes other than the environment. Under that circumstance, marketing activities of the Iowa Lottery may include initiatives of the state of Iowa in many areas including economic development, transportation, education, as well as the environment.

I am unable to approve the items designated as Sections 5, 15, 21, and 38, in their entirety. These provisions establish the possibility of raising revenues through debt financing to augment the Rural Community 2000 Program. Bonds issued under this program would be backed by a security account funded by diverting the four percent tax on the sale of lottery tickets from the general fund. This mechanism for securing debt obligated by the Iowa Finance Authority would set a dangerous precedent. The earmaking of general fund revenue is not a good

management practice and would inhibit the state's ability to effectively manage its finances.

I am unable to approve the items designated as Section 10, subsection 1, lettered paragraphs b, d and e, in their entirety; and Section 10, subsections 2, 4, 5, and 8 in their entirety. These items would have appropriated up to \$12.6 million for environmental protection, energy efficiency, and other miscellaneous activities. While I recognize that this action does not directly improve the condition of the state general fund, the effect will be to retain revenues from the Iowa Lottery which, given current revenue projections, will be needed to avoid a deficit in the future.

I am unable to approve the items designated as Sections 11, 12, 13, and 14, in their entirety. These items would establish an Environmental Advertising Board. Since I have disapproved the appropriation for this program, it would be incongruous to approve the provision creating it.

I am unable to approve the item designated as Section 25, in its entirety. This provision would establish a state and local government waste management program. Because I have disapproved the appropriations for this program it would be inappropriate to require the Department of Natural Resources to implement it.

I am unable to approve the item designated as Section 26, in its entirety. Since I have previously disapproved a related provision from 1990 Iowa Acts, Senate File 2364, it would be inappropriate to approve this section.

I am unable to approve the item designated as Section 28, in its entirety. This provision would distribute moneys from the waste volume reduction and recycling fund to cities and counties on the basis of population. Because I have disapproved the appropriations to the fund and because future appropriations to the fund are uncertain, it is prudent to retain the current waste management grant program.

I am unable to approve the designated portion of Section 33, subsection 2, lettered paragraph a. This provision would require that grants made under the household hazardous waste reduction and collection program be in the amount of \$100,000. The Department of Natural Resources should have the discretion to establish the amount of a grant within the limits of resources available for the program.

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 2153 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 8, 1990

The Honorable Elaine Baxter
Secretary Of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2423, 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, providing effective dates, and providing retroactive applicability.

Senate File 2423 continues Iowa's commitment to providing access to quality education programs. Overall expenditures for education will increase by \$140 million in the 1990-91 fiscal year. This includes a \$94 million increase in funding for elementary and secondary schools through the school foundation formula, and a \$13 million increase in formula funding for community colleges. This is in addition to future enhancements to community college funding that were made in Senate File 2410, which I have previously approved.

One of the highlights of Senate File 2423 is a substantial increase in funds for tuition assistance at Iowa's institutions of higher education. This includes a \$1.85 million appropriation for a new need-based Iowa Grant program, a \$1.1 million expansion of the Iowa Minority Academic Grants program, a \$1.8 million increase for tuition grants for students attending independent colleges, a \$580,000 increase for vocational-technical grants, and an appropriation of \$500,000 for tuition replacement for certain displaced workers.

Other provisions of Senate File 2423 are a \$2.3 million increase in funding for agricultural research, \$1.9 million in additional funds to improve undergraduate education programs at the state universities, \$2.1 million for the improvement of faculty salaries at community colleges, \$1 million in additional funds to provide education programs at correctional institutions, and \$225,000 for graduate nursing programs at private colleges in Iowa.

Senate File 2423 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 2. This provision would authorize the Arts Division of the Department of Cultural Affairs to retain funds that had been allocated to the Division to be used as matching funds for federal grant monies. The Department has advised me that the project associated with these funds has been completed and that the authorization to retain the funds is no longer needed.

I am unable to approve the designated portion of Section 1, subsection 7. This item would provide an additional \$100,000 to the Department of Cultural Affairs for support of the Regional Library System. By taking this action, the regional libraries will receive the amount which I recommended to the General Assembly.

Given the financial constraints of the state, the additional funding cannot be provided. Overall, I have approved nearly \$1 million in additional funds for the Department of Cultural Affairs.

I am unable to approve the item designated as Section 8, subsection 2, in its entirety. This item would provide \$500,000 for special projects to be administered by the Iowa Department of Education. This appropriation exceeds my recommendations by \$450,000. While the projects that would have been funded by this appropriation may be worthwhile, I am unable to approve this item due to the financial constraints of the state. I have been assured that the Iowa-Japan Cultural Alliance can be funded from other sources.

I am unable to approve the designated portion of Section 8, subsection 6. This provision would require that an individualized education program be developed for each inmate. Because the amount of funds provided by this appropriation is not sufficient to provide an educational program for all inmates in the correctional system, it would be inappropriate to approve this requirement.

I am unable to approve the designated portions of Section 8, subsection 12. This item would provide \$141,235 for salary increases for professional employees at the community colleges other than administrators, faculty, and hourly support staff. The appropriation provided for salary increases and professional development exceeds my revised recommendations by over \$1 million. Additionally, the amount of this appropriation would provide relatively small salary increases for individual professional staff members at the community colleges. Because additional funds have been provided through the community college funding formula, and given the financial constraints of the state, I am unable to approve this provision.

I am unable to approve the item designated as Section 8, subsection 14, in its entirety. This item would provide \$454,216 for professional development programs at the merged area schools. While I recommended the establishment of professional development programs at the community colleges, I cannot approve this item given the amount by which the General Assembly exceeded my budget recommendations. I will review this issue in preparation for the 1991 legislative session and will recommend the appropriation of funds for this purpose if sufficient funds are available. I have authorized the establishment of this program in Senate File 2410.

I am unable to approve the designated portion of Section 9, subsection 1, and the item designated as Section 9, subsection 2, in its entirety. These items would have provided \$395,510 for salary increases for faculty and professional staff at the community colleges, and \$80,156 for professional development programs in the 1991-92 fiscal year. Given the projected financial condition of the state in fiscal year 1992, and my concerns about the practice of deferring appropriations into future years, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 1, and the item designated as Section 66, in its entirety. These provisions would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. The board should continue to be authorized

to seek appropriate reimbursements from the universities. A similar provision in 1990 Acts, Senate File 2410 was disapproved earlier this year.

I am unable to approve the items designated as Section 14, subsection 2, lettered paragraph s, and Section 14, subsection 4, lettered paragraph j, in their entirety. These items would appropriate \$200,000 to the State University of Iowa for the center for simulation and design and \$475,000 to the University of Northern Iowa for the leadership for teacher education program. Given the financial constraints of the state, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 5. This provision would require the Iowa School for the Deaf or the Iowa Blind and Sight Saving School to pay for the transfer of a student who has been sexually or physically abused at those institutions to another facility. Physical or sexual abuse of students attending those institutions cannot be tolerated. However, decisions about the placement of a student in other institutions, and about the payment of costs associated with the transfer of a student, are appropriately left to the judicial system, and should not be specified by statute.

I am unable to approve the item designated as Section 18, in its entirety. This provision would require the State Board of Regents to issue bonds to finance energy-saving projects at the institutions which are governed by the Board. The Board has undertaken the initiative to implement energy-saving measures at the institutions under their control, and this requirement is not necessary.

I am unable to approve the designed portion of Section 23. This provision would establish a specific timetable for the Department of Education to conduct an evaluation of the use of Phase III moneys under the Educational Excellence program. I support the proposal to conduct an evaluation of the Phase III program, and the Department of Education will complete the study prior to the January 1, 1992 deadline.

I am unable to approve the item designated as Section 24, in its entirety. This provision would appropriate \$150,000 to the School Budget Review Committee to assist school districts which are affected by the open enrollment law, as amended by 1990 Acts, Senate File 2306, which I have previously approved. It would be prudent to wait until the financial impact on Iowa schools is known before special financial assistance is appropriated to schools affected by the open enrollment law.

I am unable to approve the items designated as Sections 26, 27, and 38, in their entirety. I am concerned about the cost associated with the studies which have been required of the Department of Education. Because the Department of Education and other state agencies are being asked to restrict hiring and limit expenditures for travel and equipment, it would be inappropriate to require the Department of Education to undertake these additional activities.

I am unable to approve the item designated as Section 35, in its entirety. This provision would establish a separate classification system for the division of area schools within the Department of Education. Any change in classifications should

be reviewed by the Department of Education in cooperation with the Department of Personnel. While I am interested in classifying employees in a manner which will attract qualified individuals into state government, it is inappropriate to reclassify groups of employees through statute.

I am unable to approve the item designated as Section 47, in its entirety. This provision would provide financial counseling services to dislocated workers, allocate funds to the dislocated worker center in Merged Area X, and provide funds for the displaced workers financial aid program, which I have approved under Section 3 of the Act. Funding for this program would be provided by a transfer of \$250,000 from the Community Economic Betterment Account. These funds should be retained in the Community Economic Betterment Account, to create a climate for new jobs in Iowa. Further more, assistance to displaced workers is currently available from the U.S. Department of Labor under the Economic Dislocation and Workers Adjustment Assistance Act and from other student aid and training programs.

I am unable to approve the item designated as Section 79, in its entirety. This provision would prevent the reversion of \$290,000 previously appropriated to and unused by the Department of Education. Given the financial constraints of the state, I am unable to approve this provision.

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 2423 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGES

May 2, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2093, an act to reduce the markup percentage on state alcoholic liquor sales and provide a date of repeal, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This act provides that the Alcoholic Beverages Division apply a markup of forty percent, rather than fifty percent, to the top two selling brands in various categories of liquors, to study the effect such markup reduction has on the sales of volume of those products. Just two years ago, the wholesale liquor markup was reduced from sixty percent to fifty percent.

Although this measure may have been meant as an effort to eliminate price differences between liquors sold in Iowa and in neighboring states, this bill does not assure such a result. Because this significant advantage would be extended to only the largest two selling items in each category, any increase in volume of sales on the selected products would come at the expense of other products not selected. When, as here in Iowa, liquor retailers are obligated by law to purchase all liquor from a single wholesaler, but are not required to pass the savings on to end consumers, selection will decline, and there is no assurance that prices will decline.

In addition, the bill is estimated to reduce General Fund revenues by more than \$1 million per year. This loss in revenue would result in either higher taxes or reduced services.

For the above reasons, I hereby respectfully disapprove Senate File 2093.

Sincerely,
TERRY E. BRANSTAD
Governor

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2393, an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2393 is a virtual duplication of House File 2412, which I have previously approved. Both bills go to Section 364.22 and allow the imposition of a \$1,000 per day fine for a municipal infraction for noncompliance with any pretreatment standard or requirement referred to in 40 C.F.R. Chapter 1, Section 403.8 by an industrial user. This apparently inadvertent duplication renders Senate File 2393 unnecessary.

For the above reason, I hereby respectfully disapprove Senate File 2393.

Sincerely,
TERRY E. BRANSTAD
Governor

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2436, an act relating to the creation of a health and safety capitol improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill creates a new fund which would be used for health and safety capital improvement projects. Monies from this fund would be used either to directly pay for such improvements or to finance bonds which are authorized to be issued to cover the costs of these projects. Clearly, infrastructure needs of state government are great. It is important that the legislature work with me to establish a way to systematically provide resources necessary to assure that the physical plant of Iowa's state government presents no health or safety risks to its clients, visitors or employees. I have recommended money for maintenance, which had the legislature funded, would make this approach unnecessary.

I must disapprove this bill for two basic reasons. First, revenue for this new Health and Safety Capital Improvement Fund would consist of a transfer of one-half of one percent of all appropriations (except grants and aids, standing appropriations, capital appropriations and appropriations to the Regents institutions). A mechanism to regularly provide resources for maintenance, health and safety is needed, but, as structured here, operations budgets already made tight by my recommendations and legislative action this session would be placed in even greater difficulty for fiscal year 1991. Secondly, the legislation authorizes the issuance of bonds to cover the costs of such major maintenance needs. The state should be very careful about borrowing money to pay for maintenance. Normally, maintenance and safety should be paid for through the regular budgeting process.

Further, it is not fair to assess all agencies one-half percent of their budget for maintenance and fire safety when some agencies are located in leased facilities and the landlords are legally responsible for these expenses.

For the reasons stated above, I hereby respectfully disapprove Senate File 2436.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 514, an act providing a state sales and use tax exemption for certain facilities, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 514 would provide an exemption from the state sales and use taxes for a variety of service agencies. The information necessary to determine the fiscal impact of providing this exemption is not available to the Department of Revenue and Finance. Absent the information, I am unable to approve this measure, given the already reduced revenues projected for the state.

For the above reason, I hereby respectfully disapprove Senate File 514.

Sincerely,
TERRY E. BRANSTAD
Governor

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2420, a act relating to the transfer of appropriations within and between state departments, institutions, and agencies, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This legislation would impose restrictions on the Governor's power to deal with deficiencies in appropriations during the interim between Iowa legislative sessions. It does so by eliminating the Governor's ability to transfer funds between departments, inter-departmental transfers, and limiting the authority to make intra-departmental transfers to only \$100,000 or two percent of the appropriation,

whichever is less. From this latter restriction is exempted the following Human Services appropriations: ADC, Medical Assistance, Foster Care, and State Supplementary Aid.

Other states have other mechanisms to deal with deficiencies that are not available to Iowa state government. For example, many states have legislatures that meet in session year round or nearly so. In those states, unanticipated deficiencies can be corrected by legislative action. In lieu of a broad transfer authority vested in the executive branch, most states provide for a state general contingency fund to correct inefficiencies in appropriations without further legislative action. Information from the National Association of State Budget Officers indicates that 38 states currently give the chief executive either a limited or an unlimited contingency fund to allocate to programs to deal with unforeseen emergencies of deficits. Iowa does not.

If this law were to go into effect, significant disruptions in state government would most certainly occur when the appropriations finalized by the legislature in April appear in May or June to be inadequate to meet the requirements of a specific appropriation. Absent the authority to transfer funds to appropriations that are under-appropriated, obligations would go unpaid. The reliability of state government to meet its obligations and the state's commitment to get its fiscal house in order would be seriously impaired by such a move.

For the above reasons, I hereby respectfully disapprove Senate File 2420.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMUNICATIONS

The following communications were received and placed on file in the office of the Secretary of the Senate subsequent to adjournment of the 1990 Regular Session:

CITIZENS' AIDE/OMBUDSMAN

Annual Report for the calendar year 1989, pursuant to Section 601G.18, Code of Iowa.

DEPARTMENTS OF ECONOMIC DEVELOPMENT/ AGRICULTURE AND LAND STEWARDSHIP

Marketing Plan developed for the Ag Products Advisory Council, pursuant to Chapter 219, 1989 Iowa Acts.

DEPARTMENT OF COMMERCE

A report on the department's wastepaper recycling program plan, pursuant to Chapter 272, Section 21, 1989 Iowa Acts.

The completed report on small employer participation in multiple employer trust (MET) health benefit programs, pursuant to Section 410 of SF 538, 1989 Acts of the 73rd General Assembly.

DEPARTMENT OF CORRECTIONS

A report on substance abuse offenders, pursuant to HF 780, Section 9.

DEPARTMENT OF CULTURAL AFFAIRS

Iowa Public Library Statistics, 1988-1989.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual Report of the Job Training for program year 1988, pursuant to Chapter 7B, Code of Iowa.

1989 Annual Report, pursuant to Chapter 15, Code of Iowa.

DEPARTMENT OF EDUCATION

Recommendation regarding the implementation of regional calendars in school districts in Iowa, pursuant to SF 333, 1987 Acts, 72nd General Assembly.

Study committee report on american sign language, pursuant to Senate Concurrent Resolution 11, 1989 Acts, 73rd General Assembly.

"Preliminary Report on Open Enrollment for the 1989-1990 and 1990-1991 School Years", pursuant to Chapter 12, Section 2, 1989 Acts of the 73rd General Assembly.

"Postsecondary Handicapped Education Study", pursuant to Section 8, S.F. 449, 1989 Acts of the 73rd General Assembly.

DEPARTMENT OF ELDER AFFAIRS

Annual Report, pursuant to Section 249D.58, Code of Iowa.

DEPARTMENT OF EMPLOYMENT SERVICES

1989 Status Report on the Iowa Unemployment Compensation Trust Fund.

DEPARTMENT OF GENERAL SERVICES

A report on the recycling program, pursuant to H.F. 753 and Chapter 18.18, 18.20 and 18.21, 1989 Code of Iowa Supplement.

Annual Report FY1989.

A report of the 1990 model year vehicle purchase cafe compliance, pursuant to Chapter 18.115(4), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Annual Report by the Commission on Children, Youth and Families, pursuant to chapters 601K.32 and 601K.35, Code of Iowa.

An evaluation of the first year of the Affordable Heating Payment Program Pilot Project, pursuant to HF 683, 72nd General Assembly.

DEPARTMENT OF HUMAN SERVICES

A report on usage of health care services delivered by HMOs to recipients of medical assistance under Chapter 249A, pursuant to Division V, Section 502, of Senate File 538.

DEPARTMENT OF INSPECTIONS AND APPEALS

Annual Report for 1989.

DEPARTMENT OF NATURAL RESOURCES

The Rathbun Lake Resource Study, pursuant to HF 778, 1989 General Assembly.

A report showing findings and recommendations on the disposal of municipal sewage sludge ash, pursuant to Chapter 311.11, 1989 Acts of the 73rd General Assembly.

A report on the status of the office wastepaper recycling program and recycled paper use by DNR, pursuant to Section 18.20 and Section 18.18(1)(a), Code of Iowa.

Annual Report on toxic cleanup days in 1989.a

DEPARTMENT OF PERSONNEL

Final report concerning the survey of employee attitudes at the Department of Employment Services.

DEPARTMENT OF PUBLIC DEFENSE

Enhanced 911 Legislative Report, pursuant to Chapter 477B, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Public Health Nursing annual report, pursuant to Chapter 17.3, 1989 Code of Iowa.

A report from the Office of Rural Health, pursuant to Senate File 538, 1989 Acts of the 73rd General Assembly.

A report to the Governor and General Assembly on the Homemaker-Home Health Aide Program, pursuant to Chapter 1277.5(11)(d), 1988 Acts of the 72nd General Assembly.

RACING AND GAMING COMMISSION

A report on riverboat gambling, pursuant to Senate File 124, 1989 Acts of the 73rd General Assembly.

DEPARTMENT OF REVENUE AND FINANCE

Audit Reports and financial statements of the Lottery Division for the period ending September 30, 1989 and December 31, 1989, pursuant to chapter 99E.20(3), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

A report on Recreational Trails Plan Study.

Annual Report of Highway Research and Development in Iowa, pursuant to Section 310.36, Code of Iowa.

FY 1989 Summary Report of the State Aircraft Pool, pursuant to Section 328.56(5), Code of Iowa.

FOSTER CARE REVIEW BOARD

Annual report, pursuant to Chapter 237.18, Code of Iowa.

HEALTH DATA COMMISSION

Annual Report, pursuant to Section 145.6, Code of Iowa.

HIGHER EDUCATION TASK FORCE

Final report and recommendations, pursuant to SF 2312, 1988 Acts of the 72nd General Assembly.

LEGISLATIVE COUNCIL

Reports of Interim Study Committees established by the Iowa Legislative Council.

LEGISLATIVE FISCAL BUREAU

Expenditure oversight report for FY 1990.

LEGISLATIVE SERVICE BUREAU

Consultant Report concerning child care for employees at the Capitol Complex.

A report to the Capitol Complex Ad Hoc Committee on Child Care prepared by Iowa Methodist Medical Center Day Care.

PHARMACY EXAMINERS

A report on consultant practices in Iowa, pursuant to Chapter 30 Division IX, Section 903.2, 1989 Iowa Acts.

UTILITIES BOARD

Annual Report of five utilities, pursuant to chapter 476.66(6), Code of Iowa.

ANNOUNCEMENT OF STATUTORY APPOINTMENTS
BY SENATE MAJORITY LEADER

(April 26, 1990)

Iowa Highway Research Board
(1989 Code Supplement Chapter 307D.4)

Senator C. Joseph Coleman is appointed to replace Senator Bill Hutchins, effective immediately, as a member of the Board.

(May 30, 1990)

BOARD OF TRUSTEES FOR STATEWIDE
FIRE AND POLICE RETIREMENT SYSTEM
(Created in Section 86 of House File 2543, 1990 legislative session)

Senator John P. Kibbie (exofficio member). Term expires 4/30/92.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition subsequent to adjournment of the 1990 Regular Session:

Sally Ewoldt, Davenport — For being named the Iowa Mother of the Year. Senator Tinsman (April 21, 1990).

Keith Brus, Walcott — For achieving the coveted rank of Eagle Scout. Senator Rife (April 25, 1990).

Seth Elgin, Oskaloosa — For achieving the coveted rank of Eagle Scout. Senator Hedge (May 18, 1990).

Merritt Parsons, Bettendorf — For recognition of superior service as Superintendent of the Pleasant Valley School District. Senator Tinsman (May 20, 1990).

Barney Roberts, Storm Lake — For being named National Businessman of the Year. Senator Fuhrman (May 21, 1990).

Lee and Sarah Rhoads, Lisbon — For celebrating their sixtieth wedding anniversary. Senator Hannon (May 27, 1990).

Nathan De Hoogh, Sioux Center — For achieving the coveted rank of Eagle Scout. Senator Rensink. (June 3, 1990).

Mr. and Mrs. Jesse Attig, Sibley — For celebrating their sixty-fifth wedding anniversary. Senator Vande Hoef (June 6, 1990).

IN MEMORIAM**Senate**

Blue, Robert D.	September 24, 1898—December 14, 1989
Dailey, Tom	June 12, 1914—February 22, 1990
DeHart, Pearle P.	January 22, 1898—December 11, 1989
Milligan, George F.	February 23, 1934—March 17, 1990
Phelps, Sr., Dewey B.	May 15, 1898—December 28, 1988
Reppert, Jr., Howard C.	January 24, 1918—November 5, 1989

ROBERT D. BLUE

Robert D. Blue was born September 24, 1898, at Eagle Grove, Iowa, and was a lifelong resident of that community, except for the four years he lived in Des Moines as governor. He passed away December 14, 1989, at the age of 91 years.

Mr. Blue was the son of Donald and Myrtle E. Blue. He graduated from Eagle Grove High School, attended Iowa State College, C.C.C. College, of Des Moines, and graduated from the College of Law Drake University in 1922. He married Cathlene Beale of Tama and they were the parents of a daughter, Barbara, and a son, Donald, who preceded him in death. During World War I he enlisted in the Student Army Training Corps and was assigned to Iowa State College.

Mr. Blue was engaged in the law practice with the firm of Hobbet, Blue and Blue and was actively engaged in operating a corn-hog farm located near Eagle Grove. He served as county attorney of Wright County from 1924 until 1931 and also served as city attorney in 1932.

He was elected as a state representative in 1934, 1936, 1938, and 1940. He was Republican floor leader in the 47th and 48th General Assemblies, Speaker of the House in the 49th General Assembly, and Lieutenant Governor in the 50th General Assembly. He was elected Governor of the State of Iowa in 1944 and served for four years.

A member of the United Methodist Church, he was named to the Methodist Hall of Fame in Philanthropy; a member of the Consistory, Shrine and other Masonic organizations, and the Moose Fraternal Order; a member of the American Legion, Rotary, Sigma Alpha Epsilon and Phi Alpha Delta fraternities.

Governor Blue served on the National Planning Board of the White House Conference on Aging and on the National Advisory Council of the Office of Economic Opportunity. He also served as trustee on the boards of several Methodist retirement homes in the state and was instrumental in promoting the construction of the Rotary Ann Home in Eagle Grove, sponsored by the Rotary Club there.

In 1988, on his 90th birthday, Eagle Grove renamed its middle school Robert Blue School.

He left surviving him his wife, Cathlene, of Eagle Grove; a daughter, Barbara Dittmar, of Des Moines; five grandchildren and two great-grandchildren.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Robert D. Blue, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

RAY TAYLOR, Chair
BERL E. PRIEBE
C. JOSEPH COLEMAN

Committee

TOM DAILEY

Tom Dailey was born June 12, 1914, in Burlington, Iowa, and passed away February 22, 1990, at the age of 75 years.

Mr. Dailey graduated from Burlington Junior College in 1934, the University of Iowa in 1936, and the Columbus Law School, Catholic University in Washington, D.C., in 1940. He received his Master's Degree from Catholic University in 1949.

Mr. Dailey, joined the Knights of Columbus in 1941 and became an honorary life member in 1980. He was a member of the original Anchor Building Corporation that negotiated the purchase of the council home and grounds from the city of Burlington in the 1950s. He also represented the council in other cases and was their advocate for many years.

Mr. Dailey was a Navy veteran of World War II during which time he participated in the North African campaign of 1943 and the invasions of Italy and Sicily. In 1944, he was in the amphibious forces that invaded the Philippines and Borneo. From 1946 to 1948, Mr. Dailey was Burlington City Attorney. He was a lawyer with Dailey, Ruther, Bauer, Schultz, Hanh, Swanson and Crowley, retiring in 1985.

Senator Dailey was elected to the Iowa Senate in 1951 where he served for eight years. He was also on the Democratic party's State Central Committee from 1961 to 1966.

Mr. Dailey was a member of St. Patrick's Catholic Church and the Des Moines County Crippled Children's Association.

Surviving are several cousins, one aunt and one uncle.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Tom Dailey, 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.

MARK R. HAGERLA, Chair
EUGENE FRAISE
RICHARD DRAKE

Committee

PEARLE P. DeHART

Pearle P. DeHart was born January 22, 1898, on a farm near Lake City Iowa. He passed away December 11, 1989, at the age of 91.

Mr. DeHart attended Calhoun County public schools. He married Bernice Woodward in 1922. They were the parents of a son, Robert, of Ames, and have two grandchildren and four great-grandchildren.

Senator DeHart was elected to the Iowa Senate in November, 1967, and served for four years in the 62nd and 63rd General Assemblies.

Mr. DeHart founded DeHart's Tax Service and Real Estate in 1944. He served on the city council of Ames from October, 1951, until January, 1958. Mr. DeHart was the mayor of Ames from 1958 to 1965. He was President of the Iowa League of Municipalities and a charter member and President of Ames Elks Lodge. He was also a former member of the National Association of Board of Realtors, the U.S. Conference of Mayors, the American Municipal Association, the Iowa Taxpayers Association, and the Governor's Commission on State and Local Government.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Pearle D. DeHart, 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.

CHARLES BRUNER, Chair
JACK NYSTROM
WILLIAM PALMER

Committee

GEORGE T. MILLIGAN

George F. Milligan was born February 23, 1934, in Des Moines, Iowa, and was a lifelong resident of that community. He passed away March 17, 1990, in Naples, Florida at age fifty-six.

Senator Milligan graduated from Roosevelt High School, Des Moines, Iowa in 1952; Washington and Lee University, Lexington, Virginia where he received a B.S. degree in commerce in 1956; and a L.L.B. degree from the Drake University Law School in 1960. He married Judy Ryan of Ottumwa, Iowa in 1955 and they have a daughter Lisa Maser of Le Mars, Iowa, and a son, George D. Milligan of West Des Moines, Iowa, and four grandchildren.

Senator Milligan was elected to the Iowa House of Representatives in November, 1968, where he served for two years in the 63rd General Assembly. He was elected to the Iowa Senate in November, 1970, where he served four years during the 64th and 65th General Assemblies.

Senator Milligan rose to Chairman and Chief Executive Officer of Norwest Bank of Des Moines and Regional President of Norwest Corp.'s Iowa banking group. Health concerns forced him to take an early retirement in February, 1989.

Mr. Milligan was a member of Plymouth Congregational Church, the Iowa and American Bar Associations, the Iowa and American Bankers Associations, Rotary Club, Army Reserve and the Civil War Club. He was a past president of the Des Moines Community Playhouse and Des Moines Health Center Board. He also served on the boards of the Des Moines Symphony, Simpson College, Planned Parenthood and Homesteaders Life Insurance Company.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable George F. Milligan, 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.

JULIA GENTLEMAN, Chair
ELAINE SZYMONIAK
TOM MANN, JR.

Committee

DEWEY B. PHELPS, SR.

Dewey B. Phelps, Sr. was born May 15, 1898 in Wapello County at Farson, Iowa, the son of Thomas and Nellie Tade Phelps. He passed away December 28, 1988 in Freeport, Illinois.

Mr. Phelps graduated from Pella High School and graduated from a two year course in Agriculture at Iowa State University. He married Nina Conrad on March 21, 1925 in Salem and she preceded him in death on September 27, 1987. They were the parents of a daughter, Carrel McLeland of Freeport, Illinois, and a son, Dewey Blake, Jr., of Fairfield, Iowa, and have eight grandchildren and five great grandchildren.

Senator Phelps was elected to the Iowa Senate in November 1960 and served for four years in the 59th & 60th General Assemblies.

Mr. Phelps was a grain and livestock farmer. He served as president of the local and township school board, president of the Van Buren County Farm Bureau and was a director of the Iowa Farm Bureau Federation. He served as director of the Hillsboro Savings Bank and the Mt. Pleasant P.C.A.. He was a member of the Iowa State University Extension advisory committee, state and county historical societies, and Tenco Agricultural Development Committee. He was a member and deacon of the Baptist Church, a member of the Iowa Baptist Convention, the Masonic Lodge, Zerapath Consistory, O.E.S., and Izaak Walton.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SECOND GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Dewey B. Phelps, Sr., the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expressed its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

EUGENE FRAISE, Chair

H. KAY HEDGE

MARK R. HAGERLA

Committee

HOWARD C. REPPERT JR.

Howard C. Reppert Jr. was born January 24, 1918, at Des Moines, Iowa and had lived in Florida since 1971. He passed away November 5, 1989, at the age of 71 years.

Senator Reppert was educated in the Des Moines Public Schools, Drake University, State University of Iowa, and was a bomber pilot in Europe during World War II. He married Helen Keller of Des Moines in 1941 and they have a daughter, Suzanne Gordon of Colorado Springs, Colorado, and two grandchildren.

Senator Reppert was elected to the Iowa House of Representatives in November 1954 where he served in the 56th, 57th, 58th, 60th and 60th Extra General Assemblies. He was elected to the Iowa Senate in November 1964 where he served in the 61st and 62nd General Assemblies.

Senator Reppert headed businesses in Des Moines, including Reppert Transfer & Storage Co., Retail Merchants Delivery, Reppert Investment Company and Reppert Industries Inc.

Senator Reppert served on the Interstate Co-Operation Commission and was a member of the board of managers of the Council of State Governments. He was past wing commander of the Air Force Association and former chairman of the Iowa Arthritis Foundation.

Senator Reppert was a member of the St. Armands Key Lutheran Church in Sarasota, the Sarasota Yacht Club, Power Squadron of Sarasota, Elks, Rotary and several Masonic organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Howard Reppert Jr., 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.

JULIA GENTLEMAN, Chair
TOM MANN, JR.
GEORGE R. KINLEY

Committee



AMENDMENTS FILED

**During The
Seventy-third General Assembly
1990 Regular Session**

S-5001

- 1 Amend Senate File 2060 as follows:
- 2 1. Page 1, line 11, by inserting after the figure
- 3 "97B," the following: "a pension and annuity
- 4 retirement system for public school teachers under
- 5 chapter 294,".

ELAINE SZYMONIAK

S-5002

- 1 Amend Senate File 2084 as follows:
- 2 1. Page 5, line 15, by inserting after the word
- 3 "recreation" the following: "area".
- 4 2. Page 22, line 26, by striking the figure
- 5 "470.3" and inserting the following: "470.7".

KENNETH D. SCOTT

S-5003

- 1 Amend Senate File 2061 as follows:
- 2 1. Page 1, line 4, by striking the word "an" and
- 3 inserting the following: "a civil action".
- 4 2. Page 1, line 8, by striking the word
- 5 "defendant" and inserting the following:
- 6 "perpetrator".

ELAINE SZYMONIAK

S-5004

- 1 Amend Senate File 2064 as follows:
- 2 1. Page 1, line 4, by striking the word "fishing"
- 3 and inserting the following: "hunting and fishing
- 4 combined".
- 5 2. Page 1, line 7, by striking the word "fishing"
- 6 and inserting the following: "hunting and fishing
- 7 combined".
- 8 3. Title page, line 1, by striking the word
- 9 "fishing" and inserting the following: "hunting and
- 10 fishing combined".

KENNETH SCOTT

S-5005

- 1 Amend Senate File 2024 as follows:
2 1. Page 2, line 1, by striking the word "for" and
3 inserting the following: "in".
4 2. Page 2, line 2, by striking the figure "1991"
5 and inserting the following: "1990".

DONALD V. DOYLE

S-5006

- 1 Amend amendment, S-3636, to House File 620, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 5 through 7 and
5 inserting the following:
6 "—. Page 1, by striking lines 26 and 27 and
7 inserting the following: "municipality, but the
8 number shall not be less than ~~ten~~ one hundred, and the
9 number need not be more than one ~~hundred~~ thousand
10 persons, who are".

ELAINE SZYMONIAK

S-5007

- 1 Amend Senate File 2084 as follows:
2 1. By striking page 5, line 13 through page 6,
3 line 13.
4 2. Page 19, by inserting after line 1 the fol-
5 lowing:
6 "Sec. —. Section 455A.8, Code Supplement 1989,
7 is amended by adding the following new subsection:
8 NEW SUBSECTION. 4. As used in this section,
9 "department" means the department of natural
10 resources."
11 3. Page 22, line 26, by striking the figure
12 "470.3" and inserting the following: "470.7".
13 4. Page 23, line 5, by striking the figure "4,"
14 "455A.8".
15 5. By renumbering sections as necessary.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chair

S-5008

- 1 Amend Senate File 2084 as follows:
- 2 1. Page 3, by striking line 33.
- 3 2. Page 18, by striking lines 21 through 24.

JACK HESTER
NORMAN GOODWIN
DALE L. TIEDEN
CALVIN O. HULTMAN

S-5009

- 1 Amend Senate File 2083 as follows:
- 2 1. Page 2, by inserting after line 8, the fol-
- 3 lowing:
- 4 "e. "Emotionally dependent" means an impairment of
- 5 the former patient or former client in being able to
- 6 withhold consent to a sexual act by the counselor or
- 7 therapist, based upon the nature of the former
- 8 patient's or former client's emotional condition and
- 9 the nature of the assessment or treatment provided by
- 10 the counselor or therapist, which impairment is known
- 11 or should be known to the counselor or therapist."

ELAINE SZYMONIAK

S-5010

- 1 Amend Senate File 2064 as follows:
- 2 1. Page 1, line 17, by striking the words "August
- 3 5, 1965" and inserting the following: "December 22,
- 4 1961".

KENNETH SCOTT

S-5011

- 1 Amend Senate File 2048 as follows:
- 2 1. Page 1, line 10, by inserting before the
- 3 word "confined" the following: "present and".
- 4 2. Page 1, line 11, by striking the word
- 5 "primarily".

KEN SCOTT

S-5012

- 1 Amend Senate File 2029 as follows:

- 2 1. Page 1, line 4, by striking the words "to be
3 used" and inserting the following: "engaged".
4 2. Page 1, line 4, by inserting after the word
5 "the" the following: "business of".

ELAINE SZYMONIAK

S-5013

- 1 Amend Senate File 2075 as follows:
2 1. Page 1, by inserting after line 10, the
3 following:
4 "Sec. ____ .
5 This Act shall apply to security interests created
6 on or after the effective date of this Act. Security
7 interests created prior to the effective date of this
8 Act shall be subject to section 554.9307 as it existed
9 before the effective date of this Act."

BERL E. PRIEBE

S-5014

- 1 Amend House File 252, as amended and passed by the
2 House, as follows:
3 1. Page 2, line 4, by inserting after the word
4 "section." the following: "The county shall continue
5 to provide health benefit coverages, and may continue
6 to provide other fringe benefits, to any officer or
7 employee subject to civil service, or to any chief
8 deputy sheriff or second deputy sheriff during any
9 leave of absence required under this section."

JOHN P. KIBBIE

S-5015

- 1 Amend Senate File 2048 as follows:
2 1. Page 1, lines 4 and 5, by striking the words
3 "at any game or fur-bearing animal" and inserting the
4 following: "~~at any game or fur-bearing animal~~".

COMMITTEE ON NATURAL RESOURCES
KENNETH D. SCOTT, Chair

S-5016

1 Amend House File 2114 as passed by the House, as
2 follows:

DIVISION S—5016A

3 1. Page 1, by striking lines 5 through 8 and
4 inserting the following: "wildlife habitat stamp.
5 The commission shall annually limit to five hundred
6 licenses the number of nonresidents allowed to have
7 wild turkey hunting licenses ~~for the year 1989 and~~
8 ~~establish application procedures. For subsequent~~
9 ~~years, the~~ The number".

10 2. Page 1, by striking lines 27 through 29 and
11 inserting the following: "The commission shall
12 annually limit to one thousand licenses the number of
13 nonresidents allowed to have deer hunting licenses ~~for~~
14 ~~the year 1989 and establish application procedures.~~
15 ~~For~~".

DIVISION S—5016B

16 3. Page 2, by inserting after line 7 the
17 following:

18 "Sec. ____ . NEW SECTION. 110.30 USE OF
19 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE
20 FEES.

21 The revenue received from the nonresident deer and
22 wild turkey hunting license fees shall be used to
23 employ and maintain as many additional full-time
24 conservation officers as can be employed with the
25 revenues received.

26 Sec. ____ . CONSERVATION OFFICERS.

27 Notwithstanding the limitation on full-time
28 equivalent positions in 1989 Iowa Acts, chapter 311,
29 section 6, the department shall use the revenues
30 received from the nonresident deer and wild turkey
31 hunting license fees pursuant to 1989 Iowa Acts,
32 chapter 237, to employ as many new full-time
33 conservation officers as can be employed with the
34 revenues received. The new officers shall be employed
35 as soon as possible after the effective date of this
36 Act."

36 4. By renumbering as necessary.

COMMITTEE ON NATURAL RESOURCES
KENNETH D. SCOTT, Chair

S-5017

1 Amend Senate File 2153 as follows:

2 1. Page 1, line 28, by inserting after the word
3 "expenses" the following: "and the amounts to be
4 credited to each Iowa county's account under
5 subsection 3".

6 2. Page 2, by inserting after line 30 the
7 following:

8 "Sec. ____ . Section 99E.10, Code 1989, is amended
9 by adding the following new subsection:

10 **NEW SUBSECTION. 3.** The commissioner shall credit
11 to each Iowa county's account in the lottery fund an
12 amount, less a pro rata share of expenses and prizes
13 determined under subsection 1, equal to thirty percent
14 of lottery revenues collected in the county as a
15 result of the previous month's sales. The aggregate
16 amount to be credited to all the county accounts under
17 this subsection shall be subtracted from the revenues
18 prior to transfer of moneys to the CLEAN fund. Moneys
19 in each county's account shall be distributed on a
20 quarterly basis as follows:

21 a. Eighty-five percent to cities within the county
22 on a pro rata basis to each city based upon the
23 percentage of lottery sales made during the previous
24 three months in the area of the city located in the
25 county to the total lottery sales made during the
26 previous three months in the areas of all cities
27 located in the county.

28 b. Fifteen percent to the county.

29 The moneys may be used for any lawful purpose of
30 the city or county."

31 3. Page 3, line 3, by inserting after the words
32 "CLEAN fund" the following: "or to each Iowa county's
33 account in the lottery fund".

34 4. Page 3, line 5, by inserting after the word
35 "state" the following: "and to each Iowa county's
36 account".

37 5. Page 3, line 8, by inserting after the word
38 "fund" the following: "or to each Iowa county's
39 account".

40 6. By renumbering as necessary.

JOHN A. PETERSON
DONALD V. DOYLE

S-5018

1 Amend Senate File 2153 as follows:

2 1. Page 1, line 28, by inserting after the word
3 "expenses" the following: "and the amounts to be

4 returned to Iowa cities or areas under subsection 3”.

5 2. Page 2, by inserting after line 30 the fol-
6 lowing:

7 “Sec. ____ . Section 99E.10, Code 1989, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. Beginning January 1, 1991, and
10 upon application to the commissioner, the commissioner
11 shall return to each city located in Iowa with a
12 population, as determined by the latest federal
13 census, of five thousand or more, and to each area
14 located in Iowa, established for this purpose under
15 chapter 28E, with a population, as determined upon
16 creation of the area, of five thousand or more, an
17 amount, less a pro rata share of expenses and prizes
18 determined under subsection 1, equal to twenty percent
19 of lottery revenues collected in the city or chapter
20 28E area, as applicable, as a result of the previous
21 month’s sales. The aggregate amount to be returned to
22 all cities and chapter 28E areas located in Iowa under
23 this subsection shall be subtracted from the revenues
24 prior to transfer of moneys to the CLEAN fund. Moneys
25 returned to the cities and chapter 28E areas shall be
26 returned at the time of the transfer of revenues to the
27 CLEAN fund. The moneys returned to the cities and
28 chapter 28E areas shall be used only for economic
29 development initiatives. However, as used in this
30 subsection, economic development initiatives do not
31 include the employment of professional staff or
32 consultants. A city or chapter 28E area shall file an
33 economic development plan with the department of
34 economic development before application is made to
35 receive funds under this subsection. A city or area
36 receiving funds under this subsection shall submit an
37 annual financial report within sixty days following
38 the close of its fiscal year to the regional
39 coordinating council created pursuant to section
40 28.101 of the region in which the city or area is
41 located. In order for an area located in Iowa to
42 receive moneys under this subsection, the area shall
43 be formed under an agreement entered into pursuant to
44 chapter 28E by cities, counties, or a combination of
45 both, for the sole purpose of providing for economic
46 development initiatives for the area, subject to the
47 following:

48 a. The agreement shall identify an entity to
49 receive the funds under this subsection.

50 b. No portion of the area shall be included in

Page 2

- 1 another area receiving funds under this subsection.
 2 c. A city that is partially or completely located
 3 within the area and that would otherwise be entitled
 4 to funds under this subsection shall not receive those
 5 funds, but the funds shall go to the area.
 6 d. All parties to the agreement shall be located
 7 within the same regional economic delivery area
 8 created pursuant to section 28.101.”
 9 3. Page 3, line 3, by inserting after the words
 10 “CLEAN fund” the following: “or to be returned to
 11 cities and chapter 28E areas located in the state”.
 12 4. Page 3, line 5, by inserting after the word
 13 “state” the following: “and to each qualified city
 14 and chapter 28E area”.
 15 5. Page 3, line 8, by inserting after the word
 16 “fund” the following: “or to be returned to each
 17 qualified city and chapter 28E area”.
 18 6. By renumbering as necessary.

ALVIN V. MILLER

S-5019

- 1 Amend Senate File 2153 as follows:
 2 1. Page 5, line 35, by striking the words
 3 “natural resources” and inserting the following:
 4 “agriculture and land stewardship”.
 5 2. Page 6, by striking lines 10 through 16 and
 6 inserting the following: “northeast Iowa. An
 7 advisory group shall assist the soil conservation
 8 division of the department of agriculture and land
 9 stewardship in the project design and implementation,
 10 with representation consisting of the director of the
 11 energy and geological resources division of the
 12 department of natural resources, and the director of
 13 cooperative agricultural extension service.”

JIM RIORDAN

S-5020

- 1 Amend Senate File 2153 as follows:
 2 1. Page 12, by inserting after line 9, the
 3 following:
 4 “Sec. ____ . Section 455A.19, subsection 1,
 5 paragraph d, Code Supplement 1989, is amended to read

6 as follows:

7 d. Fifteen percent shall be allocated to a cities'
 8 parks and open space account. The moneys allocated in
 9 this paragraph may be used to fund competitive grants
 10 to cities to acquire, establish, and maintain natural
 11 parks, preserves, and open spaces. The grants may
 12 include expenditures for multipurpose trails, restroom
 13 facilities, shelter houses, and picnic facilities, but
 14 expenditures for single or multipurpose athletic
 15 fields, baseball or softball diamonds, tennis courts,
 16 golf courses, and other group or organized sport
 17 facilities requiring specialized equipment are
 18 excluded. However, grants may be made for swimming
 19 pools in cities grouped in the two lowest population
 20 categories. The grants may be used for city projects
 21 located outside of a city's boundaries. The natural
 22 resource commission, by rule, shall establish
 23 procedures for application, review, and selection of
 24 city projects on a competitive basis. The rules shall
 25 provide for three categories of cities based on
 26 population within which the cities shall compete for
 27 grants. There is appropriated from the cities' parks
 28 and open space account to the department the amount in
 29 that account, or so much thereof as is necessary, to
 30 carry out the competitive grant program as provided in
 31 this paragraph."
 32 2. By renumbering as necessary.

JOHN P. KIBBIE
 DON E. GETTINGS

S-5021

1 Amend House File 2114 as follows:

2 1. Page 1, by striking lines 5 through 8 and
 3 inserting the following: "wildlife habitat stamp.
 4 The commission shall annually limit to five hundred
 5 licenses the number of nonresidents allowed to have
 6 wild turkey hunting licenses for the year 1989 and
 7 establish application procedures. For subsequent
 8 years, the The number".
 9 2. Page 1, by striking lines 27 through 29 and
 10 inserting the following: "The commission shall
 11 annually limit to one thousand licenses the number of
 12 nonresidents allowed to have deer hunting licenses for
 13 the year 1989 and establish application procedures.
 14 For".
 15 3. Page 2, by inserting after line 7 the
 16 following:

17 "Sec. ____ . NEW SECTION. 110.30 USE OF
18 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE
19 FEES.

20 The revenue received from the nonresident deer and
21 wild turkey hunting license fees shall be used to
22 employ and maintain additional full-time conservation
23 officers. The department shall use the revenues to
24 employ additional new full-time conservation officers
25 until there is at least one full-time conservation
26 officer assigned to each county.

27 Sec. ____ . CONSERVATION OFFICERS.

28 Notwithstanding the limitation on full-time
29 equivalent positions in 1989 Iowa Acts, chapter 311,
30 section 6, the department shall use the additional
31 revenues received from the nonresident deer and wild
32 turkey hunting license fees pursuant to 1989 Iowa
33 Acts, chapter 237, to employ as many new full-time
34 conservation officers as can be employed with the
35 revenues received. The new officers shall be employed
36 as soon as possible after the effective date of this
37 Act."

38 4. By renumbering as necessary.

BERL PRIEBE

S-5022

1 Amend House File 2114, as passed by the House, as
2 follows:

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

5 "Sec. ____ . Section 110.1, subsection 2, paragraphs
6 b, c, e, and f, Code Supplement 1989, are amended to
7 read as follows:

8	b. Deer hunting license for residents	\$ 20.00
9		<u>25.00</u>
10	c. Wild turkey hunting license for residents	\$ 20.00
11		<u>25.00</u>
12	e. Deer hunting license for nonresidents	\$100.00
13		<u>105.00</u>
14	f. Wild turkey hunting license for	
15	nonresidents, minimum fee	\$ 50.00
16		<u>55.00"</u> .

17 2. Page 2, by inserting after line 7, the
18 following:

19 "Sec. ____ . NEW SECTION. 110.8A REFUND STICKER.

20 The department shall attach to each deer and wild
21 turkey license issued a sticker which may be redeemed
22 by the owner or tenant of the land on which a deer or

23 wild turkey is taken. The landowner or tenant may
24 redeem the sticker which has a value of five dollars
25 from the department. The sticker redemptions shall be
26 paid from the state fish and game protection fund.”

BERL PRIEBE

S-5023

- 1 Amend Senate File 2149 as follows:
- 2 1. Page 1, line 5, by striking the word “five”
- 3 and inserting the following: “five eight”.
- 4 2. Page 1, line 21, by striking the word “five”
- 5 and inserting the following: “five eight”.

LARRY MURPHY
BERL E. PRIEBE

S-5024

- 1 Amend House File 2114 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking line 4 and inserting the
- 4 following: “have ~~only~~ a nonresident hunting license
- 5 and a nonresident wild turkey hunting license and a”.
- 6 2. Page 1, by striking line 26 and inserting the
- 7 following: “~~only~~ a nonresident hunting license and a
- 8 nonresident deer license and a wildlife habitat
- 9 stamp.”.

JOE WELSH

S-5025

- 1 Amend Senate File 2153 as follows:
- 2 1. Page 5, by inserting after line 21 the
- 3 following:
- 4 “h. At least four hundred ninety-three thousand
- 5 dollars to the department of natural resources to
- 6 enhance the department's ability to conduct detailed
- 7 assessments and evaluations of surface water streams
- 8 and rivers.
- 9 i. At least five hundred seventy-seven thousand
- 10 dollars to the department of natural resources to
- 11 implement a statewide groundwater monitoring program
- 12 consisting of long-term monitoring wells.
- 13 j. At least three hundred thousand dollars to the

14 waste management authority of the department of
 15 natural resources to assist businesses which generate
 16 hazardous waste.

17 k. At least one hundred thousand dollars to the
 18 department of education to develop environmental
 19 education materials.

20 l. At least three hundred thousand dollars to the
 21 department of natural resources to advance the
 22 restoration of native prairies.

23 m. At least one hundred thousand dollars to the
 24 Iowa waste reduction center for the safe and economic
 25 management of solid waste and hazardous substances
 26 established under section 268.4.”

CALVIN O. HULTMAN
 PAUL PATE
 MAGGIE TINSMAN
 H. KAY HEDGE
 RICHARD VANDE HOEF
 JACK HESTER
 MARK HAGERLA
 RAY TAYLOR
 JULIA GENTLEMAN
 WILMER RENSINK

S-5026

1 Amend Senate File 2153 as follows:

2 1. Page 12, by inserting after line 9 the
 3 following:

4 “Sec. —. NEW SECTION. 455B.315 PACKAGING
 5 REVIEW BOARD.

6 1. DEFINITIONS.

7 As used in this section, unless the context
 8 otherwise requires:

9 a. “Board” means the packaging review board
 10 established pursuant to this section.

11 b. “Committee” means the packaging review advisory
 12 committee.

13 c. “Container” means a rigid or semirigid package
 14 used to contain products which are sold at retail.

15 d. “Rigid container” means a container used to
 16 contain a product sold at retail that retains its
 17 structural configuration after the product is removed.

18 e. “Semirigid container” means a container that is
 19 formed, shaped, or molded so that when used to contain
 20 a product sold at retail it gains a structural
 21 configuration even though the container does not
 22 retain its structural configuration prior to

23 containing a product or after the product is removed.

24 2. PACKAGING REVIEW BOARD.

25 a. A packaging review board is established within
26 the department of natural resources. The board
27 consists of the following members:

28 (1) The director of the department of natural
29 resources or the director's designee.

30 (2) The administrator of the consumer protection
31 division of the office of the attorney general, or the
32 administrator's designee.

33 (3) The director of the department of economic
34 development or the director's designee.

35 b. The director of the department of natural
36 resources or the director's designee shall serve as
37 chairperson of the board. The board shall meet as
38 frequently as its business requires, but at least
39 quarterly.

40 c. The board shall adopt, and from time to time
41 may amend or repeal rules regarding the conduct of its
42 meetings and the transaction of its assigned duties.

43 d. All meetings of the board in every proceeding
44 shall be deemed to have been duly called and regularly
45 held, and all regulations and proceedings to have been
46 duly authorized unless the contrary is proved.

47 e. The chairperson shall designate an officer or
48 employee of the department to act as secretary of the
49 board.

50 3. AUTHORITY TO RECOMMEND PROHIBITIONS AGAINST

Page 2

1 CONTAINERS WHICH DEGRADE THE STATE'S ENVIRONMENT. The
2 board may review the environmental impact of a
3 specific container or class of container upon one or
4 more of the following:

5 a. Its own initiative.

6 b. The request of one or more of the following:

7 (1) A local government.

8 (2) The packaging review committee.

9 (3) At least one hundred individuals residing
10 within the state.

11 (4) A group whose membership includes at least one
12 hundred individuals residing within the state.

13 If the board determines that the manufacture, use,
14 or disposal of the specific container or class of
15 container under review significantly degrades the
16 state's environment, the board may vote to recommend
17 that the director prohibit one or more of the
18 following within this state: the use, manufacture, or
19 disposal of a specific container or class of

20 container.

21 4. DIRECTOR'S AUTHORITY TO PROHIBIT BY RULE USE OF
22 CERTAIN CONTAINERS. The director may by rule or order

23 prohibit one or more of the following within this

24 state: the use, manufacture, or disposal of a

25 specific container or class of container. However,

26 the director may issue a prohibition only if all of

27 the following conditions are satisfied:

28 a. The board has previously recommended that the

29 container, or a broader class inclusive of the

30 container, or class of container be prohibited for any

31 of the following: manufacture, use, or disposal.

32 b. The director reasonably believes that the

33 container or class of container poses a significant

34 threat to the environment, either through its

35 production, use, or disposal.

36 A prohibition becomes effective two years after the

37 entry of the order or final publication of the rule

38 unless stayed or withdrawn in the interim.

39 5. AGGRIEVED CONTAINER MANUFACTURER OR USER'S
40 RIGHT TO APPEAL.

41 a. Upon application or petition of a manufacturer

42 or user of a prohibited container or class of

43 containers, or a representative of a manufacturer or

44 user, the board shall determine whether to recommend

45 that the director withdraw an order prohibiting the

46 container or class. The board shall make its

47 recommendations to the director after a hearing on the

48 petition.

49 b. The board may require the applicant to provide

50 information the board deems necessary to make its

Page 3

1 determination.

2 c. At the request of the applicant, the board and

3 any members, agents, or staff of the board shall hold

4 any information submitted to the board as confidential

5 proprietary information, and such information is not

6 subject to disclosure under chapter 21 or 22 or upon

7 any other basis.

8 6. PACKAGING REVIEW ADVISORY COMMITTEE.

9 a. The governor shall appoint a seven-member

10 packaging review advisory committee for the purpose of

11 providing technical advice to the packaging review

12 board. The members shall serve without compensation.

13 The committee shall consist of a representative from

14 each of the following categories:

15 (1) The department of natural resources.

16 (2) The retail food industry.

- 17 (3) An environmental group.
 18 (4) The packaging manufacturing industry.
 19 (5) Local government.
 20 (6) The waste disposal or recycling industry.
 21 (7) The restaurant industry.
 22 b. The representative of the department shall
 23 serve as the committee chairperson.
 24 c. The committee shall provide technical advice
 25 and recommendations to the board concerning the
 26 environmental impact of the manufacture, use, and
 27 disposal of containers.”

PAUL D. PATE
 CALVIN O. HULTMAN
 RICHARD VANDE HOEF
 JOY CORNING
 JACK RIFE
 JOHN E. SOORHOLTZ

S-5027

- 1 Amend Senate File 2153 as follows:
 2 1. Page 8, by inserting after line 4 the
 3 following:
 4 “___ . If the money allotted in a fiscal year to
 5 the environmental protection account, soil
 6 conservation account, or energy efficiency account is
 7 less than the minimum amounts required to be expended
 8 for that fiscal year from the account, the minimum
 9 amounts required to be expended from the applicable
 10 account shall be reduced by the same percentage as the
 11 shortfall for the applicable account.”

MAGGIE TINSMAN
 CALVIN O. HULTMAN
 JOY CORNING
 LINN FUHRMAN
 JULIA GENTLEMAN
 JACK HESTER
 RICHARD VANDE HOEF
 H. KAY HEDGE
 RAY TAYLOR

S-5028

- 1 Amend Senate File 2153 as follows:
 2 1. Page 3, line 25, by striking the word “twenty”
 3 and inserting the following: “thirty”.

JACK RIFE
WILMER RENSINK
NORMAN GOODWIN
JULIA GENTLEMAN
PAUL PATE
JOHN SOORHOLTZ
H. KAY HEDGE
RICHARD VANDE HOEF
JOHN JENSEN
CALVIN HULTMAN
JACK HESTER
MAGGIE TINSMAN
RAY TAYLOR

S-5029

1 Amend Senate File 2153 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 15.251, subsection 2, Code
5 Supplement 1989, is amended to read as follows:
6 2. The department may charge, within thirty days
7 following the sale of certificates under chapter 280B,
8 the board of directors of the merged area a fee of up
9 to one percent of the gross sale amount of the
10 certificates issued. The amount of this fee shall be
11 deposited into the ~~jobs now account within the Iowa~~
12 ~~plan fund for economic development created in section~~
13 ~~99E-10 a job training fund created in the office of~~
14 ~~the treasurer of state~~ and may be used by the
15 department to cover the costs of management of chapter
16 280B and to support other efforts by the merged area
17 schools related to providing productivity and quality
18 enhancement training. Funds deposited under this
19 subsection into the ~~jobs now account~~ job training fund
20 during a fiscal year which are not expended by the
21 department in that fiscal year are available for use
22 by the department under this subsection for subsequent
23 fiscal years.
24 Sec. 2. Section 28.120, subsection 5, Code 1989,
25 is amended to read as follows:
26 5. Loan repayments received by the Iowa department
27 of economic development shall be deposited into a
28 special account to be used at its discretion as
29 matching funds to attract financial assistance from
30 and to participate in programs with national rural
31 development and finance corporations or as provided in
32 subsection 6. Funds in this special account shall not
33 revert to the state general fund at the end of any

34 fiscal year. If the programs for which the funds in
 35 the special account are to be used are terminated or
 36 expire, the funds in the special account and funds
 37 that would be repaid, if any, to the special account
 38 shall be transferred or repaid to the ~~community~~
 39 ~~economic betterment account of the Iowa plan fund for~~
 40 ~~economic development as established in section 99E.31~~
 41 Iowa community development loan program fund.
 42 Sec. 3. Section 99E.10, subsection 1, paragraph b,
 43 Code 1989, is amended by striking the paragraph.
 44 Sec. 4. Section 99E.10, subsection 1, unnumbered
 45 paragraph 3, Code 1989, is amended by striking the
 46 paragraph and inserting in lieu thereof the following:
 47 Beginning July 1, 1990, all lottery revenue
 48 remaining after expenses are determined shall be
 49 deposited in the general fund of the state. The
 50 director shall consult with the director of the

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1 department of management and agree to an appropriate
 2 schedule for timely deposits of lottery revenue to the
 3 state general fund, taking into account operating and
 4 cash balances necessary to sustain the operations of
 5 the lottery.
 6 Sec. 5. Section 99E.10, subsections 2 and 3, Code
 7 1989, are amended by striking the subsections.
 8 Sec. 6. Section 99E.20, subsection 2, Code 1989,
 9 is amended to read as follows:
 10 2. A lottery fund is created in the office of the
 11 treasurer of state. The fund consists of all revenues
 12 received from the sale of lottery tickets or shares
 13 and all other moneys lawfully credited or transferred
 14 to the fund. The commissioner shall certify monthly
 15 that portion of the fund that is transferred to the
 16 ~~Iowa plan state general~~ fund under section 99E.10 and
 17 shall cause that portion to be transferred to the ~~Iowa~~
 18 ~~plan general~~ fund of the state. ~~The commissioner~~
 19 ~~shall certify before the twentieth of each month that~~
 20 ~~portion of the fund resulting from the previous~~
 21 ~~month's sales to be transferred to the Iowa plan fund.~~
 22 Sec. 7. Section 280C.6, subsection 1, Code 1989,
 23 is amended to read as follows:
 24 1. There is established for the area schools an
 25 area school job training fund under the supervision of
 26 the treasurer of state. The area school job training
 27 fund consists of two separate accounts containing
 28 moneys as follows:
 29 a. A permanent school fund repayment account to
 30 which shall be credited the interest and principal

31 from repayment of loans originating from the permanent
32 school fund appropriation in section 280C.8, made to
33 employers for program costs, and interest earned from
34 moneys in the account. Moneys in this account shall
35 be used to repay the appropriation from the permanent
36 school fund. At the end of each calendar quarter, the
37 treasurer of state shall transfer the moneys in the
38 account ~~and any moneys in the surplus account of the~~
39 ~~Iowa plan fund for economic development created in~~
40 ~~section 99E.31~~ to the permanent school fund as
41 repayment of the loan from the permanent school fund.
42 If there are moneys in the permanent school fund
43 repayment account after the permanent school fund loan
44 has been fully repaid, those moneys shall be
45 transferred to the revolving loan account provided in
46 paragraph "b" of this section.
47 b. A revolving loan account to which shall be
48 credited moneys appropriated for the fiscal year
49 beginning July 1, 1987, and for succeeding fiscal
50 years for the purposes of this chapter plus the

Page 3

1 interest and principal from repayment of advances made
2 to employers for program costs and interest earned
3 from moneys in the revolving loan account. Moneys in
4 this account shall be used to provide advances to
5 employers for program costs upon request of boards of
6 directors of the area schools. Beginning July 1,
7 1995, the Iowa department of economic development
8 shall reserve a portion of the moneys in the revolving
9 loan account to pay a portion of the original one
10 million dollar appropriation in section 280C.8 which,
11 based upon projections of the state treasurer, may
12 still be owed to the permanent school fund on June 30,
13 1996. The department shall reserve a portion of the
14 moneys in the revolving loan account only if the
15 moneys in the permanent school fund repayment account
16 created in paragraph "a" ~~and moneys in the "surplus"~~
17 ~~account of the Iowa plan fund for economic development~~
18 ~~created in section 99E.31, subsection 1, paragraph~~
19 ~~"e",~~ are insufficient to repay the loan from the
20 permanent school fund.

21 Sec. 8. Section 280C.8, Code 1989, is amended to
22 read as follows:

23 280C.8 APPROPRIATIONS.

24 Notwithstanding sections 8.6, 302.1, and 302.1A,
25 there is appropriated from the permanent school fund,
26 for the fiscal period beginning July 1, 1985, and
27 ending June 30, 1996, the sum of one million dollars

28 to provide funds for the purposes of and deposits in
 29 the area school job training fund created in section
 30 280C.6. The money appropriated under this section is
 31 a loan from the permanent school fund to the area
 32 school job training fund. The interest on the loan
 33 shall be prepaid for a three-year period from funds
 34 appropriated by this section. The rate of interest
 35 shall be determined by the treasurer of state.

36 At the end of each calendar quarter the treasurer
 37 of state shall transfer moneys to repay the amount of
 38 the loan from the permanent school fund from the
 39 following sources:

40 1. ~~Moneys~~ moneys in the permanent school fund
 41 repayment account created in section 280C.6,
 42 subsection 1, paragraph "a".

43 2. ~~Moneys to be credited to the "surplus" account~~
 44 ~~of the Iowa plan fund for economic development created~~
 45 ~~in section 99E.31.~~

46 On and after June 30, 1996, the moneys reserved by
 47 the Iowa department of economic development from the
 48 revolving loan account created in section 280C.6,
 49 subsection 1, paragraph "b", shall be used to repay a
 50 portion of the loan from the permanent school fund

Page 4

1 provided the conditions stated in section 280C.6,
 2 subsection 1, paragraph "b", are met.

3 Sec. 9. Section 422.43, subsection 2, Code 1989,
 4 is amended to read as follows:

5 2. There is imposed a tax of four percent upon the
 6 gross receipts derived from the operation of all forms
 7 of amusement devices and games of skill, games of
 8 chance, raffles and bingo games as defined in chapter
 9 99B, operated or conducted within the state of Iowa,
 10 the tax to be collected from the operator in the same
 11 manner as is provided for the collection of taxes upon
 12 the gross receipts of tickets or admission as provided
 13 in this section. ~~The tax shall also be imposed upon~~
 14 ~~the gross receipts derived from the sale of lottery~~
 15 ~~tickets or shares pursuant to chapter 99E. The tax on~~
 16 ~~the lottery tickets or shares shall be included in the~~
 17 ~~sales price and distributed to the general fund as~~
 18 ~~provided in section 99E.10.~~

19 Sec. 10. Section 422.45, Code Supplement 1989, is
 20 amended by adding the following new subsection:

21 NEW SUBSECTION. 43. The gross receipts from the
 22 sale of lottery tickets or shares pursuant to chapter
 23 99E."

24 2. Title page, by striking lines 1 through 6 and

25 inserting the following: "An Act relating to the
26 deposit of lottery revenues into the general fund of
27 the state and exempting lottery sales from the state
28 sales, services, and use tax."

CALVIN O. HULTMAN
JOHN W. JENSEN
RICHARD VANDE HOEF
MARK R. HAGERLA
JACK W. HESTER
MAGGIE TINSMAN
WILMER RENSINK
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H. KAY HEDGE
PAUL PATE

S-5030

1 Amend Senate File 2153 as follows:
2 1. Page 3, line 20, by striking the word "ten"
3 and inserting the following: "seven".
4 2. Page 3, line 22, by striking the word "ten"
5 and inserting the following: "seven".
6 3. Page 3, by inserting after line 23, the
7 following:
8 "e. For each fiscal year, six percent to the
9 environmental health and safety account."
10 4. Page 3, line 25, by striking the word "d" and
11 inserting the following: "e".
12 5. Page 8, by inserting after line 4 the
13 following:
14 "5A. Moneys in the environmental health and safety
15 account are appropriated to the department of
16 corrections for each fiscal year of the fiscal period
17 beginning July 1, 1990, and ending June 30, 2000, for
18 the purposes designated:
19 a. For remedying situations that pose an
20 environmentally related health or safety hazard at
21 department of corrections institutions.
22 b. Of the moneys appropriated for purposes of
23 paragraph "a", for the fiscal year beginning July 1,
24 1990, the following amounts shall be available as
25 follows:
26 (1) For the Clarinda correctional facility, the
27 sum of fifty thousand dollars for the purpose of
28 asbestos removal.
29 (2) For the Fort Madison correctional facility,
30 the sum of one hundred seventeen thousand five hundred
31 dollars for the purpose of asbestos removal.

32 (3) For the Mt. Pleasant correctional facility,
33 the sum of eighty thousand four hundred ten dollars
34 for the purposes of asbestos removal and the
35 disposition of a PCB transformer.

36 (4) For the Oakdale correctional facility, the sum
37 of one hundred nine thousand seven hundred dollars for
38 the purpose of asbestos removal.

39 (5) For the Rockwell City correctional facility,
40 the sum of ten thousand dollars for the purpose of
41 asbestos removal.”

42 6. Page 8, line 5, by striking the word and
43 figure “and 5” and inserting the following: “5, and
44 5A”.

JULIA GENTLEMAN
RAY TAYLOR
MARK HAGERLA
LINN FUHRMAN

S-5031

1 Amend Senate File 2153 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1.

5 There is appropriated from the general fund of the
6 state to the department of natural resources for the
7 fiscal year beginning July 1, 1990, and ending June
8 30, 1991, the following amounts, or so much thereof as
9 is necessary, to be used for the purposes designated:

10 1. For deposit in the Iowa resources enhancement
11 and protection fund created in section 455A.18:

12 \$ 20,000,000

13 2. For purposes of implementing and enforcing
14 chapter 455D:

15 \$ 5,000,000

16 3. For deposit in the sewage treatment works
17 revolving loan fund created in section 455B.295:

18 \$ 1,000,000

19 4. To implement and administer the state and local
20 government waste management program under section
21 455B.510:

22 \$ 750,000

23 5. To administer the permanent household hazardous
24 materials collection system established in section
25 455F.8:

26 \$ 500,000

27 6. To finance permanent household hazardous
28 materials regional collection centers:

AMENDMENTS FILED

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29	\$	500,000
30	7. To provide grants to counties for rural water		
31	testing under section 455B.172:		
32	.....	\$	500,000
33	8. To provide grants to counties for closure of		
34	abandoned wells under section 455B.172:		
35	.....	\$	500,000
36	9. To the environmental protection division to		
37	enhance the air quality programs under chapter 455B,		
38	division II:		
39	.....	\$	500,000
40	10. To the center for health effects of		
41	environmental contamination established pursuant to		
42	section 455E.11, subsection 2, paragraph "b", to be		
43	used for the purposes designated:		
44	a. For educational purposes:		
45	.....	\$	100,000
46	b. For air quality research related to		
47	indoor/outdoor air and emissions:		
48	.....	\$	400,000
49	11. For the establishment and implementation of		
50	not less than five model farm demonstration project		

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1 areas, in geographically distinct portions of the
2 state. The projects shall be located in southeast,
3 south-central, southwest, northwest, and north-central
4 portions of the state. The projects shall be designed
5 to enhance the profitability and decrease the
6 environmental impacts of row crop production, and to
7 develop on-farm demonstration and education programs
8 involving farms concentrated in a project area, such
9 as the Big Spring demonstration project does in
10 northeast Iowa. An advisory group shall assist the
11 energy and geological resources division of the
12 department of natural resources in the project design
13 and implementation, with representation consisting of
14 the director of the soil conservation division of the
15 department of agriculture and land stewardship, and
16 the director of cooperative agricultural extension
17 service:

18	.....	\$	230,000
19	12. To the energy and geological resources		
20	division to be used for the following designated		
21	purposes:		
22	a. For implementing energy efficiency programs for		
23	local governments:		
24	.....	\$	500,000
25	b. For establishing the ethanol research and		

26 technology office at the state university of Iowa:
 27 \$ 385,000
 28 13. To enhance the department's ability to conduct
 29 detailed assessments and evaluations of surface water
 30 streams and rivers:
 31 \$ 493,000
 32 14. To implement a statewide groundwater
 33 monitoring program consisting of long-term monitoring
 34 wells:
 35 \$ 577,000
 36 15. To the waste management authority to assist
 37 businesses which generate hazardous waste:
 38 \$ 300,000
 39 16. To advance the restoration of native prairies:
 40 \$ 300,000
 41 Sec. 2.
 42 There is appropriated from the general fund of the
 43 state to the department of agriculture and land
 44 stewardship for the fiscal year beginning July 1,
 45 1990, and ending June 30, 1991, the following amounts,
 46 or so much thereof as is necessary, to be used for the
 47 purposes designated:
 48 1. To the soil conservation division to provide
 49 state soil and water conservation cost-sharing funds
 50 pursuant to sections 467A.42 through 467A.75:

Page 3

1 \$ 3,000,000
 2 2. To the water protection fund created in section
 3 467F.4, to be used for filter strips and waterways
 4 projects:
 5 \$ 500,000
 6 The governing body of each soil and water
 7 conservation district shall identify those critical
 8 areas within the district where permanent grass and
 9 buffer zones would mitigate the effects of
 10 concentrated runoff on surface water quality. The
 11 governing body shall notify the landowners of those
 12 critical areas and provide the landowners with
 13 recommendations to establish these permanent grass and
 14 buffer zones, including any erosion control structures
 15 that may be appropriate, to mitigate the effects of
 16 concentrated runoff on surface water quality. In
 17 providing this notification and these recommendations,
 18 the governing body shall also inform the landowners
 19 that the establishment of these zones along with any
 20 erosion control structures may be eligible for
 21 financial assistance under the incentive programs
 22 within the water protection fund created in section

23 467F.4 and the landowner's costs may also qualify for
 24 a state income tax credit.

25 3. To the soil conservation division for
 26 reforestation programs:
 27 \$ 1,000,000

28 4. For on-farm alternative fuels demonstration
 29 projects:
 30 \$ 300,000

31 5. To create an office of alternative fuel
 32 coordinator:
 33 \$ 80,000

34 The alternative fuel coordinator shall do, but is
 35 not limited to, the following:

36 a. Advise the department of agriculture and land
 37 stewardship regarding standards for oxygenate octane
 38 enhancers.

39 b. Assist state or federal agencies and commercial
 40 enterprises located in the state in conducting public
 41 research relating to the production, consumption, and
 42 marketing of alternative fuel technology.

43 c. Investigate the viability of the state
 44 purchasing and utilizing vehicles powered by
 45 alternative fuels.

46 Sec. 3.
 47 There is appropriated from the general fund of the
 48 state to the Iowa state university of science and
 49 technology for the fiscal year beginning July 1, 1990,
 50 and ending June 30, 1991, the following amount, or so

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1 much thereof as is necessary, to be used for the
 2 purposes designated:

3 For allocation to the Iowa state university water
 4 research institute for the purposes and under the
 5 conditions specified in section 99E.32, subsection 4,
 6 paragraph "e":
 7 \$ 150,000

8 Sec. 4.
 9 There is appropriated from the general fund of the
 10 state to the university of northern Iowa for the
 11 fiscal year beginning July 1, 1990, and ending June
 12 30, 1991, the following amount, or so much thereof as
 13 is necessary, to be used for the purposes designated:

14 For the Iowa waste reduction center for the safe
 15 and economic management of solid waste and hazardous
 16 substances established under section 268.4:
 17 \$ 100,000

18 Sec. 5.
 19 There is appropriated from the general fund of the

20 state to the state board of regents for the fiscal
21 year beginning July 1, 1990, and ending June 30, 1991,
22 the following amount, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 For alternative fuels research, development, and
25 demonstration projects:

26 \$ 300,000

27 Sec. 6.

28 There is appropriated from the general fund of the
29 state to the department of education for the fiscal
30 year beginning July 1, 1990, and ending June 30, 1991,
31 the following amount, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 To develop environmental education materials:

34 \$ 100,000

35 Sec. 7.

36 There is appropriated from the general fund of the
37 state to the division of community action agencies of
38 the department of human rights for the fiscal year
39 beginning July 1, 1990, and ending June 30, 1991, the
40 following amount, or so much thereof as is necessary
41 to be used for the purposes designated:

42 For qualifying energy conservation programs for
43 low-income persons, including but not limited to
44 energy weatherization projects, which target the
45 highest energy users, and including administrative
46 costs:

47 \$ 500,000

48 Sec. 8. Section 15.251, subsection 2, Code

49 Supplement 1989, is amended to read as follows:

50 2. The department may charge, within thirty days

Page 5

1 following the sale of certificates under chapter 280B,
2 the board of directors of the merged area a fee of up
3 to one percent of the gross sale amount of the
4 certificates issued. The amount of this fee shall be
5 deposited into ~~the jobs now account within the Iowa~~
6 ~~plan fund for economic development created in section~~
7 ~~99E-10 a job training fund created in the office of~~
8 ~~the treasurer of state~~ and may be used by the
9 department to cover the costs of management of chapter
10 280B and to support other efforts by the merged area
11 schools related to providing productivity and quality
12 enhancement training. Funds deposited under this
13 subsection into the ~~jobs now account~~ job training fund
14 during a fiscal year which are not expended by the
15 department in that fiscal year are available for use
16 by the department under this subsection for subsequent

17 fiscal years.

18 Sec. 9. Section 28.120, subsection 5, Code 1989,
19 is amended to read as follows:

20 5. Loan repayments received by the Iowa department
21 of economic development shall be deposited into a
22 special account to be used at its discretion as
23 matching funds to attract financial assistance from
24 and to participate in programs with national rural
25 development and finance corporations or as provided in
26 subsection 6. Funds in this special account shall not
27 revert to the state general fund at the end of any
28 fiscal year. If the programs for which the funds in
29 the special account are to be used are terminated or
30 expire, the funds in the special account and funds
31 that would be repaid, if any, to the special account
32 shall be transferred or repaid to the ~~community~~
33 ~~economic betterment account of the Iowa plan fund for~~
34 ~~economic development as established in section 99E.31~~
35 Iowa community development loan program fund.

36 Sec. 10. Section 99E.10, subsection 1, paragraph
37 b, Code 1989, is amended by striking the paragraph.

38 Sec. 11. Section 99E.10, subsection 1, unnumbered
39 paragraph 3, Code 1989, is amended by striking the
40 paragraph and inserting in lieu thereof the following:

41 Beginning July 1, 1990, all lottery revenue
42 remaining after expenses are determined shall be
43 deposited in the general fund of the state. The
44 director shall consult with the director of the
45 department of management and agree to an appropriate
46 schedule for timely deposits of lottery revenue to the
47 state general fund, taking into account operating and
48 cash balances necessary to sustain the operations of
49 the lottery.

50 Sec. 12. Section 99E.10, subsections 2 and 3, Code

Page 6

1 1989, are amended by striking the subsections.

2 Sec. 13. Section 99E.20, subsection 2, Code 1989,
3 is amended to read as follows:

4 2. A lottery fund is created in the office of the
5 treasurer of state. The fund consists of all revenues
6 received from the sale of lottery tickets or shares
7 and all other moneys lawfully credited or transferred
8 to the fund. The commissioner shall certify monthly
9 that portion of the fund that is transferred to the
10 ~~Iowa plan state general fund~~ under section 99E.10 and
11 shall cause that portion to be transferred to the ~~Iowa~~
12 ~~plan general~~ fund of the state. ~~The commissioner~~
13 ~~shall certify before the twentieth of each month that~~

14 portion of the fund resulting from the previous
 15 month's sales to be transferred to the Iowa plan fund.
 16 Sec. 14. Section 280C.6, subsection 1, Code 1989,
 17 is amended to read as follows:

18 1. There is established for the area schools an
 19 area school job training fund under the supervision of
 20 the treasurer of state. The area school job training
 21 fund consists of two separate accounts containing
 22 moneys as follows:

23 a. A permanent school fund repayment account to
 24 which shall be credited the interest and principal
 25 from repayment of loans originating from the permanent
 26 school fund appropriation in section 280C.8, made to
 27 employers for program costs, and interest earned from
 28 moneys in the account. Moneys in this account shall
 29 be used to repay the appropriation from the permanent
 30 school fund. At the end of each calendar quarter, the
 31 treasurer of state shall transfer the moneys in the
 32 account ~~and any moneys in the surplus account of the~~
 33 ~~Iowa plan fund for economic development created in~~
 34 ~~section 99E.31~~ to the permanent school fund as
 35 repayment of the loan from the permanent school fund.
 36 If there are moneys in the permanent school fund
 37 repayment account after the permanent school fund loan
 38 has been fully repaid, those moneys shall be
 39 transferred to the revolving loan account provided in
 40 paragraph "b" of this section.

41 b. A revolving loan account to which shall be
 42 credited moneys appropriated for the fiscal year
 43 beginning July 1, 1987, and for succeeding fiscal
 44 years for the purposes of this chapter plus the
 45 interest and principal from repayment of advances made
 46 to employers for program costs and interest earned
 47 from moneys in the revolving loan account. Moneys in
 48 this account shall be used to provide advances to
 49 employers for program costs upon request of boards of
 50 directors of the area schools. Beginning July 1,

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1 1995, the Iowa department of economic development
 2 shall reserve a portion of the moneys in the revolving
 3 loan account to pay a portion of the original one
 4 million dollar appropriation in section 280C.8 which,
 5 based upon projections of the state treasurer, may
 6 still be owed to the permanent school fund on June 30,
 7 1996. The department shall reserve a portion of the
 8 moneys in the revolving loan account only if the
 9 moneys in the permanent school fund repayment account
 10 created in paragraph "a" ~~and moneys in the "surplus"~~

11 account of the Iowa plan fund for economic development
12 created in section 99E.31, subsection 1, paragraph
13 "e", are insufficient to repay the loan from the
14 permanent school fund.

15 Sec. 15. Section 280C.8, Code 1989, is amended to
16 read as follows:

17 280C.8 APPROPRIATIONS.

18 Notwithstanding sections 8.6, 302.1, and 302.1A,
19 there is appropriated from the permanent school fund,
20 for the fiscal period beginning July 1, 1985, and
21 ending June 30, 1996, the sum of one million dollars
22 to provide funds for the purposes of and deposits in
23 the area school job training fund created in section
24 280C.6. The money appropriated under this section is
25 a loan from the permanent school fund to the area
26 school job training fund. The interest on the loan
27 shall be prepaid for a three-year period from funds
28 appropriated by this section. The rate of interest
29 shall be determined by the treasurer of state.

30 At the end of each calendar quarter the treasurer
31 of state shall transfer moneys to repay the amount of
32 the loan from the permanent school fund from the
33 following sources:

34 1. ~~Moneys~~ moneys in the permanent school fund
35 repayment account created in section 280C.6,
36 subsection 1, paragraph "a".

37 2. Moneys to be credited to the "surplus" account
38 of the Iowa plan fund for economic development created
39 in section 99E.31.

40 On and after June 30, 1996, the moneys reserved by
41 the Iowa department of economic development from the
42 revolving loan account created in section 280C.6,
43 subsection 1, paragraph "b", shall be used to repay a
44 portion of the loan from the permanent school fund
45 provided the conditions stated in section 280C.6,
46 subsection 1, paragraph "b", are met.

47 Sec. 16. NEW SECTION. 422.11 GRASS AND BUFFER
48 ZONE TAX CREDIT.

49 The taxes imposed under this division, less credits
50 allowed under sections 422.10 and 422.12, shall be

Page 8

1 reduced by a grass and buffer zone tax credit. A
2 taxpayer is entitled to a grass and buffer zone tax
3 credit equal to fifty percent of the cost paid by the
4 taxpayer to establish a permanent grass and buffer
5 zone, including the cost of any erosion control
6 structure erected on the zone, if the governing body
7 of the soil and water conservation district in which

8 the land is located has recommended that the permanent
9 grass and buffer zone, including the erosion control
10 structure, will mitigate the effects of concentrated
11 runoff on surface water quality. The governing body
12 shall certify on forms provided by the department that
13 the permanent grass and buffer zone, including the
14 erosion control structure, was recommended by it and
15 that the costs claimed by the taxpayer are reasonable.
16 The taxpayer shall file the certificate with the
17 taxpayer's state income tax return in order to receive
18 the credit. An individual may claim the grass and
19 buffer zone tax credit allowed a partnership,
20 subchapter S corporation, or estate or trust electing
21 to have the income taxed directly to the individual.
22 The amount claimed by the individual shall be based
23 upon the pro rata share of the individual's earnings
24 of the partnership, subchapter S corporation, or
25 estate or trust. Any credit in excess of the tax
26 liability for the tax year may be credited to the tax
27 liability for the following ten tax years or until
28 depleted, whichever is the earlier.

29 Sec. 17. Section 422.33, Code Supplement 1989, is
30 amended by adding the following new subsection:
31 NEW SUBSECTION. 8. The taxes imposed under this
32 division shall be reduced by a grass and buffer zone
33 tax credit. A taxpayer is entitled to a grass and
34 buffer zone tax credit equal to fifty percent of the
35 cost paid by the taxpayer to establish a permanent
36 grass and buffer zone, including the cost of any
37 erosion control structure erected on the zone, if the
38 governing body of the soil and water conservation
39 district in which the land is located has recommended
40 that the permanent grass and buffer zone, including
41 the erosion control structure, will mitigate the
42 effects of concentrated runoff on surface water
43 quality. The governing body shall certify on forms
44 provided by the department that the permanent grass
45 and buffer zone, including the erosion control
46 structure, was recommended by it and that the costs
47 claimed by the taxpayer are reasonable. The taxpayer
48 shall file the certificate with the taxpayer's state
49 income tax return in order to receive the credit. Any
50 credit in excess of the tax liability for the tax year

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1 may be credited to the tax liability for the following
2 ten tax years or until depleted, whichever is the
3 earlier.
4 Sec. 18. Section 422.43, subsection 2, Code 1989,

5 is amended to read as follows:

6 2. There is imposed a tax of four percent upon the
7 gross receipts derived from the operation of all forms
8 of amusement devices and games of skill, games of
9 chance, raffles and bingo games as defined in chapter
10 99B, operated or conducted within the state of Iowa,
11 the tax to be collected from the operator in the same
12 manner as is provided for the collection of taxes upon
13 the gross receipts of tickets or admission as provided
14 in this section. ~~The tax shall also be imposed upon~~
15 ~~the gross receipts derived from the sale of lottery~~
16 ~~tickets or shares pursuant to chapter 99E. The tax on~~
17 ~~the lottery tickets or shares shall be included in the~~
18 ~~sales price and distributed to the general fund as~~
19 ~~provided in section 99E.10.~~

20 Sec. 19. Section 422.45, Code Supplement 1989, is
21 amended by adding the following new subsection:
22 NEW SUBSECTION. 43. The gross receipts from the
23 sale of lottery tickets or shares pursuant to chapter
24 99E.

25 Sec. 20. NEW SECTION. 455B.510 STATE AND LOCAL
26 GOVERNMENT WASTE MANAGEMENT PROGRAM.

27 1. The department shall establish and administer,
28 in cooperation with other state agencies, local
29 governments, and school districts, a program to manage
30 the wastes generated by state and local governments as
31 a part of a comprehensive pollution prevention program
32 for governments in Iowa. The program shall emphasize
33 hazardous and toxic waste minimization and recycling
34 and shall include assistance in the disposal of
35 nonrecyclable wastes.

36 2. The department shall:

37 a. Develop and implement programs to train state,
38 local government, and school officials in pollution
39 prevention, waste minimization, and waste management.
40 This shall include the creation of intergovernmental
41 pollution prevention teams to serve the local
42 governments and school districts of each county.

43 b. Assist local governments and school districts
44 in finding nonhazardous or nontoxic substitutes for
45 hazardous and toxic materials currently used in their
46 business activities.

47 c. Assjst local governments and school districts
48 in recycling or disposing of toxic and hazardous
49 wastes currently stored. This may include the
50 creation of a cooperative waste pickup and disposal

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1 program that is jointly financed by the department and
2 the participants.
3 d. Provide financial assistance to local
4 governments and school districts in the implementation
5 of pollution prevention, waste minimization, and waste
6 management programs.
7 3. Local governments and school districts shall:
8 a. Participate in establishing intergovernmental
9 pollution prevention teams by January 1, 1991.
10 b. Arrange to have a pollution prevention team
11 review their facilities.
12 c. File a waste minimization and waste management
13 report with the department by January 1, 1992. A
14 progress report shall be filed every subsequent two
15 years.
16 4. Once the governmental waste management program
17 is established, the department, other state agencies,
18 local governments, and school districts shall
19 cooperate with conditionally exempt small quantity
20 hazardous and toxic waste generators in handling waste
21 minimization and waste management problems by
22 providing technical assistance and allowing those
23 generators to participate in governmental recycling
24 and waste disposal programs at cost.
25 Sec. 21.
26 Sections 16 and 17 of this Act take effect January
27 1, 1991, for tax years beginning on or after that
28 date."
29 2. Title page, line 3, by striking the words
30 "Iowa lottery revenues" and inserting the following:
31 "the state general fund, depositing Iowa lottery
32 revenues into the state general fund,".

CALVIN O. HULTMAN
JOHN JENSEN
MAGGIE TINSMAN
RICHARD VANDE HOEF
H. KAY HEDGE
JACK HESTER
WILMER RENSINK
NORMAN GOODWIN
PAUL PATE
RAY TAYLOR
LINN FUHRMAN
MARK HAGERLA

S-5032

1 Amend Senate File 2153 as follows:

2 1. Page 3, line 20, by striking the word "ten"
3 and inserting the following: "seven".

4 2. Page 3, line 22, by striking the word "ten"
5 and inserting the following: "seven".

6 3. Page 3, by inserting after line 23, the
7 following:

8 "dd. For each fiscal year, six percent to the
9 environmental health and safety account."

10 4. Page 3, line 25, by striking the word "d" and
11 inserting the following: "dd".

12 5. Page 8, by inserting after line 4 the
13 following:

14 "5A. Moneys in the environmental health and safety
15 account are appropriated to the department of human
16 services for each fiscal year of the fiscal period
17 beginning July 1, 1990, and ending June 30, 2000, for
18 the purposes designated:

19 a. For remedying situations that pose an
20 environmentally related health or safety hazard at
21 department of human services' institutions.

22 b. Of the moneys appropriated for purposes of
23 paragraph "a", for the fiscal year beginning July 1,
24 1990, the following amounts shall be available as
25 follows:

26 (1) For the Iowa juvenile home at Toledo, the sum
27 of seventy-two thousand nine hundred fifty dollars for
28 the purposes of asbestos removal and installation of
29 monitoring wells for underground storage tanks.

30 (2) For the state training school at Eldora, the
31 sum of one hundred eighty thousand dollars for the
32 purposes of asbestos removal and the removal of
33 underground storage tanks.

34 (3) For the state mental health institute at
35 Cherokee, the sum of four hundred thirty-one thousand
36 five hundred dollars for the purposes of asbestos
37 removal and cleaning up of a department of natural
38 resources cited, unapproved landfill.

39 (4) For the state mental health institute at
40 Clarinda, the sum of fifty-four thousand seven hundred
41 fifty dollars for the purpose of asbestos removal.

42 (5) For the state mental health institute at
43 Independence, the sum of three hundred twenty-two
44 thousand five hundred dollars for the purposes of
45 asbestos removal, replacing underground storage tanks,
46 and replacing PCB transformers.

47 (6) For the state mental health institute at Mt.
48 Pleasant, the sum of three hundred thirty-three
49 thousand two hundred fifty dollars for the purposes of
50 asbestos removal and the removal of a PCB transformer.

Page 2

- 1 (7) For the state hospital-school at Glenwood, the
 2 sum of one hundred eighty-five thousand dollars for
 3 the purposes of asbestos removal, installing a buried
 4 tank monitoring well, and replacing a noncompliant
 5 waste incinerator.
- 6 (8) For the state hospital-school at Woodward, the
 7 sum of one hundred eighty-six thousand eight hundred
 8 seventy-eight dollars and fifty cents for the purpose
 9 of asbestos removal.
- 10 (9) For the facility at Marshalltown, the sum of
 11 one hundred thirty-one thousand dollars for the
 12 purposes of asbestos removal, purchasing a
 13 biohazardous waste incinerator, and upgrading
 14 underground fuel tanks as required by the United
 15 States environmental protection agency.”
- 16 6. Page 8, line 5, by striking the word and
 17 figure “and 5” and inserting the following: “5, and
 18 5A”.

CALVIN O. HULTMAN
 RAY TAYLOR
 RICHARD VANDE HOEF
 JOY CORNING
 MARK HAGERLA
 JOHN SOORHOLTZ
 LINN FUHRMAN

S-5033

- 1 Amend Senate File 2153 as follows:
- 2 1. Page 3, line 20, by striking the word “ten”
 3 and inserting the following: “seven”.
- 4 2. Page 3, line 22, by striking the word “ten”
 5 and inserting the following: “seven”.
- 6 3. Page 3, by inserting after line 23, the
 7 following:
 8 “dd. For each fiscal year, six percent to the fire
 9 code compliance account.”
- 10 4. Page 3, line 25, by striking the word “d” and
 11 inserting the following: “dd”.
- 12 5. Page 8, by inserting after line 4 the
 13 following:
 14 “5A. Moneys in the fire code compliance account
 15 are appropriated to the named agencies for each fiscal
 16 year of the fiscal period beginning July 1, 1990, and
 17 ending June 30, 2000, for the purposes designated:
 18 a. For the fiscal year beginning July 1, 1990, to

19 the department of human services to correct cited fire
20 code violations at the following institutions:

21 (1) For the Iowa juvenile home at Toledo, the sum
22 of one hundred fifty-four thousand five hundred sixty
23 dollars to replace fire escapes and to update the fire
24 alarm system.

25 (2) For the state training school at Eldora, the
26 sum of one hundred eighty thousand seven hundred sixty
27 dollars to replace and add fire escapes and to install
28 a campus-wide fire detection and alarm system.

29 (3) For the state mental health institute at
30 Cherokee, the sum of one hundred fifty-three thousand
31 dollars to install wire glass, exit lighting, fire
32 doors, and extension of the smoke detection and fire
33 alarm system.

34 (4) For the state mental health institute at
35 Clarinda, the sum of fifty thousand dollars for the
36 installation of a sprinkler system in Pine cottage.

37 (5) For the state mental health institute at
38 Independence, the sum of one hundred seventy-five
39 thousand dollars for the installation of fire exits,
40 emergency power, and fire detection and alarm
41 equipment.

42 (6) For the state mental health institute at Mt.
43 Pleasant, the sum of twenty-five thousand dollars for
44 the installation of a sprinkler system in the building
45 18 attic.

46 (7) For the state hospital-school at Glenwood, the
47 sum of ten thousand dollars for the covering of wood
48 floors in building 115.

49 b. For the fiscal year beginning July 1, 1990, to
50 the state board of regents to correct cited fire code

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1 violations at the following institutions:

2 (1) Iowa state university of science and
3 technology, the sum of two hundred seventy thousand
4 dollars for installing second exits in the
5 agricultural engineering shed, Beyer hall, and
6 Davidson hall, to relocate penthouse offices in Coover
7 hall, and to provide second exits, to enclose stairs
8 and extend the fire alarm and smoke detection system
9 in the English office building.

10 (2) State university of Iowa, the sum of three
11 hundred thirty-three thousand dollars to correct exit,
12 lighting, and alarm deficiencies.

13 (3) University of northern Iowa, the sum of two
14 hundred five thousand dollars for the removal and the
15 placement of the fiber ceiling in Pine lab.

16 c. For the fiscal year beginning July 1, 1990, to
 17 the department of corrections to correct cited fire
 18 code violations at the following facilities:
 19 (1) For the Newton correctional facility, the sum
 20 of seventy-five thousand dollars to replace
 21 noncompliant fire escapes.
 22 (2) For the Fort Madison correctional facility,
 23 the sum of one hundred seventy-seven thousand four
 24 hundred twenty-five dollars to complete code
 25 compliance projects in the administration building and
 26 to install a sprinkler system in cell block 18.
 27 (3) For the Anamosa correctional facility, the sum
 28 of one hundred fifty thousand dollars to begin
 29 enclosing the fire escapes for the auditorium, chapel,
 30 and music area.
 31 (4) For the Oakdale correctional facility, the sum
 32 of one hundred eight thousand seven hundred fifty
 33 dollars to complete various code compliance projects.
 34 (5) For the Rockwell City correctional facility,
 35 the sum of one hundred fifty-five thousand dollars to
 36 remodel the fire exits and to begin replacing the main
 37 electrical system and rewiring buildings.
 38 (6) For the Mitchellville correctional facility,
 39 the sum of seventy-two thousand nine hundred thirty
 40 dollars to upgrade the fire alarm system.”
 41 6. Page 8, line 5, by striking the word and
 42 figure “and 5” and inserting the following: “5, and
 43 5A”.

LINN FUHRMAN
 JOHN JENSEN
 RICHARD VANDE HOEF

S-5034

1 Amend Senate File 2072 as follows:
 2 1. Page 1, by inserting after line 33 the
 3 following:
 4 “Sec. ____ . EFFECTIVE DATE.
 5 This Act, being deemed of immediate importance,
 6 takes effect upon enactment.”
 7 2. Title page, line 2, by inserting after the
 8 word “district” the following: “, and providing an
 9 effective date”.

MARK R. HAGERLA

S-5035

1 Amend Senate File 2153 as follows:
2 1. Page 5, by inserting after line 21 the
3 following:
4 " ____ . To the environmental protection division of
5 the department of natural resources to provide
6 financial assistance to livestock producers for new
7 livestock facilities that are designed to control
8 livestock waste and to be operated in an
9 environmentally sound practice. The amount of
10 financial assistance provided to a livestock producer
11 under this paragraph shall not exceed twenty thousand
12 dollars."

RAY TAYLOR
RICHARD VANDE HOEF

S-5036

1 Amend Senate File 2153 as follows:
2 1. Page 13, by inserting after line 18 the
3 following:
4 "Sec. ____ . **NEW SECTION. 455F.12 AVAILABILITY.**
5 The facilities for the temporary storage of
6 household and conditionally exempted small quantity
7 generator hazardous materials shall be available to:
8 1. A full-time resident of Iowa.
9 2. A corporation, partnership, or legal entity
10 registered to do business in Iowa if, all of the
11 following apply:
12 a. The hazardous materials submitted to the
13 facility are a result of activities of the entity
14 conducted in Iowa.
15 b. The entity generates not more than two hundred
16 twenty pounds or twenty-five gallons of hazardous
17 waste in any calendar month.
18 c. The entity generates not more than two pounds
19 of acutely hazardous waste in any calendar month.
20 d. The entity has not accumulated more than two
21 thousand two hundred pounds or two hundred fifty
22 gallons of hazardous waste.
23 Sec. ____ . **NEW SECTION. 455F.13 AMOUNT COLLECTED.**
24 All facilities for the temporary storage of
25 household and conditionally exempted small quantity
26 generator hazardous material shall accept for
27 collection from each person described in section
28 455F.12, subsection 1, not more than twenty-five
29 pounds of hazardous material from January 1 through
30 June 30 of each year and twenty-five pounds of
31 hazardous material from July 1 through December 31 of

32 each year.

33 All facilities for the temporary storage of
34 household and conditionally exempted small quantity
35 generator hazardous material shall accept for
36 collection from each entity described in section
37 455F.12, subsection 2, not more than one hundred fifty
38 pounds of hazardous material from January 1 through
39 June 30 of each year and one hundred fifty pounds of
40 hazardous material from July 1 through December 31 of
41 each year.

42 Sec. — . NEW SECTION. 455F.14 FEE.

43 With regard to those individuals described in
44 section 455F.12, subsection 1, a fee shall not be
45 assessed for the collection of hazardous materials.

46 With regard to those entities described in section
47 455F.12, subsection 2, the department may assess a fee
48 for the collection of all amounts in excess of twenty-
49 five pounds of hazardous material submitted for
50 collection from January 1 through June 30 of each year

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1 and twenty-five pounds of hazardous material submitted
2 for collection from July 1 through December 31 of each
3 year. The fee shall not exceed the actual cost to the
4 department for transportation and disposal of the
5 hazardous materials submitted by the conditionally
6 exempted small quantity generator pursuant to section
7 455F.13.”

CALVIN O. HULTMAN
MARK HAGERLA

HOUSE AMENDMENT TO
SENATE FILE 280

S-5037

1 Amend Senate File 280 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 427.1, Code Supplement 1989,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 41. SPECIAL PROPERTY EXEMPTION.
8 New construction of shell buildings by community
9 development organizations for speculative purposes or
10 the portion of the value added to buildings being

11 reconstructed or renovated by community development
12 organizations in order to become speculative shell
13 buildings. The exemption or partial exemption shall
14 be allowed only pursuant to ordinance of a city
15 council or board of supervisors and shall be effective
16 for the assessment year in which the building is first
17 assessed for property taxation or the assessment year
18 in which the reconstruction or renovation first adds
19 value and all subsequent years until the property is
20 leased or sold or for a specific time period stated in
21 the ordinance or until the exemption is terminated by
22 ordinance of the city council or board of supervisors
23 which approved the exemption. If the shell building
24 or any portion of the shell building is leased or
25 sold, the portion of the shell building which is
26 leased or sold shall not be entitled to an exemption
27 under this subsection for subsequent years. An
28 application shall be filed pursuant to section 427B.4
29 for each project for which an exemption is claimed.
30 Upon the sale of the shell building, the shell
31 building shall be considered new construction for
32 purposes of section 427B.1 if used for purposes set
33 forth in section 427B.1.

34 For purposes of this subsection the following
35 definitions apply:

36 a. (1) "Community development organization" means
37 an organization, which meets the membership
38 requirements of subparagraph (2), formed within a city
39 or county or multicommunity group for one or more of
40 the following purposes:

41 (a) To promote, stimulate, develop, and advance
42 the business prosperity and economic welfare of the
43 community, area, or region and its citizens.

44 (b) To encourage and assist the location of new
45 business and industry.

46 (c) To rehabilitate and assist existing business
47 and industry.

48 (d) To stimulate and assist in the expansion of
49 business activity.

50 (2) For purposes of this definition, a community

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1 development organization must have at least fifteen
2 members with representation from the following:

3 (a) A representative from government at the level
4 or levels corresponding to the community development
5 organization's area of operation.

6 (b) A representative from a private sector lending
7 institution.

8 (c) A representative of a community organization
 9 in the area.

10 (d) A representative of business in the area.

11 (e) A representative of private citizens in the
 12 community, area, or region.

13 b. "New construction" means new buildings or
 14 structures and includes new buildings or structures
 15 which are constructed as additions to existing
 16 buildings or structures. "New construction" also
 17 includes reconstruction or renovation of an existing
 18 building or structure which constitutes complete
 19 replacement of an existing building or structure or
 20 refitting of an existing building or structure, if the
 21 reconstruction or renovation of the existing building
 22 or structure is required due to economic obsolescence,
 23 if the reconstruction or renovation is necessary to
 24 implement recognized industry standards for the
 25 manufacturing or processing of products, and the
 26 reconstruction or renovation is required in order to
 27 competitively manufacture or process products or for
 28 community development organizations to market a
 29 building or structure as a speculative shell building,
 30 which determination must receive prior approval from
 31 the city council of the city or county board of
 32 supervisors of the county.

33 c. "Speculative shell building" means a building
 34 or structure owned and constructed or reconstructed by
 35 a community development organization without a tenant
 36 or buyer for the purpose of attracting an employer or
 37 user which will complete the building to the
 38 employer's or user's specification for manufacturing,
 39 processing, or warehousing the employer's or user's
 40 product line."

S-5038

1 Amend Senate File 457 as follows:
 2 1. Page 1, by striking lines 3 through 9 and
 3 inserting the following:
 4 "NEW UNNUMBERED PARAGRAPH. However, land which is
 5 less than forty acres is used for an agricultural
 6 purpose, and is defined in this section as such, only
 7 if the fair market value of that part of the land,
 8 buildings, and improvements used for residential
 9 purposes does not exceed fifty percent of the total
 10 fair market value of all the land, buildings, and
 11 improvements."
 12 2. Page 1, line 12, by striking the word
 13 "agricultural" and inserting the following:

14 "agricultural".

15 3. Page 1, by striking lines 21 and 22 and
16 inserting the following:
17 "Sec. 3.
18 Sections 1 and 2 of this Act shall apply to
19 foreclosure proceedings commenced on or after the
20 effective date of this Act."

COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chair

S-5039

1 Amend Senate File 2163 as follows:

2 1. Page 1, line 22, by striking the word "three"
3 and inserting the following: "two".
4 2. Page 1, line 24, by striking the words "two
5 consecutive three-year" and inserting the following:
6 "three consecutive two-year".

JOHN P. KIBBIE

S-5040

1 Amend Senate File 2163 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "determined" the following: "at any time".

JOHN P. KIBBIE

S-5041

1 Amend Senate File 2212 as follows:

2 1. Page 4, by striking lines 2 and 3.
3 2. Page 6, by striking lines 17 through 27.
4 3. Page 19, by striking lines 12 through 20.
5 4. Title page, line 8, by striking the words
6 "judicial department,".

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2114.

S-5042

- 1 Amend the Senate amendment, H-5075, to House File
2 2114, as passed by the House, as follows:
3 1. Page 1, line 5, by striking the word "five"
4 and inserting the following: "five six".
5 2. Page 1, line 12, by inserting after the word
6 "thousand" the following: "two hundred".

S-5043

- 1 Amend House File 2142 as passed by the House as
2 follows:
3 1. Page 1, line 6, by striking the word "submit"
4 and inserting the following: "submit deliver".
5 2. Page 1, by inserting after line 23 the
6 following:
7 "Sec. ____ . Section 312.14, Code 1989, is amended
8 to read as follows:
9 312.14 CITIES TO SUBMIT REPORT.
10 Cities in the state which receive allotments of
11 funds from road use tax funds shall prepare and ~~submit~~
12 by deliver on or before September ~~10 30~~ each year to
13 the department an annual report showing all street
14 receipts and expenditures for the city for the
15 previous fiscal year.
16 Sec. ____ . Section 312.15, Code 1989, is amended to
17 read as follows:
18 312.15 WHEN FUNDS NOT ALLOCATED.
19 Funds shall not be allocated to any city until such
20 city shall have complied with the provisions of
21 sections 312.11, 312.12 and 312.14.
22 If a city has not complied with the provisions of
23 section 312.14, the treasurer of state shall withhold
24 funds allocated to the city until the city complies.
25 If a city has not complied with the provisions of
26 section 312.14 by December 31 following the date the
27 report was required, funds shall not be allocated to
28 the city until the city has complied and all funds
29 withheld under this paragraph shall revert to the
30 street construction fund of the cities.
31 The department shall notify the treasurer of state
32 if any city fails to comply with the provisions of

33 sections 312.11, 312.12 and 312.14.

34 Sec. ____ . Any funds not allocated to cities under
35 the provisions of section 312.15 during the fiscal
36 year ending June 30, 1990 shall be restored to the
37 cities affected from the street construction fund of
38 the cities.

39 Sec. ____ . This Act, being deemed of immediate
40 importance, takes effect upon enactment."

41 3. Title, line 2, by inserting after the word
42 "funds" the following: ", and providing an effective
43 date".

LEONARD L. BOSWELL
JOHN W. JENSEN

S-5044

1 Amend Senate File 2080 as follows:

2 1. Page 1, line 17, by striking the figure "17A."
3 and inserting the following: "17A, if located in an
4 ornamental garden. The purple loosestrife shall not
5 be located within five hundred feet from a flowing or
6 natural waterway, including but not limited to a lake,
7 stream, marsh, or wetland."

8 2. Page 1, by inserting after line 19 the
9 following:

10 "Sec. ____ .

11 The state weed commissioner shall publish a list of
12 varieties of purple loosestrife which are sterile
13 according to this Act by September 1, 1990."

14 3. By renumbering as necessary.

RICHARD VANDE HOEF

S-5045

1 Amend Senate File 2178 as follows:

2 1. Page 1, by striking lines 9 through 21.

3 2. Title, lines 1 and 2 by striking the words
4 "season and".

BERL E. PRIEBE

S-5046

1 Amend amendment, S-5041, to Senate File 2212 as

2 follows:

3 1. Page 1, by striking line 2.

CALVIN HULTMAN

S-5047

1 Amend Senate File 307 as follows:

2 1. Page 3, by inserting after line 21, the
3 following:

4 "The board has the authority to require a hospital
5 to submit all information, which the board deems
6 necessary, regarding the involvement of a hospital in
7 for-profit subsidiaries.

8 The board shall adopt rules which establish a
9 schedule of average, reasonable charges for the
10 services provided by a hospital, based upon the
11 population of the hospital's service area. The powers
12 of the board relative to hospital charges shall extend
13 only to a hospital whose charge for a service exceeds
14 the average, reasonable charge as established by the
15 board."

16 2. Page 5, by inserting after line 16, the
17 following:

18 "Sec. ____ . NEW SECTION. 135.119A REPORTS FILED.

19 A hospital shall submit a report to the board, on
20 an annual basis, which includes all of the following:

21 1. A financial statement and all other financial
22 information required by rule of the board.

23 2. A listing of all officers and employees of a
24 hospital and a description of the positions and duties
25 of the officers and employees.

26 3. A listing of the activities of the hospital.

27 4. All other information required by rule of the
28 board needed to make ratemaking decisions."

29 3. Page 8, line 8, by inserting after the words
30 "department of labor" the following: ", and if the
31 new or changed charge does not exceed the charge
32 established by rule of the board as an average,
33 reasonable charge for the hospital's service area".

34 4. Page 11, by striking line 5.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chair

S-5048

1 Amend Senate File 2164 as follows:

2 1. Page 1, line 21, by inserting after the word

- 3 "library." the following: "Six copies shall be
4 distributed without charge to the state library and
5 one copy shall be distributed without charge to each
6 library which is designated as a documents depository
7 by the state library."
8 2. Title page, line 1, by inserting after the
9 word "publication" the following: "and distribution".

JEAN LLOYD-JONES
C. JOSEPH COLEMAN

S-5049

- 1 Amend Senate File 2064 as follows:
2 1. Page 1, line 4, by striking the word "fishing"
3 and inserting the following: "hunting and fishing
4 combined".
5 2. Page 1, line 7, by striking the word "fishing"
6 and inserting the following: "hunting and fishing
7 combined".
8 3. Page 1, line 17, by striking the words "August
9 5, 1965" and inserting the following: "December 22,
10 1961".
11 4. Page 1, by inserting after line 19 the
12 following:
13 "Sec. ____ .
14 This Act takes effect January 1, 1991."
15 5. Title page, line 1, by striking the word
16 "fishing" and inserting the following: "hunting and
17 fishing combined".
18 6. Title page, line 2, by inserting after the
19 word "war" the following: "and providing an effective
20 date".

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chair

S-5050

- 1 Amend Senate File 2094 as follows:
2 1. Page 1, line 1, by striking the word and
3 figure "subsection 8" and inserting the following:
4 "subsections 8 and 10".
5 2. Page 1, line 2, by striking the word "is" and
6 inserting the following: "are".
7 3. Page 1, by inserting after line 13 the
8 following:

9 "10. The auditor of state shall adopt rules in
 10 accordance with chapter 17A to establish and collect a
 11 filing fee for the filing of each report of
 12 examination conducted pursuant to subsections 1
 13 through 3 ~~in an amount approved by the executive~~
 14 ~~council~~. The funds collected shall be maintained in a
 15 segregated account for use by the office of the
 16 auditor of state in performing audits conducted
 17 pursuant to subsection 4 and for work paper reviews
 18 conducted pursuant to subsection 5. Any funds
 19 collected by the auditor pursuant to subsection 4
 20 shall be deposited in this account. Notwithstanding
 21 section 8.33, the funds in this account shall not
 22 revert at the end of any fiscal year."

MICHAEL E. GRONSTAL

S-5051

1 Amend Senate File 2015 as follows:
 2 1. Page 3, by inserting after line 11 the
 3 following:
 4 "c. Notwithstanding the time schedule provided in
 5 this subsection, a person is eligible for
 6 certification as a reserve peace officer upon
 7 satisfactory completion of the one hundred fifty hours
 8 of training required for certification."

COMMITTEE ON JUDICIARY
 RICHARD VARN, Chairperson

S-5052

1 Amend House File 730, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 7 through 13.

WILLIAM PALMER
 ALVIN MILLER
 C. JOSEPH COLEMAN

S-5053

1 Amend Senate File 2064 as follows:
 2 1. Page 1, by striking lines 3 through 7 and
 3 inserting the following:
 4 "NEW SUBSECTION. 16. Upon payment of the fee for

5 a lifetime hunting and fishing combined license, the
6 department shall issue a hunting and fishing combined
7 license to a veteran who was disabled or a prisoner of
8 war during that veteran's military service. The
9 department shall prepare an application to be used by
10 a person requesting a hunting and fishing combined
11 license under this subsection. The".
12 2. Page 1, line 13, by striking the word "June"
13 and inserting the following: "July".
14 3. Page 1, line 16, by striking the figure "25"
15 and inserting the following: "27".
16 4. Page 1, line 17, by striking the figure "1965"
17 and inserting the following: "1964".
18 5. Page 1, by inserting after line 19 the
19 following:
20 "Sec. ____ . This Act takes effect on January 1,
21 1991."

DONALD V. DOYLE
KENNETH D. SCOTT

S-5054

1 Amend Senate File 2212 as follows:
2 1. Page 10, by inserting after line 3 the
3 following:
4 "Sec. ____ .
5 There is appropriated from the general fund of the
6 state to the department of corrections 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 purposes designated:
10 For the fifth judicial district department of
11 correctional services for renovation and other capital
12 improvements to the office building:
13 \$ 90,000".

MICHAEL E. GRONSTAL

S-5055

1 Amend House File 2156 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 34, by inserting after the word
4 "employees." the following: "In the event of the
5 death of a former member of the general assembly who
6 has elected to continue to be a member of a state
7 health or medical group insurance plan, the surviving

8 spouse of the former member whose insurance would
9 otherwise terminate because of the death of the former
10 member may elect to continue to be a member of such
11 state health or medical group insurance plan by
12 requesting continuation in writing to the finance
13 officer within thirty-one days after the death of the
14 former member. The surviving spouse of the former
15 member shall pay the total premium for the state plan
16 and shall have the same rights to change programs or
17 coverage as state employees."

COMMITTEE ON RULES
AND ADMINISTRATION
BILL HUTCHINS, Chair

S-5056

1 Amend Senate File 2056 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. WILDLIFE CROSSING REFLECTOR PILOT
5 PROJECT.

6 The state department of transportation shall
7 establish a pilot project with regard to primary roads
8 for the installation and maintenance of wildlife
9 crossing reflectors along sections of public highways
10 where deer and other wildlife species are most likely
11 to cross the highways and cause safety hazards. The
12 pilot project shall consist of installing and
13 maintaining one or more brands of wildlife crossing
14 reflectors along sections of the primary highway
15 system for not less than a cumulative total of ten
16 miles where accident reports and wildlife casualty
17 statistics indicate that the highest incidence of deer
18 roadkills and related vehicular accidents have
19 occurred. The department of natural resources shall
20 assist the state department of transportation in
21 selecting those sections of primary highway where the
22 effectiveness of the wildlife crossing reflectors in
23 reducing deer roadkills and related vehicular
24 accidents can be tested.

25 The state department of transportation shall make
26 interim reports to the chairpersons of the senate
27 committee on natural resources and the house committee
28 on natural resources and outdoor recreation not later
29 than February 1, 1991, 1992, 1993, 1994, and 1995.
30 The final report is due by September 1, 1995.

31 Sec. 2. This Act is repealed on September 1,
32 1996.”

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5057

1 Amend Senate File 2036 as follows:
2 1. Page 1, by striking lines 13 and 14, and
3 inserting the following: “application to the
4 department, retain and renew the special prisoner of
5 war registration plates which were issued to the
6 deceased spouse under this subsection. Each”.
7 2. Page 1, line 15, by striking the word
8 “purchase” and inserting the following: “retain and
9 renew”.

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5058

1 Amend Senate File 2163 as follows:
2 1. Page 3, line 20, by striking the word
3 “nominate” and inserting the following: “nominate
4 consider the geographic distribution of potential
5 nominees in nominating”.

RICHARD VANDE HOEF
MARK HAGERLA

S-5059

1 Amend House File 2156 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 14 the
4 following:
5 “b. The part-time employee shall pay the total
6 premium.”.

JEAN LLOYD-JONES
BILL HUTCHINS

S-5060

1 Amend Senate File 2100 as follows:
2 1. Page 1, line 12, by striking the words “Alien
3 association” and inserting the following: “Alien
4 society”.

- 5 2. Page 1, line 24, by striking the words
6 "Domestic association" and inserting the following:
7 "Domestic society".
- 8 3. Page 1, line 26, by striking the words
9 "Foreign association" and inserting the following:
10 "Foreign society".
- 11 4. Page 1, line 29, by striking the word
12 "chapters" and inserting the following: "articles".
- 13 5. Page 2, line 3, by inserting after the word
14 "body" the following: "or board of directors".
- 15 6. Page 3, line 2, by striking the word
16 "selected" and inserting the following: "elected".
- 17 7. Page 3, line 14, by inserting after the word
18 "laws." the following: "The board of directors may
19 appoint the officers of the society if authorized to
20 do so by the articles or bylaws of the society. A
21 board of directors elected by an assembly shall have
22 such powers authorized the board by the articles or
23 bylaws of the society, and may or may not be a supreme
24 governing body as described in paragraph "b",
25 depending upon the powers authorized by the articles
26 or bylaws."
- 27 8. Page 3, line 30, by inserting after the word
28 "body" the following: "or board of directors".
- 29 9. Page 3, line 32, by inserting after the word
30 "body" the following: ", board of directors,".
- 31 10. Page 8, line 14, by striking the word "body"
32 and inserting the following: "body,".
- 33 11. Page 8, line 17, by striking the word
34 "chapters" and inserting the following: "articles".
- 35 12. Page 8, line 32, by striking the word
36 "chapters" and inserting the following: "articles".
- 37 13. Page 9, line 7, by striking the word
38 "chapters" and inserting the following: "articles".
- 39 14. Page 10, line 26, by striking the word
40 "chapters" and inserting the following: "articles".
- 41 15. Page 11, line 34, by striking the word
42 "thirty" and inserting the following: "ninety".
- 43 16. Page 13, by striking line 8, and inserting
44 the following: "domestic society, foreign society, or
45 society chartered under the laws of Canada or a
46 Canadian province or territory, by complying with this
47 section."
- 48 17. Page 14, line 1, by inserting after the word
49 "state" the following: ", Canada, or Canadian
50 province or territory".

Page 2

- 1 18. Page 20, line 1, by inserting after the word
- 2 "state" the following: "or nation".
- 3 19. Page 23, line 29, by striking the word
- 4 "chapters" and inserting the following: "articles".

RICHARD RUNNING
EMIL J. HUSAK

S-5061

- 1 Amend Senate File 2212 as follows:
- 2 1. Page 5, by striking lines 20 through 34.
- 3 2. Title page, line 5, by striking the words
- 4 "department of employment services,".

PAUL D. PATE

S-5062

- 1 Amend Senate File 2212 as follows:
- 2 1. Page 5, by inserting after line 34 the
- 3 following:
- 4 "Sec. ____ . 1989 Iowa Acts, chapter 321, section 4,
- 5 subsection 2, is amended by adding the following new
- 6 paragraph after paragraph "b":
- 7 NEW PARAGRAPH. bb. The division may expend up to
- 8 \$120,000 from the fund to offset the federal
- 9 unemployment insurance shortfall."

RICHARD RUNNING

S-5063

- 1 Amend Senate File 2212 as follows:
- 2 1. Page 20, by striking lines 11 through 18.

JIM LIND

S-5064

- 1 Amend Senate File 2212 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 "4. For the Iowa veterans home at Marshalltown to
- 5 cover a shortfall in funds previously appropriated for

6 administrative costs for the fiscal year ending June

7 30, 1990:

8 \$ 180,000".

EMIL J. HUSAK
JOHN SOORHOLTZ

S-5065

- 1 Amend the Committee amendment, S-5049, to Senate
2 File 2064 as follows:
3 1. Page 1, by striking lines 2 through 10 and
4 inserting the following:
5 "____. Page 1, by striking lines 3 through 7 and
6 inserting the following:
7 "NEW SUBSECTION. 16. Upon payment of the fee for
8 a lifetime hunting and fishing combined license, the
9 department shall issue a hunting and fishing combined
10 license to a veteran who was disabled or a prisoner of
11 war during that veteran's military service. The
12 department shall prepare an application to be used by
13 a person requesting a hunting and fishing combined
14 license under this subsection. The".
15 ____ . Page 1, line 13, by striking the word "June"
16 and inserting the following: "July".
17 ____ . Page 1, line 16, by striking the figure "25"
18 and inserting the following: "27".
19 ____ . Page 1, line 17, by striking the figure
20 "1965" and inserting the following: "1964".
21 2. By renumbering as necessary.

DONALD V. DOYLE
KENNETH D. SCOTT

S-5066

- 1 Amend Senate File 2114 as follows:
2 1. Page 1, line 21, by inserting the after the
3 word "percent" the following: "of the first sixty
4 thousand dollars".
5 2. Page 1, line 22, by inserting after the word
6 "activities" the following: "and six and one-half
7 percent of the state's apportioned share of six
8 qualifying expenditures for increasing research
9 activities in excess of sixty thousand dollars".
10 3. Page 2, by inserting after line 3 the
11 following:
12 "Sec. 100. Section 422.12B, subsection 1, Code

13 Supplement 1989, is amended to read as follows:

14 1. The taxes imposed under this division, less
15 credits allowed under sections 422.10 through 422.12,
16 shall be reduced by an earned income credit equal to
17 five six and one-half percent of the federal earned
18 income credit received by the taxpayer under section
19 32(b) of the Internal Revenue Code. Any credit in
20 excess of the tax liability is nonrefundable.”

21 4. Page 2, line 8, by inserting the after the
22 word “percent” the following: “of the first sixty
23 thousand dollars”.

24 5. Page 2, line 10, by inserting after the word
25 “activities” the following: “and six and one-half
26 percent of the state’s apportioned share of the
27 qualifying expenditures for increasing research
28 activities in excess of sixty thousand dollars”.

29 6. Page 3, line 4, by striking the word and
30 figure “and 4” and inserting the following: “, 4, and
31 100”.

CHARLES BRUNER
ELAINE SZYMONIAK
WILLIAM DIELEMAN

S-5067

1 Amend Senate File 2104 as follows:

2 1. Page 1, by striking lines 3 and 4 and
3 inserting the following: “made pursuant to Iowa rule
4 of civil procedure 56.1 on either the county auditor
5 or the chairperson of the county board of supervisors,
6 and on the county attorney of the county.”

RICHARD VANDE HOEF

S-5068

1 Amend Senate File 2097 as follows:

2 1. Page 1, line 6, by striking the word “mediate”
3 and inserting the following: “conciliate”.
4 2. Title page, line 1, by striking the word
5 “mediation” and inserting the following:
6 “conciliation”.

JEAN LLOYD-JONES

S-5069

- 1 Amend House File 658, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 14, by striking the figure "1989"
 4 and inserting the figure "1990".
 5 2. Page 2, line 17, by inserting after the word
 6 "due" the following: "or, alternatively, a rate
 7 based upon any other independently verifiable index
 8 approved by the superintendent".

COMMITTEE ON COMMERCE
 WILLIAM D. PALMER, Chairperson

S-5070

- 1 Amend Senate File 2268 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 "personnel" the following: "by July 31 each year".
 4 2. Page 1, by striking lines 9 and 10 and
 5 inserting the following: "board: ~~The plans shall be~~
 6 ~~submitted~~ between December 15 and December 31 each
 7 year. Each plan shall contain a".

JEAN LLOYD-JONES

HOUSE AMENDMENT TO
 SENATE FILE 138

S-5071

- 1 Amend Senate File 138, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 14, the
 4 following:
 5 "Sec. ____ . EFFECTIVE DATE. This Act takes effect
 6 January 1, 1991."
 7 2. Title page, line 2, by inserting after the
 8 word "commissioners" the following: ", and providing
 9 an effective date".

HOUSE AMENDMENT TO
 SENATE FILE 81

S-5072

- 1 Amend Senate File 81, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 22, the
4 following:

5 "Sec. ____ . NEW SECTION. 537B.4 AFTERMARKET
6 PARTS.

7 1. As used in this section:

8 a. "Aftermarket crash part" means a replacement
9 for any of the nonmechanical sheet metal or plastic
10 parts which generally constitute the exterior of a
11 motor vehicle, including inner and outer panels, which
12 replacement is not manufactured or marketed by the
13 original equipment manufacturer of the motor vehicle.
14 Aftermarket crash part does not include replacement
15 glass for the windows, windshield, or backlight of the
16 motor vehicle.

17 b. "Motor vehicle" means a motor vehicle as
18 defined in section 321.1.

19 c. "Repair facility" means a motor vehicle dealer,
20 garage, body shop, or other person, which undertakes
21 the repair or replacement of those parts of a motor
22 vehicle that generally constitute the exterior of a
23 motor vehicle for a fee.

24 2. A repair facility shall not use aftermarket
25 crash parts in the repair of a customer's motor
26 vehicle without disclosing the proposed use of such
27 parts in the estimate of repairs given to the customer
28 prior to the repair of the motor vehicle. The
29 estimate shall be in writing and shall clearly
30 identify each part proposed to be used which is an
31 aftermarket crash part. The following information
32 shall appear in ten point type, or larger, on or
33 attached to the estimate:

34 "This estimate has been prepared based on the use
35 of aftermarket crash parts supplied by a source other
36 than the manufacturer of your motor vehicle. Any
37 warranties applicable to these replacement parts are
38 provided by the manufacturer or distributor of these
39 parts rather than the manufacturer of your vehicle."

40 3. An aftermarket crash part supplied for use in
41 this state after January 1, 1991, shall have affixed
42 or inscribed upon the part the logo or name of its
43 manufacturer. A repair facility installing an
44 aftermarket crash part on a motor vehicle shall
45 install the part so that the manufacturer's logo or
46 name is visible upon inspection after installation
47 whenever practicable.

48 4. It is a deceptive act or practice for a repair
49 facility or manufacturer or distributor of aftermarket
50 crash parts to fail to comply with the requirements of

Page 2

1 this section.”
 2 2. Page 4, line 33, by striking the word
 3 “paragraph” and inserting the following
 4 “paragraphs”.
 5 3. Page 5, by inserting after line 1, the
 6 following:
 7 “NEW PARAGRAPH. 1. It is an unlawful practice for
 8 a repair facility or manufacturer or distributor of
 9 aftermarket crash parts, as defined in section 537B.4,
 10 to commit a deceptive act or practice under chapter
 11 537B.”
 12 4. By renumbering as necessary.

S-5073

1 Amend Senate File 2015 as follows:
 2 1. Page 4, by inserting after line 3 the
 3 following:
 4 “Sec. ____ . Section 384.15, subsection 7, un-
 5 numbered paragraph 1, Code 1989, is amended to read as
 6 follows:
 7 Adopt rules for the administration of a law
 8 enforcement officer training reimbursement program by
 9 the director of the department of management. A
 10 decision of the director may be appealed by a city or
 11 county to the committee. The program shall provide
 12 reimbursement to a city or county for necessary and
 13 actual expenses incurred in training a law enforcement
 14 officer who resigns from law enforcement service with
 15 the city or county within four years after completion
 16 of the law enforcement training. The reimbursable
 17 training expenses include mileage, food, lodging,
 18 tuition, replacement of an officer while the officer
 19 is in training if the replacement officer is a
 20 temporary employee hired for that purpose only or is
 21 on overtime status, and salary costs of the officer
 22 while in training. The law enforcement training
 23 eligible for reimbursement is the minimum law
 24 enforcement officer training required under chapter
 25 80B and, if funding is available, approved advanced
 26 law enforcement training and reserve officer training
 27 required under chapter 80D. The committee shall adopt
 28 rules prescribing application forms, expense
 29 documentation, and procedures necessary to administer
 30 the reimbursement program.”
 31 2. By numbering sections as necessary.

DON E. GETTINGS
LINN FUHRMAN
RAY TAYLOR

S-5074

- 1 Amend Senate File 2080 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 "Sec. ____ .
5 The state weed commissioner shall publish a list
6 developed by the state horticulturalist of varieties
7 of purple loosestrife which are prohibited according
8 to this Act by September 1, 1990."
9 2. By renumbering as necessary.

RICHARD VANDE HOEF

S-5075

- 1 Amend Senate File 2121 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. 100. Section 562A.27, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 2A. The landlord may impose a
7 late charge for nonpayment of rent when due, equal to
8 or less than two dollars for each day that the rent
9 remains unpaid. For purposes of this section, rent is
10 paid when all rent payments due and accrued and any
11 late charges are paid."
12 2. By renumbering as necessary.

TOM MANN, Jr.
BEVERLY A. HANNON

S-5076

- 1 Amend House File 2068, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 32, the
4 following:
5 "Sec. ____ . Section 280.4, subsection 4, Code
6 Supplement 1989, is amended to read as follows:
7 4. In order to provide funds for the excess costs
8 of instruction of non-English-speaking students above
9 the costs of instruction of pupils in a regular

10 curriculum, students identified as non-English-
 11 speaking are assigned an additional weighting that
 12 shall be included in the weighted enrollment of the
 13 school district of residence for a period not
 14 exceeding ~~three~~ five years. However, the school
 15 budget review committee may grant supplemental aid or
 16 modified allowable growth, to a school district to
 17 continue funding a program for students after the
 18 expiration of the ~~three-year~~ five-year period. The
 19 school budget review committee shall calculate the
 20 additional amount for the weighting to the nearest
 21 one-hundredth of one so that, to the extent possible,
 22 the moneys generated by the weighting will be
 23 equivalent to the moneys generated by the two-tenths
 24 weighting provided prior to July 1, 1991.”
 25 2. By numbering and renumbering sections as
 26 necessary.

JACK RIFE

S-5077

1 Amend Senate File 2249 as follows:
 2 1. Page 1, by striking lines 1 through 27.
 3 2. Page 8, by inserting after line 19, the
 4 following:
 5 “Sec. . NEW SECTION. 613.20 UNION AGENT
 6 LIABILITY.
 7 An inspection or failure to inspect any place of
 8 employment by an employee or agent of a union, which
 9 represents a bargaining unit with the employer of an
 10 injured employee, shall not be the basis for
 11 imposition of civil liability for negligence upon the
 12 employee or agent of the union. However, this section
 13 shall not prevent civil liability for gross negligence
 14 amounting to such lack of care as to amount to wanton
 15 neglect for the safety of another.”
 16 3. By renumbering as necessary.

JOHN A. PETERSON

S-5078

1 Amend Senate File 257 as follows:
 2 1. Page 1, by striking lines 11 through 16.
 3 2. Page 1, lines 31 and 32, by striking the words
 4 “and licenses” and inserting the following:
 5 “licenses, and insurance”.

- 6 3. By striking page 2, line 8 through page 3,
7 line 10.
- 8 4. Title page, line 5, by inserting after the
9 word "principles," the following: "and".
- 10 5. Title page, by striking lines 7 through 10 and
11 inserting the following: "unfair competition and make
12 recommendations."

COMMITTEE ON SMALL BUSINESS
AND ECONOMIC DEVELOPMENT
LEONARD L. BOSWELL, Chair

S-5079

- 1 Amend Senate File 2168 as follows:
- 2 1. Page 1, by striking line 14 and inserting the
3 following: "validity of the trainee's temporary
4 permit may be extended one time only to the".
- 5 2. Page 1, line 31, by inserting after the word
6 "extended" the following: "one time only".

RICHARD RUNNING

S-5080

- 1 Amend Senate File 2279 as follows:
- 2 1. Page 1, by striking line 12 and inserting the
3 following: "chapter 151, a nurse licensed pursuant to
4 chapter 152, or a dentist licensed pursuant to chapter
5 153."

RICKARD DRAKE
C. JOSEPH COLEMAN
ALVIN V. MILLER
JACK NYSTROM

S-5081

- 1 Amend Senate File 2224 as follows:
- 2 1. Page 1, line 4, by striking the word
3 "benefited" and inserting the following: "rural".
- 4 2. Page 1, line 4, by striking the figure "357"
5 and inserting the following: "357A".

MARK R. HAGERLA

S-5082

- 1 Amend Senate File 2062 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 321.52A AUCTIONEER
- 5 SALES OF USED VEHICLES.
- 6 Notwithstanding sections 321.45, 321.67, and
- 7 321.104, an auctioneer may conduct an auction of used
- 8 vehicles without obtaining a license under chapters
- 9 322 or 322C if the sale of used vehicles subject to
- 10 registration under this chapter is not the primary
- 11 purpose of the auction. However, the auctioneer shall
- 12 ensure that the transfers of title and registration by
- 13 the owners of the vehicles sold are in compliance with
- 14 sections 321.45, 321.67, and 321.104. The records of
- 15 vehicles offered for sale and the contracts between
- 16 the auctioneer and the owners of the vehicles shall be
- 17 opened for inspection upon the request of a peace
- 18 officer."
- 19 2. Title page, lines 1 and 2, by striking the
- 20 words "providing a penalty" and inserting the
- 21 following: "making penalties applicable".

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5083

- 1 Amend Senate File 2168 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "cosmetology" the following: "if supervised by a
- 4 licensed cosmetologist."
- 5 2. Page 1, line 25, by inserting after the word
- 6 "barbering" the following: "if supervised by a
- 7 licensed barber."

JULIA GENTLEMAN
JOY CORNING

S-5084

- 1 Amend Senate File 2221 as follows:
- 2 1. Page 1, by striking lines 1 through 11 and
- 3 inserting the following:
- 4 "Section 1. DEPARTMENT OF INSPECTIONS AND APPEALS
- 5 -- RULES REQUIRED.
- 6 The department of inspections and appeals shall
- 7 adopt rules pursuant to chapter 17A establishing a
- 8 special license classification within licensed

9 intermediate care facilities and nursing facilities
 10 for specific units providing services to residents
 11 with Alzheimer's disease and related disorders. The
 12 rules shall take effect upon filing unless a later
 13 date is specified in the rules."
 14 2. Page 1, line 12, by striking the figure "3."
 15 and inserting the following: "2."
 16 3. Title page, by striking lines 1 and 2 and
 17 inserting the following: "An Act requiring the
 18 adoption of administrative rules establishing a
 19 special license classification for special units
 20 providing services to residents with Alzheimer's
 21 disease and related disorders within intermediate care
 22 facilities and nursing facilities".

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chair

S-5085

1 Amend Senate File 2199 as follows:
 2 1. Page 13, by striking line 2 and inserting the
 3 following: "districts, and merged areas having".
 4 2. Page 13, by striking line 9 and inserting the
 5 following: "districts, and merged areas having".
 6 3. Page 13, line 15, by striking the words "and
 7 area education agencies".
 8 4. Page 13, line 16, by inserting after the word
 9 "members" the following: "on the board of directors".
 10 5. Page 13, by inserting after line 20
 11 the following:
 12 "5. In area education agencies, the persons
 13 elected as directors in 1993 shall determine by lot
 14 which directors shall serve four-year terms and which
 15 directors shall serve two-year terms. In area
 16 education agencies having five-member boards of
 17 directors, two of the persons elected in 1993 shall
 18 serve terms of four years each and the other persons
 19 so elected shall serve terms of two years each. In
 20 area education agencies having seven-member boards of
 21 directors, three of the persons elected in 1993 shall
 22 serve terms of four years each and the other persons
 23 so elected shall serve terms of two years each. In
 24 area education agencies having more than seven members
 25 on the board of directors, four of the persons elected
 26 in 1993 shall serve terms of four years each and the
 27 other persons so elected shall serve terms of two
 28 years each."

PATRICK DELUHERY

S-5086

1 Amend Senate File 2280 as follows:
2 1. Page 3, line 14, by striking the words "as
3 provided in section 2.10, subsection 2,".
4 2. Page 3, line 29, by striking the words and
5 figures "as provided in section 2.10, subsection 2,".
6 3. Page 11, line 13, by striking the figure
7 "1,423,144" and inserting the following: "1,423,044".
8 4. Page 11, lines 16 and 17, by striking the
9 words " support, maintenance, and miscellaneous
10 purposes".
11 5. Page 11, line 22, by striking the word
12 "PROJECT" and inserting the following: "PROGRAM".
13 6. Page 11, lines 23 and 24, by striking the
14 words " support, maintenance, and miscellaneous
15 purposes".
16 7. Page 11, by inserting after line 27 the
17 following:
18 "The funds for support, maintenance, and
19 miscellaneous purposes for personnel assigned to field
20 operations under subsection 2 and program management
21 under subsection 3 are payable from the appropriation
22 made in subsection 1."
23 8. Page 15, line 16, by inserting after the word
24 "receipts," the following: "the purchase of an
25 automated call distribution system,".
26 9. By striking page 19, line 4 through page 26,
27 line 29, and inserting the following:
28 "Sec. ____ . Section 384.15, subsection 7, paragraph
29 b, Code 1989, is amended by striking the paragraph and
30 inserting in lieu thereof the following:
31 b. An appropriated law enforcement training
32 reimbursement account is established in the department
33 of management. The proceeds shall be used by the
34 director of the department of management to reimburse
35 cities or counties for eligible law enforcement
36 training expenses incurred as provided in this
37 section."
38 10. Page 28, by striking lines 7 through 27.
39 11. Page 29, by inserting after line 19 the
40 following:
41 "Sec. ____ . Section 911.3, Code 1989, is amended to
42 read as follows:
43 911.3 DISPOSITION OF SURCHARGE.
44 When a court assesses a surcharge under section
45 911.2, the clerk of the district court shall transmit

46 ninety percent of the surcharge collected to the
47 treasurer of state by the fifteenth day of the
48 following month. The treasurer of state shall deposit
49 ~~one-third of the money in the law enforcement training~~
50 ~~reimbursement fund established under section 384.15~~

Page 2

1 ~~and the remaining two-thirds of the money in the~~
2 ~~general fund of the state. The clerk of the district~~
3 ~~court shall transmit ten percent of the surcharge to~~
4 ~~the county treasurer or shall remit ten percent of the~~
5 ~~surcharge to the city that was the plaintiff in any~~
6 ~~action for deposit in the general fund of the city."~~

7 12. By renumbering sections and internal
8 references to sections as required.

MICHAEL GRONSTAL

S-5087

1 Amend House File 2166, 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 80.9, subsection 2, Code 1989,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. g. To identify and eradicate
8 marijuana plants found growing on public or private
9 property when growing marijuana plants are reported to
10 the department, and adopt rules governing the
11 identification and eradication of marijuana plants in
12 cooperation with local law enforcement officials.

13 Sec. 2. Section 317.4, Code 1989, is amended to
14 read as follows:

15 317.4 DIRECTION AND CONTROL.

16 As used in this chapter, "commissioner" means the
17 county weed commissioner or the commissioner's deputy
18 within each county. Each commissioner, subject to
19 direction and control by the county board of
20 supervisors, shall supervise the control and
21 destruction of all noxious weeds in the county,
22 including those growing within the limits of cities,
23 within the confines of abandoned cemeteries, and along
24 streets and highways unless otherwise provided. A
25 commissioner shall notify the department of public
26 safety of the location of marijuana plants found
27 growing on public or private property. A commissioner

28 may enter upon any land in the county at any time for
 29 the performance of the commissioner's duties, and
 30 shall hire the labor and equipment necessary subject
 31 to the approval of the board of supervisors.

32 Sec. 3. Section 317.22, Code 1989, is amended to
 33 read as follows:

34 317.22 DUTY OF HIGHWAY MAINTENANCE PERSONNEL.

35 ~~It shall be the duty of all~~ All officers directly
 36 responsible for the care of public highways ~~to shall~~
 37 make ~~a~~ complaint to the weed commissioners or board of
 38 supervisors, ~~whenever if it shall appear~~ appears that
 39 the provisions of this chapter may not be complied
 40 with in time to prevent the blooming and maturity of
 41 noxious weeds or the unlawful growth of weeds ~~or~~
 42 marijuana, whether in the streets or highways for
 43 which they are responsible or upon lands adjacent to
 44 the same."

45 2. Title page, by striking line 1, and inserting
 46 the following: "An Act relating to the identification
 47 and eradication of marijuana."

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chair

S-5088

1 Amend Senate File 2113 as follows:

2 1. By striking page 1, line 4, through page 2,
 3 line 10, and inserting the following:

4 "c. An ingredient statement in which the accepted
 5 common name and percentage by weight of each active
 6 ingredient is listed as well as the accepted common
 7 name and percentage of inert ingredients in the
 8 pesticides. When registering a pesticide containing
 9 an inert ingredient reportable as a toxic chemical
 10 pursuant to 40 C.F.R. Part 372, a hazardous material
 11 pursuant to 29 C.F.R. 1910.1200, or listed as an inert
 12 ingredient of toxicological concern by the United
 13 States environmental protection agency, the registrant
 14 shall separately list each, and provide information
 15 about the presence of each inert ingredient in
 16 formulations of the pesticide previously registered.
 17 The registrant shall provide the current and any
 18 previous material safety data sheet required by
 19 federal law or regulation relating to a pesticide
 20 containing an inert ingredient required to be
 21 separately listed under this section.

22 Sec. ____ . Section 206.12, subsection 2, paragraph
 23 d, Code 1989, is amended to read as follows:

- 24 d. A complete copy of the pesticide label and any
 25 other labeling accompanying the pesticide, and
 26 together with a statement of all claims made ~~and to be~~
 27 ~~made for it relating to the pesticide,~~ including
 28 directions for use and the current federal material
 29 safety data sheet for the pesticides.”
- 30 2. Title page, line 1, by striking the words
 31 “ingredients of pesticides, making” and inserting the
 32 following: “information relating to pesticides, and
 33 making”.
- 34 3. Title page, line 2, by striking the words “,
 35 and providing penalties”.

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chairperson

S-5089

- 1 Amend Senate File 2305 as follows:

DIVISION S—5089A

- 2 1. Page 1, line 21, by inserting after the word
 3 “any” the following: “unregistered”.

DIVISION S—5089B

- 4 2. Page 1, line 22, by inserting after the word
 5 “age.” the following: “The school district or
 6 nonpublic school may charge the elections division of
 7 the office of the secretary of state for the cost of
 8 this service, and the elections division shall pay the
 9 amount charged.”

JIM LIND

S-5090

- 1 Amend Senate File 2086 as follows:

- 2 1. Page 6, by inserting after line 14, the
 3 following:

4 “Sec. ____ . Section 455G.11, subsection 6,
 5 unnumbered paragraph 2, Code Supplement 1989, is
 6 amended to read as follows:

- 7 The board shall adopt rules requiring certification
 8 of tank installations and require certification of a
 9 new tank installation as a precondition to offering
 10 insurance to an owner or operator or an installer.

11 The board shall set in the rule the effective date for
 12 the certification requirement. Certification rules
 13 shall at minimum require that an installation be
 14 personally inspected by an independent licensed
 15 engineer; ~~fire marshal or state fire marshal's~~
 16 designee or person unaffiliated with the tank owner,
 17 operator, or installer, who is qualified and
 18 authorized by the board to perform the required
 19 inspection and that the tank and installation of the
 20 tank comply with applicable technical standards and
 21 manufacturer's instructions and warranty conditions.
 22 An inspector shall not be an owner or operator of a
 23 tank, or an employee of an owner, operator, or
 24 installer. The insurance coverage shall be extended
 25 to premium paying installers on or before December 1,
 26 1989. For the period from May 5, 1989, to and
 27 including the date that insurance coverage under the
 28 fund is extended to installers, the fund shall not
 29 seek third-party recovery from an installer.
 30 Sec. ____ . Section 445G.17, subsections 1 and 2,
 31 Code Supplement 1989, are amended to read as follows:
 32 1. The board shall adopt certification procedures
 33 and standards for the following classes of persons as
 34 underground storage tank installation inspectors:
 35 a. A licensed engineer, except that if underground
 36 storage tank installation is within the scope of
 37 practice of a particular class of licensed engineer,
 38 additional training shall not be required for that
 39 class. A licensed engineer for whom underground
 40 storage tank installation is within the scope of
 41 practice shall be an "authorized inspector", rather
 42 than a "certified inspector".
 43 b. A ~~fire marshal~~ person unaffiliated with the
 44 tank owner, operator, or installer.
 45 2. The board shall adopt approved ~~curricula~~
 46 curriculum for training both engineers and fire
 47 marshals unaffiliated persons as a precondition to
 48 their certification as underground storage tank
 49 installation inspectors.
 50 Sec. ____ . Section 101.28, Code Supplement 1989, is

Page 2

1 repealed."

2 2. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 PATRICK DELUHERY, Chair

S-5091

- 1 Amend Senate File 2224 as follows:
2 1. Page 1, by striking line 4 and inserting the
3 following: "rural water district established pursuant
4 to chapter 357A or a nonprofit corporation established
5 pursuant to chapter 504A for the purpose of operating
6 a rural water system".
7 2. Page 1, line 5, by striking the word "may" and
8 inserting the following: "is recognized as having the
9 authority to".
10 3. Page 1, by striking lines 6 and 7 and
11 inserting the following: "the traditional
12 infrastructure category under section 15.284."

RICHARD VANDE HOEF

S-5092

- 1 Amend Senate File 2274 as follows:
2 1. Page 7, lines 11 and 12, by striking the words
3 "inspections and appeals" and inserting the following:
4 "economic development".
5 2. Page 7, line 13, by striking the words
6 "inspections and appeals" and inserting the following:
7 "economic development".

COMMITTEE ON SMALL BUSINESS
AND ECONOMIC DEVELOPMENT
LEONARD BOSWELL, Chair

S-5093

- 1 Amend Senate File 2320 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. 100. Section 135H.6, subsection 6, Code
5 Supplement 1989, is amended to read as follows:
6 6. The proposed psychiatric institution is under
7 the direction of an agency which has operated a
8 facility licensed under section 237.3, subsection 2,
9 paragraph "a", subparagraph (3), for three years or of
10 an agency which has operated a facility for three
11 years providing psychiatric services to children or
12 adolescents and the facility meets or exceeds
13 requirements for licensure under section 237.3,
14 subsection 2, paragraph "a", subparagraph (3)."

15 2. Page 1, by inserting after line 19 the
16 following:

17 "Sec. 200. Section 220.3, Code 1989, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. 13A. There is a need in areas of
20 the state to establish facilities providing
21 residential housing or treatment facilities for
22 juveniles requiring a more enhanced level of services
23 than those services currently available in the state's
24 existing foster care system.

25 Sec. 300. NEW SECTION. 220.155 RESIDENTIAL
26 TREATMENT FACILITIES.

27 1. The authority may issue its bonds and notes and
28 loan the proceeds of the bonds or notes to a nonprofit
29 corporation for the purpose of financing the
30 acquisition or construction of residential housing or
31 treatment facilities serving juveniles or handicapped
32 or disabled persons.

33 2. The authority may enter into a loan agreement
34 with a nonprofit corporation for the purpose of
35 financing the acquisition or construction of
36 residential housing or treatment facilities serving
37 juveniles or handicapped or disabled persons and shall
38 provide for payment of the loan and security for the
39 loan as the authority deems advisable.

40 3. In the resolution authorizing the issuance of
41 the bonds or notes pursuant to this section, the
42 authority may provide that the related principal and
43 interest are limited obligations payable solely out of
44 the revenues derived from the debt obligation,
45 collateral, or other security furnished by or on
46 behalf of the nonprofit corporation, and the principal
47 or interest does not constitute an indebtedness of the
48 authority or a charge against the authority's general
49 credit or general fund.

50 4. The powers granted the authority under this

Page 2

1 section are in addition to the authority's other
2 powers under this chapter. All other provisions of
3 this chapter, except section 220.28, subsection 4,
4 apply to bond or notes issued pursuant to, and powers
5 granted to the authority under this section, except to
6 the extent the provisions are inconsistent with this
7 section."

8 3. Page 2, by inserting after line 31 the
9 following:

10 "Sec. 400. Section 232.142, subsection 3, Code
11 1989, is amended by striking the subsection and

12 inserting in lieu thereof the following:

13 3. A county or multicounty juvenile home approved
14 pursuant to this section shall receive financial
15 assistance from the state, in the manner approved by
16 the director, for the following percentage of total
17 cost of the establishment, improvement, operation, and
18 maintenance of the home in accordance with the
19 following schedule:

20 a. For the fiscal year beginning July 1, 1991,
21 fifteen percent.

22 b. For the fiscal year beginning July 1, 1992,
23 twenty percent.

24 c. For the fiscal year beginning July 1, 1993, and
25 succeeding fiscal years, twenty-five percent.

26 Sec. 500. NEW SECTION. 237.14 ENHANCED FOSTER
27 CARE SERVICES.

28 The department shall provide for enhanced foster
29 care services by establishing supplemental per diem or
30 performance-based contracts which include payment of
31 costs relating to payments of principal and interest
32 for bonds and notes issued pursuant to section 220.155
33 with facilities licensed under this chapter which
34 provide special services to children who would
35 otherwise be placed in a state juvenile institution or
36 an out-of-state program. Before completion of the
37 department's budget estimate as required by section
38 8.23, the department shall determine and include in
39 the estimate the amount which should be appropriated
40 for enhanced foster care services for the forthcoming
41 fiscal year in order to provide sufficient services."

42 4. Page 7, by inserting after line 6, the
43 following:

44 "Sec. 600. DEVELOPMENT OF CHILDREN'S PROGRAMS IN
45 COMMUNITY SETTINGS.

46 1. The department of human services and the
47 supreme court, in consultation with existing providers
48 of services, members of the general assembly, and
49 experts in child welfare and juvenile justice, shall
50 conduct a study identifying the types of residential

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1 programs which should be developed, either by
2 enhancing reimbursement of foster care services or of
3 psychiatric medical institutions for children, to
4 serve the children who are currently in the following
5 placements: the Iowa juvenile home, out-of-state
6 facilities at high cost to the state, and the state
7 training school when the children could be served in
8 community settings if the proper type of program were

9 available. The recommendations of the juvenile
10 justice advisory committee, established by the
11 legislative council in 1989, regarding the state
12 training school and the Iowa juvenile home shall be
13 considered. In addition, the need to develop specific
14 programs to serve children who are sexual abuse
15 perpetrators, substance abusers, or have a dual
16 diagnosis, and the regions of the states where the
17 specific programs should be located in order to serve
18 children in community settings, shall be identified.
19 The department and the supreme court shall complete
20 the study of the items required under this section on
21 or before June 1, 1990.

22 2. Based upon the study findings, the department
23 shall request proposals to develop a total of 120
24 additional residential placement slots in community
25 settings and the slots shall be available on or before
26 October 1, 1991. The department shall work with the
27 Iowa finance authority and service providers to
28 finance the development of resources for these slots
29 at the lowest possible cost. The requests for
30 proposals shall be issued on or before July 1, 1990.

31 3. Notwithstanding the provisions of section
32 135H.6, subsection 5, psychiatric medical institution
33 for children beds developed under this section are not
34 subject to the limit upon the number of beds which may
35 be provided under psychiatric medical institution for
36 children licensure."

37 5. Page 7, line 12, by inserting after the figure
38 "22." the following: "EFFECTIVE DATES."

39 6. Page 7, line 13, by striking the word
40 "Sections" and inserting the following:

41 "1. Sections 100, 200, 300, 400, 500, and 600 of
42 this Act, being deemed of immediate importance, take
43 effect upon enactment.

44 2. Sections".

45 7. Title page, line 1, by striking the words
46 "juvenile justice" and inserting the following: "the
47 care and treatment of juveniles and other persons".

48 8. Title page, line 3, by inserting after the
49 word "administration," the following: "providing for
50 financing and funding of certain facilities serving

Page 4

1 juveniles and other persons,".

2 9. By renumbering, redesignating, and modifying
3 internal references as necessary.

S-5094

1 Amend Senate File 2032 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 109.2, Code 1989, is amended
5 to read as follows:
6 109.2 STATE OWNERSHIP AND TITLE -- EXCEPTIONS.
7 The title and ownership of all fish, mussels,
8 clams, and frogs in any of the public waters of the
9 state, and in all ponds, sloughs, bayous, or other
10 land and waters adjacent to any public waters stocked
11 with fish by overflow of public waters, and of all
12 wild game, animals, and birds, including their nests
13 and eggs, and all other wildlife, found in the state,
14 whether game or nongame, native or migratory, except
15 deer in parks and in public and private preserves, the
16 ownership of which was acquired prior to April 19,
17 1911, are hereby declared to be in the state, except
18 as otherwise in this chapter provided. The title and
19 ownership of all fish in private fish hatcheries, as
20 defined in section 109.64, shall be in private
21 persons.
22 Sec. 2. Section 109.64, Code 1989, is amended by
23 adding the following new unnumbered paragraph:
24 NEW UNNUMBERED PARAGRAPH. All fish in a private
25 fish hatchery are private property and are not the
26 property of the state, and the theft of fish from a
27 private fish hatchery is punishable as provided in
28 section 714.2."

COMMITTEE ON NATURAL RESOURCES
KENNETH D. SCOTT, Chair

S-5095

1 Amend amendment, S-5090, to Senate File 2086, as
2 follows:
3 1. Page 1, by inserting after line 1, the
4 following:
5 "____. Page 6, by inserting after line 2, the
6 following:
7 "Sec. ____ . Section 101.28, Code Supplement 1989,
8 is amended to read as follows:
9 101.28 FEES FOR CERTIFICATION INSPECTIONS OF

10 UNDERGROUND STORAGE TANKS.

- 11 ~~The state fire marshal, the state fire marshal's~~
 12 ~~designee, or a~~ A local fire marshal, authorized to
 13 conduct underground storage tank certification
 14 inspections under section 455G.11, subsection 6, shall
 15 charge the person requesting a certification
 16 inspection a fee to recover the costs of authorized
 17 training, inspection, and inspection program
 18 administration ~~subject to rules adopted by the state~~
 19 ~~fire marshal.~~”
- 20 2. Page 1, line 15, by striking the words “, fire
 21 ~~marshal~~” and inserting the following: “, local fire
 22 marshal.”
- 23 3. Page 1, line 43, by striking the words “~~fire~~
 24 ~~marshal~~” and inserting the following: “local fire
 25 marshal or other”.
- 26 4. Page 1, by striking lines 46 through 47 and
 27 inserting the following: “curriculum for training
 28 engineers, local fire marshals, and ~~fire marshals~~
 29 other unaffiliated persons as a precondition to”.
- 30 5. By striking page 1, line 50, through page 2,
 31 line 1.
- 32 6. By renumbering as necessary.

MICHAEL GRONSTAL

S-5096

- 1 Amend Senate File 2287 as follows:
- 2 1. Page 3, by striking lines 29 through 32.
- 3 2. Page 4, line 6, by inserting after the words
 4 “of a” the following: “general or”.
- 5 3. Page 4, by striking lines 12 through 14 and
 6 inserting the following: “_____, 19___?”
- 7 4. Page 4, by striking lines 27 and 28 and
 8 inserting the following: “the authority.”
- 9 5. Page 8, line 26, by striking the words “taxes
 10 or”.
- 11 6. Page 12, lines 27 and 28, by striking the
 12 words “, certify taxes.”.
- 13 7. Page 12, by striking lines 32 through 34 and
 14 inserting the following: “purposes for the two
 15 preceding years, if available, and the revenues from
 16 sources other than property taxation.”
- 17 8. Page 13, line 35, by inserting after the
 18 figure “330B.6” the following: “and after approval of
 19 a referendum by a simple majority of votes cast in
 20 each metropolitan area in favor of the sales and
 21 services tax”.

- 22 9. Page 14, line 5, by inserting after the word
23 "state." the following: "The referendum shall be
24 called by resolution of the board and shall be held as
25 provided in section 330B.6 to the extent applicable."
26 10. Page 14, by striking lines 8 through 10 and
27 inserting the following: "as provided for a county
28 under sections 422B.8 and 422B.9. The treasurer of
29 state shall credit the local".
30 11. By striking page 17, line 29, through page
31 18, line 29.
32 12. By striking page 21, line 33, through page
33 22, line 8.
34 13. Page 22, by striking lines 19 through 23 and
35 inserting the following: "general fund of the
36 respective counties."
37 14. By renumbering sections and subsections as
38 necessary.

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chair

S-5097

- 1 Amend Senate File 2243 as follows:
2 1. Page 1, by striking lines 1 through 22 and
3 inserting the following:
4 "Section 1. Section 313.2A, subsection 4, Code
5 Supplement 1989, is amended to read as follows:
6 4. JURISDICTIONAL TRANSFERS. When the
7 construction, reconstruction, relocation, or other
8 improvement to the network of commercial and
9 industrial highways results in a change in the
10 function of a bypassed primary road, municipal
11 extension of a primary road, or other connecting road,
12 the department, upon approval of the state
13 transportation commission, shall ~~transfer~~ retain
14 jurisdiction of the road to the city or county as
15 appropriate for maintenance only. Before the transfer
16 takes place the department shall place the road and
17 any structures on the road in good repair for
18 continued maintenance or provide for the transfer of
19 money to the appropriate jurisdiction sufficient for
20 the repairs to the road and any structures on the
21 road. If the department cannot come to agreement with
22 the jurisdiction to which the road is transferred as
23 to the necessary repairs, they shall contract with an
24 organization in this state to provide mediation
25 services. The costs of the mediation services shall
26 be equally allocated between the parties. If after

27 submitting to mediation the parties still cannot come
 28 to agreement as to the necessary repairs, the mediator
 29 shall sign a statement that the parties did not reach
 30 an agreement, and the parties shall then submit the
 31 matter for binding arbitration to a mutually agreed-
 32 upon third party. If the parties cannot agree upon a
 33 third party arbitrator, they shall submit the matter
 34 to an arbitrator selected under the rules of the
 35 American arbitration association. Any improvements to
 36 the road or structures on the road shall become the
 37 sole responsibility of the county or city. Section
 38 306.43 does not apply to transfers of jurisdiction
 39 under this subsection.”

MIKE CONNOLLY

S-5098

1 Amend Senate File 2243 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 306.4, subsection 3, Code
 5 Supplement 1989, is amended by adding the following
 6 new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Maintenance
 8 responsibility for municipal streets, other than
 9 municipal extensions of primary roads, that are
 10 municipal extensions of federal-aid secondary roads in
 11 cities with a population of less than one thousand
 12 shall be vested in the county. Improvements to such
 13 municipal streets shall be the joint responsibility of
 14 the city and the county, and disputes arising between
 15 the two shall be resolved by the process required
 16 under this subsection.”

MIKE CONNOLLY

S-5099

1 Amend Senate File 2243 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Sec. ____ . Section 307A.2, subsection 14, Code
 5 Supplement 1989, is amended by adding the following
 6 new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. When a transfer of
 8 jurisdiction takes place under section 313.2A,
 9 subsection 4, an interim calculation shall be made for

10 the roads transferred. The needs for such roads shall
11 be added to the total for counties affected and the
12 treasurer of state shall be notified. The additions
13 shall be considered part of the quadrennial need study
14 for the purpose of distributing funds under sections
15 312.3 and 312.5, effective July 1 following the
16 transfer of the roads.”

MIKE CONNOLLY

S-5100

1 Amend Senate File 2243 as follows:
2 1. Page 1, by inserting after line 22 the
3 following:
4 “Sec. ____ . Section 306.3, subsections 2 and 4,
5 Code 1989, are amended to read as follows:
6 2. “Primary roads” or “primary road system” means
7 those roads and streets, both inside and outside the
8 boundaries of municipalities, ~~classified under section~~
9 ~~306.1 as freeway-expressway, arterial and arterial~~
10 ~~connector designated by the federal highway~~
11 ~~administration as part of the federal aid primary~~
12 ~~highway system.~~
13 4. “Secondary roads” or “secondary road system”
14 means those roads, outside the boundaries of
15 municipalities, ~~which are not~~ classified as ~~trunk,~~
16 ~~trunk collector and area service under section 306.1~~
17 ~~primary roads or interstate roads under subsections 2~~
18 ~~and 3.”~~
19 2. By renumbering as necessary.

MIKE CONNOLLY

S-5101

1 Amend House File 737, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 573.12, subsection 1,
6 unnumbered paragraph 1, Code 1989, is amended to read
7 as follows:
8 Payments made under contracts for the construction
9 of public improvements, unless provided otherwise by
10 law, shall be made on the basis of monthly estimates
11 of labor performed and material delivered, as
12 determined by the project architect or engineer. The

13 public corporation shall retain from each monthly
 14 payment not more than five percent of that amount
 15 which is determined to be due according to the
 16 estimate of the architect or engineer.”

17 2. Page 1, by striking lines 8 through 12 and
 18 inserting the following:

19 “b. If a public corporation other than a county or
 20 city retains funds, the interest earned on those funds
 21 shall be payable at the time of final payment on the
 22 contract in accordance with the schedule and
 23 exemptions specified by the public corporation in its
 24 administrative rules. The rate of interest shall be
 25 determined by the period of time during which interest
 26 accrues, and shall be the same as the rate of interest
 27 that is in effect under section 453.6 as of the day
 28 interest begins to accrue.”

29 3. Page 1, by inserting before line 12 the
 30 following:

31 “Sec. ____ . Section 573.13, Code 1989, is amended
 32 to read as follows:

33 573.13 INVIOABILITY AND DISPOSITION OF FUND.

34 ~~No~~ A public corporation shall ~~not~~ be permitted to
 35 plead noncompliance with section 573.12; and the
 36 retained percentage of the contract price, which in no
 37 case shall be ~~less~~ more than five percent, ~~shall~~
 38 ~~constitute~~ constitutes a fund for the payment of
 39 claims for materials furnished and labor performed on
 40 ~~said~~ the improvement; and shall be held and disposed
 41 of by the public corporation as ~~hereinafter~~ provided
 42 in this chapter.”

43 4. Title page, by striking lines 1 through 3 and
 44 inserting the following: “An Act relating to
 45 retentions from payments to contractors on contracts
 46 for the construction of public improvements.”

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chair

S-5102

1 Amend Senate File 134 as follows:

2 1. Page 1, by striking line 3 and inserting the
 3 following:

4 “2. During or after the ~~seventh~~ fourth month of a
 5 current”.

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chair

S-5103

- 1 Amend Senate File 2155 as follows:
- 2 1. Page 1, by striking lines 11 through 13.
- 3 2. Page 1, line 15, by striking the words “,
- 4 whichever is greater”.

COMMITTEE ON BUSINESS
AND LABOR RELATIONS
JOHN A. PETERSON, Chair

S-5104

- 1 Amend Senate File 392 as follows:
- 2 1. Page 1, line 13, by striking the words “any
- 3 party or the party’s representative” and inserting the
- 4 following: “any employee, employer, or insurance
- 5 carrier making or defending a claim for benefits or
- 6 their representatives”.
- 7 2. Page 1, line 15, by striking the words “a
- 8 party or the party’s representative” and inserting the
- 9 following: “an employee, employer, or insurance
- 10 carrier making or defending a claim for benefits or
- 11 their representatives”.
- 12 3. Page 1, line 18, by striking the word “party”
- 13 and inserting the following: “employee, employer, or
- 14 insurance carrier making or defending a claim for
- 15 benefits or their representatives”.
- 16 4. Page 1, line 20, by striking the words “A
- 17 party” and inserting the following: “An employee,
- 18 employer, or insurance carrier making or defending a
- 19 claim for benefits”.

COMMITTEE ON BUSINESS
AND LABOR RELATIONS
JOHN A. PETERSON, Chair

S-5105

- 1 Amend Senate File 2272 as follows:
- 2 1. Page 1, by inserting after line 2, the
- 3 following:
- 4 “Sec. ____ . Section 477.9A, Code Supplement 1989,
- 5 is repealed effective June 1, 1991.

6 Sec. ____.

7 The legislative council shall consider the
8 appointment of an interim study committee to consider
9 the issues connected with regulation by statute or
10 otherwise of a telegraph or telephone company whose
11 rates and services are deregulated by the utilities
12 board pursuant to section 476.1, especially with
13 regard to limitations on liability as permitted by
14 section 477.9A. The study committee, if appointed,
15 should report its recommendations and any proposed
16 legislation to the general assembly prior to January
17 14, 1991.”
18 2. By renumbering as necessary.

TOM MANN, Jr.

S-5106

1 Amend Senate File 2280 as follows:

DIVISION S—5106A

2 1. Page 1, line 11, by striking the figure
3 “47.00” and inserting the figure “50.00”.
4 2. Page 1, by inserting after line 11, the
5 following:
6 “The funds for the salaries, support, maintenance,
7 and miscellaneous purposes for 3 of the 50 FTEs
8 authorized in this section shall be paid from the fund
9 created in section 44 of this Act.”

DIVISION S—5106B

10 3. Page 26, by inserting before line 30, the
11 following:
12 “Sec. ____ . Section 48.3, Code 1989, is amended by
13 adding the following new unnumbered paragraph:
14 NEW UNNUMBERED PARAGRAPH. The state shall pay the
15 postage for all registration forms printed pursuant to
16 this section. There is appropriated annually to the
17 state commissioner of elections out of any funds in
18 the general fund of the state which are not otherwise
19 appropriated, a sum sufficient to pay the postage for
20 all registration forms printed as provided in this
21 section.”

MICHAEL GRONSTAL

S-5107

- 1 Amend Senate File 2373 as follows:
- 2 1. Page 3, line 31, by striking the word "twenty-
- 3 five" and inserting the following: "fifteen".

LINN FUHRMAN

S-5108

- 1 Amend Senate File 2306 as follows:
- 2 1. Page 7, line 22, by inserting after the word
- 3 "plan," the following: "or the closing of a school."

LARRY MURPHY
C. JOSEPH COLEMAN

S-5109

- 1 Amend Senate File 2306 as follows:
- 2 1. Page 3, line 11, by inserting after the figure
- 3 "290.1." the following: "If, however, a request to
- 4 enroll a child in another district is denied by the
- 5 board of the child's district of residence for failure
- 6 to show good cause for not meeting the request
- 7 deadline, the parent or guardian shall be permitted to
- 8 appeal the decision of the board to the director of
- 9 the department of education. The matter shall be
- 10 heard de novo in accordance with the procedures
- 11 contained in chapter 17A by the director, or the
- 12 director's designee. If a designee of the director
- 13 hears the matter, the findings of the director's
- 14 designee shall be reviewed by and are subject to the
- 15 approval of, the director."

LARRY MURPHY
RAY TAYLOR

S-5110

- 1 Amend Senate File 2113 as follows:
- 2 1. Page 1, line 6, by inserting before the word
- 3 "the" the following: "and".
- 4 2. Page 1, by striking line 7 and inserting the
- 5 following: "ingredient, listed in ranked order

- 6 according to the percentage by weight of each inert
7 ingredient within".
8 3. Page 1, line 8, by striking the words
9 "However, the" and inserting the following: "The".
10 4. Page 1, line 9, by striking the words "a
11 single" and inserting the following: "any".

MICHAEL E. GRONSTAL

S-5111

- 1 Amend Senate File 2206 as follows:
2 1. Page 1, by striking lines 30 through 32.

JULIA GENTLEMAN

S-5112

- 1 Amend Senate File 2306 as follows:
2 1. Page 1, line 2, by inserting after the figure
3 "5," the following: "9,".
4 2. Page 6, by inserting after line 4, the
5 following:
6 "A student who ~~attends~~ participates in open
7 enrollment for purposes of attending a grade in grades
8 ~~nine ten~~ through twelve in a school district other
9 than the district of residence is not eligible to
10 participate in interscholastic athletic contests and
11 athletic competitions during the first year of
12 enrollment under this section except for an
13 interscholastic sport in which the district of
14 residence and the other school district jointly
15 participate or unless the sport in which the student
16 wishes to participate is not offered in the district
17 of residence. However, a pupil who has paid tuition
18 and attended school, or has attended school pursuant
19 to a mutual agreement between the two districts, in a
20 district other than the pupil's district of residence
21 for at least one school year prior to the effective
22 date of this Act, shall be eligible to participate in
23 interscholastic athletic contests and athletic
24 competitions under this section, but only as a member
25 of a team from the district that student had
26 attended."

JIM LIND
PAT DELUHERY
LARRY MURPHY

S-5113

1 Amend Senate File 2244 as follows:

- 2 1. Page 3, line 24, by striking the word "two"
 3 and inserting the following: "one".
 4 2. Page 5, line 5, by striking the word "two" and
 5 inserting the following: "one".

PAUL D. PATE
 ELAINE SZYMONIAK

S-5114

1 Amend Senate File 2152 as follows:

- 2 1. Page 2, line 15, by inserting after the words
 3 "paragraph "e,"" the following: "or maternal history
 4 indicative of probable exposure,".
 5 2. Page 2, by inserting after line 18, the fol-
 6 lowing:
 7 "Sec. 4. NEW SECTION. 232.77A DRUG EXPOSED CHILD
 8 – USE OF INFORMATION GATHERED.
 9 Information gathered or reported regarding a child
 10 suspected of being exposed to alcohol or drugs
 11 pursuant to section 232.68, subsection 2, paragraph
 12 "e" and other provisions of this chapter shall not be
 13 used in any criminal prosecution of the natural mother
 14 of the child."

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chair

S-5115

1 Amend Senate File 2359 as follows:

- 2 1. Page 1, by striking lines 3 through 8, and
 3 inserting the following:
 4 "NEW UNNUMBERED PARAGRAPH. In a civil action which
 5 is brought under this chapter and which is based on
 6 agricultural production operations on land used for
 7 farming as defined in section 172C.1, the district
 8 court may award the prevailing party reasonable
 9 attorney fees and court costs. However, the district
 10 court may only award attorney fees and court costs to

11 a defendant if the court finds that the losing
12 plaintiff's action was frivolous."

TOM MANN, Jr.
JAMES R. RIORDAN

S-5116

1 Amend Senate File 2184 as follows:

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

4 "Section 1. Section 321.422, Code 1989, is amended
5 to read as follows:

6 321.422 RED LIGHT IN FRONT.

7 ~~No A~~ person shall ~~not~~ drive or move ~~any a~~ vehicle
8 or equipment upon ~~any a~~ highway with ~~any a~~ lamp or
9 device ~~thereon~~ displaying or reflecting a red light
10 visible from directly in front ~~thereof~~ of the vehicle.

11 ~~This section shall not apply to authorized emergency~~
12 ~~vehicles, or school buses and vehicles as provided in~~
13 ~~section 321.423, subsection 6. No A~~ person shall ~~not~~
14 display ~~any a~~ color of light other than red on the
15 rear of ~~any a~~ vehicle, except that stop lights and
16 directional signals may be red, yellow, or amber.
17 This section shall not apply to authorized emergency
18 vehicles, school buses, or vehicles as provided in
19 section 321.423, subsections 6 and 7."

20 2. Page 1, by inserting after line 12, the
21 following:

22 "Sec. ____ . Section 321.423, subsection 2, Code
23 1989, is amended by adding the following new
24 paragraph:

25 NEW PARAGRAPH. f. A flashing red light on a
26 vehicle upon which a red light is permitted under
27 subsection 7 of this section."

28 3. Page 1, by striking lines 13 through 24.

29 4. Page 1, line 33, by inserting after the word
30 "blue" the following: "or red".

31 5. Page 1, by inserting after line 34 the
32 following:

33 "Sec. ____ . Section 321.423, subsection 5, Code
34 1989, is amended to read as follows:

35 5. WHEN USED. The certificate of authorization
36 shall be carried at all times with the certificate of
37 registration of the authorized vehicle and the
38 operator of the vehicle shall not illuminate the blue
39 or red light except in any of the following
40 circumstances:

41 a. When the member is en route to the scene of a
42 fire or is responding to an emergency in the line of
43 duty requiring the services of the member;

44 b. When the authorized vehicle is transporting a

45 person requiring emergency care; or
46 c. When the authorized vehicle is at the scene of
47 an emergency.
48 d. The use of a ~~the~~ blue or red light in or on a
49 private motor vehicle shall be for identification
50 purposes only.

Page 2

1 Sec. ____ . Section 321.423, Code 1989, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 7. RED LIGHT. A red light shall
4 not be used on a vehicle except in any of the
5 following circumstances:
6 a. As provided in section 321.422.
7 b. On a vehicle owned or exclusively operated by
8 an ambulance, rescue, or first responder service.
9 c. On a vehicle authorized by the director when
10 all of the following apply:
11 (1) The vehicle is owned by a member of an
12 ambulance, rescue, or first responder service.
13 (2) The request for authorization is made by the
14 member on forms provided by the department.
15 (3) Necessity for authorization is demonstrated in
16 the request.
17 (4) The head of an ambulance, rescue, or first
18 responder service certifies that the member is in good
19 standing and recommends that the authorization be
20 granted.
21 d. On an authorized emergency vehicle.”
22 6. Title page, line 1, by striking the word
23 “blue” and inserting the following: “red”.
24 7. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5117

1 Amend Senate File 2244 as follows:
2 1. Page 5, by inserting after line 14 the fol-
3 lowing:
4 “Sec. ____ . Section 321L.5, Code Supplement 1989,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 6. A handicapped parking review
7 committee may be established by the state and each
8 political subdivision of the state which is required
9 to provide handicapped parking spaces in off-street
10 public parking facilities according to subsection 3

11 and in political subdivisions required to provide
12 handicapped parking spaces for on-street parking
13 within a business district according to subsection 4.
14 The handicapped parking review committee shall consist
15 of five members who are handicapped persons as defined
16 in section 321L.1 and five members who are officials
17 of the state or political subdivision. The
18 handicapped parking review committee shall have the
19 discretion to increase or decrease the numbers of
20 handicapped parking spaces required by this section.
21 A decision to change the numbers or location of
22 handicapped parking spaces shall be based upon the
23 needs of the community, the percentage of use of the
24 present handicapped parking spaces, and the past
25 experience of the state or political subdivision
26 regarding handicapped parking.
27 An individual may request the handicapped parking
28 review committee to review the amounts and locations
29 of handicapped parking spaces. The handicapped
30 parking review committee shall investigate each
31 individual's request and shall act upon such request
32 if the investigation substantiates the individual's
33 complaint."

RICHARD RUNNING

S-5118

1 Amend Senate File 2280 as follows:
2 1. Page 12, by inserting after line 27 the
3 following:
4 "As a condition, qualification, and limitation of
5 the funds appropriated under this section, the Iowa
6 public employees' retirement system investment
7 division shall work jointly with the department of
8 personnel, the Iowa public employees' retirement
9 system investment board, and the state treasurer's
10 office to prepare a report for submission to the
11 general assembly by January 1, 1991, regarding the
12 staffing needs and staffing structure for the
13 investment division necessary to meet the requirements
14 of section 97B.6, taking into consideration the
15 expected future growth and diversification of the Iowa
16 public employees' retirement system fund, including
17 responsibilities to oversee fund management, maintain
18 expertise on asset allocation strategies, address
19 corporate governance issues, and identify emerging
20 asset classes. The report shall also address the

21 elements necessary to integrate investment strategies
22 with long-term benefit distribution goals.”

CHARLES BRUNER

S-5119

1 Amend the amendment, S-5112, to Senate File 2306,
2 as follows:
3 1. Page 1, line 8, by striking the words “ten
4 through” and inserting the following: “through eleven
5 and”.

JIM LIND
WALLY E. HORN

S-5120

1 Amend Senate File 2265 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 331.805, subsection 3, Code
5 Supplement 1989, is amended to read as follows:
6 3. a. It is unlawful to cremate, bury, or send
7 out of the state the body of a deceased person when
8 death occurred in a manner specified in section
9 331.802, subsection 3, until a medical examiner
10 certifies in writing that the examiner ~~has viewed the~~
11 ~~body~~, has made personal inquiry into the cause and
12 manner of death, and all necessary autopsy or
13 postmortem examinations have been completed. However,
14 the body of a deceased person may be sent out of state
15 for the purpose of an autopsy or postmortem
16 examination if the county medical examiner certifies
17 in writing that the out-of-state autopsy or postmortem
18 examination is necessary or, in the case of a death
19 which is not of public interest as specified in
20 section 331.802, subsection 3, if the attending
21 physician certifies to the county medical examiner
22 that the performance of the autopsy out of state is
23 proper.
24 b. If the next of kin, guardian, or other person
25 authorized to act on behalf of a deceased person has
26 requested that the body of the deceased person be
27 cremated, a permit for cremation must be obtained from
28 a medical examiner. However, a permit is not required
29 if the deceased person was a member of an established
30 religion whose tenets are opposed to the inspection or

31 examination of the body of a deceased person.
 32 Cremation permits by the medical examiner must be made
 33 on the most current forms prepared at the direction of
 34 and approved by the state medical examiner, with
 35 copies forwarded to the state medical examiner's
 36 office. Costs for the cremation permit issued by a
 37 medical examiner shall not exceed ~~twenty-five~~ fifty
 38 dollars. The costs shall be borne by the family, next
 39 of kin, guardian of the decedent, or other person."

WALLY HORN

S-5121

1 Amend the amendment, S-5093, to Senate File 2320 as
 2 follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "services" the following: "exclusively".

CHARLES BRUNER

S-5122

1 Amend Senate File 2280 as follows:
 2 1. Page 1, line 10, by striking the figure
 3 "1,746,989" and inserting the following: "1,706,989".
 4 2. Page 1, by striking lines 12 through 15.

JOHN W. JENSEN

S-5123

1 Amend Senate File 2306 as follows:
 2 1. Page 1, line 2, by inserting after the figure
 3 "5," the following: "9,".
 4 2. Page 5, by inserting after line 4, the
 5 following:
 6 "A student who ~~attends~~ transfers for purposes of
 7 attending a grade in grades nine through twelve in a
 8 school district other than the district of residence
 9 is ~~not~~ eligible to participate in all interscholastic
 10 athletic contests and athletic competitions during the
 11 first each year of enrollment under this section
 12 except for an interscholastic sport in which the
 13 district of residence and the other school district
 14 jointly participate or unless the sport in which the
 15 student wishes to participate is not offered in the

WILLIAM W. DIELEMAN

16 district of residence. However, a pupil who has paid
17 tuition and attended school, or has attended school
18 pursuant to a mutual agreement between the two
19 districts, in a district other than the pupil's
20 district of residence for at least one school year
21 prior to the effective date of this Act, shall be
22 eligible to participate in interscholastic athletic
23 contests and athletic competitions under this section,
24 but only as a member of a team from the district that
25 student had attended."

LINN FUHRMAN
WALLY E. HORN

S-5124

1 Amend Senate File 2280 as follows:
2 1. Page 28, by striking line 28 through page 29,
3 line 19.

JIM LIND
CALVIN O. HULTMAN

S-5125

1 Amend amendment S-5123 to Senate File 2306 as
2 follows:
3 1. Page 1, line 4, by striking the figure "5" and
4 inserting the following: "6".

LINN FUHRMAN

S-5126

1 Amend Senate File 2306 as follows:
2 1. Page 6, by striking lines 5 through 9, and
3 inserting the following:
4 "If a child, for ~~which~~ whom a request to transfer
5 has been filed with a district, has been suspended or
6 expelled in the district, the resident district shall
7 notify the receiving district and the receiving
8 district named in the request may refuse the request
9 to transfer until the child has been reinstated in the
10 sending district."

S-5127

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 3, by striking lines 5 through 13, and
- 3 inserting the following: "provide a written summary
- 4 of the case plans, reports, or narrative found in a
- 5 child's official juvenile court record or the child's
- 6 or family's social report to a person not otherwise
- 7 authorized to receive such information. The court may
- 8 issue such an order without a hearing if the child's
- 9 parent, guardian, custodian, attorney, court-appointed
- 10 special advocate, and guardian ad litem have signed a
- 11 release of information and if such disclosure would be
- 12 in the child's best interest. The court may authorize
- 13 the person to whom the written summary is disclosed to
- 14 redisclose the information within the written summary,
- 15 if such redisclosure would be in the child's best
- 16 interest. The person to whom the written summary is
- 17 disclosed shall not redisclose any information within
- 18 the written summary, unless the court order authorizes
- 19 such".
- 20 2. Page 3, by striking line 26 and inserting the
- 21 following:
- 22 "NEW SUBPARAGRAPH. (7) To a person named in a".
- 23 3. Page 3, by striking lines 28 through 29.
- 24 4. Page 4, by striking lines 8 through 29.
- 25 5. By striking page 4, line 30, through page 5,
- 26 line 12.
- 27 6. By renumbering as necessary.

BY COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chair

S-5128

- 1 Amend Senate File 2306 as follows:
- 2 1. Page 2, line 4, by striking the words
- 3 "receiving school district" and inserting the
- 4 following: "~~receiving~~ school district of residence".

BERL PRIEBE

S-5129

- 1 Amend Senate File 2243 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 306.4, subsection 3, Code
5 Supplement 1989, is amended by adding the following
6 new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Maintenance
8 responsibility for municipal streets, other than
9 municipal extensions of primary roads, in cities with
10 a population of less than five hundred shall be vested
11 in the county. Improvements to such municipal streets
12 shall be the joint responsibility of the city and the
13 county, and disputes arising between the two shall be
14 resolved by the process required under this
15 subsection."

JEAN LLOYD-JONES
ELAINE SZYMONIAK
LINN FUHRMAN

S-5130

1 Amend Senate File 2243 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 306.4, subsection 3, Code
5 Supplement 1989, is amended by adding the following
6 new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Maintenance
8 responsibility for municipal streets, other than
9 municipal extensions of primary roads, in cities with
10 a population of less than one thousand shall be vested
11 in the county. Improvements to such municipal streets
12 shall be the joint responsibility of the city and the
13 county, and disputes arising between the two shall be
14 resolved by the process required under this
15 subsection."

JEAN LLOYD-JONES
LINN FUHRMAN

S-5131

1 Amend Senate File 2243 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 331.429, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3. The portion of transfers from

7 the general fund to the secondary road fund made under
 8 subsection 1, paragraphs "a" and "b", that derive from
 9 properties adjacent to or having access to a primary
 10 road that has been bypassed due to the relocation of a
 11 primary road, shall be transferred from the secondary
 12 road fund to the state primary road fund. Such
 13 transfers shall end if and when the county agrees to
 14 accept jurisdiction of the bypassed primary road and
 15 the jurisdiction is transferred."

JEAN LLOYD-JONES
 LINN FUHRMAN
 CHARLES BRUNER

S-5132

1 Amend Senate File 2354 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Sec. ____ . Section 633.230, Code Supplement 1989,
 5 is amended by adding the following new unnumbered
 6 paragraph:
 7 NEW UNNUMBERED PARAGRAPH. An action based upon the
 8 failure to give notice by mail required by this
 9 section, section 633.304 or 633.305, to heirs of a
 10 decedent or to persons known by the personal
 11 representative to own or possess a claim in any estate
 12 in which the personal representative was discharged
 13 prior to July 1, 1989, shall not be maintained in any
 14 court in this state unless commenced prior to July 1,
 15 1991."
 16 2. Page 1, by inserting after line 15, the
 17 following:
 18 "Sec. ____ . NEW SECTION. 682.60A VALIDITY OF
 19 VOLUNTARY TRUSTS.
 20 A voluntary trust is not invalid, merged, or
 21 terminated if the trustor is also the sole trustee or
 22 a cotrustee, and a beneficiary during the trustor's
 23 lifetime."
 24 3. By renumbering as necessary.

RICHARD VARN
 JACK W. HESTER

S-5133

1 Amend Senate File 2373 as follows:
 2 1. By striking page 1, line 30, through page 2,

- 3 line 8.
4 2. By striking page 2, line 16, through page 3,
5 line 27.
6 3. Renumber as necessary.

TOM MANN, Jr.

S-5134

1 Amend Senate File 2243 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 313.2A, subsection 4, Code
5 Supplement 1989, is amended to read as follows:
6 4. JURISDICTIONAL TRANSFERS. When the
7 construction, reconstruction, relocation, or other
8 improvement to the network of commercial and
9 industrial highways results in a change in the
10 function of a bypassed primary road, municipal
11 extension of a primary road, or other connecting road,
12 the department, upon approval of the state
13 transportation commission, shall transfer jurisdiction
14 of the road to the city or county as appropriate.
15 Before the transfer takes place the department shall
16 place the road and any structures on the road in good
17 repair for continued maintenance or provide for the
18 transfer of money to the appropriate jurisdiction
19 sufficient for the repairs to the road and any
20 structures on the road. If the department cannot come
21 to agreement with the jurisdiction to which the road
22 is transferred as to the necessary repairs, they shall
23 contract with an organization in this state to provide
24 mediation services. The costs of the mediation
25 services shall be equally allocated between the
26 parties. If after submitting to mediation the parties
27 still cannot come to agreement as to the necessary
28 repairs, the mediator shall sign a statement that the
29 parties did not reach an agreement, and the parties
30 shall then submit the matter for binding arbitration
31 to a mutually agreed-upon third party. If the parties
32 cannot agree upon a third-party arbitrator, they shall
33 submit the matter to an arbitrator selected under the
34 rules of the American arbitration association.
35 Section 306.43 does not apply to transfers of
36 jurisdiction under this subsection. If a transfer of
37 jurisdiction initiated by the department is not
38 concluded within one year, the department may require
39 the county to levy a local vehicle tax pursuant to
40 chapter 422C in an amount sufficient to reimburse the

41 department for the cost of continued maintenance on
42 the bypassed route.

43 Sec. 2. NEW SECTION. 422C.1 DEFINITIONS.

44 As used in this chapter, unless the context

45 otherwise requires:

46 1. "Department" means the state department of
47 transportation.

48 2. "Director" means the director of the state
49 department of transportation.

50 3. "Person" means person as defined in section

Page 2

1 321.1.

2 4. "Registration year" means registration year as
3 defined in section 321.1.

4 5. "Vehicle" means motor vehicle as defined in
5 section 321.1 which is subject to registration under
6 section 321.18, and which is registered with the
7 county treasurer.

8 Sec. 3. NEW SECTION. 422C.2 AUTHORIZATION.

9 The department may require a county to impose a
10 local vehicle tax pursuant to section 313.2A,
11 subsection 4. A local vehicle tax imposed under this
12 chapter shall be in addition to a local vehicle tax
13 which a county may impose under chapter 422B. The
14 department shall specify the rate of tax and the
15 classes, if any, that are to be exempt.

16 Sec. 4. NEW SECTION. 422C.3 IMPOSITION.

17 If required by section 313.2A, an annual local
18 vehicle tax may be imposed by a county on every
19 vehicle which is required to be registered by the
20 state and is registered with the county treasurer to a
21 person residing within the county where the tax is
22 imposed at the time of the renewal of the registration
23 of the vehicle. The local vehicle tax under this
24 chapter shall be imposed only on the renewals of
25 registrations and shall be payable during the
26 registration renewal periods provided under section
27 321.40.

28 Sec. 5. NEW SECTION. 422C.4 ADMINISTRATION.

29 The director shall inform the appropriate county
30 treasurers and provide assistance to them for the
31 collection of local vehicle taxes and any penalties,
32 crediting local vehicle tax receipts excluding
33 penalties to a "road maintenance local vehicle tax
34 fund" established in the office of the county
35 treasurer. From the local vehicle tax fund, the
36 treasurer shall remit monthly to the department the
37 amount collected from residents of the city and from

38 residents of the unincorporated area during the
 39 preceding calendar month. The department shall use
 40 moneys from the road maintenance local vehicle tax
 41 fund only as specified under section 313.2A,
 42 subsection 4.

43 Sec. 6. NEW SECTION. 422C.5 PAYMENT --
 44 PENALTIES.

45 Taxpayers shall pay a local vehicle tax to the
 46 county treasurer at the time of application for the
 47 renewal of the registration of the vehicle under
 48 chapter 321 for the registration year. The county
 49 treasurer shall require a person applying for the
 50 renewal of the registration of a vehicle to state the

Page 3

1 person's residence and shall not renew a registration
 2 certificate of a vehicle on which a local vehicle tax
 3 is due until the local vehicle tax is paid.

4 Payment of a local vehicle tax shall be evidenced
 5 by a notation on the state registration certificate.
 6 The director shall prescribe by rule the type of
 7 notation. A local vehicle tax shall not be refunded
 8 even when state registration fees are refunded.

9 Willful failure to pay a local vehicle tax is a
 10 simple misdemeanor."

JEAN LLOYD-JONES
 RICHARD F. DRAKE
 LINN FUHRMAN
 CHARLES BRUNER
 WILLIAM D. PALMER

S-5135

1 Amend Senate File 2364 as follows:

2 1. Page 7, by inserting after line 15 the
 3 following:

4 "Sec. ____.

5 For the fiscal year beginning July 1, 1990, and
 6 ending June 30, 1991, the college of veterinary
 7 medicine at Iowa state university of science and
 8 technology shall use \$10,000 from the livestock
 9 disease research fund, established pursuant to section
 10 267.8, for research into the causes of and available
 11 treatment for an unknown reproductive and neonatal
 12 disease generally known as "mysterious pig disease",
 13 currently afflicting swine in this state."

14 2. Title page, line 4, by inserting after the

15 word "commission," the following: "providing for the
16 distribution of moneys from a certain fund,".

JOHN E. SOORHOLTZ

S-5136

1 Amend Senate File 2015 as follows:
2 1. Page 2, by striking line 31 through page 3,
3 line 11 and inserting the following: "and 80D.7
4 according to a schedule prescribed by the Iowa law
5 enforcement academy council. If weapons are to be
6 carried, a reserve peace officer shall complete a
7 weapons training course having the same number of
8 hours of training as is required of regular peace
9 officers in basic training pursuant to section 80D.7."

MARK R. HAGERLA

S-5137

1 Amend Senate File 2327 as follows:
2 1. Page 12, line 14, by striking the figure
3 "750,000" and inserting the following: "2,000,000".

JACK RIFE

S-5138

1 Amend Senate File 2367 as follows:
2 1. Page 1, by striking lines 3 and 4, and
3 inserting the following:
4 "A person, including a board as defined in section
5 468.3, having jurisdiction over a drainage ditch or
6 drainage tile, shall not be restricted from".
7 2. Page 1, line 7, by striking the words "an
8 owner" and inserting the following: "a person".
9 3. Page 1, by striking lines 12 and 13, and
10 inserting the following:
11 "The department shall not restrict a person,
12 including a board as defined in section 468.3, having
13 jurisdiction over a drainage ditch from maintaining".

AMENDMENTS FILED

1917

14 4. Page 1, line 15, by striking the words "an
15 owner" and inserting the following: "a person".

RICHARD VANDE HOEF
KENNETH SCOTT

S-5139

1 Amend Senate File 2392 as follows:
2 1. Page 1, by striking line 9 and inserting the
3 following: "one hundred twenty-nine dollars and
4 ninety-three seventy-four cents".
5 2. Page 1, line 12, by striking the word "five"
6 and inserting the following: "six".
7 3. Page 1, line 13, by striking the word
8 "fourteen" and inserting the following: "seven".
9 4. Page 1, line 30, by striking the word "ninety-
10 three" and inserting the following: "eighty".
11 5. Page 1, line 33, by striking the word "twenty-
12 seven" and inserting the following: "thirty-nine".

LARRY MURPHY

S-5140

1 Amend Senate File 2364 as follows:
2 1. Page 5, line 34, by striking the words "for
3 its third and final year".
4 2. Page 6, by striking lines 4 through 7.

BERL PRIEBE
LEONARD BOSWELL
DON GETTINGS
JOHN KIBBIE
RICHARD VANDE HOEF

S-5141

1 Amend Senate Joint Resolution 2003 as follows:
2 1. Page 1, by striking lines 19 through 25.

WILMER RENSINK
BEVERLY HANNON

S-5142

1 Amend Senate File 2373 as follows:

2 1. Page 3, line 31, by striking the word "twenty-
3 five" and inserting the following: "fifteen".

4 2. Page 4, by striking lines 1 through 7 and
5 inserting the following: "be assessed by the
6 administrative law judge."

LINN FUHRMAN

S-5143

1 Amend Senate File 2307 as follows:

2 1. Page 3, line 32, by striking the word
3 "registered".

JIM RIORDAN

S-5144

1 Amend Senate Concurrent Resolution 119 as follows:

2 1. Page 2, by inserting after line 5 the
3 following:

4 "BE IT FURTHER RESOLVED, That the General Assembly
5 shall appropriate adequate ongoing funding to support
6 the full training of correctional officers called for
7 in this Resolution and that the training be updated
8 periodically to assure that correctional officers are
9 afforded an opportunity to stay abreast with the
10 latest techniques and procedures available to
11 correctional officers."

JIM LIND

S-5145

1 Amend Senate File 2327 as follows:

2 1. Page 11, line 33, by striking the figure
3 "600,000" and inserting the following: "100,000".

4 2. Page 17, by inserting after line 2 the
5 following:

6 "Sec. ____.

7 There is appropriated from the general fund of the
8 state to the treasurer of state for the fiscal year
9 beginning July 1, 1990, and ending June 30, 1991, the
10 following amount, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 For the initial funding of Iowa's participation in
13 the funding of the world food prize:

14 \$ 250,000

15 It is the intent of the general assembly that this
16 appropriation of public funds will result in a
17 commitment for additional funding for the world food
18 prize from private sources.

19 The treasurer of state shall only provide the funds
20 appropriated in this section to the world food prize
21 foundation if sufficient moneys are raised to assure
22 participation.

23 Notwithstanding section 8.33, if the treasurer of
24 state has not provided the total amount appropriated
25 in this section to the world food prize foundation by
26 June 30, 1991, the remaining amount shall not revert
27 but shall be available for expenditure by the
28 department of economic development for purposes of the
29 technical assistance centers.

30 Sec. ____.

31 There is appropriated from the general fund of the
32 state to the treasurer of state for the fiscal year
33 beginning July 1, 1990, and ending June 30, 1991, the
34 following amount, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 To be used by the treasurer of state to provide
37 state matching funds as provided in the rural county
38 investment Act if enacted by the Seventy-third General
39 Assembly, 1990 Session:

40 \$ 250,000

41 Of the amount appropriated in this section, \$25,000
42 shall be used for technical assistance as provided
43 under the rural county investment Act if enacted by
44 the Seventy-third General Assembly, 1990 Session."

ELAINE SZYMONIAK
JEAN LLOYD-JONES

S-5146

1 Amend Senate File 2327 as follows:
2 1. Page 4, by inserting after line 1 the
3 following:

4 "The Iowa business council is requested to conduct
5 a study to determine the best utilization of the funds
6 appropriated by this paragraph. The council shall

7 report its findings to the department of economic
8 development in conjunction with this program.”

CALVIN O. HULTMAN
JOY CORNING

S-5147

1 Amend Senate File 2327 as follows:

2 1. Page 9, by inserting after line 20 the
3 following:

4 “As a condition, limitation, and qualification of
5 the appropriations made in this subsection, a welcome
6 center shall not charge a fee for the placement and
7 display of tourism-related pamphlets or promotional
8 materials.”

BEVERLY A. HANNON
JOE WELSH

S-5148

1 Amend Senate File 2327 as follows:

2 1. Page 1, line 11, by striking the figure
3 “1,040,706” and inserting the following: “815,706”.

4 2. Page 1, line 12, by striking the figure
5 “25.50” and inserting the following: “21.00”.

6 3. By striking page 5, line 30 through page 6,
7 line 5.

8 4. Page 17, by inserting after line 2, the
9 following:

10 “Sec. ____ . SMALL BUSINESS ADVOCATE.

11 There is appropriated from the general fund of the
12 state to the small business advocate for the fiscal
13 year beginning July 1, 1990, and ending June 30, 1991,
14 the following amount, or so much thereof as is
15 necessary, to be used for the purposes designated:

16 For salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-
18 time equivalent positions:

19	\$	281,245
20	FTEs	6.00

21 Sec. ____ . Section 15.108, subsection 7, paragraphs
22 a and b, Code Supplement 1989, are amended by striking
23 the paragraphs.

24 Sec. ____ . Section 15.108, subsection 7, paragraph
25 c, subparagraphs (1), (2), and (4), Code Supplement
26 1989, are amended to read as follows:

27 (1) The director, in conjunction with the director
28 of the department of management and small business
29 advocate, shall publicize the procurement set-aside
30 program to targeted small businesses and to agencies

31 of state government, attempt to locate targeted small
32 businesses able to perform set-aside awards, and
33 encourage program participation. The director may
34 request the cooperation of the department of general
35 services, the department of transportation, the state
36 board of regents, or any other agency of state
37 government in publicizing this program.

38 (2) The director, in conjunction with the director
39 of the department of management and small business
40 advocate, shall publicize the financial assistance
41 program established in section 15.247 to targeted
42 small businesses.

43 (4) The director, in conjunction with the director
44 of the department of management, small business
45 advocate, and jointly with the universities under the
46 jurisdiction of the state board of regents, the area
47 community colleges, and the area vocational schools,
48 shall develop and make available in all areas of the
49 state, programs to offer and deliver concentrated, in-
50 depth advice and services to assist targeted small

Page 2

1 businesses. The advice and services shall extend to
2 all areas of business management in its practical
3 application, including but not limited to accounting,
4 engineering, drafting, grant writing, obtaining
5 financing, locating bond markets, market analysis, and
6 projections of profit and loss.

7 Sec. ____ . Section 15.108, subsection 7, paragraph
8 d, Code Supplement 1989, is amended by striking the
9 paragraph.

10 Sec. ____ . Section 15.108, subsection 7, paragraph
11 e, Code Supplement 1989, is amended to read as
12 follows:

13 e. To the extent feasible, cooperate with the
14 department of employment services and small business
15 advocate to establish a program to educate existing
16 employers and new or potential employers on the rates
17 and workings of the state unemployment compensation
18 program and the state workers' compensation program.

19 Sec. ____ . Section 15.108, subsection 7, paragraph
20 f, Code Supplement 1989, is amended by striking the
21 paragraph.

22 Sec. ____ . **NEW SECTION. 17A.34 NOTICE OF LICENSE**
23 **OR PERMIT APPLICATION.**

24 An agency which issues licenses or permits shall
25 adopt rules providing notice of issuance procedures to
26 a person applying for a license or permit in the event
27 the application cannot be processed within two weeks

28 of receipt of the license or permit application by the
 29 agency. The notice shall be sent two weeks after
 30 receipt of the license or permit application, and
 31 shall explain the approximate amount of time necessary
 32 to process the application."

33 5. Page 18, by inserting after line 2, the
 34 following:

35 "Sec. ____ . NEW SECTION. 28.162 SMALL BUSINESS
 36 ADVOCATE ESTABLISHED.

37 The office of the small business advocate is
 38 established.

39 Sec. ____ . NEW SECTION. 28.163 DEFINITIONS.

40 1. "Advocate" means the small business advocate.

41 2. "Agency" means any state agency, commission, or
 42 board.

43 3. "Small business" means a small business or
 44 targeted small business as defined in section 15.102.

45 Sec. ____ . NEW SECTION. 28.164 SMALL BUSINESS
 46 ADVOCATE -- APPOINTMENT.

47 A small business advocate shall be appointed to a
 48 four-year term by the governor, subject to
 49 confirmation by the senate, and shall serve at the
 50 pleasure of the governor. The governor shall fill a

Page 3

1 vacancy in the office in the same manner as the
 2 original appointment was made. The small business
 3 advocate shall not be selected on the basis of
 4 political affiliation and shall not engage in
 5 political activity while holding the office. The
 6 salary of the small business advocate shall be fixed
 7 by the governor within a salary range established by
 8 the general assembly.

9 Sec. ____ . NEW SECTION. 28.165 SMALL BUSINESS
 10 ADVOCATE -- DUTIES.

11 The small business advocate shall do all of the
 12 following:

13 1. Study the feasibility of reducing the total
 14 number of state licenses, permits, and certificates
 15 required to conduct small business.

16 2. Receive and review complaints from individual
 17 small businesses that relate to rules or decisions of
 18 state agencies, and refer questions and complaints to
 19 a governmental agency where appropriate.

20 3. Operate and administer the regulatory
 21 information service provided for in section 28.17.

22 4. Operate and administer the small business
 23 information center established under section 99E.32,
 24 subsection 3, paragraph "d", subparagraph (4).

- 25 5. If determined necessary by the small business
26 advocate, provide training for bank loan officers to
27 increase their level of expertise in regard to
28 business loans.
- 29 6. Facilitate resolution of complaints from small
30 businesses under section 15.108, subsection 7,
31 paragraph "a" through the agency's business assistance
32 officer. However, the advocate may refer complaints
33 to the citizens' aide or the attorney general for
34 further investigation or action if necessary.
- 35 7. Serve as ombudsman for small businesses in
36 their relations with state agencies and with regard to
37 economic development assistance programs, including
38 but not limited to the following programs:
- 39 a. The targeted small business linked investments
40 programs created under section 12.43.
- 41 b. The targeted small business procurement program
42 created under sections 73.15 through 73.21.
- 43 c. The Iowa product development corporation.
- 44 d. The business development finance corporation.
- 45 e. Other programs and development activities
46 authorized under chapter 28.
- 47 f. The federal procurement office.
- 48 g. The community economic betterment program.
- 49 h. The small business new jobs training program
50 under chapter 280C.

Page 4

- 1 i. Business incubators established under section
2 99E.32, subsection 3, paragraph "d", subparagraph (5).
- 3 8. Consult and advise the three branches of
4 government on issues that directly or indirectly
5 affect small businesses in the state.
- 6 9. Make recommendations to reduce or prevent
7 duplication of services to small businesses by an
8 agency, local government, or nonprofit or other
9 private organization.
- 10 10. Assist the primary research and marketing
11 center for business and international trade
12 established under section 28.101.
- 13 11. Work with associations or citizen groups and
14 local, state, or federal agencies that affect small
15 business in improving the small business climate in
16 the state and in encouraging federal and local
17 governmental agencies to simplify and coordinate
18 permit and application forms for projects in the
19 state.
- 20 12. Provide mediation services to a small
21 business.

22 13. Request a small business regulatory
23 flexibility analysis under section 17A.31.
24 14. Provide information to the public on business
25 activity in the state and the small business
26 advocate's office and services.
27 15. Serve as chairperson of the interagency
28 committee of business assistance officers that
29 coordinates interagency activities affecting small
30 business.
31 16. Employ personnel as necessary to carry out the
32 duties and responsibilities of the small business
33 advocate consistent with the provisions of chapter
34 19A. Professional employees are exempt from the merit
35 system provisions of chapter 19A.
36 17. Manage the internal operations of the office
37 of the small business advocate, including the
38 purchasing or leasing of equipment or office space,
39 and establish guidelines and procedures to promote the
40 orderly and efficient administration of the office.
41 18. Prepare a budget for the small business
42 advocate and prepare reports as required by law.
43 19. Apply for, administer, and use federal or
44 other funds available for carrying out the purposes of
45 this chapter.
46 Sec. ____ . NEW SECTION. 28.166 ANNUAL REPORT.
47 1. The small business advocate shall annually, no
48 later than November 1, submit to the governor and the
49 general assembly, a report summarizing the state of
50 small business in Iowa.

Page 5

1 2. The report shall include but is not limited to
2 the following:
3 a. A summary of the work of the small business
4 advocate in administering the advocate's duties and
5 responsibilities.
6 b. Recommendations regarding agency permit
7 programs and recommendations to simplify or
8 consolidate state regulatory activities, permits,
9 inspection, certification, or licensing relating to
10 small business.
11 Sec. ____ . NEW SECTION. 28.167 ADDITIONAL DUTIES.
12 1. The small business advocate shall provide
13 assistance to a small business which raises a
14 complaint regarding an agency or experiences a delay
15 in receiving a permit or license, or other services
16 from an agency.
17 2. A small business may contact the advocate to
18 review or assist in resolving a complaint or delay in

19 service under subsection 1.

20 3. The advocate shall adopt rules pursuant to
21 chapter 17A to administer this chapter.

22 4. An agency shall cooperate in providing
23 information and assistance to the advocate in
24 resolving a complaint or delay in service.

25 Sec. ____ . NEW SECTION. 28.168 BUSINESS
26 ASSISTANCE OFFICER.

27 1. Each agency which provides information,
28 economic or technical assistance, licenses or permits,
29 or other services to small businesses shall designate
30 a business assistance officer.

31 2. A business assistance officer shall do all of
32 the following:

33 a. Consult with the advocate with regard to
34 regulation and forms management.

35 b. Provide regulatory assistance to small
36 business.

37 c. Resolve small business complaints within the
38 business assistance officer's agency.

39 d. Maintain, at a central location, a current
40 catalog of all types of license, permit, and other
41 regulatory requirements of the agency affecting small
42 business.

43 e. Review agency rules to reduce any adverse
44 economic effect on small business.

45 f. Promptly notify the advocate of any rule
46 change.

47 g. Train agency personnel on how to reduce
48 unnecessary regulatory burdens and solve business
49 complaints.

50 h. Cooperate with the advocate in the exercise of

Page 6

1 the advocate's duties under this chapter and take
2 administrative action necessary to implement programs
3 developed by the advocate pursuant to this chapter.

4 i. Serve on the interagency committee of business
5 assistance officers that coordinates interagency
6 activities affecting small businesses.

7 j. Submit an annual report by July 1 to the
8 advocate on the regulatory practices of the officer's
9 agency and of the services provided to small
10 businesses by the agency.

11 Sec. ____ . NEW SECTION. 28.169 AGENCY INFORMATION -
12 - AVAILABILITY.

13 Except as otherwise provided, each agency shall do
14 all of the following:

15 1. Maintain, at a central location, a current

16 catalog of all types of projects, license, permits,
 17 and other regulatory requirements administered by the
 18 agency. Specific application forms, applicable agency
 19 rules, and the time period necessary for license and
 20 permit application consideration, based upon
 21 experience and statutory requirement, shall be
 22 included in the catalog.

23 2. Provide to a person, upon request, information
 24 from the catalog or any application forms used by the
 25 agency.

26 3. Provide to the advocate, upon request,
 27 information from the catalog, including as many copies
 28 of the catalog as the advocate determines is
 29 necessary.

30 4. Promptly notify the advocate of any changes in
 31 information in the catalog if the advocate has
 32 previously requested information concerning the
 33 catalog."

34 6. Title page, by striking line 3 and inserting
 35 the following: "foundation, Iowa finance authority,
 36 and small business advocate, and establishing a small
 37 business advocate."

MARK R. HAGERLA
 RICHARD VANDE HOEF
 JIM LIND
 JACK RIFE
 CALVIN O. HULTMAN
 PAUL D. PATE

S-5149

- 1 Amend Senate File 2327 as follows:
 2 1. Page 6, by striking lines 6 through 16.

BEVERLY A. HANNON

S-5150

- 1 Amend Senate File 2327 as follows:
 2 1. Page 5, line 12, by striking the word "SISTER"
 3 and inserting the following: "PARTNER".

JOHN W. JENSEN
 JEAN LLOYD-JONES

S-5151

1 Amend the amendment, S-5145, to Senate File 2327 as
2 follows:

3 1. Page 1, line 40, by striking the figure
4 "250,000" and inserting the following: "200,000".

5 2. Page 1, by inserting after line 44 the
6 following:

7 "Sec. ____ . There is appropriated from the general
8 fund for the fiscal year beginning July 1, 1990 to a
9 special events fund in the department of economic
10 development, the sum of fifty thousand dollars to be
11 used as one-time funding to assist in the start-up,
12 promotion, continued operation and organization of
13 local tourism, recreational, or cultural special
14 events. Not more than fifteen thousand dollars shall
15 be awarded for any event. Special events are those of
16 a nature that occur not more than twice a year and
17 include, but are not limited to, hot air balloon races,
18 fishing tournaments, and car racing meets. Preference
19 shall be given to national events. In awarding grants
20 priority shall be given to those events where state
21 funds shall be matched on at least a one-to-one basis
22 with electronic or other media advertising being
23 provided to the event."

JOE WELSH

S-5152

1 Amend Senate File 2326 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "grounds" the following: "or the grounds of a
4 nonpublic school receiving funds under section
5 283A.10, which are".

6 2. Page 2, by inserting after line 32, the
7 following:

8 "Sec. ____ . Section 283A.10, Code 1989, is amended
9 to read as follows:

10 283A.10 SCHOOL LUNCH IN NONPUBLIC SCHOOLS.

11 The authorities in charge of nonpublic schools may
12 operate or provide for the operation of school lunch
13 programs in schools under their jurisdiction and may
14 use funds appropriated to them by the general
15 assembly, gifts, funds received from sale of school
16 lunches under such programs, and any other funds
17 available to the nonpublic school. However, school
18 lunch programs shall not be required in nonpublic
19 schools. The department of education shall direct the
20 disbursement of state funds to nonpublic schools for
21 school lunch programs in the same manner as state

22 funds are disbursed to public schools. If a nonpublic
 23 school receives state funds for the operation of a
 24 school lunch program, meals served under the program
 25 shall be nutritionally adequate meals, as defined in
 26 section 283A.1."
 27 3. By numbering and renumbering as necessary.

JIM LIND
 LARRY MURPHY

S-5153

1 Amend Senate File 2327 as follows:
 2 1. Page 17, by inserting after line 2 the follow-
 3 ing:
 4 "Sec. ____ . NEW SECTION. 15.110 NOTIFICATION OF
 5 AWARD CEREMONIES.
 6 If the department is to hold or participate in a
 7 ceremony to recognize the allocation of state or
 8 federal funds awarded by the department to a business,
 9 institution, or local unit of government, the
 10 department shall notify the governor and the state
 11 senator and representative in whose district the award
 12 ceremony is taking place. The notice shall be given
 13 early enough to allow the governor, state senator, and
 14 state representative to attend."

BEVERLY A. HANNON
 JOE J. WELSH
 AL STURGEON
 RICHARD V. RUNNING
 JEAN LLOYD-JONES
 LARRY MURPHY

S-5154

1 Amend Senate File 2327 as follows:
 2 1. Page 6, by inserting after line 11, the
 3 following:
 4 "As a condition, limitation, and qualification of
 5 the appropriation made in this subsection, the funds
 6 appropriated shall only be used for purposes of
 7 procuring nonmilitary contracts."

BEVERLY HANNON
 JEAN LLOYD-JONES
 CHARLES BRUNER
 LARRY MURPHY

JULIA GENTLEMAN
THOMAS MANN, JR.
JAMES R. RIORDAN

S-5155

- 1 Amend Senate File 2366 as follows:
- 2 1. Page 2, line 10, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 2, line 12, by striking the word "The"
- 5 and inserting the following: "Upon petition the".

LARRY MURPHY

S-5156

- 1 Amend Senate File 2400 as follows:
- 2 1. Page 7, by inserting after line 35, the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 809.17 DISPOSITION OF
- 5 PROCEEDS FROM SALE OF SEIZED AND FORFEITED PROPERTY.
- 6 Proceeds received from the sale of seized and
- 7 forfeited property pursuant to this chapter shall be
- 8 distributed as follows:
- 9 1. Ninety-five percent for the use of the agency
- 10 disposing of such property.
- 11 2. Five percent for the crime victim reparation
- 12 program established in chapter 912."
- 13 2. Renumber as necessary.

LARRY MURPHY

S-5157

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 17, by inserting after line 2 the follow-
- 3 ing:
- 4 "Sec. ____ .
- 5 If moneys appropriated in this Act are awarded to a
- 6 business, institution, or local unit of government and
- 7 a ceremony is to be held in recognition of such award,
- 8 the department shall notify the governor and the state
- 9 senator and representative in whose district the award
- 10 ceremony is taking place. The notice shall be given
- 11 early enough to allow the governor, state senator, and
- 12 state representative to attend."

BEVERLY A. HANNON
AL STURGEON
JAMES R. RIORDAN
LARRY MURPHY
ELAINE SZYMONIAK
JOE J. WELSH
RICHARD V. RUNNING

S-5158

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 7, line 11, by striking the figure
- 3 "4,650,000" and inserting the following: "4,593,755".

JOE J. WELSH
MIKE CONNOLLY

S-5159

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 5, line 4, by striking the word "SISTER"
- 3 and inserting the following: "PARTNER".

JOHN W. JENSEN
JEAN LLOYD-JONES

S-5160

- 1 Amend Senate File 2277 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "subsection" and inserting the following: "unnumbered
- 4 paragraph".
- 5 2. Page 1, line 11, by inserting after the word
- 6 "Code." the following: "Faded signs shall be replaced
- 7 and the commercial vendor charged for the cost of
- 8 replacement based upon the fee schedule adopted. If
- 9 an adjacent landowner complains to the department
- 10 about the placement of a sign, the department shall
- 11 remove the sign and attempt to work out an agreement
- 12 for its replacement with the adjacent landowner."
- 13 3. Page 1, by inserting after line 11 the
- 14 following:
- 15 "Sec. ____ . Section 306C.11, subsection 5,
- 16 unnumbered paragraphs 1 and 2, Code 1989, are amended
- 17 to read as follows:
- 18 Signs, displays, and devices giving specific
- 19 information of interest to the traveling public, shall

20 be erected by the department and maintained within the
21 right of way in the areas, and at appropriate
22 distances from interchanges on the interstate system
23 and freeway primary highways as shall conform with the
24 rules adopted by the department under section 321.252,
25 unnumbered paragraph 4. The rules shall be consistent
26 with national standards promulgated from time to time
27 or as permitted by the appropriate authority of the
28 federal government pursuant to 23 U.S.C. sec. 131(f)
29 except as provided in this section. For purposes of
30 this division, "specific information of interest to
31 the traveling public" means only information about
32 public places for outdoor recreation, camping,
33 lodging, eating, and motor fuel and associated
34 services, including trade names which have telephone
35 facilities available when the public place is open for
36 business and businesses engaged in selling motor
37 vehicle fuel which have free air for tire inflation
38 and restroom facilities available when the public
39 place is open for business.

40 Business signs supplied to the department by
41 commercial vendors shall be on panels, with
42 dimensional and material specifications established by
43 the department. ~~No~~ A business sign included under the
44 provisions of this section shall not be posted unless
45 it is in compliance with these specifications. The
46 commercial vendor shall pay to the department ~~an~~
47 ~~annual fee of fifty dollars~~ a fee based upon the
48 schedule adopted under section 321.252, unnumbered
49 paragraph 4, for each business sign supplied for
50 posting. Upon furnishing the business signs to the

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1 department and payment of all fees, the department
2 shall post the business signs on eligible specific
3 information panels. Faded signs shall be replaced and
4 the commercial vendor charged for the cost of
5 replacement based upon the fee schedule adopted.
6 There is created in the office of the treasurer of
7 state a fund to be known as the "highway
8 beautification fund" and all funds received for the
9 posting on specific information panels shall be
10 deposited in the "highway beautification fund".
11 Information on motor fuel and associated services may
12 include vehicle service and repair where the same is
13 available."

14 4. Page 1, line 25, by striking the word
15 "tourist-" and inserting the following: "tourist
16 signing committee, the".

17 5. Page 1, by striking lines 26 and 27.
 18 6. Page 1, line 35, by inserting after the word
 19 "department." the following: "The tourist signing
 20 committee shall be made up of the directors or their
 21 designees of the departments of economic development,
 22 agriculture and land stewardship, and transportation,
 23 the chairperson or the chairperson's designee of the
 24 Iowa travel council, and a member of an outdoor
 25 advertising agency. The director or the director's
 26 designee of the department of economic development
 27 shall be the chairperson of the committee. The
 28 department of transportation shall be responsible for
 29 calling and setting the date of the meetings of the
 30 committee which meetings shall be based upon the
 31 amount of activity relating to signs. However, the
 32 committee shall meet at least once a month."

JIM LIND
 KENNETH D. SCOTT

S-5161

1 Amend Senate File 2364 as follows:
 2 1. Page 11, by inserting after line 20, the
 3 following:
 4 "____. From the state fish and game protection fund
 5 to the department during the fiscal year beginning
 6 July 1, 1990, and ending June 30, 1991, to support one
 7 or more positions having duties related to destroying
 8 coyotes and wild dogs which pose a threat to
 9 livestock:
 10 \$ 20,000
 11 The positions must be supported on a matching basis
 12 with moneys allocated by the United States department
 13 of agriculture."
 14 2. By renumbering as necessary.

BERL E. PRIEBE
 LEONARD BOSWELL

S-5162

1 Amend Senate File 2248 as follows:
 2 1. Page 1, by striking lines 4 through 10, and inserting
 3 the following:
 4 "NEW PARAGRAPH. s. Failure to place in an advertisement,
 5 if an advertisement does not include the words "hearing aid"
 6 in the title of the business which is advertising, the

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7 qualifying words in the same size type, "for the purpose
8 of fitting, selection, adaption, and sale of
9 hearing aids". However, the qualifying words are not
10 required if the advertisement includes the words, "hearing
11 test", "hearing evaluation", "free hearing test", "free
12 hearing evaluation", "hearing measurement", or "free hearing
13 measurement", and the title of the business which is
14 advertising appears in the advertisement
15 and includes the words "hearing aid"."

RAY TAYLOR
ELAINE SZYMONIAK
BEVERLY A. HANNON

S-5163

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 2, by striking lines 17 through 21.
- 3 2. By renumbering as necessary.

JIM RIORDAN
DALE L. TIEDEN
BERL E. PRIEBE
RICHARD V. RUNNING
LEONARD L. BOSWELL
KENNETH D. SCOTT
EUGENE FRAISE
ALVIN V. MILLER

S-5164

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 6, by inserting after line 7, the
- 3 following:
- 4 "It is the intent of the general assembly that
- 5 \$20,000 of the amount collected during the fiscal year
- 6 beginning July 1, 1990, and ending June 30, 1991,
- 7 under chapter 182 by the Iowa sheep and wool promotion
- 8 board, be appropriated by the board as soon as
- 9 practical to the department of agriculture and land
- 10 stewardship to be used for purposes of supporting a
- 11 scrapie education program. The program shall educate
- 12 persons engaged in sheep production, landfill
- 13 operations, rendering operations, and locker plant
- 14 operations regarding the proper handling, treatment,
- 15 and disposal of sheep and carcasses of sheep afflicted
- 16 with the disease scrapie."

JIM RIORDAN

S-5165

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 15, line 24, by inserting after the word
- 3 "appropriated" the following: "before any other
- 4 allocation under this section".
- 5 2. Page 15, line 25, by striking the words
- 6 "beginning in" and inserting the following: "after".

JIM RIORDAN

S-5166

- 1 Amend Senate File 2197 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 80.40 CRIME
- 5 INFORMATION.
- 6 The department shall establish a program to
- 7 collect, classify, and disseminate information
- 8 relating to violations of section 729.5. Planning for
- 9 this project shall be completed and data collection
- 10 shall commence no later than January 1, 1991.
- 11 Sec. 2. Section 729.5, Code 1989, is amended to
- 12 read as follows:
- 13 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
- 14 ~~CIVIL~~ RIGHTS -- PENALTIES.
- 15 1. Persons within the state of Iowa have the right
- 16 to be free from any violence, or intimidation by
- 17 threat of violence, committed against their persons or
- 18 property because of their race, color, religion,
- 19 ancestry, national origin, political affiliation, ~~or~~
- 20 sex, sexual orientation, age, or disability.
- 21 2. A person who conspires with another person or
- 22 persons, or who acts alone to injure, oppress,
- 23 threaten, or intimidate or interfere with any citizen
- 24 in the free exercise or enjoyment of any right or
- 25 privilege secured to that person by the constitution
- 26 or laws of the state of Iowa or by the constitution or
- 27 laws of the United States, and assembles with one or
- 28 more persons for the purpose of teaching or being
- 29 instructed in any technique or means capable of
- 30 causing property damage, bodily injury or death when
- 31 the person or persons intend to employ those
- 32 techniques or means in furtherance of the conspiracy,
- 33 is on conviction, guilty of a class "D" felony.

34 A person intimidates or interferes with another
35 person if the act of the person results in any of the
36 following:
37 a. Physical injury to the other person.
38 b. Physical damage to or destruction of the other
39 person's property.
40 c. Communication in a manner, or action in a
41 manner, intended to result in either of the following:
42 (1) To place the other person in fear of physical
43 contact which will be injurious, insulting, or
44 offensive, coupled with the apparent ability to
45 execute the act.
46 (2) To place the other person in fear of harm to
47 the other person's property, or harm to the person or
48 property of a third person.
49 3. The fact that a person committed a felony or
50 misdemeanor, or attempted to commit a felony, because

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1 of the victim's race, color, religion, ~~nationality,~~
2 country of ancestry, national origin, political
3 affiliation, or sex, sexual orientation, age, or
4 disability, shall be considered a circumstance in
5 aggravation of any crime in imposing sentence and
6 fine. Evidence of such fact includes, but is not
7 limited to, the burning of crosses and other symbols,
8 and a rebuttable presumption of the fact arises where
9 such an act is shown to have been committed.
10 4. A victim who has suffered physical, emotional,
11 or financial harm as a result of a violation of this
12 section is entitled to injunctive relief, general and
13 special damages, reasonable attorney fees, and costs.
14 4 5. This section does not make unlawful the
15 teaching of any technique in self-defense.
16 5 6. This section does not make unlawful any
17 activity of any of the following officials or persons:
18 a. Law enforcement officials of this or any other
19 jurisdiction while engaged in the lawful performance
20 of their official duties;
21 b. Federal officials required to carry firearms
22 while engaged in the lawful performance of their
23 official duties;
24 c. Members of the armed forces of the United
25 States or the national guard while engaged in the
26 lawful performance of their official duties; or,
27 d. Any conservation commission, law enforcement
28 agency, or any agency licensed to provide security
29 services, or any hunting club, gun club, shooting
30 range, or other organization or entity whose primary

31 purpose is to teach the safe handling or use of
 32 firearms, archery equipment, or other weapons or
 33 techniques employed in connection with lawful sporting
 34 or other lawful activity.

35 Sec. 3.

36 This Act shall not be construed to establish any
 37 new category of individual rights not currently
 38 protected by the laws of this state or federal law, or
 39 to enlarge, diminish, or impair any right guaranteed
 40 by the laws of this state or federal law.

41 Sec. 4.

42 The Code editor shall amend the title of chapter
 43 729 by changing the word "civil" to "individual" to
 44 reflect the changes made in this Act."

45 2. Title page, by striking lines 1 through 3, and
 46 inserting the following: "An Act relating to
 47 violations of an individual's rights, by prohibiting
 48 acts of assault".

LINN FUHRMAN
 TOM MANN, JR.
 RICHARD J. VARN
 RICHARD V. RUNNING

S-5167

1 Amend Senate File 2080 as follows:

2 1. Page 1, line 15, by striking the words

3 "lythrum salicaria" and inserting the following:

4 "lythrum virgantum when used for ornamental gardens,
 5 and"

6 2. Page 1, by inserting after line 19, the
 7 following:

8 "Sec. ____.

9 The state weed commissioner shall publish the list
 10 of varieties of purple loosestrife which are sterile
 11 according to this Act by September 1, 1990."

12 3. By renumbering as necessary.

RICHARD VANDE HOEF

S-5168

1 Amend Senate File 2274 as follows:

2 1. Page 5, line 32, by striking the word "three"

3 and inserting the following: "ten".

4 2. Page 6, line 10, by striking the word "three"

5 and inserting the following: "ten".

BEVERLY A. HANNON
MIKE CONNOLLY
TOM MANN, JR.

S-5169

- 1 Amend Senate File 2386 as follows:
2 1. Page 11, line 10, by inserting after the word
3 "district" the following: "or the authorities in
4 charge of an accredited nonpublic school".
5 2. Page 11, line 12, by inserting after the word
6 "chapter." the following: "A pupil attending an
7 accredited nonpublic school shall be counted as a
8 shared-time student in the pupil's school district of
9 residence for state foundation aid purposes."
10 3. Page 11, line 20, by inserting after the word
11 "district" the following: "or accredited nonpublic
12 school".
13 4. Page 11, line 23, by inserting after the word
14 "district" the following: "or accredited nonpublic
15 school".
16 5. Page 11, line 33, by inserting after the word
17 "district" the following: "or accredited nonpublic
18 school".
19 6. Page 12, line 2, by inserting after the word
20 "district" the following: "or authorities in charge
21 of an accredited nonpublic school".
22 7. Page 12, line 9, by inserting after the word
23 "residence" the following: "or accredited nonpublic
24 school".
25 8. Page 12, by inserting after line 16, the
26 following:
27 "Sec. ____ . Section 261C.9, Code 1989, is amended
28 to read as follows:
29 261C.9 PUPIL ENROLLMENT.
30 Payments shall not be made under section 261C.6 if
31 the eligible pupil is enrolled on a full-time basis in
32 the pupil's school district of residence or in an
33 accredited nonpublic school as well as enrolling in a
34 course or program in an eligible postsecondary
35 institution."
36 9. By renumbering as necessary.

WILLIAM W. DIELEMAN
LARRY MURPHY
RICHARD VARN
DALE TIEDEN
WALLY HORN
RAY TAYLOR

JOHN P. KIBBIE
 JIM LIND
 WILMER RENSINK
 H. KAY HEDGE
 PAT DELUHERY
 LEONARD BOSWELL

S-5170

1 Amend Senate File 2031 as follows:

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

4 "6. An employee receiving transferred vacation
 5 leave pursuant to this section shall not be eligible
 6 to receive disability benefits pursuant to section
 7 79.20 while the employee is using the transferred
 8 vacation leave.

9 Sec. ____ . Section 79.20, subsection 4, Code 1989,
 10 is amended to read as follows:

11 4. All permanent full-time state employees shall
 12 be covered under the employees disability insurance
 13 program, except board members and members of
 14 commissions who are not full-time state employees, and
 15 state employees who on July 1, 1974, are under another
 16 disability program financed in whole or in part by the
 17 state, and employees receiving transferred vacation
 18 leave pursuant to section 79.26 while the employees
 19 are using the transferred vacation leave. For
 20 purposes of this section, members of the general
 21 assembly serving on or after January 1, 1989, are
 22 eligible for the plan during their tenure in office,
 23 on the basis of enrollment rules established for full-
 24 time state employees excluded from collective
 25 bargaining as provided in chapter 20."

COMMITTEE ON STATE GOVERNMENT
 JOHN P. KIBBIE, Chairperson

S-5171

1 Amend Senate File 2364 as follows:

2

3 1. Page 12, by inserting after line 25 the
 4 following:

5 "Sec. ____ .

6 There is appropriated to the department of natural
 7 resources for the fiscal year beginning July 1, 1990,
 8 and ending June 30, 1991, the following amount, or so

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9 much thereof as is necessary, to be used for the
10 purpose designated:

11 For use by the department to conduct meetings and
12 public hearings in Pocahontas county relating to the
13 restoration and preservation of Lizard Lake:

14 \$ 5,000

15 As a condition, limitation, and qualification of
16 the appropriation made by this section, the department
17 shall use existing departmental staff to conduct the
18 meetings and public hearings. The department shall
19 report not later than January 10, 1991, to the
20 agriculture and natural resources appropriations
21 subcommittee, the results and recommendations of the
22 meetings and public hearings."

23 2. By renumbering as necessary.

BERL E. PRIEBE
C. JOSEPH COLEMAN
LINN FUHRMAN

S-5172

1 Amend Senate File 2364 as follows:

DIVISION S—5172A

2 1. Page 1, line 12, by striking the figure
3 "1,274,018", and inserting the following:
4 "1,309,018".

DIVISION S—5172B

5 2. Page 2, line 29, by striking the figure
6 "830,472" and inserting the following: "858,472".

7 3. Page 3, by inserting after line 7, the
8 following:

9 " . . . As a condition, limitation, and
10 qualification of the appropriation from the general
11 fund under paragraph "a", \$28,000 shall be used to
12 support the position of program planner to perform
13 pesticide case reviews."

14 4. Page 3, line 11, by striking the figure "83.0"
15 and inserting the following: "84.0".

DIVISION S—5172C

16 5. Page 7, by inserting after line 15, the
17 following:

18 "Sec. . . .

19 There is appropriated from the general fund of the
 20 state to the department of agriculture and land
 21 stewardship for the fiscal year beginning on July 1,
 22 1990, and ending June 30, 1991, the following amount,
 23 or so much thereof as is necessary, for use by the
 24 agricultural diversification bureau of the farm
 25 commodity division for purposes of supporting, on a
 26 matching basis with private contributors, the ecology
 27 education center at the Iowa arboretum:
 28 \$ 30,000"

JIM RIORDAN

S-5173

1 Amend Senate File 2351 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 362.2, subsection 22, Code
 5 1989, is amended to read as follows:
 6 22. "City utility" means all or part of a
 7 waterworks, gasworks, sanitary sewage system, storm
 8 water drainage system, electric light and power plant
 9 and system, or heating plant any of which are owned by
 10 a city, including all land, easements, rights of way,
 11 fixtures, equipment, accessories, improvements,
 12 appurtenances, and other property necessary or useful
 13 for the operation of the utility.
 14 Sec. 2. Section 384.84, subsection 1, Code 1989,
 15 is amended to read as follows:
 16 1. The governing body of a city utility, combined
 17 utility system, city enterprise, or combined city
 18 enterprise may establish, impose, adjust, and provide
 19 for the collection of rates to produce gross revenues
 20 at least sufficient to pay the expenses of operation
 21 and maintenance of the city utility, combined utility
 22 system, city enterprise, or combined city enterprise
 23 and, when revenue bonds or pledge orders are issued
 24 and outstanding pursuant to this division, shall
 25 establish, impose, adjust, and provide for the
 26 collection of rates to produce gross revenues at least
 27 sufficient to pay the expenses of operation and
 28 maintenance of the city utility, combined utility
 29 system, city enterprise, or combined city enterprise,
 30 and to leave a balance of net revenues sufficient at
 31 all times to pay the principal of and interest on the
 32 revenue bonds and pledge orders as they become due and
 33 to maintain a reasonable reserve for the payment of
 34 principal and interest, and a sufficient portion of

35 net revenues must be pledged for that purpose. Rates
36 must be established by ordinance of the council or by
37 resolution of the trustees, published in the same
38 manner as an ordinance. All rates or charges for the
39 services of sewer systems, storm water drainage
40 systems, sewage treatment, solid waste collection,
41 water, solid waste disposal, or any of these, if not
42 paid as provided by ordinance of the council, or
43 resolution of the trustees, are a lien upon the
44 premises served by any of these services upon
45 certification to the county treasurer that the rates
46 or charges are due. However, the lien shall not be
47 less than five dollars. The county treasurer may
48 charge two dollars for each lien certified as an
49 administrative expense, which amount shall be added to
50 the amount of the lien to be collected at the time of

Page 2

1 payment of the assessment from the payor and credited
2 to the county general fund. The lien has equal
3 precedence with ordinary taxes, may be certified to
4 the county treasurer and collected in the same manner
5 as taxes, and is not divested by a judicial sale. A
6 governing body may declare all or a certain portion of
7 a city as a storm water drainage system district for
8 the purpose of establishing, imposing, adjusting, and
9 providing for the collection of rates as provided
10 herein. The ordinance provisions for collection of
11 rates of a storm water drainage system may prescribe a
12 formula for determination of the rates which may
13 include criteria and standards by which benefits have
14 been previously determined for special assessments for
15 storm water public improvement projects under this
16 chapter.

17 Sec. 3. Section 388.2, unnumbered paragraph 1,
18 Code 1989, is amended to read as follows:

19 The proposal of a city to establish, acquire,
20 lease, or dispose of a city utility, except a sanitary
21 sewage or storm water drainage system, in order to
22 undertake or to discontinue the operation of the city
23 utility, or the proposal to establish or dissolve a
24 combined utility system, or the proposal to establish
25 or discontinue a utility board, is subject to the
26 approval of the voters of the city, except that a
27 board may be discontinued by resolution of the council
28 when the city utility, city utilities, or combined
29 utility system it administers is disposed of or leased
30 for a period of over five years."

S-5174

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 5, by inserting after line 7 the
- 3 following:
- 4 "___ . Contingent on the certification of the
- 5 secretary by February 1, 1991, that a need exists, for
- 6 transitional costs associated with the election of a
- 7 new secretary:
- 8 \$ 50,000".

JACK RIFE

S-5175

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 3, by striking lines 28 through 35 and
- 3 inserting the following: "1990."

JIM LIND
 DALE L. TIEDEN
 JACK W. HESTER

S-5176

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 2, line 29, by striking the figure
- 3 "830,472" and inserting the following: "792,895".
- 4 2. Page 3, by striking lines 4 through 7.
- 5 3. Page 3, line 11, by striking the figure "83.0"
- 6 and inserting the following: "82.0".

RICHARD VANDE HOEF
 H. KAY HEDGE
 RAY TAYLOR
 DALE L. TIEDEN
 JACK W. HESTER

S-5177

- 1 Amend Senate File 2235 as follows:
- 2 1. Page 1, line 12, by inserting after the words
- 3 "another state" the following: "if the state in which
- 4 the dealer is licensed permits Iowa licensed dealers
- 5 to similarly reassign certificates of title".

6 2. Page 1, by inserting after line 21 the
7 following:
8 "Sec. ____ . Section 321.48, subsection 2, Code
9 1989, is amended to read as follows:
10 2. A foreign registered vehicle purchased or
11 otherwise acquired by a dealer for the purpose of
12 resale shall be issued a certificate of title for the
13 vehicle by the county treasurer of the dealer's
14 residence upon proper application as provided in this
15 chapter and upon payment of a fee of five dollars and
16 the dealer is exempt from the payment of any and all
17 registration fees for the vehicle. The application
18 for certificate of title shall be made within fifteen
19 days after the vehicle comes within the border of the
20 state. However, a dealer acquiring a vehicle
21 registered in another state which permits Iowa dealers
22 to reassign that state's certificates of title shall
23 not be required to obtain a new registration or a new
24 certificate of title and upon transferring title or
25 interest to another person shall execute an assignment
26 upon the certificate of title for the vehicle to the
27 person to whom the transfer is made and deliver the
28 assigned certificate of title to the person."
29 3. By renumbering as necessary.

RICHARD F. DRAKE
GEORGE R. KINLEY

S-5178

1 Amend Senate File 2364 as follows:
2 1. Page 8, by inserting after line 29 the
3 following:
4 "From the general fund of the state for an energy
5 savings pilot project to measure energy savings from
6 computerizing energy use:
7 \$ 25,000".

GEORGE R. KINLEY

S-5179

1 Amend Senate File 2319 as follows:
2 1. Page 1, by striking lines 14 and 15.

DONALD V. DOYLE

S-5180

1 Amend Senate File 2345 as follows:

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

4 "d. The county attorney of the county in which the
5 death of the patient occurred."

6 2. Page 1, by striking lines 24 through 33, and
7 inserting the following:

8 "2. Following the notification of the citizens'
9 aide, of the death of a patient, the citizens' aide,
10 pursuant to chapter 601G, shall direct a team to
11 investigate the death, if the death is a death
12 affecting the public interest, as defined in section
13 331.802. The team selected by the citizens' aide may
14 include, but is not limited to the following members:

15 a. An advocate of the mentally ill.

16 b. A psychiatric registered nurse.

17 c. A psychiatric social worker.

18 d. A forensic science expert.

19 Upon submission by the citizens' aide and approval
20 by the legislative council, the fees and expenses for
21 the team assembled by the citizens' aide shall be paid
22 by funds in the state treasury pursuant to section
23 2.12.

24 State agencies which are involved in the
25 investigation of a death under this section shall
26 cooperate with and assist the citizens' aide in
27 fulfillment of the citizens' aide's duties."

28 3. Page 2, by striking lines 3 through 8, and
29 inserting the following:

30 "4. Following the investigation by the citizens'
31 aide team, the citizens' aide shall submit the
32 citizens' aide's findings to the county attorney of
33 the county in which the death occurred and to the
34 clerk of the district court of the county from which
35 the patient was committed, if the patient was
36 involuntarily hospitalized pursuant to chapter 229.
37 The citizens' aide may also make a referral pursuant
38 to section 601G.19, a recommendation pursuant to
39 section 601G.16, issue a report pursuant to section
40 601G.15, or notify the general assembly pursuant to
41 section 601G.16."

LARRY MURPHY
BEVERLY A. HANNON

S-5181

1 Amend Senate File 2386 as follows:

2 1. Page 5, by inserting after line 22, the
3 following:

4 "Sec. ____ . Section 261.1, subsection 3, Code
5 Supplement 1989, is amended by striking the
6 subsection.

7 Sec. ____ . Section 261.1, subsection 6, unnumbered
8 paragraph 1, Code Supplement 1989, is amended to read
9 as follows:

10 ~~Seven~~ Eight additional members to be appointed by
11 the governor. One of such members shall be selected
12 to represent private colleges, private universities
13 and private junior colleges located in the state of
14 Iowa. When appointing such one member, the governor
15 shall give careful consideration to any person or
16 persons nominated or recommended by any organization
17 or association of some or all private colleges,
18 private universities and private junior colleges
19 located in the state of Iowa. One such member shall
20 be enrolled as a student at a board of regents
21 institution, ~~merged area school community college~~, or
22 accredited private institution. One such member shall
23 be a representative of a lending institution located
24 in this state. One such member shall be a
25 representative of the Iowa student loan liquidity
26 corporation. One such member shall be a
27 representative of the community colleges located in
28 Iowa. When appointing the community college
29 representative, the governor shall give careful
30 consideration to any person or persons nominated or
31 recommended by any organization or association of Iowa
32 community colleges. The other three such members,
33 none of whom shall be official board members or
34 trustees of an institution of higher learning or of an
35 association of such institutions, shall be selected to
36 represent the general public."

37 2. By renumbering as necessary.

JOHN KIBBIE
RICHARD J. VARN

S-5182

1 Amend Senate File 2221 as follows:

2 1. Page 1, by striking lines 1 through 11 and in-
3 serting the following:

4 "Section 1. HEALTH FACILITY SPECIAL LICENSE
5 CLASSIFICATION -- RULES REQUIRED.

6 The department of inspections and appeals shall
7 adopt rules pursuant to chapter 17A establishing a
8 special license classification for an intermediate
9 care facility, a skilled nursing facility, or a
10 nursing facility, which designates and dedicates the
11 facility or a special unit within the facility to
12 provide care for persons who suffer from chronic
13 confusion or a dementing illness. A facility which
14 designates and dedicates the facility or a special
15 unit within the facility for the care of persons who
16 suffer from chronic confusion or a dementing illness
17 shall be licensed. A facility which does not
18 designate and dedicate the facility or a specific unit
19 within the facility to care for persons who suffer
20 from chronic confusion or a dementing illness may
21 serve the persons without a special license. However,
22 an existing facility or unit of a facility which has
23 designated and dedicated the facility or unit to care
24 for persons who suffer from chronic confusion or a
25 dementing illness must have a special license within
26 ninety days following the date of enactment of this
27 Act or by the date of the facility's or unit's next
28 annual survey, whichever is later. The rules shall
29 take effect upon filing unless a later date is
30 specified in the rules."

31 2. Page 1, line 12, by striking the figure "3"
32 and inserting the following: "2".

33 3. Title page, by striking lines 1 and 2 and
34 inserting the following: "An Act requiring the
35 department of inspections and appeals to adopt rules
36 establishing a special license classification for an
37 intermediate care facility, skilled nursing facility,
38 or nursing facility or a special unit within the
39 facility providing care to persons who suffer from
40 chronic confusion or a dementing illness,".

AL STURGEON

S-5183

1 Amend House File 209, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 22 through 33 and
4 inserting the following:

5 "b. As applicable to the sale of cigarettes to
6 minors through vending machines, if a retail licensee
7 does not place a cigarette vending machine in clear

8 view of a person of legal age who is responsible for
 9 prevention of purchase by minors from the machines,
 10 the retail licensee is in violation of this paragraph
 11 and is subject to a civil penalty in the amount of
 12 five hundred dollars for a first offense. If a retail
 13 licensee commits a subsequent violation of this
 14 paragraph, the retail license of the retail licensee
 15 shall be revoked."

COMMITTEE ON HUMAN RESOURCES
 BEVERLY HANNON, Chairperson

S-5184

1 Amend Senate File 228 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "judgment" the following: "unless the court
 4 determines that an award of such interest would be in
 5 the interest of justice".

TOM MANN, Jr.

S-5185

1 Amend Senate File 2365 as follows:
 2 1. Page 3, line 29, by striking the word
 3 "Effective" and inserting the following: "Beginning".
 4 2. Page 3, by striking line 32, and inserting the
 5 following: "a minimum community spouse resource
 6 allowance amount of twenty-".

JOE WELSH
 BEVERLY HANNON

S-5186

1 Amend Senate File 2344 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 252B.5, Code 1989, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 6. At the request of either
 7 parent who is subject to the order of support or upon
 8 its own initiation, review the amount of the support
 9 award in accordance with the guidelines established
 10 pursuant to section 598.21, subsection 4, and the
 11 federal Family Support Act of 1988, and take action to

12 initiate modification proceedings if the criteria
13 established pursuant to this section are met.
14 However, a review of a support award is not required
15 in those cases for which an assignment ordered
16 pursuant to chapter 234 or 239 is in effect if the
17 child support recovery unit determines that such a
18 review would not be in the best interest of the child
19 and neither parent has requested such review.

20 The department shall adopt rules no later than
21 October 13, 1990, setting forth the process for review
22 of requests for modification of support obligations
23 and the criteria and process for taking action to
24 initiate modification proceedings.

25 Sec. 2. Section 252B.6, subsection 3, Code 1989,
26 is amended by striking the subsection and inserting in
27 lieu thereof the following:

28 3. Appear on behalf of the state for the purpose
29 of facilitating the modification of support awards
30 consistent with guidelines established pursuant to
31 section 598.21, subsection 4 and the federal Family
32 Support Act of 1988. The unit shall not otherwise
33 participate in the proceeding.

34 Sec. 3. Section 252B.6, subsection 4, paragraph b,
35 Code 1989, is amended by striking the paragraph.

36 Sec. 4. Section 252B.7, Code 1989, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 4. An attorney employed by or
39 under contract with the child support recovery unit
40 represents and acts on behalf of the state when
41 providing child support enforcement services.

42 Sec. 5. Section 598.21, Code Supplement 1989, is
43 amended by adding the following new subsection:

44 NEW SUBSECTION. 8A. Notwithstanding subsection 8,
45 a substantial change of circumstances exists when the
46 court order for child support deviates from the child
47 support guidelines established pursuant to section
48 598.21, subsection 4. Upon application for a
49 modification of an order for child support where
50 services are being received pursuant to chapter 252B,

Page 2

1 the court shall adjust the award in a manner
2 consistent with the guidelines established pursuant to
3 section 598.21, subsection 4.”

CHARLES BRUNER

S-5187

1 Amend Senate File 2364 as follows:

2 1. Page 15, by inserting after line 27, the
3 following:

4 "Sec. ____ . Section 455A.18, subsection 4,
5 unnumbered paragraph 1, Code Supplement 1989, is
6 amended to read as follows:

7 For each fiscal year of the fiscal period beginning
8 July 1, 1990, and ending June 30, 2000, there is
9 appropriated from the general fund, to the Iowa
10 resources enhancement and protection fund, the amount
11 of \$20,000,000 to be used as provided in this chapter.

12 However, in any fiscal year of the fiscal period, if
13 moneys from another source are appropriated by the
14 state to the fund, the appropriated amount of
15 \$20,000,000 shall be reduced by the amount
16 appropriated from the other source."

JOE WELSH

S-5188

1 Amend Senate File 2372 as follows:

2 1. Page 1, line 10, by striking the word "odd-
3 numbered" and inserting the following: "odd-numbered
4 even-numbered".

5 2. Page 1, line 15, by striking the word "odd-
6 numbered" and inserting the following: "odd-numbered
7 even-numbered".

8 3. Page 1, line 18, by striking the word "even-
9 numbered" and inserting the following: "even-numbered
10 odd-numbered".

11 4. Page 1, line 22, by striking the word "even-
12 numbered" and inserting the following: "even-numbered
13 odd-numbered".

14 5. Page 1, lines 34 and 35, by striking the word
15 "even-numbered" and inserting the following: "odd-
16 numbered".

17 6. Page 2, line 1, by striking the word "even-
18 numbered" and inserting the following: "odd-
19 numbered".

20 7. Page 2, line 4, by striking the word "even-
21 numbered" and inserting the following: "even-numbered
22 odd-numbered".

MICHAEL E. GRONSTAL

S-5189

- 1 Amend Senate File 2402 as follows:
- 2 1. Page 1, line 28, by striking the figure
- 3 "3,448,957" and inserting the following: "3,508,957".
- 4 2. Page 1, by inserting after line 29 the
- 5 following:
- 6 "As a condition, limitation, and qualification of
- 7 this appropriation, \$60,000 of this appropriation
- 8 shall be used for establishment of a maintenance
- 9 detachment in Clarke county."

LEONARD L. BOSWELL
JOE J. WELSH

S-5190

- 1 Amend Senate File 2159 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "incidences." the following: "The employer of a
- 4 volunteer is that entity which provides or which is
- 5 required to provide workers' compensation coverage for
- 6 the volunteer."

RICHARD RUNNING

S-5191

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 15, by inserting after line 27, the
- 3 following:
- 4 "Sec. ____ . Section 99D.27, Code Supplement 1989,
- 5 is amended by striking the section and inserting in
- 6 lieu thereof the following:
- 7 99D.27 RACING DOG ADOPTION PROGRAM.
- 8 The department of agriculture and land stewardship
- 9 shall oversee a program to adopt dogs eligible to race
- 10 under this chapter. The department shall maintain a
- 11 list containing names of persons applying to adopt a
- 12 dog. The department shall regularly deliver the list
- 13 each month to every dog track which has registered
- 14 with the department to participate in the program.
- 15 Registered tracks shall match dogs to persons whose
- 16 names appear on the list according to terms agreed
- 17 upon by both parties.
- 18 The ownership of the dog shall be transferred from
- 19 the owner of the dog to the person who is adopting the
- 20 dog. A dog shall not be transferred to a person for
- 21 purposes related to racing, breeding, hunting,
- 22 laboratory research, or scientific experimentation. A

23 dog shall not be transferred unless the dog has been
24 found by a veterinarian to be free of disease or
25 disability requiring extensive medical treatment. A
26 dog shall not be transferred, unless the dog has been
27 sterilized according to accepted veterinary
28 procedures. However, the track and the person matched
29 with the dog may agree to transfer a dog which has not
30 been sterilized.”

MICHAEL E. GRONSTAL
JAMES R. RIORDAN
BERL E. PRIEBE

S-5192

1 . Amend Senate File 2159 as follows:

DIVISION S—5192B

2 1. Page 3, line 22, by striking the words “tools
3 and”.

DIVISION S—5192A

4 2. Page 4, lines 27 and 28, by striking the words
5 “twelve dollars and fifty cents” and inserting the
6 following: “~~twelve dollars and fifty cents~~ twenty-
7 five dollars”.

DIVISION S—5192B (cont'd.)

8 3. Page 5, by striking lines 3 through 6, and
9 inserting the following: “revocation of registrations
10 shall be held in accordance with section 91C.8.”

11 4. Page 5, by inserting before line 7, the
12 following:

13 “Sec. ____ . Section 91C.6, Code 1989, is amended to
14 read as follows:

15 91C.6 RULES.

16 The labor commissioner shall adopt rules, pursuant
17 to chapter 17A, determined to be reasonably necessary
18 for the ~~administration and enforcement of phasing in,~~
19 ~~administering, and enforcing~~ the system of contractor
20 registration established by this chapter.

21 Sec. ____ . Section 103A.20, subsection 1, Code
22 1989, is amended by adding the following new
23 unnumbered paragraph:

24 However, a permit, certificate, authorization, or
25 other required document for the construction of a

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AMENDMENTS FILED

26 building shall not be issued to a contractor who is
27 required and fails to obtain a contractor registration
28 number pursuant to chapter 91C.”

RICHARD RUNNING

S-5193

- 1 Amend Senate File 2159 as follows:
- 2 1. Page 4, by striking lines 23 through 29.

CALVIN O. HULTMAN

S-5194

- 1 Amend Senate File 2402 as follows:
- 2 1. Page 9, by striking lines 8 through 9.
- 3 2. By renumbering as necessary.

CALVIN O. HULTMAN
RICHARD F. DRAKE
JOHN W. JENSEN

S-5195

- 1 Amend Senate File 2402 as follows:
- 2 1. Page 6, by striking lines 22 through 27.
- 3 2. By renumbering as necessary.

CALVIN O. HULTMAN
RICHARD F. DRAKE
JOHN W. JENSEN

S-5196

- 1 Amend Senate File 2386 as follows:
- 2 1. Page 37, line 34, by inserting before the word
- 3 “other” the following: “any boards responsible for
- 4 conducting examinations of or for the licensing of
- 5 persons who receive occupational training at community
- 6 colleges,”.

LARRY MURPHY

AMENDMENTS FILED

1953

S-5197

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 2, line 21, by inserting after the word
- 3 "measures." the following: "Any gasoline containing
- 4 ten percent or more of MTBE shall be labeled as such
- 5 on the gasoline pumps."

JOE J. WELSH
MICHAEL E. GRONSTAL

S-5198

- 1 Amend House File 2321, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 3, line 28, by striking the word "any"
- 4 and inserting the following: "an unlawful".

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chair

S-5199

- 1 Amend the amendment, S-5093, to Senate File 2320 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 14 and
- 4 inserting the following:
- 5 "Sec. 100. Section 135H.6, subsection 5, Code
- 6 Supplement 1989, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:
- 8 5. The department of human services has submitted
- 9 written approval of the application based on the
- 10 department of human services' determination of need.
- 11 The department of human services shall identify the
- 12 location and number of children in the state who
- 13 require the services of a psychiatric medical
- 14 institution for children. Approval of an application
- 15 shall be based upon the location of the proposed
- 16 psychiatric institution relative to the need for
- 17 services identified by the department of human
- 18 services and an analysis of the applicant's ability to
- 19 provide services and support consistent with
- 20 requirements under chapter 232, particularly regarding
- 21 community-based treatment. If the proposed
- 22 psychiatric institution is not freestanding from a
- 23 facility licensed under chapter 135B or 135C, approval
- 24 under this subsection shall not be given unless the
- 25 department of human services certifies that the
- 26 proposed psychiatric institution is capable of
- 27 providing a resident with a living environment similar

28 to the living environment provided by a licensee which
29 is freestanding from a facility licensed under chapter
30 135B or 135C. Unless a psychiatric institution was
31 accredited to provide psychiatric services by the
32 joint commission on the accreditation of health care
33 organizations under the commission's consolidated
34 standards for residential settings prior to June 1,
35 1989, the department of human services shall not
36 approve an application for a license under this
37 chapter until the federal health care financing
38 administration has approved a state Title XIX plan
39 amendment to include coverage of services in a
40 psychiatric medical institution for children. In
41 addition, either of the following conditions must be
42 met:

43 a. The department of human services shall not give
44 approval to an application which would cause the total
45 number of beds licensed under this chapter to exceed
46 three hundred sixty beds, except as provided in
47 paragraph "b", with not more than three hundred of the
48 beds licensed under chapter 237 before January 1,
49 1989, and not more than sixty of the beds licensed
50 under chapter 237 on or after January 1, 1989.

Page 2

1 b. The department of human services shall not give
2 approval to an application which would cause the total
3 number of beds licensed under this chapter which
4 specialize in providing substance abuse treatment to
5 children to exceed seventy beds.

6 Sec. 101. Section 135H.6, subsection 6, Code
7 Supplement 1989, is amended to read as follows:

8 6. The proposed psychiatric institution is under
9 the direction of an agency which has operated a
10 facility licensed under section 237.3, subsection 2,
11 paragraph "a", subparagraph (3), for three years or of
12 an agency which has operated a facility for three
13 years providing psychiatric services exclusively to
14 children or adolescents and the facility meets or
15 exceeds requirements for licensure under section
16 237.3, subsection 2, paragraph "a", subparagraph (3)."

17 2. Page 3, line 41, by inserting after the figure
18 "100," the following: "101,".

CHARLES BRUNER

S-5200

1 Amend Senate File 2329 as follows:

DIVISION S—5200B

- 2 1. Page 3, line 32, by striking the words “eight
3 tons” and inserting the following: “tons”.
- 4 2. Page 3, line 34, by inserting after the word
5 “exempt” the following: “sixteen thousand pounds”.
- 6 3. Page 4, by striking lines 23 and 24 and
7 inserting the following: “person to operate certain
8 types of motor vehicles or to transport certain types
9 or quantities of hazardous materials.”
- 10 4. Page 7, line 14, by inserting after the word
11 “fees” the following: “court costs”.
- 12 5. Page 7, by striking lines 32 and 33 and
13 inserting the following: “operate a commercial motor
14 vehicle in Iowa if the nonresident has been issued a
15 license by”.
- 16 6. Page 8, line 3, by striking the word “which”
17 and inserting the following: “if the license,
18 commercial driver’s license, or motor vehicle
19 license”.

DIVISION S—5200A

- 20 7. Page 8, line 8, by striking the word “serious”
21 and inserting the following: “simple”.

DIVISION S—5200B (cont'd.)

- 22 8. Page 8, line 35, by striking the words “,
23 other than a”.
- 24 9. Page 9, line 1, by striking the words
25 “commercial motor vehicle”.
- 26 10. Page 9, line 2, by inserting after the word
27 “license” the following: “except a nonresident may
28 operate a commercial motor vehicle only in compliance
29 with section 321.174”.
- 30 11. Page 9, by striking lines 10 through 12 and
31 inserting the following: “machinery, or farm supplies
32 to or from the farm.”
- 33 12. Page 10, lines 14 and 15, by striking the
34 words “narcotic drugs” and inserting the following:
35 “an illegal narcotic drugs drug”.
- 36 13. Page 11, line 24, by inserting after the word
37 “chauffeur” the following: “or a motor vehicle with a
38 gross vehicle weight rating of sixteen thousand one or

39 more pounds".

40 14. Page 11, lines 24 and 25, by striking the
41 words "of two years from the date of issuance" and
42 inserting the following: "of not to exceed two years
43 from the date of issuance".

44 15. Page 13, line 7, by striking the letter "B"
45 and inserting the following: "A, B".

46 16. Page 13, by striking lines 21 through 23 and
47 inserting the following: "be valid for a period not
48 to exceed two years and shall be returned to the
49 department upon receipt of a valid chauffeur's license
50 six months. Issuance of a chauffeur's".

Page 2

DIVISION S—5200B (cont'd.)

1 17. Page 14, by striking lines 7 and 8 and
2 inserting the following: "D driver's license or
3 commercial driver's license valid for the operation of
4 the motor vehicle and the accompanying person is
5 actually occupying a".

6 18. Page 16, line 27, by striking the word
7 "operator" and inserting the word "driving".

8 19. Page 16, line 27, by inserting after the word
9 "locations" the following: "in this state".

10 20. Page 16, by striking lines 29 and 30 and
11 inserting the following: "person representing ten or
12 more drivers requiring driving skills testing.

13 The department shall, upon a commercial driver's
14 license applicant's successful passing of all required
15 knowledge tests and payment of a ten dollar deposit,
16 arrange an appointment for the applicant to take the
17 required driving skills test. The ten dollar deposit
18 shall be forfeited by the applicant if the applicant
19 fails to appear for the scheduled appointment and the
20 applicant shall be required to pay an additional ten
21 dollar deposit to reschedule the missed appointment.
22 If an applicant appears for the scheduled driving
23 skills test at the appointed time but fails the test,
24 no additional deposit will be required for the
25 applicant to make an appointment to again take the
26 driving skills test. If an applicant appears for the
27 scheduled driving skills test at the appointed time
28 and passes the test, the ten dollar deposit shall be
29 credited toward the fee for the endorsement or the
30 removal of the air brake restriction.

31 PARAGRAPH DIVIDED. The examination shall include a
32 test".

33 21. Page 17, by striking lines 10 and 11 and

34 inserting the following:

35 "The department shall examine applicants for motor
36 vehicle licenses. Examiners of the department shall
37 wear an identifying badge and uniform provided by the
38 department.

39 1. The department may by rule".

40 22. Page 17, line 18, by inserting after the
41 figure "383.75" the following: "(1988)".

42 23. Page 17, line 33, by inserting after the
43 figure "391" the following: "(1988)".

44 24. Page 18, line 8, by inserting after the
45 letter "H" the following: "(1988)".

46 25. Page 18, line 28, by inserting after the
47 figure "383.51" the following: "(1988)".

48 26. Page 19, by striking lines 11 and 12 and
49 inserting the following:

50 "3. An applicant for a".

Page 3

DIVISION S—5200B (cont'd.)

1 27. Page 19, line 14, by striking the figure
2 "383.17" and inserting the following: "383.121
3 (1988)".

4 28. Page 19, by inserting after line 25 the
5 following:

6 "5. A resident of this state holding a commercial
7 driver's license issued by a former state of residence
8 in conformity with the federal commercial driver
9 testing and licensing standards shall not be required
10 to take a knowledge or driving skills test prior to
11 issuance of a commercial driver's license in this
12 state. The commercial driver's license issued by this
13 state shall be valid for operation of the same class
14 of vehicles with the same endorsements and
15 restrictions as in the former state of licensure.
16 However, a person with a hazardous materials
17 endorsement must comply with subsection 3."

18 29. Page 19, by striking line 15 and inserting
19 the following: "endorsement. However, an applicant
20 for license upgrade may retain the".

21 30. Page 19, line 17, by striking the words "two
22 years" and inserting the words "twenty-four months"

23 31. Page 19, line 35, by striking the words "A
24 combination of" and inserting the following: "Valid
25 for the operation of".

26 32. Page 20, line 5, by striking the words "A
27 vehicle" and inserting the following: "Valid for the
28 operation of a vehicle".

- 29 33. Page 20, line 12, by striking the words "A
30 vehicle" and inserting the following: "Valid for the
31 operation of a vehicle".
- 32 34. Page 20, by striking line 15 and inserting
33 the following: "thousand one pounds and also valid
34 for the operation of any vehicle, other than a
35 motorcycle, for which the operator is exempt from
36 commercial driver's license requirements under section
37 321.176A."
- 38 35. Page 20, line 16, by striking the words "For
39 motor vehicle operation" and inserting the following:
40 "Valid for the operation of a motor vehicle".
- 41 36. Page 20, line 17, by striking the word "A"
42 and inserting the following: "Valid for the operation
43 of a".
- 44 37. Page 20, line 32, by striking the word
45 "licenses" and inserting the following: "licenses,
46 however, the rule shall be temporary and if within
47 sixty days after the next regular session of the
48 general assembly convenes the general assembly has not
49 made corresponding changes in this chapter, the
50 temporary classification or modification shall be

Page 4

DIVISION S—5200B (cont'd.)

- 1 nullified".
- 2 38. Page 21, by striking line 9 and inserting the
3 following: "licensee's address as required under
4 federal regulations, the".
- 5 39. Page 23, line 3, by striking the word "of"
6 and inserting the following: "not to exceed".
- 7 40. Page 25, line 28, by striking the word
8 "fifteen" and inserting the following: "sixteen".
- 9 41. Page 25, line 31, by striking the word
10 "seven" and inserting the following: "eight".
- 11 42. Page 26, by striking lines 2 through 5 and
12 inserting the following:
13 "6. SPECIAL MINOR' LICENSES. Notwithstanding
14 subsection 2, the fee for a driver's license issued to
15 a minor under section 321.194 or a restricted license
16 issued to a minor under section 321.178, subsection 2,
17 is eight dollars."
- 18 43. Page 26, line 26, by inserting after the word
19 "revoked." the following: "However, reinstatement of
20 the privilege suspended under section 321.210,
21 subsection 1, paragraph "c", shall be without fee."
- 22 44. Page 26, by inserting after line 29 the
23 following:

24 "10. ADDING ADDITIONAL CLASSES AND ENDORSEMENTS TO
 25 OR REMOVAL OF AIR BRAKE RESTRICTIONS FROM AN ISSUED
 26 LICENSE. If an applicant wishes to add additional
 27 classes or endorsements to or to remove air brake
 28 restrictions from a valid motor vehicle license issued
 29 to the applicant, the fee for adding the additional
 30 class, classes, or endorsements or for removing the
 31 air brake restriction shall be the difference between
 32 the total fees which would have been applied under
 33 subsections 1 through 9 for the new license less the
 34 fees which have been paid for the currently held
 35 license. The expiration date of the new license shall
 36 be the same as the expiration date of the currently
 37 held license."

38 45. Page 28, by striking lines 21 through 32 and
 39 inserting the following: "~~is actually occupying a~~
 40 ~~seat beside the driver. The license shall expire on~~
 41 ~~the licensee's eighteenth birthday or upon issuance of~~
 42 ~~a restricted license under section 321.178, subsection~~
 43 ~~2, or operator's license. Parental consent given for~~
 44 ~~the issuance of a school license under this section~~
 45 ~~shall not be deemed to be consent given under section~~
 46 ~~321.184 for the issuance of any other permit or~~
 47 ~~license applied for by the school license applicant.~~
 48 (2) At any time when the licensee is accompanied
 49 in accordance with section 321.180, subsection 1,
 50 paragraph "b"."

Page 5

DIVISION S—5200B (cont'd.)

1 46. Page 30, lines 19 and 20, by striking the
 2 words "or a driver's license issued under section
 3 321.194".

4 47. Page 30, line 28, by striking the figure
 5 "321.182" and inserting the following: "321.188".

6 48. Page 32, line 5, by striking the word "After"
 7 and inserting the following: "However, until".

8 49. Page 32, line 6, by striking the words "shall
 9 not be valid" and inserting the following: "valid
 10 only".

11 50. Page 32, line 7, by inserting after the word
 12 "vehicle" the following: "may be renewed".

13 51. Page 33, line 26, by striking the words
 14 "suspended or revoked" and inserting the following:
 15 "suspended, ~~or~~ revoked, or canceled".

16 52. Page 37, by striking lines 6 and 7 and
 17 inserting the following: "year disqualification as
 18 provided in 54 Fed. Reg. 40,788 (1989) (to be codified

19 at 49 C.F.R. § 383.51)."

20 53. Page 38, by inserting after line 1 the

21 following:

22 "5. A person is disqualified from operating a
23 commercial motor vehicle when the person's driving
24 privilege is suspended or revoked."

25 54. Page 38, line 2, by striking the figure "5"

26 and inserting the figure "6".

27 55. Page 38, by striking line 3 and inserting the

28 following: "conviction, administrative decision,
29 suspension, or revocation, the department shall,".

30 56. Page 38, line 7, by striking the figure "6"

31 and inserting the figure "7".

32 57. Page 38, line 20, by striking the figure "7"

33 and inserting the figure "8".

34 58. Page 38, line 27, by striking the figure "8"

35 and inserting the figure "9".

36 59. Page 38, line 31, by striking the figure "9"

37 and inserting the figure "10".

38 60. Page 39, by striking lines 4 through 9 and

39 inserting the following: "violation of an out-of-
40 service order issued by a peace officer for a
41 violation of the out-of-service rules adopted by the
42 department. An employer shall not allow an employee
43 to drive a commercial motor vehicle in violation of
44 such out-of-service order. The department shall adopt
45 out-of-service rules which shall be consistent with 49
46 C.F.R. § 392.5 (1988)."

47 61. Page 43, line 31, by inserting after the word

48 "vehicle" the following: "if a commercial driver's
49 license is required for the person's operation of the
50 commercial motor vehicle".

Page 6

DIVISION S—5200B (cont'd.)

1 62. Page 44, line 31, by striking the words

2 "~~license forms licenses~~" and inserting the following:

3 "license forms".

4 63. Page 44, line 34, by striking the word "~~form~~"

5 and inserting the following: "form".

6 64. Page 45, by striking line 1 and inserting the

7 following: "to make the license, card, or form."

8 65. Page 45, line 32, by striking the word

9 "~~misdemeanor.~~" and inserting the following:

10 "misdemeanor The department, upon receiving the record
11 of a conviction of a person for operating a commercial
12 motor vehicle while the person is disqualified shall
13 extend the period of disqualification for an

14 additional like period."

15 66. Page 49, line 23, by striking the words "The
16 drivers of school buses" and inserting the following:
17 "The drivers A driver of a school buses bus".

18 67. Page 53, by inserting after line 1 the
19 following:

20 "Sec. ____ . Section 321.555, subsection 1,
21 paragraph f, Code Supplement 1989, is amended to read
22 as follows:

23 f. Failure to stop and leave information or to
24 render aid as required by ~~section~~ sections 321.261 and
25 321.263."

26 68. By striking page 53, line 30 through page 54,
27 line 13.

28 69. Page 55, by inserting after line 33 the
29 following:

30 "Sec. ____ . Section 321J.4, subsection 8, Code
31 1989, is amended to read as follows:

32 8. A person whose motor vehicle license has either
33 been revoked under this chapter, or revoked or
34 suspended under chapter 321 solely for violations of
35 this chapter, or who has been determined to be a
36 habitual offender under chapter 321 based solely on
37 violations of this chapter, and who is not eligible
38 for a temporary restricted license under this chapter
39 may petition the court for an order to the department
40 to require the department to issue a temporary
41 restricted license to the person notwithstanding
42 section 321.560. The court shall determine if the
43 temporary restricted license is necessary for the
44 person to maintain the person's present employment.
45 If the court determines that the temporary restricted
46 license is necessary for the person to maintain the
47 person's present employment, the court shall order the
48 department to issue to the person a temporary
49 restricted license conditioned upon the person's
50 certification to the court of the installation of

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DIVISION S—5200B (cont'd.)

1 approved ignition interlock devices in all motor
2 vehicles that it is necessary for the person to
3 operate to maintain the person's present employment.
4 Section 321.561 does not apply to a person operating a
5 motor vehicle in the manner permitted under this
6 subsection. If the person operates a motor vehicle
7 which does not have an approved ignition interlock
8 device or if the person tampers with or circumvents an

9 ignition interlock device, in addition to other
10 penalties provided, the person's temporary restricted
11 license shall be revoked.

12 Sec. ____ . Section 321J.6, subsection 1, paragraph
13 e, Code 1989, is amended to read as follows:

14 e. The preliminary breath screening test was
15 administered to a person operating a commercial motor
16 vehicle as defined in section 321.1 and it indicated
17 an alcohol concentration of 0.04 or more.

18 f. The preliminary breath screening test was
19 administered and it indicated an alcohol concentration
20 of less than ± 0.10 and the peace officer has
21 reasonable grounds to believe that the person was
22 under the influence of a drug other than alcohol or a
23 combination of alcohol and another drug."

24 70. Page 56, by inserting after line 9 the
25 following:

26 "Sec. ____ . Section 321J.20, Code 1989, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 4. A person holding a temporary
29 restricted license issued by the department under this
30 section shall not operate a commercial motor vehicle
31 on a highway if a commercial driver's license is
32 required for the person's operation of the commercial
33 motor vehicle."

34 71. Page 56, line 14, by inserting after the word
35 "Iowa" the following: "renewal".

36 72. Page 57, line 11, by inserting after the word
37 "safety" the following: ", the director of
38 transportation.".

39 73. Page 59, line 15, by striking the word and
40 figure "and 321.214" and inserting the following:
41 "321.214, and 321A.35".

42 74. Page 59, by inserting after line 19 the
43 following:

44 "Sec. ____ .

45 Notwithstanding contrary provisions of the Code or
46 this Act, the state department of transportation shall
47 not issue commercial driver's licenses until the
48 commercial driver's license provisions of this Act
49 have been approved by federal authorities. A valid
50 chauffeur's license issued by the state department of

Page 8

DIVISION S—5200B (cont'd.)

1 transportation which expires on or after July 1, 1990,
2 shall be valid to operate a motor vehicle according to
3 the terms and limitations of the license until the

4 date commercial driver's licenses may be issued by the
5 state department of transportation under this section
6 in accordance with rules adopted by the state
7 department of transportation."
8 75. Title page, line 1, by inserting after the
9 word "relating" the following: "to implied consent to
10 test persons operating commercial motor vehicles,".
11 76. Renumber as necessary.

C. JOSEPH COLEMAN
RICHARD F. DRAKE
DONALD V. DOYLE

S-5201

1 Amend Senate File 2386 as follows:
2 1. Page 67, by inserting after line 27, the
3 following:
4 "Sec. ____ . The department of education in
5 cooperation with the boards of trustees of each
6 community college shall conduct a study of the child
7 care needs of students, faculty, and staff at each of
8 the community colleges. The department shall submit
9 its findings, along with any recommendations, in a
10 report to the general assembly by December 1, 1991."
11 2. By numbering and renumbering as necessary.

JIM LIND
RICHARD J. VARN

S-5202

1 Amend Senate File 2402 as follows:
2 1. Page 11, line 22, by striking the figure
3 "1,750,000" and inserting the following: "2,000,000".

JOE J. WELSH

S-5203

1 Amend Senate File 2402 as follows:
2 1. Page 16, by inserting after line 16 the
3 following:
4 "Sec. ____ . Section 135C.2, subsection 5, paragraph
5 b, Code Supplement 1989, is amended to read as
6 follows:
7 b. A facility must be located in an area zoned for

8 single or multiple-family housing and must be
 9 constructed in compliance with applicable local
 10 housing codes and the rules adopted for the special
 11 classification by the state fire marshal in accordance
 12 with the concept of the least restrictive environment
 13 for the facility residents and which are no more
 14 restrictive than standards provided in the applicable
 15 sections of the appendix of chapter twenty-one of the
 16 national fire protection association life safety code
 17 of 1988 1985."

JIM LIND
 JOE WELSH

S-5204

1 Amend Senate File 2402 as follows:
 2 1. Page 4, by inserting after line 34 the fol-
 3 lowing:
 4 "The unfunded liability of the peace officers'
 5 retirement, accident, and disability system, as of
 6 July 1, 1990, is not a liability of funds paid to the
 7 state racing and gaming commission under section
 8 99D.14."
 9 2. Page 6, by inserting after line 8 the fol-
 10 lowing:
 11 "The unfunded liability of the peace officers'
 12 retirement, accident, and disability system, under
 13 chapter 97A is not a liability of the road use tax
 14 fund as of July 1, 1986."

JIM LIND
 RICHARD F. DRAKE
 DALE L. TIEDEN

S-5205

1 Amend Senate File 2364 follows:
 2 1. Page 15, by inserting before line 28 the
 3 following:
 4 "Sec. ____ . Section 214.5, Code 1989, is amended to
 5 read as follows:
 6 214.5 INSPECTION STICKERS.
 7 For each scale, pump, or meter licensed, the
 8 department shall issue an inspection sticker, which
 9 shall not exceed two inches by two inches in size.
 10 The inspection sticker shall be displayed prominently
 11 on the front of the scale, pump, or meter; ~~and the~~

12 The inspection sticker shall be displayed in a neat
 13 and orderly manner which does not interfere with the
 14 use of the scale, pump, or meter. If an inspection
 15 sticker is placed improperly on the scale, pump, or
 16 meter, the improperly placed inspection sticker, or as
 17 much of the sticker as may be removed intact, shall be
 18 sent to the department, which shall exchange it for a
 19 new sticker at no cost. The defacing or wrongful
 20 removal of the sticker shall be punished as provided
 21 in chapter 189. Absence of an inspection sticker is
 22 prima facie evidence that the scale, pump, or meter is
 23 being operated contrary to law."

JIM LIND

S-5206

1 Amend Senate File 2364 as follows:
 2 1. Page 15, by inserting after line 27, the
 3 following:
 4 "Sec. ____ . Section 214A.16, Code Supplement 1989,
 5 is amended to read as follows:
 6 All motor vehicle fuel kept, offered, or exposed
 7 for sale, or sold at retail containing over one two
 8 percent by volume of ethanol, methanol, MTBE, ETBE or
 9 any combination of oxygenate octane enhancers shall be
 10 identified as "with" either "ethanol", "methanol",
 11 "ethanol/methanol", "MTBE", "ETBE", or similar wording
 12 on a white adhesive decal with black letters at least
 13 one-half inch high and at least one-quarter inch wide
 14 placed between thirty and forty inches above the
 15 driveway level on the front sides of any container or
 16 pump from which the motor fuel is sold. Each decal
 17 placed on a container or pump shall be displayed in a
 18 manner which is clear and conspicuous to a consumer of
 19 the motor fuel."

JIM LIND

S-5207

1 Amend Senate File 2329 as follows:
 2 1. Page 33, by inserting after line 14 the
 3 following:
 4 "Sec. ____ . Section 321.198, Code 1989, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. A person whose period of
 7 validity of the person's motor vehicle license is

8 extended under this section may file an application in
 9 accordance with rules adopted by the department to
 10 have the person's record of issuance of a motor
 11 vehicle license retained in the department's record
 12 system during the period for which the motor vehicle
 13 license remains valid. If a person has had the record
 14 of issuance of their motor vehicle license removed
 15 from the department's records, the person shall have
 16 their record of motor vehicle license issuance re-
 17 entered by the department upon request if the request
 18 is accompanied by a letter from the applicable
 19 person's commanding officer verifying the military
 20 service."
 21 2. Renumber sections as necessary.

DONALD V. DOYLE
 RICHARD F. DRAKE
 C. JOSEPH COLEMAN

S-5208

1 Amend Senate File 2364 as follows:
 2 1. Page 2, line 21, by inserting after the word
 3 "measures." the following: "Any gasoline containing
 4 MTBE shall be labeled as such on the gasoline pumps."

C. JOSEPH COLEMAN

S-5209

1 Amend the Committee amendment, S-5096, to Senate
 2 File 2287 as follows:
 3 1. Page 1, line 28, by inserting after the figure
 4 "422B.9." the following: "The amount of the sale, for
 5 the purposes of determining the amount of the local
 6 sales and services tax under this section, does not
 7 include the amount of any local sales and services tax
 8 imposed under sections 422B.8 and 422B.9."
 9 2. Page 1, by inserting after line 29 the
 10 following:
 11 "____. Page 14, line 15, by inserting after the
 12 word "authority." the following: "The local sales and
 13 services tax imposed under this section may be
 14 suspended for not less than a fiscal quarter or more
 15 than one year by action of the board. The suspension
 16 may be renewed or continued by the board, but the
 17 board shall act on the suspension at least annually.
 18 The local sales and services tax may also be repealed

19 by a petition and favorable referendum following the
 20 procedures and requirements of sections 330B.5 and
 21 330B.6 as applicable. The board shall give the
 22 department of revenue and finance at least forty days'
 23 notice of the repeal, suspension, or reinstatement of
 24 the tax and the effective dates for imposition,
 25 suspension, or repeal of the tax shall be as provided
 26 in section 422B.9.”

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-5210

1 Amend Senate File 2360 as follows:
 2 1. Page 1, line 11, by striking the word “four”
 3 and inserting the following: “two”.
 4 2. Page 1, line 12, by striking the word “four”
 5 and inserting the following: “two”.

RICHARD VANDE HOEF

S-5211

1 Amend Senate File 2328 as follows:
 2 1. Page 22, line 35, by inserting after the word
 3 “paragraph” the following: “and inserting in lieu
 4 thereof the following:
 5 d. This subsection is repealed July 1, 1994, and
 6 the repeal is applicable to contribution rates for
 7 calendar year 1995 and subsequent calendar years.”
 8 2. Page 25, by inserting after line 11 the fol-
 9 lowing:
 10 “Sec. ____ . Section 23 of this Act, being deemed of
 11 immediate importance, takes effect June 30, 1990.”
 12 3. Title page, line 6, by inserting after the
 13 word “commission” the following: “, and providing an
 14 effective date”.
 15 4. By renumbering as necessary.

RICHARD RUNNING
 JOHN A. PETERSON
 H. KAY HEDGE
 NORMAN J. GOODWIN
 WILLIAM D. PALMER

S-5212

1 Amend Senate File 2386 as follows:

2 1. Page 2, by inserting after line 24 the
3 following:

4 "NEW SUBSECTION. 21. Adopt rules prescribing
5 minimum standards requiring the use of phonics as a
6 technique in the teaching of reading in grades
7 kindergarten through three by July 1, 1992."

8 2. Page 3, by inserting after line 17, the
9 following:

10 "NEW SUBSECTION. 42. Provide, or direct the area
11 education agencies to provide, in-service training
12 programs for teachers on the use of phonics as a
13 technique in the teaching of reading in grades
14 kindergarten through three.

15 NEW SUBSECTION. 43. Recommend rules for adoption
16 by the state board relating to standards for the use
17 of phonics as a technique in the teaching of reading
18 in grades kindergarten through three."

19 3. Page 66, by inserting after line 22, the
20 following:

21 "Sec. ____

22 The department of education and the state board of
23 regents shall conduct a joint study of the use of
24 phonics in the teaching of reading. The study shall
25 include, but is not limited to, compiling a list of
26 reading instruction programs and methods used in the
27 schools, and taught by practitioner preparation
28 institutions; the average cost per pupil of the use of
29 the programs and methods; and an analysis of whether
30 the programs and methods are providing well-designed
31 instruction as reflected in student achievement
32 scores. The study shall also include recommendations
33 as to the feasibility of incorporating phonics into
34 current elementary school reading instruction, as well
35 as into practitioner preparation programs for persons
36 intending to teach in grades kindergarten through
37 three, and recommendations regarding available student
38 outcome measures that can be instituted to ensure that
39 the reading instruction programs meet student needs.
40 The department and the state board shall issue a joint
41 report of their findings, including any
42 recommendations, to the general assembly by January 1,
43 1991."

44 4. By renumbering as necessary.

RAY TAYLOR

S-5213

- 1 Amend Senate File 2388 as follows:
2 1. Page 2, by inserting after line 9 the
3 following:
4 "3. When an institutionalized spouse is determined
5 to be eligible for medical assistance pursuant to
6 subsection 1, prior to issuing a formal notice of a
7 spousal support debt pursuant to section 249B.3, the
8 department shall offer to meet with the community
9 spouse concerning creation of the spousal support
10 debt."

MAGGIE TINSMAN
BEVERLY A. HANNON
JIM RIORDAN

S-5214

- 1 Amend House File 2048 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 5 and 6, by striking the words
4 "or associate psychologist".
5 2. Page 2, line 26, by inserting after the word
6 "degree" the following: "in marital and family
7 therapy".
8 3. Page 2, line 34, by inserting after the word
9 "degree" the following: "in mental health
10 counseling".
11 4. Page 3, line 32, by inserting after the word
12 "conditions" the following: "other than nervous and
13 mental diseases".
14 5. Page 4, line 3, by striking the word "therapy"
15 and inserting the following: "counseling principles".
16 6. Page 4, line 6, by inserting after the word
17 "groups" the following: "other than those with
18 nervous and mental diseases".
19 7. Page 4, by striking lines 14 and 15, and
20 inserting the following: "therapy from a program
21 which is accredited by the commission on accreditation
22 for marriage and family therapy education or from a
23 regionally accredited educational institution with an
24 equivalent course of study as defined by the
25 commission on accreditation for marriage and family
26 therapy education and which is accredited by an
27 accreditation body recognized by the council on
28 postsecondary accreditation and the United States
29 department of education."
30 8. Page 4, line 17, by striking the words "or its
31 equivalent".
32 9. Page 4, by striking lines 26 through 28 and

33 inserting the following:

34 "a. Possesses a master's degree in counseling from
35 a program accredited by an accreditation body
36 recognized by the council on postsecondary
37 accreditation and the United States department of
38 education and which consists of a program of study
39 that includes at least forty-five semester hours or
40 equivalent quarter hours distributed over the areas of
41 counseling theories, theories of personality, abnormal
42 behavior, human growth and development, techniques of
43 counseling, group dynamics, legal and ethical issues,
44 appraisal of individuals, and life style and career
45 development."

46 10. Page 8, by striking lines 5 through 8, and
47 inserting the following: "~~or individuals holding at~~
48 ~~least a master's degree in social work or counseling~~
49 ~~and guidance chapter 154D.~~"

50 11. Page 8, by striking lines 17 through 19, and

Page 2

1 inserting the following: "to render psychotherapy,
2 counseling, spiritual guidance, marriage and family
3 therapy, mental health counseling, or treatment in-
4 volving mental or emotional illness."

5 12. Page 8, by striking lines 21 through 24 and
6 inserting the following: "received psychotherapy,
7 counseling, spiritual guidance, marriage and family
8 therapy, mental health counseling, or treatment
9 involving mental or emotional illness from a counselor
10 or therapist within two years of".

11 13. Page 8, line 25, by inserting after the word
12 "years" the words ", but not more than six years,".

13 14. Page 8, by striking lines 29 through 32 and
14 inserting the following: "psychotherapy, counseling,
15 spiritual guidance, marriage and family therapy,
16 mental health counseling, or treatment involving
17 mental or emotional illness from a counselor or
18 therapist."

19 15. Page 9, by striking lines 6 through 8 and
20 inserting the following: "breast, groin, buttock,
21 anus, pubes, or genitals; or a sex act as defined in
22 section 702.17. "Sexual exploitation" does not
23 include conduct which is part of a standard medical
24 treatment of a patient."

S-5215

1 Amend Senate File 2329 as follows:

2 1. Page 51, by inserting after line 18 the
3 following:

4 "Sec. ____ . Section 321.449, unnumbered paragraph
5 4, Code 1989, is amended to read as follows:

6 Notwithstanding other provisions of this section,
7 rules adopted under this section consistent with 49
8 C.F.R. pts. 391 and 395 for a driver of a commercial
9 vehicle shall not apply either to a driver for a
10 private carrier or to the private carrier, who is not
11 for hire and who is engaged exclusively in intrastate
12 commerce, when the driver's commercial vehicle is not
13 operated more than one hundred miles from the driver's
14 work reporting location.

15 Sec. ____ . Section 321.450, unnumbered paragraph 3,
16 Code Supplement 1989, is amended to read as follows:

17 Notwithstanding other provisions of this section,
18 or the age requirements under section 321.449, the age
19 requirements under section 321.449 and the rules
20 adopted under this section pertaining to compliance
21 with regulations adopted under U.S.C., Title 49, and
22 found in 49 C.F.R. § 177.804, shall not apply to
23 retail dealers of fertilizers, petroleum products, and
24 pesticides and their employees while delivering
25 fertilizers, petroleum products, and pesticides to
26 ~~farm~~ customers on farms, in rural areas, or in cities
27 with populations under three thousand persons, within
28 a one-hundred-mile radius of their retail place of
29 business. Notwithstanding contrary provisions of this
30 chapter, motor vehicles registered for a maximum gross
31 weight of five tons or less shall be exempt from the
32 requirements of placarding and of carrying hazardous
33 materials shipping papers if the hazardous materials
34 which are transported are clearly labeled.

35 Sec. ____ . Section 321.450, Code Supplement 1989,
36 is amended by adding the following new unnumbered
37 paragraph:

38 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding other
39 provisions of this chapter, rules adopted by the
40 department consistent with 49 C.F.R. pts. 391 and 395
41 shall not apply to drivers of vehicles or to private
42 carriers who engage drivers of vehicles in the
43 transportation of hazardous materials of a type or
44 quantity requiring vehicle placarding."

45 2. Title page, line 3, by inserting after the
46 word "vehicles," the following: "to commercial
47 transportation,".

KENNETH SCOTT
ALVIN V. MILLER
BERL E. PRIEBE

S-5216

- 1 Amend Senate File 2329 as follows:
- 2 1. Page 6, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ . Section 321.121, Code 1989, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. The registration plates
- 7 issued to special trucks registered under this section
- 8 shall contain the words "BUY ETHANOL" on the plates."

JIM LIND

S-5217

- 1 Amend Senate File 2329 as follows:
- 2 1. Page 49, by inserting after line 18 the
- 3 following:
- 4 "Sec. ____ . Section 321.297, Code 1989, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 4. A commercial motor vehicle
- 7 shall not be driven in the farthest lane to the left
- 8 on either side of a controlled-access highway,
- 9 interstate highway, or freeway having four or more
- 10 lanes for moving traffic except as follows:
- 11 a. When overtaking and passing a vehicle under the
- 12 rules governing such movement.
- 13 b. When an obstruction exists making it necessary
- 14 to drive in the farthest lane to the left under the
- 15 rules governing such movement.
- 16 c. When making an exit or turn from the left lane
- 17 of the roadway."

JOE WELSH

S-5218

- 1 Amend Senate File 2349 as follows:
- 2 1. Page 1, line 19, by striking the figure
- 3 "109.122,".

4 2. Page 1, line 27, by inserting after the figure
5 "109.97," the following: "109.122,".

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chair

S-5219

1 Amend House File 736, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. **NEW SECTION. 730.6 HANDWRITING TESTS**
6 **AS A CONDITION OF EMPLOYMENT -- TEST RESTRICTIONS --**
7 **DUTIES OF COMMISSIONER.**

8 1. An employer shall not require an applicant for
9 employment or a current employee to take a handwriting
10 analysis test as a condition of employment in order to
11 evaluate the person's honesty or integrity, unless the
12 applicant or employee provides a written release on a
13 form approved by the labor commissioner. The form
14 shall include information regarding the purpose,
15 content, use, and meaning of the test, disclosure of
16 test results including information explaining the
17 effect of releasing the information to the employer,
18 the purpose for which the test results may be used,
19 and other information approved by the labor
20 commissioner. The form shall also authorize the
21 person performing the test to provide the results of
22 the test to the employer subject to rules of
23 confidentiality, consistent with the rules adopted by
24 the labor commissioner.

25 2. The labor commissioner shall approve rules for
26 carrying out this section including rules relating to
27 the preparation of information to be provided before
28 and after a test and the protection of confidentiality
29 of applicants and employees. The employer or the
30 person who administers the test shall not disclose the
31 results of the test to another employer or prospective
32 employer of the applicant or employee, or to any other
33 person without the express written consent of the
34 applicant or employee for the specific release or
35 disclosure.

36 3. A person who violates this section is guilty of
37 a simple misdemeanor."

JIM LIND

S-5220

1 Amend Senate File 2328 as follows:
2 1. Page 24, by inserting after line 9, the
3 following:
4 "Sec. ____ . Section 524.207, unnumbered paragraph
5 1, Code 1989, is amended to read as follows:
6 All expenses required in the discharge of the
7 duties and responsibilities imposed upon the banking
8 division of the department of commerce, the
9 superintendent, and the state banking board by the
10 laws of this state shall be paid from fees provided by
11 the laws of this state and appropriated by the general
12 assembly from the fund established in this section.
13 All of these fees are payable to the superintendent.
14 The superintendent shall pay all the fees and other
15 money received by the superintendent to the treasurer
16 of state within the time required by section 12.10.
17 The treasurer of state shall hold these funds in a
18 banking revolving fund that shall be established in
19 the name of the superintendent for the payment of the
20 expenses of the division. This fund is subject at all
21 times to the warrant of the department of revenue and
22 finance, drawn upon written requisition of the
23 superintendent or the superintendent's designated
24 representative, for the payment of all salaries and
25 other expenses necessary to carry out the duties of
26 the banking division of the department of commerce.
27 The superintendent may keep on hand with the treasurer
28 of state funds in excess of the current needs of the
29 division to the extent approved by the state banking
30 board. Transfers shall not be made from the general
31 fund of the state or any other fund for the payment of
32 the expenses of the division. No part of the funds
33 held by the treasurer of state for the account of the
34 superintendent shall be transferred to the general
35 fund of the state or any other fund, except as
36 follows: Sixty thousand dollars each fiscal year
37 shall be transferred to the general fund of the state.
38 However, a lesser amount may be transferred to the
39 extent unobligated moneys in the trust fund are
40 insufficient to transfer the full sixty thousand
41 dollars. That amount actually transferred shall be
42 considered as one of the costs of the division. The
43 funds held by the treasurer of state for the account
44 of the superintendent shall be invested by the
45 treasurer of state and the income derived from these
46 investments shall be credited to the general fund of
47 the state.

48 Sec. ____ . Section 533.67, unnumbered paragraph 1,
49 Code 1989, is amended to read as follows:
50 All expenses required in the discharge of the

Page 2

1 duties and responsibilities imposed upon the credit
2 union division, the superintendent, and the credit
3 union review board by the laws of this state shall be
4 paid from fees provided by the laws of this state and
5 appropriated by the general assembly from the fund
6 established in this section. All of these fees are
7 payable to the superintendent. The superintendent
8 shall pay all the fees and other money received by the
9 superintendent to the treasurer of state within the
10 time required by section 12.10. The treasurer of
11 state shall hold these funds in a credit union
12 revolving fund that shall be established in the name
13 of the superintendent for the payment of the expenses
14 of the division. This fund is subject at all times to
15 the warrant of the department of revenue and finance,
16 drawn upon written requisition of the superintendent
17 or the superintendent's designated representative, for
18 the payment of all salaries and other expenses
19 necessary to carry out the duties of the division.
20 The superintendent may keep on hand with the treasurer
21 of state funds in excess of the current needs of the
22 division to the extent approved by the credit union
23 review board. No transfers shall be made from the
24 general fund of the state or any other fund for the
25 payment of the expenses of the division. No part of
26 the funds held by the treasurer of state for the
27 account of the superintendent shall be transferred to
28 the general fund of the state or any other fund,
29 except as follows: Thirty thousand dollars each
30 fiscal year shall be transferred to the general fund
31 of the state. However, a lesser amount may be
32 transferred to the extent unobligated moneys in the
33 trust fund are insufficient to transfer the full
34 thirty thousand dollars. The amount actually
35 transferred shall be considered as one of the costs of
36 the division. The funds held by the treasurer of
37 state for the account of the superintendent shall be
38 invested by the treasurer of state and the income
39 derived from these investments shall be credited to
40 the general fund of the state."
41 2. By renumbering as necessary.

JOE WELSH

S-5221

1 Amend Senate File 2328 as follows:
 2 1. Page 18, by inserting after line 35, the
 3 following:
 4 "Sec. ____ .
 5 There is appropriated from the insurance revolving
 6 fund to the insurance division of the department of
 7 commerce for the fiscal year beginning July 1, 1989,
 8 and ending June 30, 1991, the following amount, or so
 9 much thereof as is necessary, to be used for the
 10 purposes designated:
 11 For a contract for the mass-loading and processing
 12 of insurance agent licensing and continuing education
 13 data:
 14 \$ 60,000
 15 As a condition, qualification, and limitation of
 16 this appropriation, the division shall report on or
 17 before January 1, 1991, on the reduction in delays in
 18 agent continuing education, licensing, and company
 19 appointments data processing occurring, or to occur,
 20 as a result of this contract. The report shall be
 21 delivered to the legislative fiscal bureau."

JOE WELSH

S-5222

1 Amend Senate File 2338 as follows:
 2 1. Page 17, by inserting after line 8 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 97B.63 GROUP INSURANCE --
 5 DEDUCTIONS.
 6 1. The department shall participate in the
 7 offering of group medicare supplement insurance
 8 coverage to retired members who have attained the age
 9 of sixty-five years and are receiving benefits under
 10 this chapter. A retired member who elects coverage
 11 under the group policy or plan shall authorize the
 12 department to deduct from the member's monthly benefit
 13 payment the total amount of the monthly premium for
 14 the coverage, plus an amount not to exceed two percent
 15 of the monthly premium to cover the costs incurred in
 16 administering this subsection. The department's
 17 participation may be limited to, but shall include,
 18 deducting the authorized amounts from the members'
 19 monthly benefit payments. However, any departmental
 20 participation may be conditioned upon the following:

AMENDMENTS FILED

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21 a. The department may require that all costs of
22 development, implementation, and administration of the
23 group policy or plan be borne by, or reimbursed
24 through, the members electing coverage or the entity
25 responsible for the issuance of the group policy or
26 plan, or a combination of the members and the entity.

27 b. The department may require that the number of
28 members who anticipate electing coverage pursuant to
29 this subsection reach a specified minimum before the
30 department commences the system of deductions from
31 monthly benefit payments.

32 2. To assist in the development, implementation,
33 and administration of the group medicare supplement
34 policy or plan under subsection 1, an advisory
35 committee shall be formed whose membership shall
36 include, but is not limited to, two or more
37 representatives of retired members who anticipate
38 electing the coverage and one representative of the
39 department.

40 3. The department may request technical assistance
41 from the division of insurance of the department of
42 commerce in providing services and oversight pursuant
43 to this section."

44 2. By numbering and renumbering as necessary.

• DONALD V. DOYLE

S-5223

1 Amend Senate File 2169 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "employment" the following: ", unless the deduction
4 is an authorized deduction as provided in section
5 91A.5, subsection 1, paragraph "b"."

6 2. Page 1, by striking lines 9 through 20.

7 3. Title, by striking lines 2 through 4 and
8 inserting the following: "from taking certain
9 deductions from employees' wages."

LINN FUHRMAN

S-5224

1 Amend Senate File 2328 as follows:

2 1. Page 3, line 8, by striking the figure
3 "214,258" and inserting the following: "344,258".

JOE WELSH

S-5225

- 1 Amend Senate File 2307 as follows:
- 2 1. Page 2, by striking lines 5 through 11 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 21. "Intermediate care facility
- 5 for the mentally retarded" means an institution or
- 6 distinct part of an institution with a primary purpose
- 7 to provide health or rehabilitative services to three
- 8 or more individuals, who primarily have mental
- 9 retardation or a related condition and who are not
- 10 related to the administrator or owner within the third
- 11 degree of consanguinity, and which meets the
- 12 requirements of this chapter, federal standards for
- 13 intermediate care facilities for the mentally retarded
- 14 established pursuant to the federal Social Security
- 15 Act § 1905(c)(d), as codified in 42 U.S.C. § 1936d,
- 16 which are contained in 42 C.F.R. pt. 483, subpt. D, §
- 17 410-480."
- 18 2. By striking page 2, line 12, through page 3,
- 19 line 3.
- 20 3. Page 4, by striking lines 21 through 34.
- 21 4. Page 8, by inserting after line 16 the fol-
- 22 lowing:
- 23 "Sec. ____ . EFFECTIVE DATE. •
- 24 This Act takes effect October 1, 1990."
- 25 5. Title page, by striking lines 1 and 2, and
- 26 inserting the following: "An Act relating to health
- 27 care facilities, providing a penalty, and providing an
- 28 effective date."
- 29 6. By renumbering as necessary.

JIM RIORDAN

S-5226

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 4, line 17, by striking the words "Des
- 3 Moines,".
- 4 2. Page 6, line 6, by striking the figure
- 5 "360,000" and inserting the following: "270,000".
- 6 3. Page 6, line 7, by striking the figure "8.00"
- 7 and inserting the following: "6.00".

JOE J. WELSH

S-5227

1 Amend Senate File 2304 as follows:

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

4 "Sec. 100. Section 421.27, Code Supplement 1989,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 6. The taxpayer was subject to
7 the penalty provision of section 422.25, subsection 2,
8 and was eligible to compute taxable income under the
9 cash receipts and disbursements method of accounting
10 under section 448(b)(3) of the Internal Revenue Code.
11 The waiver provision in this paragraph applies only
12 for tax years beginning in the 1985 and 1986 calendar
13 years and only to the extent that the taxpayer failed
14 to include in its net income for state tax purposes
15 interest payable on short-term obligations as it
16 accrued during those tax years as provided in section
17 1281 of the Internal Revenue Code."

18 2. Page 11, by inserting after line 35 the
19 following:

20 "Sec. ____ .
21 Section 100 of this Act applies retroactively to
22 tax years beginning in the 1985 and 1986 calendar
23 years."

WILLIAM W. DIELEMAN

S-5228

1 Amend Senate File 2003 as follows:

2 1. Page 1, by inserting after line 19 the fol-
3 lowing:

4 "d. The refund shall only be allowed if the owner
5 provides a statement from a physician licensed under
6 chapter 148, 149, 150, or 150A, a chiropractor
7 licensed under chapter 151, or a physician or
8 chiropractor licensed to practice in a contiguous
9 state, written on the physician's or chiropractor's
10 stationery, stating the nature of the owner's
11 handicap, or the owner's age, and such additional
12 information as required by rules adopted by the
13 department."

14 2. Page 1, line 20, by striking the letter "d."
15 and inserting the following: "e."

RICHARD F. DRAKE

S-5229

1 Amend Senate File 2184 as follows:

DIVISION S—5229C

2 1. Page 1, line 5, by striking the words “or
3 basic”.

DIVISION S—5229A

4 2. Page 1, line 5, by striking the word “an” and
5 inserting the following: “a state approved”.
6 3. Page 1, by striking lines 11 and 12 and
7 inserting the following:
8 “NEW PARAGRAPH. d. “State approved ambulance,
9 rescue, or first responder service” means an
10 ambulance, rescue, or first responder service whose
11 program is authorized by the Iowa department of public
12 health pursuant to section 147A.5.”

DIVISION S—5229B

13 4. Page 1, line 17, by striking the word “an” and
14 inserting the following: “a state approved”.
15 5. Page 1, line 21, by striking the word “an” and
16 inserting the following: “a state approved”.

DIVISION S—5229A (cont'd.)

17 6. Page 1, line 32, by striking the word “an” and
18 inserting the following: “a state approved”.

JEAN LLOYD-JONES

S-5230

1 Amend Senate File 2184 as follows:

2 1. Page 1, by inserting after line 34 the
3 following:

4 “Sec. ____ . Section 321.423, subsection 5, Code
5 1989, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. e. A certificate of authorization
8 issued to a person who fails to comply with the
9 requirements of this subsection shall be immediately

- 10 revoked.”
11 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-5231

- 1 Amend Senate File 2184 as follows:
2 1. Page 1, by inserting after line 34 the
3 following:
4 “Sec. ____ . Section 321.423, subsection 5, Code
5 1989, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. e. A certificate of authorization
8 issued to a person who is cited for a moving traffic
9 violation in connection with a motor vehicle accident
10 shall be immediately revoked.”

JEAN LLOYD-JONES

S-5232

- 1 Amend Senate File 2328 as follows:
2 1. Page 22, by inserting after line 12 the
3 following:
4 “Sec. ____ .
5 Each appropriation from the general fund of the
6 state contained in this Act shall be reduced by one
7 and one-half percent.”
8 2. By renumbering as necessary.

JOE WELSH

S-5233

- 1 Amend Senate File 2328 as follows:
2 1. Page 21, lines 3 and 4, by striking the words
3 “of the department of inspections and appeals”.
4 2. Page 22, by inserting after line 35 the
5 following:
6 “STATE RACING AND GAMING COMMISSION
7 Sec. ____ . Section 99D.5, subsection 1, Code
8 Supplement 1989, is amended to read as follows:
9 1. A state racing and gaming commission is created
10 within the as a separate department of inspections and
11 appeals consisting. The membership of the commission
12 shall consist of five members who shall be appointed

13 by the governor subject to confirmation by the senate,
 14 and who shall serve not to exceed a three-year term at
 15 the pleasure of the governor. The term of each member
 16 shall begin and end as provided in section 69.19.

17 Sec. ____ Section 99D.15, Code Supplement 1989, is
 18 amended to read as follows:

19 99D.15 PARI-MUTUEL WAGERING TAXES -- RATE --
 20 CREDIT.

21 1. A tax of six percent is imposed on the gross
 22 sum wagered by the pari-mutuel method at each horse
 23 race meeting. The tax imposed by this subsection
 24 shall be paid by the licensee to the ~~treasurer of~~
 25 ~~state commission~~ within ten days after the close of
 26 each horse race meeting and shall be distributed as
 27 follows:

28 a. If the racetrack is located in a city, five
 29 percent of the gross sum wagered shall be deposited ~~in~~
 30 ~~the general fund of the state with the commission.~~
 31 One-half of one percent of the gross sum wagered shall
 32 be 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. The remaining one-half of
 35 one percent of the gross sum wagered shall be remitted
 36 to the treasurer of the county in which the racetrack
 37 is located and shall be deposited in the general fund
 38 of the county.

39 b. If the racetrack is located in an
 40 unincorporated part of a county, five and one-half
 41 percent of the gross sum wagered shall be deposited ~~in~~
 42 ~~the general fund of the state with the commission.~~
 43 The remaining one-half of one percent of the gross sum
 44 wagered shall be remitted to the treasurer of the
 45 county in which the racetrack is located and shall be
 46 deposited in the general fund of the county.

47 2. A tax credit of up to five percent of the gross
 48 sum wagered per year shall be granted to licensees
 49 licensed for horse races and paid into a special fund
 50 for the purpose of retiring the annual debt on the

Page 2

1 cost of construction of the licensed facility.
 2 However, the tax credit is equal to six percent of the
 3 gross sum wagered in a year when the gross sum wagered
 4 is less than ninety million dollars. Any portion of
 5 the credit not used in a particular year shall be
 6 retained by the ~~treasurer of state commission.~~ A tax
 7 credit shall first be assessed against any share going
 8 to a city, then to the share going to a county, and
 9 then to the share going to the state.

10 3. a. A tax is imposed on the gross sum wagered
11 by the pari-mutuel method at each track licensed for
12 dog races. The tax imposed by this subsection shall
13 be paid by the licensee to the ~~treasurer of state~~
14 commission within ten days after the close of the
15 track's racing season. The rate of tax on each track
16 is as follows:

17 (1) Six percent, if the gross sum wagered in the
18 racing season is fifty-five million dollars or more.

19 (2) Five percent, if the gross sum wagered in the
20 racing season is thirty million dollars or more but
21 less than fifty-five million dollars.

22 (3) Four percent, if the gross sum wagered in the
23 racing season is less than thirty million dollars.

24 b. The tax revenue shall be distributed as
25 follows:

26 (1) If the racetrack is located in a city, one-
27 half of one percent of the gross sum wagered shall be
28 remitted to the treasurer of the city in which the
29 racetrack is located and shall be deposited in the
30 general fund of the city. One-half of one percent of
31 the gross sum wagered shall be remitted to the
32 treasurer of the county in which the racetrack is
33 located and shall be deposited in the general fund of
34 the county. The remaining amount shall be deposited
35 ~~in the general fund of the state~~ with the commission.

36 (2) If the racetrack is located in an
37 unincorporated part of a county, one-half of one
38 percent of the gross sum wagered shall be remitted to
39 the treasurer of the county in which the racetrack is
40 located and shall be deposited in the general fund of
41 the county. The remaining amount shall be deposited
42 ~~in the general fund of the state~~ with the commission.

43 c. If the rate of tax imposed under paragraph "a"
44 is five percent or four percent, a track shall set
45 aside for retiring the debt of the racetrack
46 facilities or for capital improvement to the racetrack
47 facilities the following amount:

48 (1) If the rate of tax paid by the track is five
49 percent, one percent of the gross sum wagered in the
50 racing season shall be set aside.

Page 3

1 (2) If the rate of tax paid by the track is four
2 percent, two percent of the gross sum wagered in the
3 racing season shall be set aside.

4 Sec. ____ . Section 99D.17, Code 1989, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 99D.17 USE OF FUNDS.

8 Funds received pursuant to sections 99D.14 and
 9 99D.15 shall be deposited in the pari-mutuel
 10 regulation fund created in the racing and gaming
 11 commission of the department of inspections and
 12 appeals. These funds shall first be used to the
 13 extent appropriated by the general assembly and as
 14 provided in section 99D.18. The remainder shall be
 15 transferred to the treasurer of state to be deposited
 16 in the general fund of the state. The commission is
 17 subject to the budget requirements of chapter 8 and
 18 the applicable auditing requirements and procedures of
 19 chapter 11.

20 Sec. ____ . Section 99D.18, Code 1989, is amended to
 21 read as follows:

22 99D.18 SURPLUS FUNDS -- HOW USED.

23 From the balance of the funds coming into the hands
 24 of the commission pursuant to ~~section sections~~ 99D.14
 25 and 99D.15, fifty thousand dollars shall be used by
 26 the Iowa state university college of veterinary
 27 medicine to develop further research on the treatment
 28 of equine injuries and diseases and fifty thousand
 29 dollars shall be used by the Iowa state university
 30 college of veterinary medicine to develop further
 31 research on the treatment of dog injuries and
 32 diseases. The remaining funds shall be retained by
 33 the commission and may be distributed to a research
 34 program or project which the commission determines to
 35 be worthy and would benefit the racing industry in the
 36 state."

37 3. By renumbering as necessary.

JOE WELSH

S-5234

1 Amend Senate File 2184 as follows:

2 1. Page 1, by inserting after line 24, the
 3 following:

4 "Sec. ____ . Section 321.423, subsection 3, Code
 5 1989, is amended by adding the following new
 6 paragraph:

7 NEW PARAGRAPH. c. A certificate of authorization
 8 shall not be issued to a basic or advanced emergency
 9 medical technician if that person has been convicted
 10 of speeding in excess of fifteen miles per hour over
 11 the speed limit, two or more times within the two
 12 years prior to application."

13 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-5235

- 1 Amend Senate File 2400 as follows:
- 2 1. Page 6, by striking lines 24 through 31 and
- 3 inserting the following: "related criminal action."

LARRY MURPHY

S-5236

- 1 Amend the amendment, S-5180, to Senate File 2345 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 and 9 and
- 4 inserting the following:
- 5 "2. Following notification of the death of a
- 6 patient to the citizens' aide, the citizens' aide,".
- 7 2. Page 1, line 22, by striking the word "by" and
- 8 inserting the following: "from".
- 9 3. Page 1, by striking lines 24 through 27 and
- 10 inserting the following:
- 11 "State agencies and offices shall cooperate with
- 12 and assist the citizens' aide in fulfillment of the
- 13 citizens' aide's responsibilities."

LARRY MURPHY

S-5237

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 7, by inserting after line 30 the fol-
- 3 lowing:
- 4 "c. The division may expend moneys in the fund in
- 5 accordance with section 96.13, subsection 3, paragraph
- 6 "a", for the payment of costs of administration which
- 7 are found not to have been properly and validly
- 8 chargeable against federal grants or other funds,
- 9 received for or in the employment security
- 10 administration fund."
- 11 2. By renumbering, relettering, and redesignating
- 12 as necessary.

RICHARD RUNNING

S-5238

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 11, line 31, by striking the figure
- 3 "10,341,229" and inserting the following:
- 4 "10,090,127".
- 5 2. Page 11, line 35, by striking the figure
- 6 "10,341,229" and inserting the following:
- 7 "10,090,127".

RICHARD RUNNING

S-5239

- 1 Amend the amendment, S-5233, to Senate File 2328,
- 2 as follows:
- 3 1. Page 3, by inserting after line 36 the
- 4 following:
- 5 "Sec. ____ . The sections of this Act amending
- 6 chapter 99D, being deemed of immediate importance,
- 7 take effect upon enactment."
- 8 ____ . Title, line 6, by inserting after the word
- 9 "commission" the following: ", and providing an
- 10 effective date".

JOE J. WELSH

S-5240

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 1, line 8, by striking the words
- 3 "cholesterol, and" and inserting the following:
- 4 "cholesterol;".
- 5 2. Page 1, line 11, by inserting after the word
- 6 "used" the following: "; and shall provide that each
- 7 meal is to contain at least one-third of the
- 8 recommended dietary allowance established by the
- 9 national research council in effect on January 1,
- 10 1990".

MIKE CONNOLLY

S-5241

- 1 Amend Senate File 2356 as follows:
- 2 1. Page 1, by striking lines 12 through 15.

JEAN LLOYD-JONES
C. JOSEPH COLEMAN

S-5242

- 1 Amend Senate File 2357 as follows:
- 2 1. By striking page 43, line 34 through page 44,
- 3 line 7.
- 4 2. Page 44, by striking lines 8 through 21.

LARRY MURPHY

S-5243

- 1 Amend Senate File 2241 as follows:
- 2 1. By striking page 1, line 27, through page 2,
- 3 line 26, and inserting the following:
- 4 "A person who desires to move a colony of bees or a
- 5 used bee appliance with combs into this state shall
- 6 apply to the state apiarist for a written entry permit
- 7 at least sixty days prior to the proposed entry date.
- 8 A statement must accompany each application for an
- 9 entry permit describing each offense related to
- 10 beekeeping for which the person has been subject to a
- 11 penalty by a state, federal, or foreign government.
- 12 The written entry permit must accompany all such
- 13 shipments when they enter the state. Entry into this
- 14 state without a permit is unlawful and is punishable
- 15 pursuant to section 160.14.
- 16 At least ten days before entry a person who has
- 17 applied for an entry permit must meet both of the
- 18 following conditions:
- 19 1. A valid certificate of inspection or
- 20 certificate of health dated within the last sixty days
- 21 must have been submitted by the state apiarist or
- 22 inspector of the state of origin indicating the
- 23 absence of any contagious diseases, parasites, or
- 24 Africanized bees in the colony to be shipped.
- 25 2. A completed apiary registration form with
- 26 locations of apiaries in Iowa indicated along with any
- 27 fees required for nonresidents must have been
- 28 submitted. Descriptions of locations shall include
- 29 all of the following:
- 30 a. The name of the landowner.
- 31 b. Number of colonies to be kept at that location.
- 32 c. The county, township, section number and
- 33 quarter-section, or street address if located within
- 34 the city limits."

35 2. Page 3, by striking lines 14 through 27 and
 36 inserting the following:
 37 "NEW SUBSECTION. 4. Each day a colony, a used
 38 appliance, or combs moved into this state in violation
 39 of section 160.5 remains in this state constitutes a
 40 separate offense. A colony, used appliance, or combs
 41 brought into this state in violation of section 160.5
 42 may be declared a nuisance. The department shall
 43 provide written notice to the person owning the land
 44 where the colony, used appliance, or combs are
 45 located, and, if known, to the person owning the
 46 colony, used appliance, or combs. The notice shall
 47 state that the owner of the colony, used appliance, or
 48 combs must remove the colony, used appliance, or combs
 49 from this state within five days of the notification.
 50 After the five days have lapsed the department may

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1 seize the colony, used appliance, or combs. The
 2 department may secure a warrant if the owner of the
 3 land objects to the seizure. The department shall
 4 maintain the seized property until a court, upon
 5 petition by the department, determines the disposition
 6 of the property. The court shall render a decision
 7 concerning the disposition of the property by the
 8 court within ten days of the filing of the petition.
 9 Upon conviction of a violation of section 160.5, a
 10 person shall forfeit all interest in property moved in
 11 violation of that section and the department may
 12 immediately destroy the property."

COMMITTEE ON WAYS AND MEANS
 WILLIAM DIELEMAN, Chair

S-5244

1 Amend the amendment, S-5166, to Senate File 2197 as
 2 follows:
 3 1. By striking page 1, line 4, through page 2,
 4 line 48, 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, Code 1989, is amended to

13 read as follows:

14 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
15 CIVIL RIGHTS -- PENALTIES.

16 1. Persons within the state of Iowa have the right
17 to be free from any violence, or intimidation by
18 threat of violence, committed against their persons or
19 property because of their race, color, religion,
20 ancestry, national origin, political affiliation, ~~or~~
21 sex, sexual orientation, age, or disability.

22 2. A person who conspires with another person or
23 persons, or who acts alone to injure, oppress,
24 threaten, or intimidate or interfere with any citizen
25 in the free exercise or enjoyment of any right or
26 privilege secured to that person by the constitution
27 or laws of the state of Iowa or by the constitution or
28 laws of the United States, and assembles with one or
29 more persons for the purpose of teaching or being
30 instructed in any technique or means capable of
31 causing property damage, bodily injury or death when
32 the person or persons intend to employ those
33 techniques or means in furtherance of the conspiracy,
34 is on conviction, guilty of a class "D" felony.

35 A person intimidates or interferes with another
36 person if the act of the person results in any of the
37 following:

38 a. Physical injury to the other person.

39 b. Physical damage to or destruction of the other
40 person's property.

41 c. Communication in a manner, or action in a
42 manner, intended to result in either of the following:

43 (1) To place the other person in fear of physical
44 contact which will be injurious, insulting, or
45 offensive, coupled with the apparent ability to
46 execute the act.

47 (2) To place the other person in fear of harm to
48 the other person's property, or harm to the person or
49 property of a third person.

50 3. The fact that a person committed a felony or

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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 sentence and
7 fine. Evidence of such fact includes, but is not
8 limited to, the burning of crosses and other symbols,
9 and a rebuttable presumption of the fact arises where

10 such an act is shown to have been committed.

11 4. A victim who has suffered physical, emotional,
12 or financial harm as a result of a violation of this
13 section is entitled to injunctive relief, general and
14 special damages, reasonable attorney fees, and costs.
15 However, a victim who is a member of a protected class
16 and who has suffered physical, emotional, or financial
17 harm as a result of a violation of this section which
18 occurred because of the victim's status as a member of
19 a protected class, shall not be entitled to any relief
20 or damages pursuant to this subsection unless the
21 victim has exhausted all administrative and judicial
22 review provided for under chapter 601A and has been
23 denied relief and a finding has been made that the
24 defendant did not engage in a discriminatory or unfair
25 practice under that chapter.

26 Upon a finding that a discriminatory or unfair
27 practice prohibited under chapter 601A has occurred,
28 the remedies provided under that chapter are the
29 exclusive remedies available to the victim.

30 An action brought pursuant to this subsection must
31 be brought within two years after the date of the
32 violation of this section. However, the filing of a
33 complaint under chapter 601A tolls the statute of
34 limitations for the purposes of the commencement of an
35 action under this subsection.

36 4 5. This section does not make unlawful the
37 teaching of any technique in self-defense.

38 5 6. This section does not make unlawful any
39 activity of any of the following officials or persons:

40 a. Law enforcement officials of this or any other
41 jurisdiction while engaged in the lawful performance
42 of their official duties;

43 b. Federal officials required to carry firearms
44 while engaged in the lawful performance of their
45 official duties;

46 c. Members of the armed forces of the United
47 States or the national guard while engaged in the
48 lawful performance of their official duties; or

49 d. Any conservation commission, law enforcement
50 agency, or any agency licensed to provide security

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1 services, or any hunting club, gun club, shooting
2 range, or other organization or entity whose primary
3 purpose is to teach the safe handling or use of
4 firearms, archery equipment, or other weapons or
5 techniques employed in connection with lawful sporting
6 or other lawful activity.

AMENDMENTS FILED

1991

7 Sec. 3.

8 This Act shall not be construed to establish any
9 new category of individual rights not currently
10 protected by the laws of this state or federal law, or
11 to enlarge, diminish, or impair any right guaranteed
12 by the laws of this state or federal law.

13 Sec. 4.

14 The Code editor shall amend the title of chapter
15 729 by changing the word "civil" to "individual" to
16 reflect the changes made in this Act."

17 ____ . Title page, by striking lines 1 through 3,
18 and inserting the following: "An Act relating to
19 violations of an individual's rights, by prohibiting
20 acts of assault"."

LINN FUHRMAN

S-5245

1 Amend Senate File 2169 as follows:

2 1. Page 1, by inserting after line 20 the
3 following:

4 "Sec. ____ . The provisions of section 2, subsection
5 2 of this Act do not apply to employers of less than
6 one hundred employees."

JOHN W. JENSEN

S-5246

1 Amend Senate File 2349 as follows:

2 1. Page 5, line 26, by inserting after the figure
3 "~~109.32.~~" the following: "However, the commission
4 shall not regulate or prohibit the taking of Canadian
5 geese within a game management area in Jackson county
6 in any manner which is more restrictive than the
7 limitations which existed in that county during the
8 calendar year 1989."

JOE WELSH

S-5247

1 Amend Senate File 2169 as follows:

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

4 "NEW PARAGRAPH. e. Costs of personal protective

5 equipment, other than items of clothing which may be
6 used by an employee during nonworking hours, needed to
7 protect an employee from employment-related hazards,
8 unless provided otherwise in a collective bargaining
9 agreement.”

10 2. Page 1, by striking lines 9 through 20 and
11 inserting the following:)

12 “Sec. 2. NEW SECTION. 91E.1 DEFINITIONS.

13 As used in this chapter:

14 1. “Commissioner” means the commissioner of the
15 division of labor services of the department of
16 employment services.

17 2. “Employee” means a natural person who is
18 employed in this state for wages by an employer.

19 3. “Employer” means a person, as defined in
20 chapter 4, who in this state employs for wages twenty
21 or more natural persons. An employer does not include
22 a client, patient, customer, or other person who
23 obtains professional services from a licensed person
24 who provides the services on a fee service basis or as
25 an independent contractor.

26 4. “Non-English speaking employee” means an
27 employee who does not speak, read, write, or
28 understand spoken English to the degree necessary for
29 comprehension of the terms, conditions, and daily
30 responsibilities of employment.

31 Sec. 3. NEW SECTION. 91E.2 NON-ENGLISH SPEAKING
32 EMPLOYEES -- EMPLOYER OBLIGATIONS.

33 If more than five percent of an employer’s
34 employees are non-English speaking, the employer shall
35 provide all of the following:

36 1. An interpreter available at the work site for
37 each shift during which non-English speaking employees
38 are employed. If the interpreter is needed for
39 Spanish-speaking employees, the employer must contract
40 with the Spanish speaking peoples commission for the
41 interpreter.

42 An interpreter hired by an employer pursuant to
43 this section is deemed to be an employee of the
44 department of employment services, labor services
45 division.

46 2. A person employed on a full-time basis to serve
47 as a referral agent to community services.

48 Sec. 4. NEW SECTION. 91E.3 EMPLOYER RECRUITING
49 PRACTICES.

50 1. An employer who actively recruits residents of

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1 other states for employment in this state must have on
2 file in the office of the commissioner an employment
3 contract signed by the employer and the employee and
4 approved by the commissioner which provides relevant
5 information regarding the position of employment,
6 including but not limited to the following:

7 a. The number of hours the employee can expect to
8 work on a weekly basis.

9 b. The wages of the position of employment includ-
10 ing the starting wage.

11 c. A detailed description of the responsibilities
12 and tasks of the position of employment.

13 d. The health risks to the employee involved in
14 the position of employment.

15 e. Other information as required by the
16 commissioner.

17 2. If an employee who resigns from employment with
18 an employer within six weeks of the employee's initial
19 date of employment requests payment of the cost of
20 transportation to return to the location from which
21 the employee was recruited and the location from which
22 the employee was recruited is five hundred or more
23 miles from the place of employment, the employer shall
24 provide the cost of that transportation to the
25 employee.

26 Sec. 5. NEW SECTION. 91E.4 PENALTIES FOR
27 VIOLATION OF RECRUITMENT PRACTICE REQUIREMENTS.

28 1. An employer who violates section 91E.3 is
29 subject to a civil penalty and may be ordered to pay
30 punitive damages.

31 2. The corporate officers of an employer who,
32 through repeated violation of section 91E.3,
33 demonstrate a pattern of abusive recruitment practices
34 are subject to criminal prosecution.

35 Sec. 6. NEW SECTION. 91E.5 DUTIES OF THE LABOR
36 COMMISSIONER.

37 The commissioner shall do all of the following:

38 1. Adopt rules to implement and enforce this
39 chapter.

40 2. Provide further exemptions from the provisions
41 of this chapter where reasonable.

42 Sec. 7. NEW SECTION. 91E.6 CONFLICTS WITH
43 COLLECTIVE BARGAINING AGREEMENTS.

44 If the provisions of this chapter conflict with the
45 provisions of a collective bargaining agreement, the
46 provisions of the collective bargaining agreement
47 shall prevail."

48 3. Title page, by striking lines 1 through 4 and

49 inserting the following: "An Act relating to actions
50 by employers by prohibiting employers from taking

Page 3

- 1 certain deductions from employees' wages, requiring
- 2 employers to provide certain services for non-English
- 3 speaking employees, requiring certain practices upon
- 4 recruitment of employees from out-of-state locations,
- 5 and providing penalties."

AL STURGEON

S-5248

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 2, by striking line 35 through page 3,
- 3 line 14.

TOM MANN, JR.

S-5249

- 1 Amend Senate File 2393 as follows:
- 2 1. Page 1, line 12, by striking the word
- 3 "violation" and inserting the following: "day a
- 4 violation exists or continues".

MIKE CONNOLLY

S-5250

- 1 Amend Senate File 2010 as follows:
- 2 1. Page 1, by striking lines 4 through 9 and
- 3 inserting the following:
- 4 "NEW UNNUMBERED PARAGRAPH. A person who dumped or
- 5 deposited solid waste on land used for agricultural
- 6 production prior to July 1, 1990, shall".

EUGENE FRAISE

S-5251

- 1 Amend the amendment, S-5247, to Senate File 2169 as
- 2 follows:

DIVISION S—5251A

- 3 1. Page 1, line 9, by inserting after the word
- 4 “agreement” the following: “, or unless the deduction
- 5 is an authorized deduction as provided in section
- 6 91A.5, subsection 1, paragraph “b””.

DIVISION S—5251B

- 7 2. Page 1, by striking line 10 through page 2,
- 8 line 47 and inserting the following:
- 9 “___ . Page 1, by striking lines 9 through 20.”
- 10 3. Page 3, by striking lines 1 through 5 and
- 11 inserting the following: “certain deductions from
- 12 employees’ wages.”

LINN FUHRMAN

S-5252

- 1 Amend Senate File 2184 as follows:
- 2 1. Page 1, line 5, by striking the words “or
- 3 basic”.
- 4 2. Page 1, by striking lines 11 and 12.

JEAN LLOYD-JONES

S-5253

- 1 Amend House File 677, 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. NEW SECTION. 535.17 REQUIREMENTS OF
- 6 CREDIT AGREEMENTS -- STATUTE OF FRAUDS --
- 7 MODIFICATIONS.
- 8 1. A credit agreement is not enforceable in
- 9 contract law by way of action or defense by any party
- 10 unless a writing exists which contains all of the
- 11 material terms of the agreement and is signed by the
- 12 party against whom enforcement is sought.
- 13 2. Unless otherwise expressly agreed in writing, a
- 14 modification of a credit agreement which occurs after
- 15 the person asserting the modification has been
- 16 notified in writing that oral or implied modifications
- 17 to the credit agreement are unenforceable and should
- 18 not be relied upon, is not enforceable in contract law
- 19 by way of action or defense by any party unless a

20 writing exists containing the material terms of the
21 modification and is signed by the party against whom
22 enforcement is sought. This notification can be
23 included among the terms of a credit agreement, can be
24 included on a separate form or together with other
25 disclosures that are provided when the agreement is
26 made, or can be given wholly apart from the agreement
27 and at any time after the agreement has been made. To
28 be effective, the notification and its language must
29 be conspicuous. A person who gives a notification is
30 bound by it to the same extent as the person notified.
31 A notification with respect to any credit agreement is
32 effective with respect to all other credit agreements
33 then in effect between the parties if the notification
34 conspicuously so provides. When a modification is
35 required by this section to be in writing and signed,
36 such requirement cannot be modified except by clear
37 and explicit language in a writing signed by the
38 person against whom the modification is to be
39 enforced. This section does not displace any
40 additional or other requirements of contract law,
41 which shall continue to apply, with respect to the
42 making of enforceable contract modifications,
43 including the requirement of consideration or other
44 basis of validation.

45 3. A notification referred to in subsection 2 in
46 the following form in boldface, ten-point type,
47 complies with the requirements of this section:
48 **IMPORTANT: READ BEFORE SIGNING. THE TERMS OF THIS**
49 **AGREEMENT SHOULD BE READ CAREFULLY BECAUSE ONLY**
50 **THOSE**
51 **TERMS IN WRITING ARE ENFORCEABLE. NO OTHER TERMS OR**

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1 **ORAL PROMISES NOT CONTAINED IN THIS WRITTEN CONTRACT**
2 **MAY BE LEGALLY ENFORCED. YOU MAY CHANGE THE TERMS OF**
3 **THIS AGREEMENT ONLY BY ANOTHER WRITTEN AGREEMENT.**
4 4. Notwithstanding subsections 1 and 2, a credit
5 agreement or modification of a credit agreement which
6 is not in writing, but which is valid in other
7 respects, is enforceable if the party against whom
8 enforcement is sought admits in court that the
9 agreement or modification was made, but no agreement
10 or modification is enforceable under this subsection
11 beyond the terms admitted.
12 5. For purposes of this section, unless the
13 context otherwise requires:
14 a. "Action" includes complaint, counterclaim,
15 cross-claim, or any other pleading or proceeding to

16 enforce affirmatively any right or duty.

17 b. "Contract" means a promise or set of promises
18 for the breach of which the law would give a remedy or
19 the performance of which the law would recognize a
20 duty, and includes promissory obligations based on
21 instruments and similar documents or on the contract
22 doctrine of promissory estoppel.

23 c. "Credit agreement" means any contract made or
24 acquired by a lender to loan money, finance any
25 transaction, or otherwise extend credit for any
26 purpose, and includes all of the terms of the
27 contract. "Credit agreement" does not mean a contract
28 to loan money, finance a transaction, or otherwise
29 extend credit by means of or pursuant to a credit
30 card, as defined in section 537.1301, subsection 16,
31 whether the loan, financing, or credit is for consumer
32 or business purposes or a consumer rental purchase
33 agreement as defined in section 537.3604, subsection
34 8.

35 d. "Defense" includes setoff, recoupment, and any
36 basis or means for barring or reducing liability or
37 obligation on any claim.

38 e. "Lender" means any person primarily in the
39 business of loaning money, or financing sales, leases,
40 or other provision of property or services.

41 f. "Modification" includes change, addition,
42 waiver, rescission, and any other variation of any
43 kind whether expressly made or implied by, or inferred
44 from, conduct of any kind.

45 6. This section shall be interpreted and applied
46 purposively to ensure that contract actions and
47 defenses on credit agreements are supported by clear
48 and certain written proof of the terms of such
49 agreements to protect against fraud and to enhance the
50 clear and predictable understanding of rights and

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1 duties under credit agreements.

2 7. This section entirely displaces principles of
3 common law and equity that would make or recognize
4 exceptions to its provisions or otherwise limit or
5 dilute the force and effect of its provisions.

6 8. This section does not apply to a credit
7 agreement made primarily for a personal, family, or
8 household purpose where the credit extended is two
9 thousand dollars or less, provided that this amount
10 shall be adjusted annually in accordance with the
11 annual change in the consumer price index.

12 Sec. 2.

- 13 This Act applies to credit agreements and
 14 modifications of credit agreements entered into on or
 15 after the effective date of this Act.
 16 Sec. 3.
 17 This Act takes effect on January 1, 1991."

COMMITTEE ON JUDICIARY
 RICHARD VARN, Chairperson

S-5254

- 1 Amend Senate File 2286 as follows:
 2 1. Page 1, by striking lines 15 through 18, and
 3 inserting the following: "judgments, except as
 4 provided for trusts".
 5 2. Page 1, line 27, by inserting after the word
 6 "Act." the following: "Notwithstanding the provisions
 7 of this section, payments ordered pursuant to any
 8 chapter which are made directly to an obligee shall be
 9 recorded by the clerk of the district court or the
 10 collection services center only if the payment is made
 11 pursuant to an order entered on or after July 1, 1985,
 12 and the validity is confirmed by a court upon
 13 submission of an acknowledgement of receipt of payment
 14 by the person in whose favor the order was entered,
 15 and after notice is given to all parties. For
 16 purposes of this section, the state is a party to
 17 which notice shall be given when public funds have
 18 been expended pursuant to chapter 234, 239, or 249A.
 19 If proper notice is not given to the state when
 20 required, any order of satisfaction is void. A court
 21 shall not enter an order of satisfaction for payments
 22 made directly to the obligee when the state is
 23 entitled to the payments pursuant to chapter 234, 239,
 24 or 249A."

RICHARD VARN

S-5255

- 1 Amend Senate File 228 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 "However," the following: "except in a proceeding for
 4 benefits under chapter 85, 85A, or 85B,".

RICHARD RUNNING

S-5256

- 1 Amend the amendment, S-5247, to Senate File 2169,
- 2 as follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "employer." the following: "An employee does not
- 5 include a person engaged in agriculture as defined in
- 6 section 91A.2 or a person engaged in agriculture on a
- 7 seasonal basis."

JOHN W. JENSEN

S-5257

- 1 Amend House File 673, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, by striking lines 7 through 20 and
- 4 inserting the following: "road funds."

JOHN W. JENSEN

S-5258

- 1 Amend Senate File 228 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "judgment" the following: "unless the municipality,
- 4 its agents or employees, are found to be guilty of
- 5 willful or reckless disregard of the plaintiff's
- 6 rights".

TOM MANN, Jr.

S-5259

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 3, by striking lines 9 through 14 and
- 3 inserting the following:
- 4 "3. By posting the notice on the door of the
- 5 premises provided all of the following conditions are
- 6 satisfied:
- 7 a. Personal service has been attempted, and been
- 8 unsuccessful, at least twice within ten days of the
- 9 date on which the notice is posted.
- 10 b. The affidavit of the process server attesting
- 11 to a failed attempt to deliver notice by personal

12 service is completed within a reasonable time after
 13 each failed attempt, and is maintained for the record
 14 by the landlord.

15 c. Notice by certified mail has been attempted,
 16 and been unsuccessful.

17 d. The notice is posted on the door in a manner to
 18 prevent easy or inadvertent removal.

19 e. The affidavit of the person posting the notice
 20 on the door of the premises attesting that the notice
 21 was in fact posted in conformance with this
 22 subsection, describing in particular the manner of
 23 posting to prevent easy or inadvertent removal, is
 24 completed within a reasonable time after posting the
 25 notice, and is maintained for the record by the
 26 landlord."

TOM MANN, Jr.

S-5260

1 Amend House File 2338, as passed by the House, as
 2 follows:

3 1. Page 1, by inserting after line 24 the
 4 following:

5 "Sec. ____.

6 This Act takes effect January 1, 1991."

7 2. Title page, line 2, by inserting after the
 8 word "medal" the following: "and providing an
 9 effective date".

10 3. Renumber sections as necessary.

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chair

S-5261

1 Amend Senate File 2326 as follows:

2 1. Page 2, by inserting after line 32, the
 3 following:

4 "Sec. ____ . **NEW SECTION. 283A.11 VENDING MACHINES**
 5 **AND NUTRITIONAL GUIDELINES.**

6 Public schools, and any accredited nonpublic school
 7 which receives funds for the operation of a school
 8 lunch program under this chapter, shall not operate,
 9 or cause to be operated, vending machines during the
 10 hours that regular classes are in session, or for
 11 thirty minutes before or after those hours. However,
 12 this requirement shall not apply to schools which

13 operate, or cause to be operated, vending machines
14 which meet the nutritional guidelines established by
15 the department under section 256.9, subsection 39.”
16 2. By renumbering as necessary.

RAY TAYLOR
DALE L. TIEDEN

S-5262

1 Amend Senate File 2403 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 ¶Sec. 100. Section 8.23, Code 1989, is amended to
5 read as follows:
6 8.23 ANNUAL DEPARTMENTAL ESTIMATES.
7 On or before September 1, next prior to each
8 legislative session, all departments and
9 establishments of the government shall transmit to the
10 director, on blanks to be furnished by the director,
11 estimates of their expenditure requirements, including
12 every proposed expenditure, for the ensuing fiscal
13 year, classified so as to distinguish between
14 expenditures estimated for administration, operation,
15 and maintenance, and the cost of each project
16 involving the purchase of land or the making of a
17 public improvement or capital outlay of a permanent
18 character, together with supporting data and
19 explanations as called for by the director. The
20 budget estimates shall include a line item for energy
21 expenses itemized by type of energy and location. The
22 estimates of expenditure requirements shall be based
23 upon seventy-five percent of the funding provided for
24 the current fiscal year accounted for by program and
25 the remainder of the estimate of expenditure
26 requirements prioritized by program. The estimates
27 shall be accompanied with performance measures for
28 evaluating the effectiveness of the program. If a
29 department or establishment fails to submit estimates
30 within the time specified, the governor shall cause
31 estimates to be prepared for that department or
32 establishment as in the governor's opinion are
33 reasonable and proper. The director shall furnish
34 standard budget request forms to each department or
35 agency of state government.”
36 2. Page 1, line 2, by striking the word
37 “unnumbered”.
38 3. Page 1, by striking lines 4 through 19, and
39 inserting the following:

40 “NEW PARAGRAPH. a. On or after January 1, 1992,
 41 the following listed agencies shall not purchase a
 42 motor vehicle weighing less than eight thousand five
 43 hundred pounds which does not have an average fuel
 44 efficiency rating equal to or greater than the
 45 corporate average fuel economy standard for the
 46 automobile model year as established by the United
 47 States secretary of transportation under 15 U.S.C. §
 48 2002:

- 49 (1) State vehicle dispatcher.
- 50 (2) State department of transportation.

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- 1 (3) Institutions under the control of the state
- 2 board of regents.
- 3 (4) The department for the blind.
- 4 (5) Any other state agency exempted from obtaining
- 5 vehicles for use through the state vehicle dispatcher.
- 6 Special work vehicles, trucks other than light
- 7 trucks, law enforcement vehicles, and passenger
- 8 automobiles rated at more than five passengers in
- 9 capacity, are exempt from this paragraph.”
- 10 4. By striking page 1, line 20, through page 2,
- 11 line 1, and inserting the following:
- 12 “b. Effective January 1, 1993, the state vehicle
- 13 dispatcher, after consultation with the department of
- 14 management and the various state agencies exempted
- 15 from obtaining vehicles for use through the state
- 16 vehicle dispatcher, shall adopt by rule pursuant to
- 17 chapter 17A, a system of uniform standards for
- 18 assigning vehicles available for use to maximize the
- 19 average passenger miles per gallon of motor vehicle
- 20 fuel consumed. The standards should consider the
- 21 number of passengers traveling to a destination, the
- 22 fuel economy of and passenger capacity of vehicles
- 23 available for assignment, and any other relevant
- 24 information, to assure assignment of the most energy
- 25 efficient vehicle or combination of vehicles for a
- 26 trip from those vehicles available for assignment.
- 27 The standards adopted by the state vehicle dispatcher
- 28 shall not apply to special work vehicles, and law
- 29 enforcement vehicles. The rules when adopted shall
- 30 apply to the following agencies:
- 31 (1) State vehicle dispatcher.
- 32 (2) State department of transportation.
- 33 (3) Institutions under the control of the state
- 34 board of regents.
- 35 (4) The department for the blind.
- 36 (5) Any other state agency exempted from obtaining

37 vehicles for use through the state vehicle
38 dispatcher.”

39 5. Page 2, by inserting before line 2, the
40 following:

41 “c. As used in paragraph “a” and “b”, “fuel
42 economy” means the average number of miles traveled by
43 an automobile per gallon of gasoline consumed as
44 determined by the United States environmental
45 protection agency administrator in accordance with 26
46 U.S.C. § 4064(c).”

47 6. Page 2, by striking lines 3 through 19, and
48 inserting the following:

49 “1. A contract for a public improvement or
50 construction of a public building, including new

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1 construction or renovation of an existing public
2 building, by the state, or an agency or political
3 subdivision of the state, shall not be let without
4 satisfying the following requirements:

5 a. A design professional submitting a design
6 development proposal for consideration of the public
7 body shall at minimum prepare one proposal meeting the
8 design program’s space and use requirements which
9 reflects the lowest life cycle cost possible in light
10 of existing commercially available technology.

11 b. Submission of a cost benefit analysis of any
12 deviations from the lowest life cycle cost proposal
13 contained in other design proposals requested by or
14 prepared for submission to the public body.

15 The public body may request additional design
16 proposals in light of funds available for
17 construction, aesthetic considerations, or any other
18 reason.

19 This subsection applies for all design development
20 proposals requested on or after January 1, 1991.

21 2. In connection with development of a statewide
22 building energy efficiency rating system, pursuant to
23 section 93.40, the director of the department of
24 natural resources in consultation with the department
25 of management, shall develop standards and methods to
26 evaluate design development documents and construction
27 documents based upon the energy efficiency rating
28 system for public buildings, and other life cycle cost
29 factors, to facilitate fair and uniform comparisons
30 between design proposals and informed decision making
31 by public bodies.”

32 7. Page 2, line 23, by striking the word “bids”
33 and inserting the following: “design proposals”.

- 34 8. Page 2, line 26, by striking the word "bid"
35 and inserting the following: "design".
- 36 9. By striking page 2, line 33, through page 3,
37 line 7.
- 38 10. Page 4, by striking line 4, and inserting the
39 following: "data. The central depository shall be
40 located at or accessible through a library which is a
41 member of an interlibrary loan program to facilitate
42 access to the data and information contained in the
43 central depository. The department shall collect".
- 44 11. Page 4, by striking lines 6 through 8, and
45 inserting the following: "The department may require
46 a supplier to".
- 47 12. Page 4, by striking line 31, and inserting
48 the following:
49 "5. Develop, recomm~~end~~, and recomm~~end~~ implem~~ent~~
50 with appropriate agencies public and".

Page 4

- 1 13. Page 5, line 4, by inserting after the word
2 "change" the following: "and the depletion of the
3 stratospheric ozone layer".
- 4 14. Page 5, line 8, by inserting after the word
5 "climate" the following: "and the stratospheric ozone
6 layer".
- 7 15. Page 5, by inserting after line 10, the
8 following:
9 "Sec. ____ . Section 93.20, unnumbered paragraph 1,
10 Code 1989, is amended to read as follows:
11 An energy loan fund is established in the office of
12 the treasurer of state to be administered by the
13 department. The department may make loans to school
14 districts, area schools, area education agencies,
15 cities, and counties for implementation of energy
16 conservation measures identified in a comprehensive
17 engineering analysis. Loans shall not be made for
18 energy conservation measures that require more than an
19 average of six years for the school district, area
20 school, area education agency, city and county as an
21 entity to recoup the actual or projected cost of
22 construction and acquisition of the improvements,
23 including the cost of financing the construction and
24 acquisition of the improvements; and cost of the
25 engineering plans and specifications. For a school
26 district, area school, area education agency, city or
27 county to receive a loan from the fund, the department
28 shall require completion of an energy management plan
29 including an energy audit and a comprehensive
30 engineering analysis. The department shall approve

31 loans made under this section. Cities and counties
32 shall repay the loans from moneys in their debt
33 service funds. Area education agencies shall repay
34 the loans from any moneys available to them.
35 Sec. ____ . Section 93.20, Code 1989, is amended by
36 adding the following new unnumbered paragraph:
37 NEW UNNUMBERED PARAGRAPH. The department shall not
38 require a school district, area school, area
39 educational agency, city, or county to implement a
40 specific energy conservation measure identified in a
41 comprehensive engineering analysis if the political
42 subdivision which prepared the analysis demonstrates
43 to the department that the facility which is the
44 subject of the energy conservation measure is unlikely
45 to be used or operated for the full period of the
46 expected payback of the energy conservation measure.”
47 16. Page 5, line 19, by striking the words “shall
48 be developed”.
49 17. Page 5, line 21, by striking the words “shall
50 be developed”.

Page 5

1 18. Page 5, line 23, by striking the words “shall
2 be developed”.
3 19. Page 5, line 25, by striking the words “shall
4 be developed”.
5 20. Page 5, line 27, by striking the words “shall
6 be developed”.
7 21. Page 5, line 29, by striking the words “shall
8 be developed”.
9 22. Page 5, line 34, by inserting after the word
10 “purchase.” the following: “With each declaration of
11 value submitted to a county recorder under chapter
12 428A, a statement shall also be submitted, on forms
13 provided by the department, that indicates the energy
14 efficiency rating of the building, effective one year
15 after ratings are adopted by the department for the
16 class to which the building which is the subject of
17 the declaration of value belongs.”
18 23. Page 6, line 8, by inserting after the word
19 “lease.” the following: “On or after one year from
20 the date on which the ratings are adopted by the
21 department for the class of buildings to which the
22 property to be leased belongs, the rating of the
23 building shall be included in any written lease
24 entered into, continued, or renewed.”
25 24. Page 6, by striking lines 16 through 23, and
26 inserting the following:
27 “c. The prime design professional of a new

28 residential or commercial building shall state in
 29 writing to the department that to the best of the
 30 person's knowledge, information, and belief, the new
 31 building is in substantial compliance with the minimum
 32 energy efficiency guidelines established by rule of
 33 the department and the energy efficiency rating for
 34 the building based upon the system adopted pursuant to
 35 subsection 1."

36 25. Page 6, line 27, by striking the word
 37 "division" and inserting the following: "department".

38 26. Page 7, by striking lines 7 through 13, and
 39 inserting the following:

40 "e. The design professional shall inform the owner
 41 to the best of the design professional's knowledge of
 42 energy efficiency options available and the associated
 43 costs and benefits of the options."

44 27. Page 7, by striking lines 18 through 23, and
 45 inserting the following: "except liquid petroleum,
 46 unless the builder states in writing to the utility
 47 that to the best of the builder's knowledge,
 48 information, and belief, the building was built in
 49 accordance with the construction documents."

50 28. Page 8, by striking lines 4 through 19, and

Page 6

1 inserting the following: "costs."

2 29. Page 8, by inserting before line 20, the
 3 following:

4 "___ . The director shall establish a voluntary
 5 working group of persons and interest groups
 6 interested in the energy efficiency rating system or
 7 energy efficiency. The interest group shall advise
 8 the department in the development of the energy
 9 efficiency rating system and shall assist the
 10 department in implementation of the rating system by
 11 coordinating education programs for design
 12 professionals, builders, businesses, and other
 13 interested persons to assist compliance and to
 14 facilitate incorporation of the rating system into
 15 existing practices. The intent of the general
 16 assembly is to encourage the consideration of the
 17 energy efficiency rating system in the market, so as
 18 to provide market rewards for energy efficient
 19 buildings and those designing, building, or selling
 20 energy efficient buildings."

21 30. Page 9, by inserting after line 5, the
 22 following:

23 "___ . Design professional" means the architect,
 24 engineer, landscape architect, builder, interior

25 designer or other person, whether a registered design
26 professional or not, who performs the actual design
27 work or if under whose direct supervision and
28 responsible charge the construction documents are
29 prepared.”

30 31. By striking page 9, line 10, through page 11,
31 line 27, and inserting the following:

32 “___ . The director may report an architect,
33 professional engineer, or landscape architect to the
34 appropriate examining board if the director believes
35 the person has engaged in fraudulent conduct in
36 connection with an energy efficiency rating for a
37 building. The director may report a builder to the
38 division of labor, bureau of contractor registration,
39 if the director believes the builder has engaged in
40 fraudulent conduct in connection with an energy
41 efficiency rating for a building.”

42 32. Page 12, by striking lines 7 through 24.

43 33. Page 12, by striking lines 25 through 30, and
44 inserting the following:

45 “___ . The state shall purchase and use high blend
46 ethanol for all state-owned passenger vehicles
47 suitable for such fuel, when and if high blend ethanol
48 is available and approved for such use by the United
49 States environmental protection agency. The state
50 department of transportation and the state vehicle

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1 dispatcher shall cooperate with the state board of
2 regents and institutions under the control of the
3 state board of regents in obtaining a waiver from the
4 United States environmental protection agency to
5 conduct a demonstration program for the use of high
6 blend ethanol, and shall, if a waiver is obtained,
7 cooperate in conducting the demonstration program in
8 consultation with the department of natural
9 resources.”

10 34. By striking page 12, line 31, through page
11 13, line 5, and inserting the following:

12 “___ . The governor shall seek the cooperation of
13 the governors of the states of Nebraska, Illinois,
14 Indiana, and Missouri, to establish a consortium on
15 alternative fuels. The purpose of the consortium
16 shall be to establish regional cooperation for
17 research and marketing of alternative fuels produced
18 within the region. The consortium may also coordinate
19 presentation of regional policy on alternative fuels
20 to automakers and federal regulatory authorities.”

21 35. Page 13, by striking lines 6 through 34.

- 22 36. Page 14, by striking lines 2 through 15, and
 23 inserting the following:
 24 "NEW SUBSECTION. 2A. The state board of
 25 engineering and land surveyors, the board of
 26 architectural examiners, the board of landscape
 27 architectural examiners, and the department of natural
 28 resources shall cooperate with each other and with
 29 persons who typically offer continuing education
 30 courses for design professionals to make available
 31 energy efficiency related continuing education
 32 courses, and to encourage interdisciplinary
 33 cooperation and education concerning available energy
 34 efficiency strategies for employment in the state's
 35 construction industry."
- 36 37. By striking page 14, line 16, through page
 37 15, line 7.
- 38 38. By striking page 15, line 8 through page 16,
 39 line 30, and inserting the following:
 40 "Sec. ____ NEW SECTION. 268.5 ENERGY EFFICIENCY
 41 AND WASTE REDUCTION REFERRALS.
 42 At the time the department approves assistance for
 43 an applicant, the person shall also be provided with
 44 information regarding the nature and source of other
 45 technical assistance available in the state to assist
 46 the applicant on design and management matters
 47 concerning energy efficiency and waste reduction. The
 48 department shall review the extent to which
 49 recommendations made to grantees are in fact
 50 implemented by the grantees."

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- 1 39. Page 17, line 4, by inserting after the word
 2 "paragraph." the following: "The board may require
 3 electric and gas utilities to offer a rebate or coupon
 4 program for purchases of goods which contribute to
 5 energy efficiency as part of the utility's energy
 6 efficiency program. If a rebate or coupon program is
 7 required, the board shall adopt rules providing for
 8 uniform administration of the program."
- 9 40. Page 17, line 34, by striking the figure "16"
 10 and inserting the following: "19".
- 11 41. Page 18, by inserting after line 17, the
 12 following:
 13 "Sec. ____ . Section 476.6, subsection 15,
 14 unnumbered paragraph 1, Code Supplement 1989, is
 15 amended to read as follows:
 16 The board shall periodically, but not less than
 17 annually, conduct a proceeding for the purpose of
 18 evaluating the reasonableness and prudence of a rate-

19 regulated public utility's natural gas procurement and
20 contracting practices. The natural gas supply and
21 cost review ~~shall~~ may be conducted as a contested case
22 pursuant to chapter 17A.

23 Sec. ____ . Section 476.6, subsection 15, unnumbered
24 paragraph 3, Code Supplement 1989, is amended by
25 striking the paragraph.

26 Sec. ____ . Section 476.6, subsection 15, unnumbered
27 paragraph 4, Code Supplement 1989, is amended to read
28 as follows:

29 During the natural gas supply and cost review, the
30 board shall evaluate the reasonableness and prudence
31 of the gas procurement plan. In evaluating the gas
32 procurement plan, the board shall consider the volume,
33 cost, and reliability of the major alternative gas
34 supplies available to the utility; the cost of
35 alternative fuels available to the utility's
36 customers; the availability of gas in storage; the
37 appropriate legal and regulatory actions which the
38 utility could take to minimize the cost of purchased
39 gas; the gas procurement practices of the utility; and
40 other relevant factors. If a utility is not taking
41 all reasonable actions to minimize its purchase gas
42 costs, consistent with assuring an adequate long-term
43 supply of natural gas, the board ~~shall not allow the~~
44 ~~utility to recover from its customers~~ may initiate
45 contested case proceedings to more fully review such
46 costs and may disallow purchase gas costs in excess of
47 those costs that would be incurred under reasonable
48 and prudent policies and practices."

49 42. Page 18, line 19, by striking the figures "3,
50 5," and inserting the following: "5".

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1 43. Page 18, by inserting after line 20, the
2 following:

3 "Sec. ____ . Section 476.6, subsection 16,
4 unnumbered paragraph 1, Code Supplement 1989, is
5 amended to read as follows:

6 The board shall conduct an annual proceeding for
7 the purpose of evaluating the reasonableness and
8 prudence of a rate-regulated public utility's
9 procurement and contracting practices related to the
10 acquisition of fuel for use in generating electricity.
11 The proceeding ~~shall~~ may be conducted as a contested
12 case pursuant to chapter 17A. Under procedures
13 established by the board, the utility shall file
14 information as the board deems appropriate. If a
15 utility is not taking all reasonable actions to

16 minimize its fuel costs, the board shall not allow the
17 utility to recover from its customers fuel may
18 initiate contested case proceedings to more fully
19 review said costs and may disallow costs in excess of
20 those costs that would be incurred under reasonable
21 and prudent policies and practices.”

22 44. Page 18, by inserting after line 27, the
23 following:

24 “a. The board shall conduct contested case
25 proceedings for review of energy efficiency plans and
26 budgets filed by rate-regulated gas or electric
27 utilities. The board may approve, reject, or modify
28 the plans and budgets. Notwithstanding the provisions
29 of section 17A.19, subsection 5, in an application for
30 judicial review of the board’s decision concerning a
31 utility’s energy efficiency plan or budget, the
32 reviewing court shall not order a stay. Whenever a
33 request to modify an approved plan or budget is filed
34 subsequently by the office of consumer advocate or a
35 rate-regulated gas or electric public utility, the
36 board shall promptly initiate a formal proceeding if
37 the board determines that any reasonable ground exists
38 for investigating the request. The formal proceeding
39 may be initiated at any time by the board on its own
40 motion. Implementation of board approved plans or
41 budgets shall be considered continuous in nature and
42 shall be subject to investigation at any time by the
43 board or the office of the consumer advocate.”

44 45. Page 19, by striking line 2, and inserting
45 the following: “be cost effective. A utility may
46 also recover the”.

47 46. Page 19, line 6, by inserting after the word
48 “project.” the following: “Reasonable expenditures
49 and related costs shall include a return on energy
50 efficiency program investment and the contribution to

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1 system costs lost due to energy efficiency practices
2 and programs.”

3 47. Page 19, by striking lines 13 through 20, and
4 inserting the following:

5 “c. To the extent an energy efficiency practice or
6 program yields net benefits, the net benefits shall be
7 shared between the utility and its customers as the
8 benefits occur. The utility’s revenues from the
9 sharing of benefits shall not be considered in
10 determining its revenue requirements.”

11 48. Page 22, lines 19 and 20, by striking the
12 words “energy and geological resources division of

13 the” and inserting the following: “energy and
14 geological resources division of the”.

15 49. Page 23, by inserting after line 5, the
16 following:

17 “Sec. ____ . Section 476A.2, Code 1989, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 4. This chapter shall not apply
20 to an electric power generating plant, or combination
21 of plants at a single site, with a total capacity of
22 more than twenty but less than one hundred megawatts
23 of electricity if the owner or operator prior to
24 January 1, 1990, has met all of the following
25 conditions:

26 a. Acquired a site for the facility.

27 b. Publicly announced the intention to construct a
28 facility at that site.

29 c. Let contracts for major components of the
30 facility.”

31 50. Page 24, by inserting after line 8, the
32 following:

33 “Sec. ____ . COMPREHENSIVE TRANSPORTATION ENERGY
34 DEMAND AND PLANNING SURVEY.

35 1. The state department of transportation shall
36 conduct a comprehensive transportation energy demand
37 and planning survey within the state to determine
38 where, how, and for what energy is being consumed for
39 transportation related purposes within the state given
40 current economic and demographic conditions. The
41 survey shall be structured to provide policymakers
42 detailed information on consumption patterns to permit
43 formulation of future transportation and energy
44 efficiency related policy on the basis of useful
45 statistical information accompanied by clear and
46 concise narrative analysis. The survey shall include
47 an analysis of regional commuting patterns to permit
48 policymakers to develop viable alternatives to
49 commuting by private single occupant motor vehicles
50 when traffic density and patterns permit.

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1 2. A city with a population of fifty thousand or
2 more shall conduct a transportation survey of a
3 statistically relevant and representative portion of
4 its businesses and workers concerning transportation
5 patterns and needs. Among the survey topics to be
6 covered are the willingness to carpool for commuting
7 to and from work, the use of mass transit, the
8 impediments to carpooling or use of mass transit.
9 Based upon the results of the survey, the city shall

10 formulate strategies for reducing motor vehicle fuel
11 consumption, and shall file the survey results and
12 proposed strategies with the state department of
13 transportation on or before January 15, 1992.

14 3. The department of management shall conduct a
15 survey of a statistically relevant and representative
16 portion of its agencies, including the institutions
17 under the control of the state board of regents, and
18 employees concerning transportation patterns and
19 needs. Among the survey topics to be covered are the
20 willingness of employees to carpool for commuting to
21 and from work and to use mass transit, the impediments
22 to carpooling or use of mass transit, and coordination
23 of travel schedules with other agencies to permit
24 shared transportation for state business when
25 possible.

26 4. The department of management, in consultation
27 with the department of natural resources, division of
28 energy and geological resources, shall conduct a cost
29 benefit analysis of telecommuting for state employees
30 whose primary duties and services are typically
31 performed by phone and who currently have access to
32 computer or other telecommunication equipment at work.
33 The resulting report on telecommuting shall be
34 presented to the general assembly on or before January
35 15, 1991.

36 Sec. ____ . RAMP METERING PILOT PROGRAM.

37 The state department of transportation shall
38 conduct a trial program, for a six-month period at
39 minimum, of a ramp metering system on at least one
40 interchange of I-235, the MacVicar freeway, in the Des
41 Moines metropolitan area. A report shall be prepared
42 for submission to the general assembly on or before
43 July 1, 1992, summarizing the effectiveness of ramp
44 metering in the trial program to reduce traffic
45 congestion; its impact upon accident frequency and
46 highway safety; and potential for expanded use on I-
47 235. The report shall make specific recommendations
48 regarding the future use and funding of traffic
49 metering in the Des Moines metropolitan area, and its
50 incorporation in plans for expansion of I-235 and

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1 construction of the north-south loop bypass.

2 Sec. ____ . INTEREST-FREE LOANS FOR VANPOOLS.

3 The state department of transportation shall
4 prepare a recommendation including model legislation
5 for an interest-free loan program for vanpools and
6 other incentives for the formulation and operation of

7 vanpools or carpools. The department shall in
8 particular examine the structure and success of
9 vanpool loan programs in other states, including
10 Connecticut. The report shall include a cost benefit
11 analysis and an estimate of the cost to implement an
12 effective program in Iowa.

13 Sec. ____ . LIGHT RAIL CORRIDOR STUDY.

14 1. The Des Moines metropolitan transit authority,
15 with the cooperation of the state department of
16 transportation, shall study the feasibility of
17 operating light rail passenger train service on
18 existing rail or public road rights-of-way in the Des
19 Moines metropolitan area. The study shall at minimum
20 consider:

21 a. Use of the I-235 or north-south downtown loop
22 bypass median or right-of-way for light rail usage.

23 b. Use of existing railroad rights-of-way,
24 especially those connecting downtown to major commuter
25 destinations and community attractions for visitors.

26 c. Feasibility for implementing light rail
27 passenger service as an alternative to expansion of I-
28 235.

29 2. The study shall include consideration and
30 proposals for:

31 a. Suburban park and ride mass transit.

32 b. Downtown parking requirements, especially cost
33 savings from reduced parking demand.

34 c. Integrated mass transit marketing and route
35 selection.

36 d. Marketing, promotion, and incentives for light
37 rail usage.

38 e. Economic development impact along suggested
39 routes and from visitor usage, and impact upon
40 attracting conventions and new business.

41 f. Financing alternatives for implementation,
42 including special benefit district assessments.

43 3. The state department of transportation shall
44 provide any requested assistance to the Des Moines
45 metropolitan transit authority to perform the study
46 required in subsection 1.

47 Sec. ____ . HIGH OCCUPANCY VEHICLE LANE STUDY.

48 1. a. The Des Moines metropolitan transit
49 authority, with the cooperation of the state
50 department of transportation, shall study the

1 feasibility of implementing high occupancy vehicle
2 (HOV) lanes during rush hours on I-235, the MacVicar
3 freeway, in the Des Moines metropolitan area. The

4 study shall at minimum consider:

5 (1) Coordination of HOV lanes with bus schedules
6 and downtown transit mall services.

7 (2) Integrated policies to encourage carpooling
8 and use of mass transit as an alternative to private
9 vehicle usage and expansion of the MacVicar freeway to
10 accommodate increased traffic use.

11 b. The study shall propose a trial HOV program for
12 implementation in fiscal year 1992, and shall report
13 the proposal and estimated costs of the trial program,
14 to the general assembly, no later than July 1, 1991.
15 The trial HOV program plan shall include consideration
16 and proposals for:

17 (1) Suburban park and ride mass transit.

18 (2) Downtown parking requirements, especially cost
19 savings from reduced parking demand.

20 (3) Mass transit marketing and route selection.

21 (4) Marketing, promotion, and incentives for
22 carpooling.

23 (5) Specific lanes to be designated HOV lanes for
24 designated timeframes, required signage, and
25 enforcement mechanisms.

26 2. The state department of transportation shall
27 provide any requested assistance to the Des Moines
28 metropolitan transit authority to perform the study
29 required in subsection 1, and shall coordinate such
30 work with the study required pursuant to subsection 4.

31 3. The state department of transportation shall
32 study the incorporation of HOV lanes in any
33 improvements or expansion of I-235, and in the
34 proposed construction of a north-south downtown loop
35 bypass, and shall describe in detail in any report the
36 consideration given to HOV lanes, their likely impact
37 upon traffic density and safety, and their viability
38 as an alternative to expansion or for incorporation in
39 planned construction. An HOV lane study shall
40 consider integrated policies to encourage carpooling
41 and use of mass transit as an alternative to commuting
42 by private passenger single occupant automobiles.

43 Sec. ____ . STATE EMPLOYEE CARPOOLING INCENTIVE
44 STUDY.

45 1. The state department of transportation, in
46 consultation with the department of management, shall
47 study and develop a proposal for a program for
48 encouraging state employees to commute to work by mass
49 transit or in carpools when and where feasible and to
50 otherwise manage the demand for parking at state owned

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1 or operated facilities. The proposal shall be
2 presented to the general assembly on or before January
3 15, 1991. The program shall at minimum include
4 consideration of the following:
5 a. For capitol complex employees creating a pool
6 of funds for paying incentives for carpooling to
7 reduce the demand for parking spaces, and to fund
8 related carpooling expenses including promotional
9 expenses and clearinghouse expenses.
10 b. For any other location at which two hundred
11 fifty or more state employees are located, creating a
12 pool of funds for paying incentives for carpooling and
13 to fund related carpooling expenses, including
14 promotional expenses and clearinghouse expenses.
15 2. The study shall examine the cost of providing
16 parking spaces at representative locations, including
17 the capitol complex, and estimates of the cost of
18 carpooling programs for state employees, including but
19 not limited to financial incentives, such as direct
20 bonuses and cost-sharing for the expense of mass
21 transit fare, and shall estimate the savings to be
22 realized from reduced demand for parking spaces. The
23 study should include a range of options for
24 consideration by the general assembly and associated
25 differential cost benefit analysis for each option.”
26 51. By renumbering as necessary.

MICHAEL E. GRONSTAL
PAUL D. PATE
PAT DELUHERY
H. KAY HEDGE
RICHARD J. VARN
MIKE CONNOLLY
ALVIN V. MILLER
AL STURGEON

S-5263

1 Amend the amendment, S-5166, to Senate File 2197 as
2 follows:
3 1. By striking page 1, line 4, through page 2,
4 line 48, 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, Code 1989, is amended to
 13 read as follows:

14 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
 15 CIVIL RIGHTS -- PENALTIES.

16 1. Persons within the state of Iowa have the right
 17 to be free from any violence, or intimidation by
 18 threat of violence, committed against their persons or
 19 property because of their race, color, religion,
 20 ancestry, national origin, political affiliation, or
 21 sex, sexual orientation, age, or disability.

22 2. A person who conspires with another person or
 23 persons to injure, oppress, threaten, or intimidate or
 24 interfere with any citizen in the free exercise or
 25 enjoyment of any right or privilege secured to that
 26 person by the constitution or laws of the state of
 27 Iowa or by the constitution or laws of the United
 28 States, and assembles with one or more persons for the
 29 purpose of teaching or being instructed in any
 30 technique or means capable of causing property damage,
 31 bodily injury or death when the person or persons
 32 intend to employ those techniques or means in
 33 furtherance of the conspiracy, is on conviction,
 34 guilty of a class "D" felony.

35 A person intimidates or interferes with another
 36 person if the act of the person results in any of the
 37 following:

38 a. Physical injury to the other person.

39 b. Physical damage to or destruction of the other
 40 person's property.

41 c. Communication in a manner, or action in a
 42 manner, intended to result in either of the following:

43 (1) To place the other person in fear of physical
 44 contact which will be injurious, insulting, or
 45 offensive, coupled with the apparent ability to
 46 execute the act.

47 (2) To place the other person in fear of harm to
 48 the other person's property, or harm to the person or
 49 property of a third person.

50 3. A person who acts to injure, oppress, threaten,

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1 or intimidate or interfere with any citizen in the
 2 free exercise or enjoyment of any right or privilege
 3 secured to that person by the constitution or laws of
 4 the state of Iowa or by the constitution or laws of
 5 the United States, is on conviction, guilty of a class

6 "D" felony.

7 § 4. The fact that a person committed a felony or
8 misdemeanor, or attempted to commit a felony, because
9 of the victim's race, color, religion, nationality,
10 country of ancestry, national origin, political
11 affiliation, or sex, sexual orientation, age, or
12 disability, shall be considered a circumstance in
13 aggravation of any crime in imposing sentence and
14 fine. Evidence of such fact includes, but is not
15 limited to, the burning of crosses and other symbols,
16 and a rebuttable presumption of the fact arises where
17 such an act is shown to have been committed.

18 5. A victim who has suffered physical, emotional,
19 or financial harm as a result of a violation of this
20 section is entitled to injunctive relief, general and
21 special damages, reasonable attorney fees, and costs.
22 However, a victim who is a member of a protected class
23 and who has suffered physical, emotional, or financial
24 harm as a result of a violation of this section which
25 occurred because of the victim's status as a member of
26 a protected class, shall not be entitled to any relief
27 or damages pursuant to this subsection unless the
28 victim has exhausted all administrative and judicial
29 review provided for under chapter 601A and has been
30 denied relief and a finding has been made that the
31 defendant did not engage in a discriminatory or unfair
32 practice under that chapter.

33 Upon a finding that a discriminatory or unfair
34 practice prohibited under chapter 601A has occurred,
35 the remedies provided under that chapter are the
36 exclusive remedies available to the victim.

37 An action brought pursuant to this subsection must
38 be brought within two years after the date of the
39 violation of this section. However, the filing of a
40 complaint under chapter 601A tolls the statute of
41 limitations for the purposes of the commencement of an
42 action under this subsection.

43 4 6. This section does not make unlawful the
44 teaching of any technique in self-defense.

45 5 7. This section does not make unlawful any
46 activity of any of the following officials or persons:
47 a. Law enforcement officials of this or any other
48 jurisdiction while engaged in the lawful performance
49 of their official duties;

50 b. Federal officials required to carry firearms

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1 while engaged in the lawful performance of their
2 official duties;

3 c. Members of the armed forces of the United
 4 States or the national guard while engaged in the
 5 lawful performance of their official duties; or
 6 d. Any conservation commission, law enforcement
 7 agency, or any agency licensed to provide security
 8 services, or any hunting club, gun club, shooting
 9 range, or other organization or entity whose primary
 10 purpose is to teach the safe handling or use of
 11 firearms, archery equipment, or other weapons or
 12 techniques employed in connection with lawful sporting
 13 or other lawful activity.

14 Sec. 3.
 15 This Act shall not be construed to establish any
 16 new category of individual rights not currently
 17 protected by the laws of this state or federal law, or
 18 to enlarge, diminish, or impair any right guaranteed
 19 by the laws of this state or federal law.

20 Sec. 4.
 21 The Code editor shall amend the title of chapter
 22 729 by changing the word "civil" to "individual" to
 23 reflect the changes made in this Act."

24 ____ . Title page, by striking lines 1 through 3,
 25 and inserting the following: "An Act relating to
 26 violations of an individual's rights, by prohibiting
 27 acts of assault"."

LINN FUHRMAN

S-5264

1 Amend Senate File 2330 as follows:
 2 1. Page 1, line 11, by inserting after the words
 3 "where the" the following: "motor vehicle or".
 4 2. Page 1, line 19, by inserting after the words
 5 "where the" the following: "motor vehicle or".
 6 3. Page 2, line 9, by inserting after the figure
 7 "562A.27" the following: "or 648.3".
 8 4. Page 2, line 13, by inserting after the word
 9 "after" the following: "a single".
 10 5. Page 2, lines 13 and 14, by striking the words
 11 "without a hearing" and inserting the following:
 12 "notice to quit".
 13 6. Page 2, line 17, by inserting after the word
 14 "proceedings" the following: "by notice thereof at
 15 least five days prior to the hearing".
 16 7. Page 2, line 26, by inserting after the word
 17 "firearm" the following: "; or possession of any
 18 firearm on or about the leased premises if such
 19 possession is prohibited by the lease or rules adopted

20 by the landlord”.

21 8. Page 3, by inserting after line 14, the
22 following:

23 “Sec. — . NEW SECTION. 562B.25A TERMINATION FOR
24 CREATING A SERIOUS AND CLEAR DANGER TO OTHER TENANTS.

25 1. Notwithstanding section 562B.25 or 648.3, if a
26 tenant has created or maintained a threat constituting
27 a serious and clear danger to the health or safety of
28 other tenants, the landlord, or the landlord’s
29 employee or agent, the landlord, after a single three
30 days’ written notice of termination and to quit, may
31 file suit against the tenant for recovery of
32 possession of the premises pursuant to chapter 648.1.
33 The tenant shall be given the opportunity to contest
34 the termination in the court proceedings by notice
35 thereof at least five days prior to the hearing.

36 2. A serious and clear danger to the health or
37 safety of other tenants, the landlord, or the
38 landlord’s employees or agents shall include, but is
39 not limited to, any of the following activities of the
40 tenant or of any person on the premises with the
41 consent of the tenant:

42 a. Physical assault or the threat of physical
43 assault.

44 b. Illegal use of a firearm or other weapon or the
45 threat to use a firearm or other weapon illegally or
46 possession of an illegal firearm; or possession of any
47 firearm on or about the leased premises if such
48 possession is prohibited by the lease or rules adopted
49 by the landlord.

50 c. Possession of a controlled substance by the

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1 tenant or any other person on the premises with the
2 consent of the tenant if the tenant knew or should
3 have known of the possession by the other person of a
4 controlled substance, unless the controlled substance
5 was obtained directly from or pursuant to a valid
6 prescription or order by a licensed medical
7 practitioner while acting in the course of the
8 practitioner’s professional practice.

9 Sec. — . NEW SECTION. 562B.27A METHOD OF NOTICE
10 AND SERVICE OF PROCESS.

11 The written notice of termination required by
12 section 562B.25, subsection 1, a notice to quit as
13 required by section 648.3, or a petition for forcible
14 entry and detainer pursuant to chapter 648, may be
15 served upon the tenant in any of the following ways:

16 1. By personal service.

- 17 2. By certified mail.
 18 3. By posting the notice on the door of the mobile
 19 home upon the leased mobile home lot, if personal
 20 service has been attempted, and been unsuccessful, and
 21 if the affidavit of the process server attesting to
 22 the failed attempt to deliver by personal service,
 23 completed within a reasonable time after the failed
 24 attempt, is maintained for the record by the
 25 landlord.”
 26 9. By striking page 3, line 15, through page 4,
 27 line 5.
 28 10. Page 4, by striking lines 6 through 11.
 29 11. Title page, by striking line 1, and inserting
 30 the following: “An Act relating to abandonment of
 31 personal property, alternative service of notice of
 32 termination and process, and authorizing termination
 33 of a rental agreement for creating a serious and clear
 34 danger.”

ELAINE SZYMONIAK

S-5265

- 1 Amend Senate File 2255 as follows:
 2 1. Page 1, line 8, by striking the word “thirty”
 3 and inserting the following: “ninety”.
 4 2. Page 1, line 11, by striking the word “thirty”
 5 and inserting the following: “ninety”.
 6 3. Page 1, line 19, by striking the word “thirty”
 7 and inserting the following: “~~thirty~~ ninety”.
 8 4. Page 1, line 22, by striking the word “thirty”
 9 and inserting the following: “~~thirty~~ ninety”.

WALLY HORN

S-5266

- 1 Amend the amendment, S-5247, to Senate File 2169 as
 2 follows:
 3 1. Page 1, line 34, by inserting after the word
 4 “speaking” the following: “and speak the same non-
 5 English language”.
 6 2. Page 1, by striking lines 38 through 45, and
 7 inserting the following: “are employed.”
 8 The employer shall contract with the division of
 9 labor services of the department of employment
 10 services who shall select the interpreter, and if a
 11 Spanish-speaking interpreter is needed, the division

12 shall select an interpreter through the Spanish-
13 speaking peoples commission."

14 3. Page 2, line 1, by inserting after the word
15 "states" the following: "more than five hundred miles
16 from the place of employment".

17 4. Page 2, by striking lines 28 through 34 and
18 inserting the following:

19 "1. An employer who violates section 91E.3 is
20 subject to a civil penalty of up to five thousand
21 dollars and may be ordered to pay punitive damages.

22 2. A corporate officer of an employer who, through
23 repeated violation of section 91E.3, demonstrates a
24 pattern of abusive recruitment practices is subject to
25 criminal prosecution for commission of an aggravated
26 misdemeanor.

27 3. The commission may petition the court for
28 injunctive relief against an employer who repeatedly
29 violates section 91E.3."

30 5. Page 2, by striking lines 35 through 41 and
31 inserting the following:

32 "Sec. ____ . NEW SECTION. 91E.5 DUTIES AND
33 AUTHORITY OF THE COMMISSIONER.

34 1. The commissioner shall adopt rules to implement
35 and enforce this chapter and shall provide further
36 exemptions from the provisions of this chapter where
37 reasonable.

38 2. In order to carry out the purposes of this
39 chapter, the commissioner or the commissioner's
40 representative, upon presenting appropriate
41 credentials to the owner, operator, or agent in
42 charge, may:

43 a. Enter without delay and at reasonable times any
44 factory, plant, establishment, construction site, or
45 other area, workplace or environment where work is
46 performed by an employee of an employer.

47 b. Inspect and investigate during regular working
48 hours and at other reasonable times, and within
49 reasonable limits and within a reasonable manner, a
50 place of employment and all pertinent conditions,

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1 structures, machines, apparatus, devices, equipment,
2 and materials in the place, and to question privately
3 an employer, owner, operator, agent, or employee."

S-5267

1 Amend Senate File 2256 as follows:

2 1. Page 1, line 31, by striking the words

3 "controlled substances" and inserting the following:

4 "schedule II through V controlled substances as
5 defined in chapter 204 with the prescription of
6 schedule II controlled substances limited to no more
7 than a seventy-two hour supply".

8 2. Page 2, by striking lines 2 through 7 and

9 inserting the following: "authority the physician
10 assistant is prescribing. Rules relating to the
11 authority of physician assistants to prescribe drugs,
12 controlled substances, and medical devices pursuant to
13 this subsection shall be adopted by the board of
14 physician assistant examiners, as soon as possible
15 after July 1, 1990, and in no event later than
16 December 31, 1990."

17 3. Page 2, lines 10 and 11, by striking the words
18 "controlled substances" and inserting the following:
19 "schedule II through V controlled substances as
20 defined in chapter 204 with the prescription of
21 schedule II controlled substances, limited to no more
22 than a seventy-two hour supply".

23 4. Page 2, by striking lines 12 through 17, and
24 inserting the following: "collaborating physician.
25 Rules relating to the authority of advanced registered
26 nurse practitioners to prescribe drugs, controlled
27 substances, and medical devices pursuant to this
28 subsection shall be adopted by the board of nursing,
29 as soon as possible after July 1, 1990, and in no
30 event later than December 31, 1990."

31 5. Page 2, line 31, by inserting after the word
32 "by" the following: "statute or".

33 6. Page 2, line 32, by striking the words "or
34 physician" and inserting the following: "
35 physician".

36 7. Page 2, line 33, by inserting after the word
37 "assistants" the following: ", or pharmacists".

JIM RIORDAN

S-5268

1 Amend the amendment S-5262, to Senate File 2403, as
2 follows:

3 1. Page 11, by inserting after line 13, the
4 following:

5 "3. Each regional transit system shall conduct a
6 transportation survey of a statistically relevant and
7 representative portion of its businesses and workers

8 concerning transportation patterns and needs. Among
9 the survey topics to be covered are commuting
10 patterns, willingness to carpool for commuting to and
11 from work, the use of mass transit, and the
12 impediments to carpooling or use of mass transit.
13 Based upon the results of the survey, the regional
14 transit system shall formulate strategies for reducing
15 motor vehicle fuel consumption, and shall file the
16 survey results and proposed strategies with the state
17 department of transportation on or before January 15,
18 1992. A regional transit system may cooperate with a
19 city over fifty thousand in population located within
20 the region to conduct a combined survey which
21 satisfies the requirements of both subsection 2 and
22 this subsection.”
23 2. By renumbering as necessary.

MIKE CONNOLLY

S-5269

1 Amend Senate File 2256 as follows:
2 1. Page 1, line 3, by striking the words
3 “~~physician’s assistant or~~” and inserting the words
4 “physician’s physician assistant or”.
5 2. Page 1, line 6, by striking the words “~~the~~
6 ~~supervising physician an authorized prescriber~~” and
7 inserting the words “the supervising physician when
8 required”.
9 3. Page 1, line 10, by striking the words
10 “~~physician’s assistant or~~” and inserting the words
11 “physician’s physician assistant or”.
12 4. By striking page 1, line 15, through page 2,
13 line 33, and inserting the following:
14 “Sec. ___ . NEW SECTION. 147.108 DELEGATION OF
15 PRESCRIBING PRIVILEGE.
16 1. As used in this section, “advanced registered
17 nurse practitioner” means a nurse with current active
18 licensure as a registered nurse pursuant to chapter
19 152 who is prepared for advanced nursing practice by
20 virtue of additional knowledge and skills gained
21 through an organized postbasic program of nursing in a
22 specialty area approved by the board of nursing. An
23 advanced registered nurse practitioner must be
24 authorized by rule to practice advance nursing
25 pursuant to certification required by the board of
26 nursing.
27 2. As used in this section, “physician assistant”
28 means a physician assistant licensed pursuant to

29 chapter 148C.

30 3. As used in this section, "physician" means a
31 person licensed to practice medicine and surgery
32 pursuant to chapter 148, a person licensed to practice
33 osteopathy pursuant to chapter 150, or a person
34 licensed to practice osteopathic medicine and surgery
35 pursuant to chapter 150A.

36 4. Notwithstanding section 147.107, an advanced
37 registered nurse practitioner may be authorized to
38 prescribe medical devices and prescription drugs other
39 than controlled substances with the concurrence of a
40 physician pursuant to protocols and guidelines
41 established by rule and jointly adopted by the board
42 of medical examiners and the board of nursing, after
43 consultation with the board of pharmacy examiners.
44 The rules adopted under this subsection shall address
45 the types of substances which may be prescribed; the
46 nature of the concurrence required; the education,
47 training, and experience required; the nature of the
48 nurse's practice; and the documentation required for
49 prescriptions written pursuant to protocol. Notice of
50 rulemaking shall be published in the administrative

Page 2

1 bulletin no later than January 10, 1991. Rules
2 adopted under this subsection shall not limit or
3 restrict the practice of advanced registered nurse
4 practitioners existing on January 1, 1990.

5 5. Notwithstanding section 147.107, a physician
6 may delegate the function of prescribing medical
7 devices and prescription drugs other than controlled
8 substances to a physician assistant pursuant to
9 protocols and guidelines established by rule adopted
10 by the board of medical examiners after consultation
11 with the board of physician assistant examiners and
12 the board of pharmacy examiners. The rules adopted
13 under this subsection shall address the types of
14 substances which may be prescribed; the level of
15 supervision required; the education, training, and
16 experience required; the nature of the practice; and
17 the documentation required for prescriptions written
18 pursuant to protocol. Notice of rulemaking shall be
19 published in the administrative bulletin no later than
20 January 10, 1991. Rules adopted under this subsection

21 shall not limit or restrict the privileges existing
22 for physician assistants on January 1, 1990."

MICHAEL E. GRONSTAL
LARRY MURPHY
JOY CORNING

S-5270

1 Amend the amendment, S-5262, to Senate File 2403,
2 as follows:
3 1. Page 8, by striking lines 20 through 22 and
4 inserting the following: "contracting practices. The
5 natural gas supply and cost review shall be conducted
6 as a contested case pursuant to chapter 17A."
7 2. Page 9, by striking lines 11 and 12 and
8 inserting the following: "The proceeding shall be
9 conducted as a contested case pursuant to chapter 17A.
10 Under procedures".

MICHAEL E. GRONSTAL
H. KAY HEDGE
PAT DELUHERY

S-5271

1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 33, by inserting after line 9 the fol-
4 lowing:
5 "Sec. ____ . Notwithstanding section 442.10, the
6 amounts deducted from the portions of school district
7 budgets that fund special education support services
8 in an area education agency under section 442.10, for
9 the fiscal year beginning July 1, 1989, in an amount
10 not exceeding \$760,000, shall not be deposited in the
11 general fund of the state, but shall be paid to area
12 education agencies that have both an area of greater
13 than 6,000 square miles and a certified enrollment of
14 over 90,000 pupils, to be expended for special
15 education support services of the area education
16 agencies for the fiscal year beginning July 1, 1990.
17 If the total amount deducted from the area education
18 agencies under section 442.10 for the school year
19 beginning July 1, 1989, to be deposited in the general
20 fund of the state, is less than \$760,000, there is
21 appropriated from the general fund of the state to the
22 department of education for the fiscal year beginning

23 July 1, 1990, the difference between the total amount
 24 deducted for the previous fiscal year that would
 25 otherwise have been deposited in the general fund of
 26 the state, and \$760,000, to be paid to area education
 27 agencies that have both an area of greater than 6,000
 28 square miles and a certified enrollment of over 90,000
 29 pupils."

ELAINE SZYMONIAK
 LARRY MURPHY

S-5272

- 1 Amend Senate File 2249 as follows:
 2 1. Page 6, by striking lines 13 through 16, and
 3 inserting the following:
 4 "___ . In those cases where the deputy industrial
 5 commissioner finds there is no substantial doubt about
 6 liability and causal connection, the application shall
 7 be accepted."
 8 2. By renumbering as necessary.

LINN FUHRMAN

S-5273

- 1 Amend Senate File 2249 as follows:
 2 1. Page 5, line 26, by striking the word
 3 "hearing" and inserting the following:
 4 "determination".
 5 2. Page 5, line 30, by striking the word
 6 "hearing" and inserting the following:
 7 "determination".
 8 3. Page 6, line 10, by striking the word
 9 "hearing" and inserting the following:
 10 "determination".
 11 4. Page 6, line 23, by striking the word
 12 "hearing" and inserting the following:
 13 "determination".
 14 5. Page 6, line 26, by striking the word
 15 "hearing" and inserting the following:
 16 "determination".

LINN FUHRMAN

S-5274

1 Amend Senate File 431 as follows:

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

4 "Sec. ____ . Section 206.5, subsection 4, Code

5 Supplement 1989, is amended to read as follows:

6 4. A commercial applicator who applies pesticides
7 to agricultural land ~~may~~, in lieu of the requirement
8 of direct supervision by the physical presence of a
9 certified supervising applicator, ~~may~~ elect to be
10 exempt from the certification requirements for a
11 commercial applicator for a period of twenty-one days,
12 if the applicator meets the requirements of a private
13 applicator and operates under the instruction and
14 control of the certified supervising commercial
15 applicator. The test shall include, but is not
16 limited to, the area of safe handling of agricultural
17 chemicals and the effects of these chemicals on
18 groundwater. The secretary shall also adopt, by rule,
19 the criteria for the allowance of the selection of the
20 written or oral examination by a person requiring
21 certification.

22 Sec. ____ . Section 206.8, subsection 2, Code 1989,
23 is amended to read as follows:

24 2. A pesticide dealer shall pay by June 30 of each
25 year to the department an annual license fee based on
26 the gross retail sales of all pesticides sold for use
27 in this state by the dealer in the previous year. The
28 license fee shall be set as follows:

29 a. A pesticide dealer with less than one hundred
30 thousand dollars in gross retail pesticide sales shall
31 have the option to pay a license fee based on one-
32 tenth of one percent of the gross retail sales in the
33 previous year or to pay a license fee according to the
34 following:

35 (1) Twenty-five dollars, if the annual gross
36 retail pesticide sales are less than twenty-five
37 thousand dollars.

38 (2) Fifty dollars, if the annual gross retail
39 pesticide sales are twenty-five thousand dollars or
40 more but less than fifty thousand dollars.

41 (3) Seventy-five dollars, if the annual gross
42 retail pesticide sales are fifty thousand dollars or
43 more but less than seventy-five thousand dollars.

44 (4) One hundred dollars, if the annual gross
45 retail pesticide sales are seventy-five thousand
46 dollars or more but less than one hundred thousand
47 dollars.

48 The secretary shall provide for a three-month grace
49 period for licensure and shall impose a late fee of
50 ten dollars upon the licensure of a dealer applying

Page 2

1 for licensure during the month of October, a late fee
2 of fifteen dollars upon the licensure of a dealer
3 applying for licensure during the month of November,
4 and a late fee of twenty-five dollars upon the
5 licensure of a dealer applying for licensure during or
6 after the month of December.

7 b. A pesticide dealer with one hundred thousand
8 dollars or more in gross retail pesticide sales shall
9 pay the greater of a minimum annual license fee of
10 twenty-five dollars or an annual license fee based on
11 one-tenth of one percent of the gross retail pesticide
12 sales of all pesticides sold at retail for use in this
13 state by the pesticide dealer in the previous year.
14 The annual license fee shall be paid to the department
15 of agriculture and land stewardship, beginning July 1,
16 1988, and July 1 of each year thereafter. The
17 secretary shall provide for a ninety-day three-month
18 grace period for licensure and shall impose a late fee
19 of two percent of gross retail sales the license fee
20 upon the licensure of a pesticide dealer applying for
21 licensure during the period July 2 through July 31
22 month of October, a late fee of four percent of gross
23 retail sales the license fee upon the licensure of a
24 pesticide dealer applying for licensure during the
25 month of August November, and a late fee of five
26 percent of gross retail sales the license fee upon the
27 licensure of a pesticide dealer applying for licensure
28 during the month of September December, and a late fee
29 of five percent upon the licensure of a dealer
30 applying for licensure after December. A licensee
31 shall pay a fee of twenty-five dollars for the period
32 July 1, 1987, through June 30, 1988.

33 The initial Up to twenty-five dollars of each
34 annual license fee shall be retained by the department
35 for administration of the program, and the remaining
36 moneys collected shall be deposited in the agriculture
37 management account of the groundwater protection
38 fund."

39 2. Page 3, by striking line 18 and inserting the
40 following: "expires as provided in section 206.8."

41 3. Page 3, by striking lines 25 through 27 and
42 inserting the following: "registration fee annually
43 at one-fifth of one percent of gross sales within this
44 state with a minimum fee of two hundred fifty dollars
45 and a maximum fee of three thousand dollars for".

46 4. Page 4, by striking lines 5 through 9 and
47 inserting the following: "March of each year. The

48 secretary may adopt rules".

49 5. Page 4, by inserting after line 17 the
50 following:

Page 3

1 "Sec. ____ . Section 206.12, subsection 7, paragraph
2 a, subparagraph (1), Code 1989, is amended to read as
3 follows:

4 (1) The gross retail sales of ~~the~~ all pesticides
5 sold ~~by the licensee~~ at retail for use in this state
6 by a licensee with one hundred thousand dollars or
7 more in gross retail sales of the pesticides sold for
8 use in this state."

9 6. Page 5, line 5, by striking the words "one
10 thousand" and inserting the following: "four
11 hundred".

12 7. Page 5, line 7, by striking the word "ten" and
13 inserting the following: "one".

14 8. By renumbering as necessary.

RICHARD VARN
JAMES R. RIORDAN
CALVIN O. HULTMAN
RICHARD F. DRAKE

S-5275

1 Amend the amendment SF 2403.303, to Senate File
2 2403, as follows:

3 1. Page 4, by striking lines 7 through 34.

4 2. Page 4, line 36, by striking the word
5 "paragraph" and inserting the following:
6 "paragraphs".

7 3. Page 4, by inserting after line 36, the
8 following:

9 "NEW UNNUMBERED PARAGRAPH. A school district, area
10 school, area education agency, city, or county shall
11 design and construct the most energy cost-effective
12 facilities feasible and shall use the financing made
13 available by the department to cover the incremental
14 costs above minimum building code energy efficiency
15 standards of purchasing energy efficient devices and
16 materials unless other lower cost financing is
17 available. As used in this section, "facility" means
18 a structure that is heated or cooled by a mechanical
19 or electrical system, or any system of physical
20 operation that consumes energy to carry out a

21 process.”

22 4. By renumbering as necessary.

RICHARD VARN
MICHAEL E. GRONSTAL
PAT DELUHERY
PAUL D. PATE

S-5276

1 Amend Senate File 2085 as follows:

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

4 “Sec. — . NEW SECTION. 167.22 DISPOSAL OF
5 ANIMALS BY OWNERS.

6 A person owning or caring for an animal shall
7 dispose of the animal’s carcass within twenty-four
8 hours after the person finds the animal dead. The
9 person may dispose of the animal carcass as provided
10 by state law, including by transferring the carcass to
11 a person licensed pursuant to this chapter. If the
12 animal has died on or after November 1, but before
13 April 10, a person holding a legal, equitable, or
14 managerial interest in agricultural land which is not
15 part of a city may dispose of the animal carcass on
16 the land. The carcass may be disposed of in a
17 containment pit located on the agricultural land. The
18 carcass shall be immediately covered with a layer of
19 lime. The carcasses in the containment pit shall by
20 April 30, be covered with at least the amount of earth
21 removed from the pit. The owner of agricultural land
22 may bury the animal carcass other than in a
23 containment pit on the agricultural land. The carcass
24 shall be buried to a depth between two and four feet
25 from the natural surface of the ground and covered
26 with at least the amount of earth removed to bury the
27 animal. However, an animal which has died of a
28 contagious disease shall be subject to disposal
29 according to rules adopted by the department pursuant
30 to section 167.13 and by the department of natural
31 resources. The person may remove the hide or skin of
32 an animal which has not died of a contagious disease
33 before disposing of the carcass.

34 Sec. — . Section 455B.301, Code 1989, is amended
35 by adding the following new subsection:

36 NEW SUBSECTION. 21. “Agricultural waste” means
37 solid waste generated by or under the supervision of a
38 person who has a property or managerial interest in or
39 who resides on agricultural land used for farming as

40 defined in section 172C.1.

41 1. Agricultural waste includes but is not limited
42 to the following:

43 a. Inorganic material commonly used for fill,
44 landscaping, excavation, or grading on agricultural
45 land.

46 b. Organic material grown on agricultural land,
47 including trees, stumps, vegetation, or the remains of
48 vegetation.

49 c. The carcass of a dead animal disposed of under
50 section 167.22.

Page 2

1 2. Agricultural waste does not include the
2 following:

3 a. An agricultural chemical as defined in section
4 455B.491.

5 b. A household hazardous material as defined in
6 section 455F.1.

7 c. An infectious waste as defined in section
8 455B.501.

9 d. Sewage as defined in section 455B.171.

10 e. Industrial waste as defined in section
11 455B.171.”

12 2. Page 1, by inserting before line 1, the
13 following:

14 “Sec. ____ . Section 455B.302, unnumbered paragraph
15 2, Code Supplement 1989, is amended to read as
16 follows:

17 Cities and counties may execute with public and
18 private agencies contracts, leases, or other necessary
19 instruments, purchase land and do all things necessary
20 not prohibited by law for the implementation of waste
21 management programs, collection of solid waste,
22 establishment and operation of sanitary disposal
23 projects, and general administration of the same. Any
24 agreement executed with a private agency for the
25 operation of a sanitary disposal project shall provide
26 for the posting of a sufficient surety bond by the
27 private agency conditioned upon the faithful
28 performance of the agreement.

29 A sanitary landfill operating under this section
30 may accept for disposal any dead animal which had been
31 raised as livestock on agricultural land, including
32 cattle, swine, sheep, or poultry. The fee charged by
33 a landfill to dispose of the livestock shall be
34 assessed on a basis and at a rate determined by the
35 landfill.

36 PARAGRAPH DIVIDED. A city or county may at any

37 time during regular working hours enter upon the
38 premises of a sanitary disposal project, including the
39 premises of a sanitary landfill, in order to inspect
40 the premises and monitor the operations and general
41 administration of the project to ensure compliance
42 with the agreement and with state and federal laws.
43 This includes the right of the city or county to enter
44 upon the premises of a former sanitary disposal
45 project which has been closed, including the premises
46 of a former sanitary landfill, owned by a private
47 agency, for the purpose of providing required
48 postclosure care.
49 Sec. ____ . Section 455B.304, Code Supplement 1989,
50 is amended by adding the following new unnumbered

Page 3

1 paragraph:

2 **NEW UNNUMBERED PARAGRAPH.** The commission shall
3 adopt rules for the safe disposal at sanitary
4 landfills of livestock carrying diseases which may
5 affect the health of the public or of animals.”

6 3. Page 1, line 9, by striking the word “solid”
7 and inserting the following: “agricultural waste.”

8 4. Page 1, by striking lines 10 through 14.

9 5. Page 1, by inserting after line 35, the
10 following:

11 “Sec. ____ .

12 The department of agriculture and land stewardship
13 shall with all practical speed adopt rules under
14 section 167.22, relating to the disposal of dead
15 animals with contagious diseases, including animals
16 infected with scrapie. The department of agriculture
17 and land stewardship and the department of natural
18 resources shall share information, each draft rules
19 consistent with the other department’s rules, and
20 appear before the administrative rules review
21 committee established pursuant to section 17A.8, as
22 provided by the committee. The rules shall be adopted
23 not later than September 1, 1990, unless objection is
24 made to the rules or the rules are delayed pursuant to
25 section 17A.4. This section does require rules to be
26 adopted pursuant to section 17A.4, subsection 2.”

27 6. Page 1, by inserting after line 35, the
28 following:

29 “Sec. ____ .

30 The environmental protection commission shall adopt
31 rules pursuant to section 455B.304 for the disposal of
32 livestock at sanitary landfills by January 1, 1991.”

33 7. Page 1, by inserting after line 35, the

34 following:

35 "Sec. ____ .

36 This Act, being deemed of immediate importance,
37 takes effect upon enactment."

38 8. Title page, line 1, by inserting before the
39 word "on" the following: "generated".

40 9. Title page, line 1, by inserting after the
41 word "land" the following: ", and providing an
42 effective date".

BERL E. PRIEBE
KENNETH SCOTT
WILMER RENSINK
JACK HESTER
RICHARD VANDE HOEF
JOHN JENSEN
JACK RIFE
JOHN SOORHOLTZ
RICHARD DRAKE
DALE L. TIEDEN
EMIL J. HUSAK
JAMES R. RIORDAN
ALVIN V. MILLER
JOHN P. KIBBIE
JOE J. WELSH
DONALD E. GETTINGS
LEONARD L. BOSWELL
LINN FUHRMAN
LARRY MURPHY
H. KAY HEDGE
DONALD V. DOYLE
C. JOSEPH COLEMAN

S-5277

1 Amend House File 2338, as passed by the House, as
2 follows:

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

5 "Section 1. Section 321.34, subsection 10,
6 paragraph b, Code Supplement 1989, is amended by
7 adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (4) In lieu of the letter
9 number designation provided under subparagraphs (1)
10 through (3), the collegiate registration plates may be
11 designated in the manner provided for personalized
12 registration plates under subsection 5, paragraph "a",
13 in the colors designated for the respective
14 universities under subparagraphs (1) through (3).

- 15 Sec. 2. Section 321.34, subsection 10, Code
16 Supplement 1989, is amended by adding the following
17 new paragraph:
18 NEW PARAGRAPH. e. A collegiate registration plate
19 shall not be issued if its combination of alphanumeric
20 characters are identical to those contained on a
21 current personalized registration plate issued under
22 subsection 5. However, the owner of a motor vehicle
23 who has a personalized registration plate issued for
24 the motor vehicle may, after proper application and
25 payment of fees, be issued a collegiate registration
26 plate containing the same alphanumeric characters as
27 those on the personalized plate. Upon receipt of the
28 collegiate registration plates, the owner shall
29 surrender the personalized registration plates to the
30 county treasurer.”
31 2. Title Page, line 2, by inserting after the
32 word “medal” the following: “and to personalized
33 collegiate registration plates”.
34 3. By renumbering as necessary.

WALLY HORN

S-5278

- 1 Amend Senate File 2258 as follows:
2 1. Page 1, line 7, by striking the words “,
3 provided that” and inserting the following: “if”.
4 2. Page 1, line 8, by inserting before the word
5 “person” the following: “covered”.

WALLY E. HORN

S-5279

- 1 Amend the amendment S-5262, to Senate File 2403, as
2 follows:
3 1. Page 11, by striking lines 40 and 41, and
4 inserting the following: “metropolitan interchange of
5 the interstate highway system. A report shall be
6 prepared”.
7 2. Page 11, lines 46 and 47, by striking the word
8 and figure “on I-235” and inserting the following:
9 “on the state’s metropolitan controlled access
10 freeways and interstate highways”.
11 3. By striking page 11, line 49 through page 12,
12 line 1, and inserting the following: “metering, and
13 its incorporation in current or future highway

14 construction or expansion plans for metropolitan
15 controlled access freeways or interstate highways.”

16 4. Page 12, by striking line 14, and inserting
17 the following:

18 “1. Each urban transit system,”

19 5. Page 12, line 16, by striking the word “shall”
20 and inserting the following: “may”.

21 6. Page 12, lines 18 and 19, by striking the
22 words “in the Des Moines”, and inserting the
23 following: “within the”.

24 7. Page 12, by striking lines 21 and 22, and
25 inserting the following:

26 “a. Use of existing public road or highway median
27 or right-of-way for light rail usage.”

28 8. Page 12, line 24, by striking the word
29 “downtown” and inserting the following: “business,
30 retail, or industrial center”.

31 9. Page 12, by striking lines 27 and 28, and
32 inserting the following: “passenger service as an
33 alternative to highway construction or expansion.”

34 10. Page 12, by striking lines 44 through 46, and
35 inserting the following: “provide any requested
36 assistance to an urban transit system conducting a
37 study. Studies shall be conducted as moneys are made
38 available for this program.”

39 11. Page 12, lines 48 and 49, by striking the
40 words “The Des Moines metropolitan transit authority”
41 and inserting the following: “Each urban transit
42 system”.

43 12. Page 13, lines 2 and 3, by striking the words
44 “I-235, the MacVicar freeway, in the Des Moines” and
45 inserting the following: “urban controlled access
46 freeways or interstate highways within the”.

47 13. Page 13, by striking line 6, and inserting
48 the following: “and other mass transit services.”

49 14. Page 13, line 9, by striking the words
50 “expansion of the MacVicar freeway” and inserting the

Page 2

1 following: “construction or expansion of urban roads
2 or highways”.

3 15. Page 13, lines 27 and 28, by striking the
4 words “the Des Moines metropolitan transit authority”
5 and inserting the following: “an urban transit
6 system”.

7 16. Page 13, by striking lines 33 through 35, and
8 inserting the following: “improvements, expansion, or
9 proposed construction of any urban controlled access
10 freeway or interstate highway, and shall describe in

- 11 detail in any report the".
 12 17. By renumbering, relettering, and
 13 redesignating as necessary.

PAUL D. PATE
 RICHARD J. VARN

S-5280

- 1 Amend Senate File 2249 as follows:

DIVISION S—5280A

- 2 1. Page 2, by striking lines 4 through 16, and
 3 inserting the following:
 4 "If a dispute exists as to whether an employee's
 5 injury is compensable under this chapter or chapter
 6 85A, 85B, or 86, and the employee is otherwise
 7 entitled to payment of benefits, including medical,
 8 surgical, or hospital benefits by any group plan
 9 covering nonoccupational injuries or disabilities,
 10 contributed to in whole or in part by the employer,
 11 the employer has the right and option to require the
 12 group plan to pay such benefits as would be payable as
 13 if there were no such claim that the injury is
 14 compensable."

DIVISION S—5280B

- 15 2. Page 2, by striking lines 17 through 31.
 16 3. By renumbering as necessary.

CALVIN O. HULTMAN

S-5281

- 1 Amend Senate File 2010 as follows:
 2 1. Page 1, by inserting after line 12, the
 3 following:
 4 "___ . The solid waste does not include hazardous,
 5 commercial, industrial, or infectious waste."
 6 2. Page 1, by striking lines 17 and 18, and
 7 inserting the following: "dumped or deposited has
 8 notified the department in writing by July 1, 1991, of
 9 the existence of the site."
 10 3. Page 1, by striking lines 20 and 21, and
 11 inserting the following: "to the section, township,
 12 and range, and the type of solid waste".

- 13 4. Page 1, line 23, by inserting after the word
14 "The" the following: "owner of the land where the".
15 5. Page 1, line 23, by inserting after the word
16 "been" the following: "dumped or deposited agrees in
17 writing that the solid waste will be".
18 6. Page 1, line 24, by striking the words "has
19 been completely" and inserting the following: "will
20 be".
21 7. Page 1, line 25, by striking the words "has
22 been" and inserting the following: "will be".
23 8. Page 1, line 27, by inserting after the word
24 "vegetation" the following: "by July 1, 1992".

MIKE CONNOLLY

S-5282

- 1 Amend Senate File 2355 as follows:
2 1. Page 1, by striking lines 17 through 19, and
3 inserting the following: "transfer or exchange, the
4 sentencing judge, unless the judge is no longer
5 serving or is otherwise unable to, shall render the
6 prisoner's sentence a fixed sentence. If the
7 sentencing judge is no longer serving or unable to
8 render such sentence, the chief judge of the district
9 or the chief judge's designee shall render the
10 prisoner's sentence a fixed".

RICHARD VARN
DONALD V. DOYLE

S-5283

- 1 Amend Senate File 2304 as follows:
2 1. Page 3, by inserting after line 10, the
3 following:
4 "Sec. 100. Section 421.27, Code Supplement 1989,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 6. The taxpayer was subject to
7 the penalty provision of section 422.25, subsection 2,
8 and was eligible to compute taxable income under the
9 cash receipts and disbursements method of accounting
10 under section 448(b)(3) of the Internal Revenue Code.
11 The waiver provision in this paragraph applies only
12 for tax years beginning in the 1985 and 1986 calendar
13 years and only to the extent that the taxpayer failed
14 to include in its net income for state tax purposes
15 interest payable on short-term obligations as it

16 accrued during those tax years as provided in section
 17 1281 of the Internal Revenue Code and provided that an
 18 amended return is filed by July 1, 1990.”
 19 2. Page 11, by inserting after line 35 the
 20 following:
 21 “Sec. ____ .
 22 Section 100 of this Act applies retroactively to
 23 tax years beginning in the 1985 and 1986 calendar
 24 years.”

WILLIAM W. DIELEMAN

S-5284

1 Amend House File 2418, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 31, by inserting after line 18 the
 4 following:
 5 “Sec. ____ .
 6 Notwithstanding section 267.5, for the fiscal year
 7 beginning July 1, 1990, and ending June 30, 1991,
 8 there is appropriated to and the college of veterinary
 9 medicine at Iowa state university of science and
 10 technology shall use \$25,000 from the livestock
 11 disease research fund, established pursuant to section
 12 267.8, for research into the causes of and available
 13 treatment for an unknown reproductive and neonatal
 14 disease generally known as “mysterious pig disease”,
 15 currently afflicting swine in this state.”
 16 2. By numbering and renumbering as necessary.

JOHN E. SOORHOLTZ
 BERL E. PRIEBE

S-5285

1 Amend Senate File 2383 as follows:
 2 1. Page 2, by inserting after line 32 the
 3 following:
 4 “Sec. ____ . MASS BURN FACILITY PERMIT.
 5 The director of the department of natural resources
 6 shall issue a temporary operation permit for the
 7 operation of a mass burn facility in Bremer county for
 8 at least six months. The temporary permit shall take
 9 effect on the effective date of this Act. At the
 10 conclusion of the six months, the facility shall be
 11 tested to qualify for a regular operation permit as
 12 provided in chapter 455B.”

JOHN W. JENSEN

S-5286

1 Amend Senate File 2400 as follows:

2 1. Page 1, by striking lines 1 through 11 and

3 inserting the following:

4 "Sec. ____ . Section 321.85, Code 1989, is amended

5 to read as follows:

6 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

7 1. When a vehicle or component part is seized

8 under section 321.84 or is stolen or embezzled, and is

9 not claimed by the owner before the date on which the

10 person charged with its stealing or embezzling is

11 convicted, the officer having the vehicle or component

12 part in the officer's custody shall, on that date by

13 certified regular mail, notify the department that the

14 officer has the vehicle or component part in the

15 officer's possession, giving a full and complete

16 description of it, including all vehicle

17 identification numbers and component part numbers. If

18 there is a dispute regarding a claim for the vehicle

19 or component part, the agency holding the vehicle or

20 component part shall conduct an evidentiary hearing to

21 adjudicate the claim.

22 2. If a person claims to be the owner, and there

23 is a dispute as to the claim, the department shall

24 hold an evidentiary hearing within thirty days of

25 receiving the claim. If it is shown that the vehicle

26 or component part is needed as evidence in a criminal

27 prosecution or that further investigation is needed to

28 identify the vehicle or part or its owner, the hearing

29 shall be continued a reasonable amount of time for the

30 completion of the prosecution or investigation. If

31 the claimant establishes ownership of a vehicle or

32 part, the vehicle or part shall be returned to the

33 claimant without imposition of towing or storage fees.

34 3. A claimant may establish ownership of a motor

35 vehicle by demonstrating any of the following:

36 a. That the claimant is the holder of a valid

37 certificate of title, including rebuilt vehicle title,

38 or junking certificate which in fact corresponds to

39 all component parts of the vehicle, or by other

40 competent evidence. Ownership shall not be denied if

41 the only parts bearing numbers not corresponding to

42 the title are those found on the engine, door, or

43 fender of the vehicle unless the numbers are the

44 public vehicle identification number. However, if the

45 claimant cannot establish ownership of the engine,

46 door, or fender pursuant to subsection 4, the part
47 shall not be returned to the claimant. Numbers on
48 motorcycle engine cases are not engine numbers for
49 purposes of this paragraph.

50 b. That the claimant is the owner of all component

Page 2

1 parts of the vehicle as set forth in subsection 4.
2 c. That the claimant is the legal owner of the
3 vehicle under the laws of another state if the vehicle
4 is registered or titled in that other state.
5 4. A claimant may establish ownership of a
6 component part by demonstrating that the claimant
7 holds a valid certificate of title or junking
8 certificate for the vehicle on which the part was
9 initially installed by the manufacturer, or was placed
10 in accordance with a valid rebuilt vehicle title, or
11 by evidence of a legitimate unbroken chain of
12 ownership of the part back to the holder of such title
13 or certificate, or by other competent evidence.
14 Ownership of component parts on which the numbers have
15 been altered, defaced, switched, removed, or otherwise
16 disguised shall not be established unless there is
17 sufficient competent or physical evidence identifying
18 it as part of a vehicle owned by the claimant.
19 5. If a claimant establishes ownership of a
20 vehicle, the entire vehicle shall be awarded to the
21 claimant, unless ownership of a door or fender or of
22 the engine is established in another person, in which
23 case that part shall be awarded to that person. If
24 ownership of a vehicle is not established, the
25 component parts shall be awarded to the claimants
26 establishing title to the parts.
27 6. The final decision shall be served by certified
28 mail upon the persons found to be owners of vehicles
29 or parts, and shall notify such persons that the
30 vehicle or part is no longer needed for prosecution or
31 investigation and that they have forty-five days to
32 retrieve the vehicle or part from the agency having
33 custody of the vehicle or part. Failure to do so
34 shall result in the vehicle or part being deemed
35 abandoned for purposes of section 321.89.
36 7. If the ownership of a vehicle or part cannot be
37 established, the agency having custody of the vehicle
38 or part shall proceed as directed in sections 321.86
39 through 321.89.
40 Sec. ____ . Section 321.88, Code 1989, is amended to
41 read as follows:

42 321.88 FAILURE OF OWNER TO CLAIM.
43 If the owner does not appear within ~~forty forty-~~
44 ~~five~~ days, the motor vehicle ~~or component part~~ shall
45 be deemed abandoned and the officer having possession
46 of the motor vehicle ~~or component part~~ shall proceed
47 as provided in section 321.89, subsections 3 and 4.”
48 2. By striking page 1, line 31, through page 2,
49 line 4, and inserting the following:
50 “Sec. ____ . Section 809.1, subsection 1, paragraph

Page 3

1 a, Code 1989, is amended to read as follows:
2 a. Property ~~which is~~ relevant and material as
3 evidence in a criminal prosecution or investigation.”
4 3. Page 5, line 22, by inserting after the words
5 “Forfeitable property” the following: “which is real
6 property”.
7 4. Page 7, line 7, by inserting after the word
8 “property” the following: “which is real property”.
9 5. Page 9, line 7, by striking the word “This”
10 and inserting the following:
11 “Section 17 of this”.
12 6. Renumber as necessary.

LARRY MURPHY

S-5287

1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 35, by inserting after line 10 the
4 following:
5 “Sec. 200. NEW SECTION. 257.37 FUNDING MEDIA AND
6 EDUCATIONAL SERVICES.
7 Media services and educational services provided
8 through the area education agencies shall be funded,
9 to the extent provided, by an addition to the district
10 cost of each school district, determined as follows:
11 1. The amount to be funded in each area for media
12 services in the budget year is equal to eight and
13 four-tenths of one percent of the state cost per pupil
14 for the budget year, multiplied by the enrollment
15 served in the area for the budget year. Thirty
16 percent of the budget of an area for media services
17 shall be expended for media resource material which
18 shall only be used for the purchase or replacement of
19 material required in section 273.6, subsection 1,
20 paragraphs “a”, “b”, and “c”. Funds shall be paid to

21 area education agencies as provided in section 257.35.
22 The costs shall be allocated to school districts in
23 the area based upon the proportion of the enrollment
24 served that resides in the district.

25 2. The amount to be funded in each area for
26 educational services in the budget year is equal to
27 nine and six-tenths of one percent of the state cost
28 per pupil for the budget year, multiplied by the
29 enrollment served in the area for the budget year.
30 Funds shall be paid to area education agencies as
31 provided in section 257.35. The costs shall be
32 allocated to school districts in the area based upon
33 the proportion of the enrollment served that resides
34 in the district.

35 3. "Enrollment served" means the basic enrollment
36 plus the number of nonpublic school pupils served with
37 media services or educational services, as applicable,
38 except that if a nonpublic school pupil or a pupil
39 attending another district under a whole grade sharing
40 agreement or open enrollment receives services through
41 an area other than the area of the pupil's residence,
42 the pupil shall be deemed to be served by the area of
43 the pupil's residence, which shall by contractual
44 arrangement reimburse the area through which the pupil
45 actually receives services. Each school district
46 shall include in the third Friday in September
47 enrollment report the number of nonpublic school
48 pupils within each school district for media and
49 educational services served by the area.

50 4. If an area education agency does not serve

Page 2

1 nonpublic school pupils in a manner comparable to
2 services provided public school pupils for media and
3 educational services, as determined by the state board
4 of education, the state board shall instruct the
5 department of management to reduce the funds for media
6 services and educational services one time by an
7 amount to compensate for such reduced services. The
8 media services budget shall be reduced by an amount
9 equal to the product of the cost per pupil in basic
10 enrollment for the budget year for media services
11 times the difference between the enrollment served and
12 the basic enrollment recorded for the area. The
13 educational services budget shall be reduced by an
14 amount equal to the product of the cost per pupil in
15 basic enrollment for the budget year for educational
16 services times the difference between the enrollment
17 served and the basic enrollment recorded for the area.

18 This subsection applies only to media and
19 educational services which cannot be diverted for
20 religious purposes.

21 Notwithstanding this subsection, an area education
22 agency shall distribute to nonpublic schools media
23 materials purchased wholly or partially with federal
24 funds in a manner comparable to the distribution of
25 such media materials to public schools as determined
26 by the director of the department of education."

27 2. Page 35, by inserting before line 11, the
28 following:

29 "Sec. 201. NEW SECTION. 257.37A ADDITIONAL
30 FUNDING FOR MEDIA AND EDUCATIONAL SERVICES.

31 Media services and educational services provided
32 through the area education agencies shall receive
33 additional funding, for purposes of equipment
34 replacement for media services and program
35 implementation for educational services, by an
36 addition to the district cost of each school district,
37 determined as follows:

38 1. The amount funded in each area for equipment
39 replacement for media services in the budget year is
40 equal to one and seven-tenths of one percent of the
41 state cost per pupil for the budget year, multiplied
42 by the enrollment served in the area for the budget
43 year. Funds shall be paid to area education agencies
44 as provided in section 257.35. The costs shall be
45 allocated to school districts in the area based upon
46 the proportion of the enrollment served that resides
47 in the district.

48 2. The amount funded for program implementation
49 for educational services in each area in the budget
50 year is equal to one and seven-tenths of one percent

Page 3

1 of the state cost per pupil for the budget year,
2 multiplied by the enrollment served in the area for
3 the budget year. Funds shall be paid to area
4 education agencies as provided in section 257.35. The
5 costs shall be allocated to school districts in the
6 area based upon the proportion of the enrollment
7 served that resides in the district.

8 3: "Enrollment served" means "enrollment served"
9 as defined in section 257.37, subsection 3."

10 3. Page 48, by inserting after line 18 the fol-
11 lowing:

12 "Sec. ____ .

13 Sections 200 and 201 of this Act take effect July
14 1, 1990, for the purpose of computations required for

- 15 payment of state aid to and levying of property taxes
16 by school districts for the budget year beginning July
17 1, 1991.”
18 4. By numbering and renumbering as necessary.

LARRY MURPHY

S-5288

- 1 Amend the amendment, S-5093, to Senate File 2320 as
2 follows:
3 1. Page 2, by inserting after line 7 the fol-
4 lowing:
5 “— . Page 2, by striking lines 9 through 13 and
6 inserting the following:
7 “Sec. 1000. Section 232.52, Code 1989, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 8. a. Upon receipt of an
10 application from the director of the department of
11 human services, the court shall enter an order to
12 temporarily transfer a child who has been placed in
13 the state training school pursuant to subsection 2,
14 paragraph “e”, to a facility which has been designated
15 to be an alternative placement site for the state
16 training school, provided the court finds both of the
17 following conditions exist:
18 (1) There is insufficient time to file a motion
19 and hold a hearing for a substitute dispositional
20 order under section 232.54.
21 (2) Immediate removal of the child from the state
22 training school is necessary to safeguard the child’s
23 physical or emotional health.
24 b. If the court finds the conditions in paragraph
25 “a” exist and there is insufficient time to provide
26 notice as required under rule of juvenile procedure
27 4.6, the court may enter an ex parte order temporarily
28 transferring the child to the alternative placement
29 site.
30 c. Within three days of the child’s transfer, the
31 director shall file a motion for a substitute
32 dispositional order under section 232.54 and the court
33 shall hold a hearing concerning the motion within
34 fourteen days of the child’s transfer.
35 Sec. 2000. Section 232.54, Code 1989, is amended
36 by adding the following new subsection:
37 NEW SUBSECTION. 6. With respect to a temporary
38 transfer order made pursuant to section 232.52,
39 subsection 8, if the court finds that removal of a
40 child from the state training school is necessary to

41 safeguard the child's physical or emotional health,
42 the court shall grant the director's motion for a
43 substitute dispositional order to place the child in a
44 facility which has been designated to be an
45 alternative placement site for the state training
46 school."

47 —. Page 2, by striking lines 25 through 29."

48 2. Page 2, line 10, by striking the word "Sec."

49 and inserting the following:

50 "Sec. 3000. Section 232.102, Code 1989, is amended

Page 2

1 by adding the following new subsection:

2 NEW SUBSECTION. 3A. a. Upon receipt of an
3 application from the director of the department of
4 human services, the court shall enter an order to
5 temporarily transfer a child who has been placed in
6 the Iowa juvenile home at Toledo pursuant to
7 subsection 3, to a facility which has been designated
8 to be an alternative placement site for the juvenile
9 home, provided the court finds both of the following
10 conditions exist:

11 (1) There is insufficient time to file a motion
12 and hold a hearing for a new dispositional order under
13 section 232.103.

14 (2) Immediate removal of the child from the
15 juvenile home is necessary to safeguard the child's
16 physical or emotional health.

17 b. If the court finds the conditions in paragraph
18 "a" exist and there is insufficient time to provide
19 notice as required under rule of juvenile procedure
20 4.6, the court may enter an ex parte order temporarily
21 transferring the child to the alternative placement
22 site.

23 c. Within three days of the child's transfer, the
24 director shall file a motion for a new dispositional
25 order under section 232.103 and the court shall hold a
26 hearing concerning the motion within fourteen days of
27 the child's transfer.

28 Sec. 4000. Section 232.103, Code 1989, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 7. With respect to a temporary
31 transfer order made pursuant to section 232.102,
32 subsection 3A, if the court finds that removal of a
33 child from the Iowa juvenile home is necessary to
34 safeguard the child's physical or emotional health,
35 the court shall grant the director's motion for a new
36 dispositional order to place the child in a facility
37 which has been designated to be an alternative

38 placement site for the juvenile home.
 39 Sec.”
 40 3. Page 2, by inserting after line 41 the fol-
 41 lowing:
 42 “ ____ . By striking page 3, line 25, through page
 43 4, line 8.
 44 ____ . Page 4, by striking lines 22 through 29 and
 45 inserting the following: “to be a child in need of
 46 assistance.”
 47 ____ . Page 4, line 33, by striking the figure
 48 “1.”
 49 ____ . By striking page 4, line 35, through page 5,
 50 line 13.””

Page 3

1 4. Page 3, line 36, by striking the word
 2 “licensure.” and inserting the following: “licensure.
 3 Sec. 5000. STATE JUVENILE INSTITUTIONS --
 4 POPULATION GUIDELINES.
 5 The judicial department, in consultation with the
 6 department of human services, shall develop population
 7 guidelines to indicate the number of children which
 8 may be placed at the state training school or the Iowa
 9 juvenile home at any one time. Within the population
 10 guidelines, the judicial department shall allocate to
 11 each judicial district a number of children which may
 12 be placed in a juvenile institution from the district.
 13 The judicial department shall develop procedures to
 14 manage the number of children placed in a juvenile
 15 institution within the population guideline
 16 established for the institution. The guidelines,
 17 allocations, and procedures required by this section
 18 shall be implemented on or before October 1, 1990.”
 19 5. By renumbering as necessary.

MICHAEL GRONSTAL

S-5289

1 Amend the amendment, S-5186, to Senate File 2344 as
 2 follows:
 3 1. Page 1, by inserting after line 41, the
 4 following:
 5 “Sec. ____ . Section 598.21, Code Supplement 1989,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 5A. The court, in entering an
 8 order or decree of child support, shall require the
 9 obligor to pay the amount ordered during the time of

- 10 any appeal of the order or decree.”
11 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5290

- 1 Amend Senate File 2357 as follows:
2 1. By striking page 2, line 33 through page 3,
3 line 21.
4 2. By striking page 5, line 33 through page 4,
5 line 21.
6 3. By striking page 10, line 18 through page 11,
7 line 7.

WILLIAM W. DIELEMAN

S-5291

- 1 Amend Senate File 2169 as follows:
2 1. Page 1, by striking lines 11 and 12, and
3 inserting the following:
4 “1. For the purposes of this section, the
5 definition of “employee” in chapter 91A applies.”
6 2. Page 1, by inserting after line 12 the
7 following:
8 “___ . For the purposes of this section “employer”
9 means a person, as defined in chapter 4, who in this
10 state employs for wages 5000 or more natural persons.”

RICHARD VANDE HOEF

S-5292

- 1 Amend House File 2514 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 27 the
4 following:
5 “___ . As a condition, qualification, and
6 limitation of the funds appropriated in this section,
7 the department shall work with the United States
8 department of health and human services to develop a
9 waiver to exempt income received by a participant in
10 the “dollar-a-day” program under an adolescent
11 pregnancy prevention grant, in determining the
12 participant’s eligibility for aid to dependent
13 children.”

14 2. Page 8, by striking lines 18 through 21, and
15 inserting the following:

16 "The funds appropriated in this subsection shall be
17 allocated and administered as provided in sections
18 237A.13 through 237A.18. However, \$50,000 shall be
19 used for start-up grants to child day care facilities
20 located in rural counties with a population of less
21 than 20,000 or in cities with a population of less
22 than 5,000. A child day care program established by a
23 school pursuant to section 279.49 may receive a grant.
24 The order of priority for granting funds appropriated
25 in this subsection is as follows: start-up; fire
26 safety; and equipment. If available, the funds
27 appropriated in this subsection shall be matched with
28 federal funds. The department shall adopt rules to
29 implement this subsection, including a provision that
30 the maximum amount granted to a grantee is \$10,000."

31 3. Page 11, line 1, by striking the word "There"
32 and inserting the following: "If the Seventy-third
33 General Assembly, 1990 Session, enacts authorizing
34 legislation for the collection services center to
35 remain in the department of human services, there".

36 4. Page 17, line 18, by striking the figure
37 "2.00" and inserting the following: "4.00".

38 5. Page 17, lines 19 and 20, by striking the
39 words "to fund a full-time equivalent position".

40 6. Page 17, by inserting after line 24 the
41 following:

42 " FTEs 1.00".

43 7. Page 18, line 12, by striking the figure
44 "20,000" and inserting the following: "10,000".

45 8. Page 18, line 24, by striking the figure
46 "11,692,190" and inserting the following:
47 "11,392,190".

48 9. Page 19, by striking lines 26 through 28.

49 10. Page 20, line 3, by striking the figure
50 "3,457,916" and inserting the following: "3,107,916".

Page 2

1 11. By striking page 21, line 22 through page 22,
2 line 6.

3 12. Page 23, by inserting after line 31 the
4 following:

5 "As a condition, qualification, and limitation of
6 the funds appropriated in this subsection, up to
7 \$850,000 shall be used to phase-in new residential
8 treatment programs for adolescents who are substance
9 abusers and to develop secure beds for juveniles
10 placed at the state mental health institute at

11 Cherokee.”

12 13. Page 26, by inserting after line 29 the
13 following:

14 “ ____ . As a condition, qualification, and
15 limitation of the funds appropriated in this section,
16 the department shall adopt rules pursuant to chapter
17 17A providing for reimbursement under state
18 supplementary assistance to pay for supervised
19 apartment living and cooperative housing arrangements
20 for persons with mental retardation, mental illness,
21 or developmental disabilities. The rules shall take
22 effect July 1, 1991.”

23 14. Page 35, line 34, by striking the figure
24 “355.95” and inserting the following: “352.95”.

25 15. Page 39, by inserting after line 7 the
26 following:

27 “ ____ . The department may transfer up to \$20,013 of
28 the funds appropriated and 1 FTE authorized for field
29 operations in this Act to be used, in addition to the
30 funds appropriated and full-time equivalent positions
31 authorized in the appropriation made in this section,
32 for the purpose of managing and monitoring early
33 preventive screening, diagnosis, and treatment
34 outreach service efforts.”

35 16. Page 41, line 14, by inserting after the
36 words “nursing facility.” the following: “Effective
37 October 1, 1990, nursing facilities shall be allowed
38 an increase in their per diem reimbursement rates
39 based on budgeted costs related to meeting nursing
40 home reform requirements pursuant to the federal
41 Omnibus Budget Reconciliation Act of 1987, Pub. L. No.
42 100-203. To be considered for per diem reimbursement
43 rate adjustment, a nursing facility’s budget for costs
44 related to meeting the nursing home reform
45 requirements must be received by the department on or
46 before August 31, 1990. Reports of actual costs
47 related to meeting the nursing home reform
48 requirements shall subsequently be submitted to the
49 department.

50 Subject to the maximum per diem reimbursement rate

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1 for nursing facilities in effect on October 1, 1990,
2 the department shall reconcile the nursing facility’s
3 actual costs relative to its budgeted costs and adjust
4 the facilities per diem reimbursement rate
5 accordingly.”

6 17. Page 43, line 21, by inserting after the word
7 “overtime.” the following: “If, after review of the

8 study recommendations, the department of human
 9 services decides to establish the position of "human
 10 resource specialist" at the state hospital-schools,
 11 the positions shall be established within the
 12 department of personnel and the department of human
 13 services may transfer to the department of personnel
 14 the associated full-time equivalent positions and
 15 moneys equal to the salary costs for the positions."

16 18. Page 45, by striking lines 18 through 27.

17 19. Page 47, by inserting after line 23, the
 18 following:

19 "Sec. ____ . COMPUTERIZATION -- ASSESSMENT OF
 20 FINANCIAL IMPACT.

21 In order to assess the financial impact of
 22 computerizing functions within the department of human
 23 services, the department of general services,
 24 information services division, shall monitor the
 25 utilization of the central processing unit resources
 26 maintained by the division, and shall provide
 27 quarterly reports to the fiscal committee of the
 28 legislative council and the legislative fiscal bureau.
 29 The quarterly reports shall contain an analysis of the
 30 central processing unit resources utilized by the
 31 department of human services by each computerized
 32 application within the department. The reports shall
 33 also contain information on computerized applications
 34 which are under development, and shall project the
 35 central processing unit utilization which will occur
 36 in six, twelve, eighteen, and twenty-four months. The
 37 reports shall be designed to enable the fiscal
 38 committee and the legislative fiscal bureau to assess
 39 the fiscal impact of various computerized
 40 applications, with emphasis upon the need for the
 41 division to purchase additional computer hardware."

42 20. Page 47, line 29, by striking the figures and
 43 words "4, and section 30" and inserting the following:
 44 "4, relating to increasing the schedule of basic needs
 45 under the aid to dependent children program; section
 46 2, subsection 7, relating to the costs of
 47 transportation connected with the health of a resident
 48 of a health care facility reimbursed under medical
 49 assistance; section 4, unnumbered paragraph 3,
 50 relating to increasing the personal needs allowance of

Page 4

1 certain persons; section 5, unnumbered paragraph 3,
 2 relating to the tribal council's usage of appropriated
 3 funds for administrative purposes; section 6,
 4 subsection 3, relating to allocating funds

5 appropriated for protective and state child care
 6 assistance; section 7, subsection 3, relating to
 7 grants to fund costs relating to child day care start-
 8 up, fire safety, and equipment; section 17, unnumbered
 9 paragraph 3, relating to increasing income guidelines
 10 for certain persons; section 23, subsections 1 through
 11 4, relating to financing certain facilities, to
 12 providing supplemental per diems to certain
 13 facilities, and to providing for costs and
 14 reimbursements relating to certain community living
 15 arrangements; and section 30, relating to
 16 reimbursements of providers.”
 17 21. Page 47, by inserting after line 33 the
 18 following:
 19 “Sec. ____ . Section 249A.3, subsection 1, paragraph
 20 f, Code Supplement 1989, is amended to read as
 21 follows:
 22 f. Is a child who is less than ~~six~~ seven years of
 23 age and who meets the income and resource requirements
 24 of the aid to dependent children program under chapter
 25 239.”
 26 22. By renumbering, relettering, or redesignating
 27 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chair

S-5293

1 Amend Senate File 2169 as follows:
 2 1. Page 1, by inserting after line 20, the
 3 following:
 4 “4. This section shall not apply to an employer in
 5 a city with a population under one hundred thousand.”

RICHARD VANDE HOEF

S-5294

1 Amend Senate File 2408 as follows:
 2 1. Page 26, by striking lines 11 through 18.

CALVIN O. HULTMAN
 JULIA GENTLEMAN
 MAGGIE TINSMAN
 RAY TAYLOR
 MARK R. HAGERLA
 DALE L. TIEDEN

S-5295

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 2, by inserting after line 26, the
- 3 following:
- 4 " ____ . For the establishment of an Iowa dispute
- 5 resolution council pursuant to Senate File 2296, 1990
- 6 Iowa Acts, if enacted by the Seventy-third General
- 7 Assembly:
- 8 \$ 200,000
- 9 As a condition, limitation, and qualification of
- 10 this appropriation, \$50,000 shall be used to match
- 11 funds for which the council shall make application
- 12 with the national institute for dispute resolution."
- 13 2. Renumber as necessary.

JEAN LLOYD-JONES
 JOHN JENSEN
 JOY CORNING
 JIM RIORDAN

S-5296

- 1 Amend Senate File 2249, as follows:
- 2 1. Page 7, by inserting after line 4, the
- 3 following:
- 4 "g. The treasurer of state shall indemnify either
- 5 the employer or the employer's workers' compensation
- 6 carrier from the state treasury from funds not
- 7 otherwise appropriated if all of the following
- 8 conditions are satisfied:
- 9 (1) A decision in an expedited hearing pursuant to
- 10 this subsection finds on behalf of the claimant.
- 11 (2) Benefits under this subsection are paid out to
- 12 the successful claimant.
- 13 (3) Subsequent to the expedited hearing, a final
- 14 determination on the full contested case finds on
- 15 behalf of the employer in relation to such benefit
- 16 liability.
- 17 (4) The claimant is subsequently unable to repay
- 18 such benefits paid out.
- 19 (5) The employer or the employer's workers'
- 20 compensation insurance carrier is unable to recover
- 21 such benefits from a group health insurance carrier.
- 22 (6) Either the employer or the employer's workers'
- 23 compensation insurance carrier, whichever in fact paid
- 24 the benefits, submits a written claim in a form, and
- 25 providing such information, as the treasurer of state

26 requires.”

27 2. By renumbering as necessary.

MAGGIE TINSMAN

S-5297

1 Amend the amendment,
S-5186, to Senate File 2344 as

2 follows:

3 1. Page 2, by striking lines 1 and 2, and
4 inserting the following: “the court shall act in
5 accordance with”.

CHARLES BRUNER

S-5298

1 Amend Senate File 2287 as follows:

2 1. Page 1, line 26, by striking the word
3 “prohibit” and inserting the following: “refrain
4 from”.

5 2. Page 3, line 25, by striking the words
6 “intention to join” and inserting the following:
7 “interest”.

JACK RIFE
PAT DELUHERY
MAGGIE TINSMAN

S-5299

1 Amend Senate File 2408 as follows:

2 1. Page 25, line 24, by inserting after the word
3 “program,” the following: “and”.
4 2. Page 25, by striking lines 26 and 27 and
5 inserting the following: “services.”

JOE WELSH

S-5300

1 Amend Senate File 2408 as follows:

2 1. Page 29, line 12, by inserting after the word
3 “file” the following: “by November 1 of each year,”.

JOE WELSH

S-5301

- 1 Amend the amendment, S-5247, to Senate File 2169 as
 2 follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "clothing" the following: "or footwear".

RICHARD RUNNING

S-5302

- 1 Amend Senate File 2307 as follows:
 2 1. Page 1, lines 3 and 4, by striking the words
 3 "specifically including long-term care needs,
 4 including" and inserting the following: "~~specifically~~
 5 including long-term care needs, including".
 6 2. By striking page 2, line 5, through page 3,
 7 line 3 and inserting the following:
 8 "NEW SUBSECTION. 21. "Intermediate care facility
 9 for the mentally retarded" means an institution or
 10 distinct part of an institution with a primary purpose
 11 to provide health or rehabilitative services to three
 12 or more individuals, who primarily have mental
 13 retardation or a related condition and who are not
 14 related to the administrator or owner within the third
 15 degree of consanguinity, and which meets the
 16 requirements of this chapter and federal standards for
 17 intermediate care facilities for the mentally retarded
 18 established pursuant to the federal Social Security
 19 Act, § 1905(c)(d), as codified in 42 U.S.C. § 1936d
 20 which are contained in 42 C.F.R. pt. 483, subpt. D, §
 21 410-480."
 22 3. Page 3, line 32, by striking the word
 23 "registered".
 24 4. Page 4, by striking lines 21 through 34.
 25 5. Page 8, by inserting after line 16 the
 26 following:
 27 "Sec. ____ . EFFECTIVE DATE.
 28 This Act takes effect October 1, 1990."
 29 6. Title page, by striking lines 1 and 2, and
 30 inserting the following: "An Act relating to health
 31 care facilities, providing a penalty, and providing an
 32 effective date."
 33 7. By renumbering as necessary.

JIM RIORDAN

S-5303

1 Amend House File 2177, as passed by the House, as
2 follows:
3 1. Page 1, line 10, by inserting after the word
4 "county" the following: "or counties contiguous to
5 the county".

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chair

S-5304

1 Amend House File 2437 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 252D.1, subsection 1, Code
5 1989, is amended to read as follows:
6 1. As used in this ~~chapter~~ subchapter, subchapter
7 II, and subchapter III, unless the context otherwise
8 requires, "support" or "support payments" means any
9 amount which the court may require a person to pay for
10 the benefit of a child under a temporary order or a
11 final judgment or decree, and may include child
12 support, maintenance, and, if contained in a child
13 support order, spousal support, and any other term
14 used to describe these obligations. These obligations
15 may include support for a child who is between the
16 ages of eighteen and twenty-two years and who is
17 regularly attending an accredited school in pursuance
18 of a course of study leading to a high school diploma
19 or its equivalent, or regularly attending a course of
20 vocational technical training either as a part of a
21 regular school program or under special arrangements
22 adapted to the individual person's needs, or is, in
23 good faith, a full-time student in a college,
24 university, or area school, or has been accepted for
25 admission to a college, university, or area school and
26 the next regular term has not yet begun; and may
27 include support for a child of any age who is
28 dependent on the parties to the dissolution
29 proceedings because of physical or mental disability.
30 Sec. 2. NEW SECTION. 252D.8 PERSONS SUBJECT TO
31 IMMEDIATE INCOME WITHHOLDING.
32 1. In a support order issued or modified on or
33 after November 1, 1990, for which services are being

34 provided by the child support recovery unit, the
35 income of a support obligor is subject to immediate
36 withholding, on the effective date of the order,
37 regardless of whether support payments by the obligor
38 are in arrears. The child support recovery unit may
39 enter an ex parte order for an immediate withholding
40 of income or may directly implement immediate
41 withholding of income if authorizing language is
42 contained in the court order. The income of the
43 obligor is subject to immediate withholding unless one
44 of the following occurs:
45 a. One of the parties demonstrates and the court
46 or child support recovery unit finds there is good
47 cause not to require immediate withholding.
48 b. A written agreement is reached between both
49 parties which provides for an alternative arrangement.
50 2. If the support payments have been assigned to

Page 2

1 the department of human services pursuant to chapter
2 234 or 239, or a comparable statute of another
3 jurisdiction, the department shall be considered a
4 party to the support order, and a written agreement
5 pursuant to this section to waive immediate
6 withholding is void unless approved by the child
7 support recovery unit. Any existing agreement is void
8 at the time an assignment of support to the state is
9 made.
10 3. If a support order does not require immediate
11 income withholding, income of an obligor is subject to
12 immediate withholding, without regard to whether there
13 is an arrearage, on the earliest of the following:
14 a. The date the obligor requests that the
15 immediate income withholding begin.
16 b. The date the custodial parent or party to the
17 proceeding requests that the immediate income
18 withholding begin, if the child support recovery unit
19 approves the request.
20 **Sec. 3. NEW SECTION. 252D.9 SUMS SUBJECT TO**
21 **IMMEDIATE INCOME WITHHOLDING.**
22 Specified sums shall be withheld from the obligor's
23 earnings, trust income, or other income sufficient to
24 pay the support obligation and shall not exceed the
25 amount specified in 15 U.S.C. § 1673(b).
26 **Sec. 4. NEW SECTION. 252D.10 NOTICE OF IMMEDIATE**
27 **INCOME WITHHOLDING.**
28 An order for support entered after November 1,
29 1990, shall contain the notice of immediate income
30 withholding. However, this subchapter is sufficient

31 notice for implementation of immediate income
32 withholding without any further notice.
33 Sec. 5. NEW SECTION. 252D.11 MOTION TO QUASH.
34 1. Grounds for contesting a withholding order
35 under this subchapter are any of the following:
36 a. A mistake of fact, which for purposes of this
37 section means an error in the amount of current or
38 overdue support or the identity of the alleged
39 obligor.
40 b. The conditions for exception to immediate
41 income withholding as defined under section 252D.8
42 existed at the time of implementation of the
43 withholding.
44 2. The clerk of the district court shall schedule
45 a hearing on the motion to quash for a time not later
46 than seven days after the filing of the motion to
47 quash and the notice of the motion to quash. The
48 clerk shall mail to the parties copies of the motion
49 to quash, the notice of the motion to quash, and the
50 order scheduling the hearing.

Page 3

1 3. The payor shall withhold and transmit the
2 amount specified in the withholding order to the clerk
3 of the district court or the collection services
4 center, as appropriate, until the notice that a motion
5 to quash has been granted is received.
6 Sec. 6. NEW SECTION. 252D.12 NOTICE TO EMPLOYER
7 OR INCOME PAYOR.
8 A notice of immediate income withholding shall be
9 sent to the employer, trustee, or other payor by
10 certified mail. The withholding order is binding on
11 an existing or future employer, trustee, or other
12 payor ten days after the receipt of the notice by
13 certified mail.
14 Sec. 7. NEW SECTION. 252D.13 PRIORITY.
15 The withholding order has priority over a
16 garnishment or an assignment for a purpose other than
17 support of the dependents in the court order being
18 enforced.
19 Sec. 8. NEW SECTION. 252D.14 MODIFICATION OR
20 REVOCATION OF IMMEDIATE INCOME WITHHOLDING.
21 The child support recovery unit or the district
22 court, upon the application of any party, may modify
23 the withholding order by ex parte order if current
24 child support has terminated, or may revoke the
25 withholding order upon the termination of parental
26 rights, emancipation, death, majority of the child, or
27 upon change of custody.

28 Sec. 9. NEW SECTION. 252D.18 DUTIES OF THE PAYOR
29 -- LIABILITY.

30 1. The employer, trustee, or other payor who
31 receives an order of assignment by certified mail
32 pursuant to section 252D.1, subsection 3, or a
33 withholding order pursuant to subchapter II, shall
34 deliver, on the next working day, a copy of the order
35 to the person named in the order. The payor may
36 deduct not more than two dollars from each payment
37 from the employee's wages as a reimbursement for the
38 payor's costs relating to the order of assignment or
39 to the withholding order. The payor's compliance with
40 the order of assignment or the withholding order
41 satisfies the payor's obligation to the person for the
42 amount of income withheld and transmitted to the clerk
43 of the district court.

44 2. An employer who willfully discharges an
45 employee or refuses to hire a person because of the
46 entry of an order of assignment or a withholding order
47 under this chapter is guilty of a simple misdemeanor.

48 3. An employer, trustee, or other payor who
49 receives an order of assignment pursuant to section
50 252D.1, subsection 2, or a withholding order pursuant

Page 4

1 to subchapter II, is liable for the amount which the
2 employer, trustee, or other payor willfully fails to
3 withhold from amounts due the person named in the
4 order, together with costs, interest, and reasonable
5 attorney fees related to the collection of the amounts
6 due from the employer, trustee, or other payor.

7 Sec. 10. NEW SECTION. 252D.19 OTHER REMEDIES.

8 The remedies provided in this chapter do not
9 exclude the use of other civil or criminal remedies in
10 enforcing support obligations.

11 Sec. 11. NEW SECTION. 252D.20 ADMINISTRATION OF
12 INCOME WITHHOLDING PROCEDURES.

13 The child support recovery unit is designated as
14 the entity of the state to administer income
15 withholding or assignment in accordance with the
16 procedures specified for keeping adequate records to
17 document, track, and monitor support payments on cases
18 subject to Title IV-D of the federal Social Security
19 Act. The clerks of the district court are designated
20 as the entities for administering income withholding
21 or assignment on cases which are not subject to Title
22 IV-D.

23 Sec. 12. NEW SECTION. 252D.21 PENALTY FOR
24 MISREPRESENTATION.

25 A person who knowingly makes a false statement or
 26 representation of a material fact or knowingly fails
 27 to disclose a material fact in order to secure an
 28 order of assignment or a withholding order against
 29 another person and to receive support payments or
 30 additional support payments pursuant to this chapter,
 31 is guilty, upon conviction, of a serious misdemeanor.

32 Sec. 13. NEW SECTION. 252D.22 RULES.

33 The department shall adopt the administrative rules
 34 necessary to implement the provisions of this chapter
 35 as they pertain to the operations of the child support
 36 recovery unit.

37 Sec. 14. Section 598.22, Code 1989, is amended by
 38 adding the following new unnumbered paragraph after
 39 unnumbered paragraph 2:

40 NEW UNNUMBERED PARAGRAPH. An order of assignment
 41 or withholding of periodic income may also be entered
 42 under the terms and conditions of chapter 252D.

43 Sec. 15. Sections 252D.4 through 252D.7, Code
 44 1989, are repealed.

45 Sec. 16. CODIFICATION.

46 1. The Code editor shall entitle chapter 252D as
 47 "Child Support Payments -- Assignment of Income and
 48 Immediate Income Withholding."

49 2. The Code editor shall codify sections 252D.1
 50 through 252D.3 as subchapter I, entitled "Delinquent

Page 5

1 Support Payments -- Assignment of Income."

2 3. The Code editor shall codify new sections
 3 252D.8 through 252D.14 as subchapter II entitled
 4 "Immediate Income Withholding."

5 4. The Code editor shall codify sections 252D.18
 6 through 252D.22 as subchapter III, entitled "General
 7 Provisions."

8 5. If necessary or appropriate, the Code editor
 9 may codify and entitle this Act in a different manner
 10 than prescribed by this section."

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chair

S-5305

1 Amend Senate File 2408 as follows:

2 1. Page 5, line 16, by striking the word "As" and
 3 inserting the following: "(1) As".

4 2. Page 5, line 20, by striking the word "Of" and

5 inserting the following: "(2) Of".

6 3. Page 5, by inserting after line 23, the
7 following:

8 "(3) It is the intent of the general assembly that
9 the department of corrections and the department of
10 personnel shall cooperate to employ the additional
11 correctional officers for the Anamosa facility by July
12 1, 1990."

13 4. Page 29, by inserting after line 17 the
14 following:

15 "Sec. ____ . Section 4, subsection 1, paragraph b,
16 subparagraph (3), of this Act, being deemed of
17 immediate importance, takes effect upon enactment."

18 5. By numbering and renumbering as necessary.

BEVERLY A. HANNON
LARRY MURPHY
MICHAEL E. GRONSTAL
EUGENE FRAISE
RICHARD J. VARN

S-5306

1 Amend Senate File 2400 as follows:

2 1. Page 7, by inserting after line 35 the fol-
3 lowing:

4 "Sec. ____ . Section 809.13, Code 1989, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 6. The attorney general shall
7 transmit five percent of all money forfeited to the
8 treasurer of state who shall deposit the money in the
9 fund established pursuant to section 321J.17. A law
10 enforcement officer responsible for the sale of
11 seized, forfeited, or abandoned property, shall
12 transmit five percent of all proceeds from such sale
13 to the treasurer of state who shall deposit the money
14 in the fund established pursuant to section 321J.17.
15 Money or proceeds so received shall be transmitted to
16 the treasurer of state within thirty days of such
17 receipt."

18 2. Renumber as necessary.

LARRY MURPHY

S-5307

1 Amend Senate File 2400 as follows:

2 1. Page 1, by striking lines 1 through 11 and

3 inserting the following:

4 "Sec. ____ . Section 321.85, Code 1989, is amended

5 to read as follows:

6 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

7 1. When a vehicle or component part is seized
8 under section 321.84 or is stolen or embezzled, and is
9 not claimed by the owner before the date on which the
10 person charged with its stealing or embezzling is
11 convicted, the officer having the vehicle or component
12 part in the officer's custody shall, on that date by
13 certified regular mail, notify the department that the
14 officer has the vehicle or component part in the
15 officer's possession, giving a full and complete
16 description of it, including all vehicle
17 identification numbers and component part numbers. If
18 there is a dispute regarding a claim for the vehicle
19 or component part, the agency holding the vehicle or
20 component part shall conduct an evidentiary hearing to
21 adjudicate the claim.

22 2. If a person claims to be the owner, and there
23 is a dispute as to the claim, the department shall
24 hold an evidentiary hearing within thirty days of
25 receiving the claim. If it is shown that the vehicle
26 or component part is needed as evidence in a criminal
27 prosecution or that further investigation is needed to
28 identify the vehicle or part or its owner, the hearing
29 shall be continued a reasonable amount of time for the
30 completion of the prosecution or investigation. If
31 the person from whom the vehicle or part was seized
32 establishes ownership of a vehicle or part, the
33 vehicle or part shall be returned to the person
34 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. However, if the
46 claimant cannot establish ownership of the engine,
47 door, or fender pursuant to subsection 4, the part
48 shall not be returned to the claimant. Numbers on
49 motorcycle engine cases are not engine numbers for
50 purposes of this paragraph.

Page 2

1 b. That the claimant is the owner of all component
2 parts of the vehicle as set forth in subsection 4.

3 c. That the claimant is the legal owner of the
4 vehicle under the laws of another state if the vehicle
5 is registered or titled in that other state.

6 4. A claimant may establish ownership of a
7 component part by demonstrating that the claimant
8 holds a valid certificate of title or junking
9 certificate for the vehicle on which the part was
10 initially installed by the manufacturer, or was placed
11 in accordance with a valid rebuilt vehicle title, or
12 by evidence of a legitimate unbroken chain of
13 ownership of the part back to the holder of such title
14 or certificate, or by other competent evidence.
15 Ownership of component parts on which the numbers have
16 been altered, defaced, switched, removed, or otherwise
17 disguised shall not be established unless there is
18 sufficient competent or physical evidence identifying
19 it as part of a vehicle owned by the claimant.

20 5. If a claimant establishes ownership of a
21 vehicle, the entire vehicle shall be awarded to the
22 claimant, unless ownership of a door or fender or of
23 the engine is established in another person, in which
24 case that part shall be awarded to that person. If
25 ownership of a vehicle is not established, the
26 component parts shall be awarded to the claimants
27 establishing title to the parts.

28 6. The final decision shall be served by certified
29 mail upon the persons found to be owners of vehicles
30 or parts, and shall notify such persons that the
31 vehicle or part is no longer needed for prosecution or
32 investigation and that they have forty-five days to
33 retrieve the vehicle or part from the agency having
34 custody of the vehicle or part. Failure to do so
35 shall result in the vehicle or part being deemed
36 abandoned for purposes of section 321.89.

37 7. If the ownership of a vehicle or part cannot be
38 established, the agency having custody of the vehicle
39 or part shall proceed as directed in sections 321.86
40 through 321.89.

41 Sec. ____ . Section 321.88, Code 1989, is amended to
42 read as follows:

43 321.88 FAILURE OF OWNER TO CLAIM.

44 If the owner does not appear within ~~forty~~ forty-
45 five days, the motor vehicle or component part shall
46 be deemed abandoned and the officer having possession
47 of the motor vehicle or component part shall proceed
48 as provided in section 321.89, subsections 3 and 4."

49 2. By striking page 1, line 31, through page 2,
50 line 4, and inserting the following:

Page 3

- 1 "Sec. ____ . Section 809.1, subsection 1, paragraph
- 2 a, Code 1989, is amended to read as follows:
- 3 a. Property ~~which is relevant and material as~~
- 4 evidence in a criminal prosecution or investigation."
- 5 3. Page 5, line 22, by inserting after the words
- 6 "Forfeitable property" the following: "which is real
- 7 property".
- 8 4. Page 7, line 7, by inserting after the word
- 9 "property" the following: "which is real property".
- 10 5. Page 9, line 7, by striking the words "This"
- 11 and inserting the following:
- 12 "Section 17 of this".
- 13 6. Renumber as necessary.

LARRY MURPHY

S-5308

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 1, by striking lines 32 through 34, and
- 3 inserting the following:
- 4 "There is appropriated from the general fund of the
- 5 state to the department of corrections for the fiscal
- 6 year beginning July 1, 1990, and ending June 30, 1991,
- 7 the following amounts, or so much thereof as is
- 8 necessary, to be allocated as follows:
- 9 1. For the".
- 10 2. Page 11, by striking lines 14 through 16, and
- 11 inserting the following:
- 12 "2. For the".
- 13 3. Page 12, by striking lines 19 through 21, and
- 14 inserting the following:
- 15 "3. For the".
- 16 4. Page 13, by striking lines 23 through 25, and
- 17 inserting the following:
- 18 "4. For the".
- 19 5. Page 14, by striking lines 13 through 15, and
- 20 inserting the following:
- 21 "5. For the".
- 22 6. Page 15, by striking lines 32 through 34, and
- 23 inserting the following:
- 24 "6. For the".
- 25 7. Page 17, by striking lines 27 through 29, and
- 26 inserting the following:

27 "7. For the".

28 8. Page 19, by striking lines 8 through 10, and
29 inserting the following:

30 "8. For the".

31 9. By striking page 22, line 9, through page 23,
32 line 29, by inserting the following:

33 "1. There is appropriated from the general fund of
34 the state to the department of corrections for the
35 fiscal year beginning July 1, 1990, and ending June
36 30, 1991, the following amounts, or so much thereof as
37 is necessary, to be allocated as follows:

38 a. For the first judicial district department of
39 correctional services, for 2 additional
40 parole/probation staff:

41 \$ 31,250

42 b. For the second judicial district department of
43 correctional services, for 2 additional
44 parole/probation staff:

45 \$ 31,250

46 c. For the third judicial district department of
47 correctional services, for 2 additional
48 parole/probation staff:

49 \$ 31,250

50 d. For the fourth judicial district department of

Page 2

1 correctional services, for 2 additional
2 parole/probation staff:

3 \$ 31,250

4 e. For the fifth judicial district department of
5 correctional services, for 2 additional
6 parole/probation staff:

7 \$ 31,250

8 f. For the sixth judicial district department of
9 correctional services, for 2 additional
10 parole/probation staff:

11 \$ 31,250

12 g. For the seventh judicial district department of
13 correctional services, for 2 additional
14 parole/probation staff:

15 \$ 31,250

16 h. For the eighth judicial district department of
17 correctional services, for 2 additional
18 parole/probation staff:

19 \$ 31,250".

20 10. Renumber as necessary.

RICHARD VANDE HOEF
JOY CORNING
JACK W. HESTER
DALE L. TIEDEN
MARK R. HAGERLA
RAY TAYLOR

S-5309

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 8, by striking lines 18 and 19 and
- 3 inserting the following:
- 4 " \$ 2,385,718
- 5 FTEs 47.52"
- 6 2. Page 8, by striking line 23 and inserting the
- 7 following: "program for institutions, shall establish
- 8 an investigative unit, shall employ a computer
- 9 specialist and a communications specialist, and shall
- 10 use \$55,215 of the amount appropriated in this
- 11 subsection to employ an escort officer."
- 12 3. By striking page 22, line 9, through page 23,
- 13 line 29.
- 14 4. Renumber as necessary.

RICHARD VANDE HOEF
MARK R. HAGERLA

S-5310

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 8, by striking lines 18 and 19 and
- 3 inserting the following:
- 4 " \$ 2,200,389
- 5 FTEs 43.52"
- 6 2. Page 8, by striking line 23 and inserting the
- 7 following: "program for institutions, and shall use
- 8 \$55,215 of the amount appropriated in this subsection
- 9 to employ an escort officer."

RICHARD VANDE HOEF
RAY TAYLOR
MARK R. HAGERLA

S-5311

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 3, line 3, by inserting after the word

- 3 "decrees." the following: "As used in this section,
- 4 the term "when due" means that all conditions
- 5 precedent under applicable state law concerning the
- 6 medical charges have been met."

LINN FUHRMAN

S-5312

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 6, line 24, by inserting after the figure
- 3 "85.27," the following: "such relief shall be limited
- 4 solely to disputes over the choice of care and".

CALVIN O. HULTMAN
LINN FUHRMAN

S-5313

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 5, by striking lines 2 through 21.
- 3 2. By renumbering as necessary.

LINN FUHRMAN

S-5314

- 1 Amend Senate File 2249 as follows:
- 2 1. By striking page 7, line 12 through page 8,
- 3 line 19.
- 4 2. Title, by striking lines 9 and 10, and
- 5 inserting the following: "deadlines, and".

LINN FUHRMAN

S-5315

- 1 Amend Senate File 2249 as follows:
- 2 1. By striking page 1, line 28, through page 2,
- 3 line 1, and inserting the following:
- 4 "Sec. ____ . Section 85.27, unnumbered paragraph 3,
- 5 Code 1989, is amended to read as follows:
- 6 Charges believed to be excessive or unnecessary may
- 7 be referred to the industrial commissioner for
- 8 determination, and the commissioner may, in connection
- 9 therewith, utilize the procedures provided in sections
- 10 86.38 and 86.39 and conduct such inquiry as the

11 commissioner shall deem necessary. Any institution or
 12 person rendering treatment to an employee whose injury
 13 is compensable under this section agrees to be bound
 14 by such charges as allowed by the industrial
 15 commissioner and shall not recover in law or equity
 16 any amount in excess of that set, by the commissioner.
 17 An action shall not be commenced or maintained in a
 18 court of this state by a person rendering treatment to
 19 an employee against the employee for charges in
 20 connection with the treatment while a contested case
 21 proceeding for determination of liability is pending
 22 before the industrial commissioner relating to an
 23 injury alleged to have given rise to the treatment.”
 24 2. By renumbering as necessary.

LINN FUHRMAN

S-5316

1 Amend Senate File 2249 as follows:
 2 1. Page 6, by striking line 21 and inserting the
 3 following: “be limited to the lesser of the actual
 4 relief or ninety days, and the ruling shall state when
 5 the”.

LINN FUHRMAN

S-5317

1 Amend Senate File 2184 as follows:
 2 1. Page 1, by inserting after line 12, the
 3 following:
 4 “Sec. ____ . Section 321.423, subsection 2, Code
 5 1989, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. f. A flashing green light on a
 8 vehicle upon which a green light is permitted under
 9 subsection 7 of this section.”
 10 3. Page 1, by striking lines 13 through 24.
 11 4. Page 1, line 33, by inserting after the word
 12 “blue” the following: “or green.”
 13 5. Page 1, by inserting after line 34 the
 14 following:
 15 “Sec. ____ . Section 321.423, subsection 5, Code
 16 1989, is amended to read as follows:
 17 5. WHEN USED. The certificate of authorization
 18 shall be carried at all times with the certificate of
 19 registration of the authorized vehicle and the

20 operator of the vehicle shall not illuminate the blue
 21 or green light except in any of the following
 22 circumstances:

23 a. When the member is en route to the scene of a
 24 fire or is responding to an emergency in the line of
 25 duty requiring the services of the member;

26 b. When the authorized vehicle is transporting a
 27 person requiring emergency care; ~~or,~~

28 c. When the authorized vehicle is at the scene of
 29 an emergency.

30 d. The use of ~~a~~ the blue or green light in or on a
 31 private motor vehicle shall be for identification
 32 purposes only.

33 Sec. ____ . Section 321.423, Code 1989, is amended
 34 by adding the following new subsection:

35 NEW SUBSECTION. 7. GREEN LIGHT. A green light
 36 shall not be used on a vehicle except in any of the
 37 following circumstances:

38 a. On a vehicle owned or exclusively operated by
 39 an ambulance, rescue, or first responder service.

40 b. On a vehicle authorized by the director when
 41 all of the following apply:

42 (1) The vehicle is owned by a member of an
 43 ambulance, rescue, or first responder service.

44 (2) The request for authorization is made by the
 45 member on forms provided by the department.

46 (3) Necessity for authorization is demonstrated in
 47 the request.

48 (4) The head of an ambulance, rescue, or first
 49 responder service certifies that the member is in good
 50 standing and recommends that the authorization be

Page 2

1 granted.

2 c. On an authorized emergency vehicle.”

3 6. Title page, line 1, by striking the word

4 “blue” and inserting the following: “green”.

5 7. By renumbering as necessary.

CALVIN O. HULTMAN
 RAY TAYLOR

S-5318

1 Amend Senate File 2408 as follows:

2 1. Page 25, line 8, by striking the figure

3 “68,425,664” and inserting the following:

- 4 "71,925,664".
5 2. Page 26, by striking lines 9 and 10.

CALVIN O. HULTMAN

S-5319

- 1 Amend Senate File 2408 as follows:
2 1. Page 28, by striking lines 8 through 13.
3 2. Renumber as necessary.

MIKE CONNOLLY

S-5320

- 1 Amend the amendment, S-5292, to House File 2514, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 45, through page 2,
5 line 2, and inserting the following:
6 "___ . Page 21, line 33, by striking the figure
7 "150,000" and inserting the following: "100,000".
8 ___ . Page 22, by inserting after line 6 the
9 following:
10 "Of the funds appropriated in this section, at
11 least \$50,000 shall be used to provide additional
12 pregnancy prevention grants. Preference in grant
13 awards shall be given to programs which, in addition
14 to other services, provide counseling to mixed gender
15 groups of adolescents. The grants shall be
16 administered in accordance with the provisions for
17 adolescent pregnancy prevention grants, except for
18 requirements to target certain geographic areas in the
19 state.""
20 2. By renumbering as necessary.

CHARLES BRUNER

S-5321

- 1 Amend House File 724, 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. 114A.1 DEFINITIONS.
6 As used in this chapter unless the context
7 otherwise requires:

- 8 1. "Corner" means a point at which two or more
9 lines meet.
- 10 2. "Division" means dividing a tract or parcel of
11 land into two parcels of land by conveyance or for tax
12 purposes. The conveyance of an easement, other than a
13 public highway easement, shall not be considered a
14 division for the purpose of this chapter.
- 15 3. "Government lot" means a tract, within a
16 section, which is normally described by a lot number
17 as represented and identified on the township plat of
18 the United States public land survey system.
- 19 4. "Land surveying" means surveying of land
20 pursuant to chapter 114.
- 21 5. "Lot" means a tract of land, generally a
22 subdivision of a city or town block, represented and
23 identified as a lot on a recorded plat.
- 24 6. "Meander line" means a traverse approximately
25 along the margin of a body of water. A meander line
26 provides data for computing areas and approximately
27 locates the margin of the body of water. A meander
28 line does not ordinarily determine or fix boundaries.
- 29 7. "Monument" means a physical structure which
30 marks the location of a corner or other survey point.
- 31 8. "Offset line" means a supplementary traverse
32 close to and approximately parallel with an irregular
33 boundary line. An offset line provides data for
34 computing areas and locates salient points on the
35 irregular boundary line by measured distances
36 referenced to the offset line.
- 37 9. "Plat of survey" means a graphical
38 representation of a survey of one or more parcels of
39 land, including a complete and accurate description of
40 each parcel within the plat, prepared by a registered
41 land surveyor.
- 42 10. "Subdivision" means a tract of land divided
43 into three or more lots.
- 44 11. "Subdivision plat" means a graphical
45 representation of the subdivision of land, prepared by
46 a registered land surveyor, having a number or letter
47 designation for each lot within the plat and a
48 succinct name or title that is unique for the county
49 where the land is located.
- 50 12. "Surveyor" means a registered land surveyor

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- 1 who engages in the practice of land surveying pursuant
2 to chapter 114.
- 3 **Sec. 2. NEW SECTION. 114A.2 APPLICABILITY.**
- 4 This chapter applies to all agencies of the United

5 States government, this state, or a political
6 subdivision of this state and to all persons engaged
7 in the practice of land surveying.

8 Sec. 3. NEW SECTION. 114A.3 RULES.

9 Pursuant to chapter 114, the engineering and land
10 surveying examining board may adopt rules consistent
11 with the rules prescribed by the Acts of Congress and
12 the Instructions of the United States Secretary of the
13 Interior.

14 Sec. 4. NEW SECTION. 114A.4 BOUNDARY LOCATION.

15 The surveyor shall acquire data necessary to
16 retrace record title boundaries, center lines, and
17 other boundary line locations in accordance with the
18 legal descriptions including applicable provisions of
19 chapter 650. The surveyor shall analyze the data and
20 make a careful determination of the position of the
21 boundaries of the parcel or tract of land being
22 surveyed. The surveyor shall make a field survey,
23 locating and connecting monuments necessary for
24 location of the parcel or tract and coordinate the
25 facts of the survey with the analysis and legal
26 description. The surveyor shall place monuments
27 marking the corners of the parcel or tract unless
28 monuments already exist at the corners.

29 Sec. 5. NEW SECTION. 114A.5 MEASUREMENTS.

30 1. Measurements shall be made with instruments and
31 methods capable of attaining the required accuracy for
32 the particular problem involved.

33 2. Measurements as placed on plats shall be in
34 conformance with the capabilities of the instruments
35 used.

36 3. In a closed traverse the sum of the measured
37 angles shall agree with the theoretical sum by a
38 difference not greater than thirty seconds times the
39 square root of the number of angles.

40 4. Distances shall be shown in decimal feet in
41 accordance with the definition of the international
42 foot. Distance measurements shall refer to the
43 horizontal plane.

44 Sec. 6. NEW SECTION. 114A.6 MONUMENTATION.

45 1. The surveyor shall confirm the prior
46 establishment of control monuments at each controlling
47 corner on the boundaries of the parcel or tract of
48 land being surveyed. If no control monuments exist,
49 the surveyor shall place the monuments. Control
50 monuments shall be constructed of reasonably permanent

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1 material solidly embedded in the ground and capable of
2 being detected by commonly used magnetic or electronic
3 equipment. The surveyor shall affix a cap of
4 reasonably inert material bearing an embossed or
5 stencil cut marking of the Iowa registration number of
6 the surveyor to the top of each monument which the
7 surveyor places.

8 2. Control monuments shall be placed at the
9 following locations:

10 a. Each corner and angle point of each lot, block,
11 or parcel of land surveyed.

12 b. Each point of intersection of the outer
13 boundary of the survey with an existing or created
14 right-of-way line of a street, railroad, or other way.

15 c. Each point of curve, tangency, reversed curve,
16 or compounded curve on each right-of-way line
17 established.

18 3. If the placement of a monument required by this
19 chapter at the prescribed location is impractical, a
20 reference monument shall be established near the
21 prescribed location. If a point requiring
22 monumentation has been previously monumented, the
23 existence of the monument shall be confirmed by the
24 surveyor.

25 4. Only a minimum number of survey control
26 monuments are required to be placed before the
27 recording of a subdivision provided the surveyor
28 includes in the surveyor's statement a declaration
29 that additional monuments shall be placed before a
30 date specified in the statement or within one year
31 from the date the subdivision is recorded, whichever
32 is earlier.

33 **Sec. 7. NEW SECTION. 114.A 7 PLATS OF SURVEY.**

34 A plat of survey shall be made, showing information
35 developed by the survey, for each land survey
36 performed for the purpose of correcting boundaries,
37 correcting descriptions of surveyed land, or for the
38 division of land. Each plat of survey shall conform
39 to the following provisions:

40 1. The original plat drawing shall remain the
41 property of the surveyor.

42 2. The size of each plat sheet shall not be less
43 than eight and one-half inches by eleven inches.

44 3. The scale of the plat drawing shall be clearly
45 stated and graphically illustrated by a bar scale on
46 every plat sheet.

47 4. An arrow indicating the northern direction
48 shall be shown on each plat sheet.

49 5. The plat shall show that the survey is tied to
50 a physically monumented land line which is identified

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1 by two United States public land survey system
2 corners, or by two physically monumented corners of a
3 recorded subdivision.

4 6. The plat shall show the lengths and bearings of
5 the boundaries of the parcels surveyed. The course of
6 each boundary line shown on the plat may be indicated
7 by a direct bearing reference or by an angle between
8 the boundary line and an intersecting line having a
9 shown bearing, except when the boundary line has an
10 irregular or constantly changing course, as along a
11 body of water, or when a description of the boundary
12 line is better achieved by measurements shown at
13 points or intervals along a meander line or an offset
14 line having a shown course. The bearings shall be
15 referenced to a United States public land survey
16 system land line, or recorded subdivision line. If
17 the boundary lines show bearings, lengths, or
18 locations which vary from those recorded in deeds,
19 abutting plats, or other instruments of record, the
20 following note shall be placed along the lines,
21 "recorded as (show recorded bearing, length, or
22 location)". Bearings and angles shown shall be given
23 to at least the nearest minute of arc.

24 7. The plat shall show and identify all monuments
25 necessary for the location of the parcel and shall
26 indicate whether the monuments were found or placed.

27 8. If United States public land survey system
28 corners control the land description, the corners
29 shall be clearly identified on the plat including a
30 description of the monumentation and shall indicate
31 whether the monuments were found or placed.

32 9. Control monuments shall be adequately described
33 and clearly identified on the plat and noted as found
34 or placed. If additional monuments are to be placed
35 subsequent to the recording of a subdivision as
36 provided in section 114A.6, the location of the
37 additional monuments shall be shown on the plat.

38 10. Distance shall be shown in decimal feet in
39 accordance with the definition of the international
40 foot. Distance measurements shall refer to the
41 horizontal plane.

42 11. Curve data shall be stated in terms of radius,
43 central angle, and length of curve, and as otherwise
44 specified by local ordinance. In all cases, the curve
45 data must be shown for the line affected.

46 12. The unadjusted error of closure shall not be
47 greater than one in five thousand for an individual
48 parcel.

49 13. If any part of the surveyed land is bounded by
50 an irregular line, that part shall be enclosed by a

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1 meander line or an offset line showing complete data
2 with distances along all lines extending beyond the
3 enclosure to the irregular boundary, and shown with as
4 much certainty as can be determined or as "more or
5 less", if variable. In all cases, the true boundary
6 shall be clearly indicated on the plat.

7 14. The plat shall be captioned to show the date
8 of the survey, and shall be accompanied by a
9 description of the parcel.

10 15. The plat shall contain a statement by a
11 surveyor that the work was done and the plat was
12 prepared by the surveyor or under the surveyor's
13 direct personal supervision, shall be signed and dated
14 by the surveyor, and shall bear the surveyor's Iowa
15 registration number and legible seal.

16 Sec. 8. NEW SECTION. 114A.8 PLATS FOR
17 SUBDIVISIONS.

18 Subdivision plats shall conform to the following
19 provisions where applicable:

20 1. The original plat drawing shall remain the
21 property of the surveyor.

22 2. The size of each plat sheet shall not be less
23 than eight and one-half inches by eleven inches.

24 3. If more than one sheet is used, each sheet
25 shall display both the number of the sheet and the
26 total number of sheets included in the plat, and
27 clearly labeled match lines indicating where the other
28 sheets adjoin. An index shall be provided to show the
29 relationship between the sheets.

30 4. The scale of the plat drawing shall be clearly
31 stated and graphically illustrated by a bar scale on
32 every plat sheet.

33 5. Each subdivision plat shall be designated, by
34 name or as otherwise prescribed, in bold letters
35 inside the margin at the top of each plat sheet.

36 6. An arrow indicating the northern direction
37 shall be shown on each plat sheet.

38 7. The plat shall show that the subdivision is
39 tied to a physically monumented land line which is
40 identified by two United States public land survey
41 system corners, or by two physically monumented
42 corners of a recorded subdivision.

43 8. The plat shall show the lengths and bearings of
44 the boundaries of the tracts surveyed. The course of
45 each boundary line shown on the plat may be indicated
46 by a direct bearing reference or by an angle between
47 the boundary line and an intersecting line having a
48 shown bearing, except when the boundary line has an
49 irregular or constantly changing course, as along a
50 body of water, or when a description of the boundary

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1 line is better achieved by measurements shown at
2 points or intervals along a meander line or an offset
3 line having a shown course. The bearing shall be
4 referenced to a United States public land survey
5 system land line, or recorded subdivision line. If
6 the boundary lines show bearings, lengths, or
7 locations which vary from those recorded in deeds,
8 abutting plats, or other instruments of record, the
9 following note shall be placed along the lines,
10 "recorded as (show recorded bearing, length, or
11 location)". Bearings and angles shown shall be given
12 to at least the nearest minute of arc.

13 9. The plat shall show and identify all monuments
14 necessary for the location of the tracts and shall
15 indicate whether the monuments were found or placed.

16 10. If United States public land survey system
17 corners control the land description, the corners
18 shall be clearly identified on the plat including a
19 description of the monumentation and shall indicate
20 whether the monuments were found or placed.

21 11. Control monuments shall be adequately
22 described and clearly identified on the plat and noted
23 as found or placed. If additional monuments are to be
24 placed subsequent to the recording of a subdivision as
25 provided in section 114A.6, the location of the
26 additional monuments shall be shown on the plat.

27 12. Survey data shall be shown to positively
28 describe the bounds of every lot, block, street,
29 easement, or other areas shown on the plat, and the
30 boundaries of the surveyed lands.

31 13. Distances shall be shown in feet to at least
32 the nearest one-tenth of a foot in accordance with the
33 definition of the international foot. Distance
34 measurements shall refer to the horizontal plane.

35 14. Curve data shall be stated in terms of radius,
36 central angle, and length of curve. Unless otherwise
37 specified by local ordinance, curve data for streets
38 of uniform width need only be shown with reference to
39 the center line and lots fronting on such curves need

40 only show the chord bearing and distance of the part
41 of the curve included in the lot boundary. Otherwise,
42 the curve data shall be shown for the line affected.

43 15. The unadjusted error of closure shall not be
44 greater than one in ten thousand for subdivision
45 boundaries and shall not be greater than one in five
46 thousand for an individual lot.

47 16. If part of the surveyed land is bounded by an
48 irregular line, that part shall be enclosed by a
49 meander line or an offset line showing complete data
50 with distances along all lines extending beyond the

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1 enclosure to the irregular boundary, and shown with as
2 much certainty as can be determined or as "more or
3 less", if variable. In all cases, the true boundary
4 shall be clearly indicated on the plat.

5 17. Interior excepted parcels, shall be clearly
6 indicated and labeled, "not a part of this survey (or
7 subdivision)".

8 18. Adjoining properties shall be identified, and
9 if the adjoining properties are a part of a recorded
10 subdivision, the name of that subdivision shall be
11 shown. If the survey is a subdivision of a portion of
12 a previously recorded subdivision plat, sufficient
13 ties shall be shown to controlling lines appearing on
14 such plat to permit a comparison to be made.

15 19. The purpose of any easement shown on the plat
16 shall be clearly stated.

17 20. The purpose of areas dedicated to the public
18 shall be clearly indicated on the plat.

19 21. The plat shall be accompanied by a description
20 of the land included in the subdivision and shall
21 contain a statement by the surveyor that the work was
22 done and the plat was prepared by the surveyor or
23 under the surveyor's direct personal supervision and
24 shall be signed and dated by the surveyor and bear the
25 surveyor's Iowa registration number and legible seal.

26 Sec. 9. NEW SECTION. 114A.9 DESCRIPTIONS.
27 A description defining land boundaries written for
28 conveyance or other purposes shall be complete,
29 providing definite and unequivocal identification of
30 the property lines or boundaries. The description
31 shall be sufficient to enable the description to be
32 platted and retraced. The description shall commence
33 at or relate to a physically monumented corner or
34 boundary line of record.

35 a. If the land is located in a recorded
36 subdivision, the description shall contain the number

37 or other description of the lot, block, or other part
38 of the subdivision, or shall describe the land by
39 reference to a known corner of the lot, block, or
40 other part.

41 b. If the land is not located in a recorded
42 subdivision, the description shall identify the
43 section, township, range, and county, and shall
44 describe the land by reference to government lot, by
45 quarter-quarter section, by quarter section, or by
46 metes and bounds commencing with a corner marked and
47 established in the United States public land survey
48 system.

49 Sec. 10. NEW SECTION. 114A.10 RECORD.

50 1. The surveyor shall record a plat and

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1 description with the county recorder no later than
2 thirty days after signature on the plat by the
3 surveyor if the survey was made for one of the
4 following purposes:

5 a. To correct boundaries and descriptions of land.

6 b. For the division of land.

7 2. The plat and description shall show distinctly
8 what piece of land was surveyed, the surveyor, and the
9 date of the survey.

10 3. The thirty-day requirement shall not apply to
11 subdivision plats.

12 Sec. 11. NEW SECTION. 114A.11 UNITED STATES
13 PUBLIC LAND SURVEY CORNER CERTIFICATE.

14 1. A United States public land survey corner
15 certificate shall be prepared as part of any land
16 surveying which includes the use of a United States
17 public land survey system corner, having the status of
18 a corner of a quarter-quarter section or larger
19 aliquot part of a section, if one or more of the
20 following conditions exist:

21 a. There is no certificate for the corner on file
22 with the recorder of the county in which the corner is
23 located.

24 b. The surveyor in responsible charge of the land
25 surveying accepts a corner position which differs from
26 that shown in the public records of the county in
27 which the corner is located.

28 c. The corner monument is replaced or modified in
29 any way.

30 d. The reference ties referred to in an existing
31 public record are not correct.

32 2. The surveyor shall record the required
33 certificate with the recorder and forward a copy to

34 the county engineer of the county in which the corner
 35 is located within thirty days after completion of the
 36 surveying. The certificate shall comply with the
 37 following requirements:

38 a. The size of the sheet or sheets making up the
 39 certificate shall not be less than eight and one-half
 40 inches by eleven inches.

41 b. The identity of the corner, with reference to
 42 the United States public land survey system, shall be
 43 clearly indicated.

44 c. The certificate shall contain a narrative
 45 explaining the reason for preparing the certificate,
 46 the evidence and detailed procedures used in
 47 establishing the corner position, and the
 48 monumentation found or placed perpetuating the corner
 49 position including reference monumentation.

50 d. The certificate shall contain a plan-view site

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1 drawing depicting the relevant monuments, physical
 2 surroundings, and reference ties in sufficient detail
 3 to enable recovery of the corner.

4 e. The certificate shall contain at least three
 5 reference ties, measured to the nearest one-hundredth
 6 of a foot from the corner to durable physical objects
 7 near the corner, which are located so that the
 8 intersection of any two of the ties will yield a
 9 strong corner position recovery.

10 f. The certificate shall contain a statement by
 11 the surveyor that the work was done and the
 12 certificate was prepared by the surveyor or under the
 13 surveyor's direct personal supervision and shall be
 14 signed and dated by the surveyor and bear the
 15 surveyor's Iowa registration number and seal.

16 **Sec. 12. NEW SECTION. 114A.12 INDEXING OF SURVEY**
 17 **DOCUMENTS BY RECORDER.**

18 The recorder shall index survey documents and
 19 United States public land corner certificates by
 20 township, range, and section number. If the survey is
 21 in a recorded subdivision, the recorder shall also
 22 index the document alphabetically by subdivision name.

23 **Sec. 13. NEW SECTION. 114A.13 SURVEYS AUTHORIZED**
 24 **BY THE UNITED STATES GOVERNMENT.**

25 1. A person employed in the execution of a survey
 26 authorized by the United States government may enter
 27 upon lands within this state for the purpose of
 28 exploring, triangulating, leveling, surveying, and
 29 doing any other work necessary to carry out the
 30 objects of laws relative to surveys, and may establish

31 permanent station marks, and erect the necessary
32 signals and temporary observatories, doing no
33 unnecessary injury thereby.

34 2. If the parties interested cannot agree upon the
35 amount to be paid for damages caused by entry upon
36 lands pursuant to subsection 1, either of them may
37 petition the district court in the county in which the
38 land is situated and the district court shall appoint
39 a time for a hearing. The district court shall order
40 at least twenty days' notice to be given to all
41 interested parties, and, with or without a view of the
42 premises as the court may determine, hear the parties
43 and their witnesses and assess damages.

44 3. The person entering upon land, pursuant to
45 subsection 1, may tender to the injured party damages
46 caused thereby, and if, in case of petition or
47 complaint to the district court, the damages finally
48 assessed do not exceed the amount tendered, the person
49 entering shall recover costs. Otherwise, the
50 prevailing party shall recover costs.

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1 4. The costs to be allowed in cases taken pursuant
2 to this section shall be the same as allowed according
3 to the rules of the court and provisions of law
4 relating to costs.

5 **Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --**
6 **DEFACEMENT.**

7 If a person willfully defaces, injures, or removes
8 a signal, monument, building, or other property of the
9 United States national geodetic survey, or the United
10 States geological survey, constructed or used under
11 the federal law, the person is subject to a civil
12 penalty not exceeding fifty dollars for each offense,
13 and is liable for damages sustained by the United
14 States in consequence of the defacing, injury, or
15 removal, to be recovered in a civil action in any
16 court of competent jurisdiction.

17 **Sec. 15. NEW SECTION. 409A.1 STATEMENT OF**
18 **PURPOSE.**

19 It is the purpose of this chapter to provide for a
20 balance between the review and regulation authority of
21 governmental agencies concerning the division and
22 subdivision of land and the rights of land owners. It
23 is therefore determined to be in the public interest:

24 1. To provide for accurate, clear, and concise
25 legal descriptions of real estate in order to prevent,
26 wherever possible, land boundary disputes or real
27 estate title problems.

28 2. To provide for a balance between the land use
29 rights of individual landowners and the economic,
30 social, and environmental concerns of the public when
31 a city or county is developing or enforcing land use
32 regulations.

33 3. To provide for statewide, uniform procedures
34 and standards for the platting of land while allowing
35 the widest possible latitude for cities and counties
36 to establish and enforce ordinances regulating the
37 division and use of land, within the scope of, but not
38 limited to, chapters 331, 358A, 364, 409A, and 414.

39 4. To encourage orderly community development and
40 provide for the regulation and control of the
41 extension of public improvements, public services, and
42 utilities, the improvement of land, and the design of
43 subdivisions, consistent with an approved
44 comprehensive plan or other specific community plans,
45 if any.

46 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

47 As used by this chapter, unless the context clearly
48 indicates otherwise:

49 1. "Acquisition plat" means the graphical
50 representation of the division of land or rights in

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1 land, created as the result of a conveyance or
2 condemnation for right-of-way purposes by an agency of
3 the government or other persons having the power of
4 eminent domain.

5 2. "Aliquot part" means a fractional part of a
6 section within the United States public land survey
7 system. Only the fractional parts one-half, one-
8 quarter, one-half of one-quarter, or one-quarter of
9 one-quarter shall be considered an aliquot part of a
10 section.

11 3. "Auditor's plat" means a subdivision plat
12 required by either the auditor or the assessor,
13 prepared by a surveyor under the direction of the
14 auditor.

15 4. "Conveyance" means an instrument filed with a
16 recorder as evidence of the transfer of title to land,
17 including any form of deed or contract.

18 5. "Division" means dividing a tract or parcel of
19 land into two parcels of land by conveyance or for tax
20 purposes. The conveyance of an easement, other than a
21 public highway easement, shall not be considered a
22 division for the purpose of this chapter.

23 6. "Forty-acre aliquot part" means one-quarter of
24 one-quarter of a section.

- 25 7. "Governing body" means a city council or the
26 board of supervisors, within whose jurisdiction the
27 land is located, which has adopted ordinances
28 regulating the division of land.
- 29 8. "Government lot" means a tract, within a
30 section, which is normally described by a lot number
31 as represented and identified on the township plat of
32 the United States public land survey system.
- 33 9. "Lot" means a tract of land represented and
34 identified by number or letter designation on an
35 official plat.
- 36 10. "Metes and bounds description" means a
37 description of land that uses distances and angles,
38 uses distances and bearings, or describes the
39 boundaries of the parcel by reference to physical
40 features of the land.
- 41 11. "Official plat" means either an auditor's plat
42 or a subdivision plat that meets the requirements of
43 this chapter and has been filed for record in the
44 offices of the recorder, auditor, and assessor.
- 45 12. "Parcel" means a part of a tract of land.
- 46 13. "Permanent real estate index number" means a
47 unique number or combination of numbers assigned to a
48 parcel of land pursuant to section 441.29.
- 49 14. "Plat of survey" means the graphical
50 representation of a survey of one or more parcels of

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- 1 land, including a complete and accurate description of
2 each parcel within the plat, prepared by a registered
3 land surveyor.
- 4 15. "Proprietor" means a person who has a recorded
5 interest in land, including a person selling or buying
6 land pursuant to a contract, but excluding persons
7 holding a mortgage, easement, or lien interest.
- 8 16. "Subdivision" means a tract of land divided
9 into three or more lots.
- 10 17. "Subdivision plat" means the graphical
11 representation of the subdivision of land, prepared by
12 a registered land surveyor, having a number or letter
13 designation for each lot within the plat and a
14 succinct name or title that is unique for the county
15 where the land is located.
- 16 18. "Surveyor" means a registered land surveyor
17 who engages in the practice of land surveying pursuant
18 to chapter 114.
- 19 19. "Tract" means an aliquot part of a section, a
20 lot within an official plat, or a government lot.
- 21 Sec. 17. NEW SECTION. 409A.3 COVENANT OF

22 WARRANTY.

23 The duty to file for record a plat as provided in
 24 sections 409A.4 and 409A.6 attaches as a covenant of
 25 warranty in all conveyances by a grantor who divides
 26 land against all assessments, costs, and damages paid,
 27 lost, or incurred by a grantee or person claiming
 28 under a grantee, in consequence of the omission on the
 29 part of the grantor to file the plat. A conveyance of
 30 land is deemed to be a warranty that the description
 31 contained in the conveyance is sufficiently certain
 32 and accurate for the purposes of assessment, taxation,
 33 and entry on the transfer books and plat books
 34 required to be kept by the auditor. The description
 35 contained in a conveyance shall be sufficiently
 36 certain and accurate for assessment and taxation
 37 purposes if it provides sufficient information to
 38 allow all the boundaries to be accurately determined
 39 and does not overlap with or create a gap between
 40 adjoining land descriptions.

41 A recorded conveyance in violation of this chapter
 42 may be entered on the transfer books of the auditor's
 43 office. The auditor shall notify the grantor and the
 44 grantee that the conveyance is in violation of this
 45 chapter and demand compliance as provided for in
 46 section 409A.13.

47 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING
 48 A PLAT OF SURVEY OR ACQUISITION PLAT.

49 1. The grantor of land which has been divided
 50 using a metes and bounds description shall have a plat

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1 of survey made of the division, except as provided for
 2 in subsection 3. The grantor or the surveyor shall
 3 contact the county auditor who, for the purpose of
 4 assessment and taxation, shall review the division to
 5 determine whether the survey shall include only the
 6 parcel being conveyed or both the parcel being
 7 conveyed and the remaining parcel. The plat of survey
 8 shall be prepared in compliance with chapter 114A and
 9 shall be recorded. The plat shall be clearly marked
 10 by the surveyor as a plat of survey and shall include
 11 the following information for each parcel included in
 12 the survey:

- 13 a. A parcel letter designation approved by the
- 14 auditor.
- 15 b. The names of the proprietors.
- 16 c. An accurate description of each parcel.
- 17 d. The total acreage of each parcel.
- 18 e. The acreage of any portion lying within a

19 public right-of-way.

20 2. The auditor may note a permanent real estate
21 index number upon each parcel shown on a plat of
22 survey according to section 441.29 for real estate tax
23 administration purposes. The surveyor shall not
24 assign parcel letters or prepare a metes and bounds
25 description for any parcel shown on a plat or survey
26 unless the parcel was surveyed by the surveyor in
27 compliance with chapter 114A. Parcels within a plat
28 of survey prepared pursuant to this section are
29 subject to the regulations and ordinances of the
30 governing body.

31 3. When land or rights in land are divided for
32 right-of-way purposes by an agency of the government
33 or other persons having the power of eminent domain
34 and the description of the land or rights acquired is
35 a metes and bounds description then an acquisition
36 plat shall be made and attached to the description
37 when the acquisition instrument is recorded.

38 Acquisition plats shall be clearly marked as an
39 acquisition plat and shall conform to the following:

40 a. Acquisition plats shall not be required to
41 conform to the provisions of chapter 114A.

42 b. The information shown on the plat shall be
43 developed from instruments of record together with
44 information developed by field measurements. The
45 unadjusted error of field measurements shall not be
46 greater than one in five thousand.

47 c. The plat shall be signed and dated by a
48 surveyor, bear the surveyor's Iowa registration number
49 and legible seal, and shall show a north arrow and bar
50 scale.

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1 d. The original drawing shall remain the property
2 of the surveyor or the surveyor's agency and shall not
3 be less than eight and one-half by eleven inches in
4 size.

5 e. If the right-of-way on an acquisition plat is a
6 portion of lots within an official plat, reference
7 shall be made to both the lots and plat name. If the
8 right-of-way acquisition plat is not within an
9 official plat, reference shall be made to the
10 government lot or quarter-quarter section and to the
11 section, township, range, and county.

12 f. The plat shall indicate whether the monuments
13 shown are existing monuments or monuments to be
14 established. Monuments shall be established as
15 necessary to construct or maintain the right-of-way

16 project.

17 g. The acquisition plat shall identify the project
18 for which the right-of-way was acquired and a parcel
19 designation shall be assigned to each right-of-way
20 parcel.

21 4. The acreage shown for each parcel included in a
22 plat of survey or acquisition plat shall be to the
23 nearest one-hundredth acre. If a parcel described as
24 part of the United States public land survey system
25 and not entirely within an official plat, lies within
26 more than one forty-acre aliquot part of a section,
27 the acreage shall be shown only for assessment and
28 taxation purposes for each portion of the parcel that
29 lies within each forty-acre aliquot part. The
30 surveyor shall not be required to establish the
31 location of the forty-acre aliquot line by survey but
32 is required to use reasonable assumptions in
33 determining its approximate location for assessment
34 and taxation purposes.

35 5. Governmental agencies shall not be required to
36 survey a remaining parcel when land is divided for
37 right-of-way purposes and shall not be required to
38 contact the auditor for approval of parcel
39 designations shown on an acquisition plat.

40 Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND
41 CONVEYANCE ACCORDING TO PLAT OF SURVEY OR ACQUISITION
42 PLAT.

43 1. A conveyance of a parcel shown on a recorded
44 plat of survey shall describe the parcel by using the
45 description provided on the plat of survey or by
46 reference to the plat of survey, which reference shall
47 include all of the following:

- 48 a. The parcel letter or designation.
- 49 b. The book and page number of the recorded plat
50 of survey.

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1 c. The lot number or letter and name of the
2 official plat, if the parcel lies within an official
3 plat.

4 d. The section, township, and range number and
5 reference to the aliquot part of the section, if the
6 parcel lies outside of an official plat.

7 2. A conveyance of a parcel shown on a recorded
8 acquisition plat shall describe the parcel by using
9 the description provided on the acquisition instrument
10 or by reference to the acquisition plat, which
11 reference shall include all of the following:

- 12 a. The parcel designation and reference to the

13 project for which the right-of-way was acquired.
14 b. The book and page number of the recorded
15 acquisition plat.
16 c. The lot number or letter and name of the
17 official plat, if the parcel lies within an official
18 plat.
19 d. The section, township, and range number and
20 reference to the aliquot part of the section, if the
21 parcel lies outside of an official plat.
22 3. A description by reference to the recorded plat
23 of survey, in compliance with subsection 1, is valid.
24 4. A description by reference to the recorded
25 acquisition plat, in compliance with subsection 2, is
26 valid.
27 5. A description by reference to a permanent real
28 estate index number is valid for the purpose of
29 assessment and taxation when a county has established
30 a permanent real estate index number system pursuant
31 to section 441.29.
32 Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.
33 1. A subdivision plat shall be made when required
34 by ordinance of the governing body or when a tract of
35 land is subdivided by repeated divisions or
36 simultaneous division into three or more parcels, any
37 of which are described by metes and bounds description
38 for which no plat of survey is recorded. A
39 subdivision plat is not required when land is divided
40 by conveyance to a governmental agency for public
41 improvements.
42 2. A subdivision plat shall have a succinct name
43 or title that is unique, as approved by the auditor,
44 for the county in which the plat lies. The plat shall
45 include an accurate description of the land included
46 in the subdivision and shall give reference to two
47 section corners within the United States public land
48 survey system in which the plat lies or, if the plat
49 is a subdivision of any portion of an official plat,
50 two established monuments within the official plat.

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1 Each lot within the plat shall be assigned a
2 progressive number. Streets, alleys, parks, open
3 areas, school property, other areas of public use, or
4 areas within the plat that are set aside for future
5 development shall be assigned a progressive letter and
6 shall have the proposed use clearly designated. A
7 strip of land shall not be reserved by the subdivider
8 unless the land is of sufficient size and shape to be
9 of practical use or service as determined by the

10 governing body. Progressive block numbers or letters
11 may be assigned to groups of lots separated from other
12 lots by streets or other physical features of the
13 land. The surveyor shall not assign lot numbers or
14 letters to a lot shown within a subdivision plat
15 unless the lot has been surveyed by the surveyor in
16 compliance with chapter 114A. The auditor may note a
17 permanent real estate index number upon each lot
18 within a subdivision plat. Sufficient information,
19 including dimensions and angles or bearings, shall be
20 shown on the plat to accurately establish the
21 boundaries of each lot, street, and easement.
22 Easements necessary for the orderly development of the
23 land within the plat shall be shown and the purpose of
24 the easement shall be clearly stated.

25 3. If a subdivision plat, described as part of the
26 United States public land survey system and not
27 entirely within an official plat, lies within more
28 than one forty-acre aliquot part of a section, the
29 acreage shall be shown only for assessment and
30 taxation purposes for the portion of the subdivision
31 that lies within each forty-acre aliquot part of the
32 section. The area of the irregular lots within the
33 plat shall be shown and may be expressed in either
34 acres, to the nearest one-hundredth acre, or square
35 feet, to the nearest ten square feet. The surveyor
36 shall not be required to establish the location of a
37 forty-acre aliquot line by survey but is required to
38 use reasonable assumptions in determining its
39 approximate location for assessment and taxation
40 purposes.

41 Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY
42 REFERENCE TO OFFICIAL PLAT.

43 A description of land by reference to lot number or
44 letter designation and block, if block designations
45 are shown on the plat, and the title or name of the
46 official plat, is valid.

47 Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL
48 BY GOVERNING BODIES.

49 A proposed subdivision plat lying within the
50 jurisdiction of a governing body shall be submitted to

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1 that governing body for review and approval prior to
2 recording. A city may establish jurisdiction to
3 review subdivisions outside its boundaries pursuant to
4 the provisions of section 409A.9. Governing bodies
5 shall review the plat within the time and using the
6 standards and conditions established by ordinance for

7 the review and approval of subdivisions. Governing
8 bodies shall apply reasonable standards and conditions
9 for the review and approval of subdivisions. The
10 governing body shall determine whether the subdivision
11 conforms to its comprehensive plan and shall give
12 consideration to the possible burden on public
13 improvements and to a balance of interests between the
14 proprietor, future purchasers, and the public interest
15 in the subdivision when reviewing the proposed
16 subdivision and when requiring the installation of
17 public improvements in conjunction with approval of a
18 subdivision.

19 If the subdivision plat conforms to the standards
20 and conditions established by the governing body, and
21 conforms to this chapter and chapter 114A, the
22 governing body, by resolution, shall approve the plat
23 and certify the resolution which shall be recorded
24 with the plat. The recorder shall refuse to accept a
25 subdivision plat presented for recording without a
26 resolution from each applicable governing body
27 approving the subdivision plat or waiving the right to
28 review.

29 **Sec. 23. NEW SECTION. 409A.9 REVIEW OF**
30 **SUBDIVISION PLATS WITHIN TWO MILES OF A CITY.**

31 1. If a city, which has adopted ordinances
32 regulating the division of land, desires to review
33 subdivisions outside the city's boundaries, then the
34 city shall establish by ordinance specifically
35 referring to the authority of this section, the area
36 subject to the city's review and approval. The area
37 of review may be identified by individual tracts, by
38 describing the boundaries of the area, or by including
39 all land within a certain distance of the city's
40 boundaries, which shall not extend more than two miles
41 distance from the city's boundaries. The ordinance
42 establishing the area of review or modifying the area
43 of review by a city, shall be recorded in the office
44 of the recorder and filed with the county auditor.

45 2. If a subdivision lies in a county, which has
46 adopted ordinances regulating the division of land,
47 and also lies within the area of review established by
48 a city pursuant to this section, then the subdivision
49 shall be submitted to both the city and county for
50 approval. The standards and conditions applied by a

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1 city for review and approval of the subdivision shall
2 be the same standards and conditions used for review
3 and approval of subdivisions within the city limits or

4 shall be the standards and conditions for review and
5 approval established by agreement of the city and
6 county pursuant to chapter 28E. Either the city or
7 county may, by resolution, waive its right to review
8 the subdivision or waive the requirements of any of
9 its standards or conditions for approval of
10 subdivisions, and certify the resolution which shall
11 be recorded with the plat.

12 3. If cities establish overlapping areas of review
13 outside their boundaries, then the cities shall
14 establish by agreement pursuant to chapter 28E
15 reasonable standards and conditions for review of
16 subdivisions within the overlapping area. If no
17 agreement is recorded pursuant to chapter 28E then the
18 city which is closest to the boundary of the
19 subdivision shall have authority to review of the
20 subdivision.

21 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW
22 OR DISAPPROVAL.

23 When application is made to a governing body for
24 approval of a subdivision plat, the applicant or a
25 second governing body, which also has jurisdiction for
26 review, may be aggrieved by any of the following:

27 1. The requirements imposed by a governing body as
28 a condition of approval.

29 2. The governing body exceeding the time for
30 review established by ordinance.

31 3. The denial of the application.

32 The applicant or the aggrieved governing body shall
33 file written notice of intent to appeal with the
34 opposing governing body not later than thirty days
35 after the date of the denial of the application or the
36 date of the receipt by the applicant of the aggrieved
37 requirements for approval of the subdivision. The
38 applicant or the aggrieved governing body may appeal
39 to the district court twenty days after the date of
40 the notice of intent to appeal. The appeal shall be
41 tried de novo as an equitable proceeding and accorded
42 a preference in assignment so as to assure its prompt
43 disposition.

44 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO
45 SUBDIVISION PLATS.

46 A subdivision plat, other than an auditor's plat,
47 that is presented to the recorder for recording shall
48 conform to section 409A.6 and shall not be accepted
49 for recording unless accompanied by the following
50 documents:

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1 1. A statement by the proprietors and their
2 spouses, if any, that the plat is prepared with their
3 free consent and in accordance with their desire,
4 signed and acknowledged before an officer authorized
5 to take the acknowledgment of deeds. The statement by
6 the proprietors may also include a dedication to the
7 public of all lands within the plat that are
8 designated for streets, alleys, parks, open areas,
9 school property, or other public use, if the
10 dedication is approved by the governing body.

11 2. A statement from the mortgage holders or
12 lienholders, if any, that the plat is prepared with
13 their free consent and in accordance with their
14 desire, signed and acknowledged before an officer
15 authorized to take the acknowledgment of deeds. An
16 affidavit and bond as provided for in section 409A.12,
17 may be recorded in lieu of the consent of the mortgage
18 or lienholder. When a mortgage or lienholder consents
19 to the subdivision, a release of mortgage or lien
20 shall be recorded for any areas conveyed to the
21 governing body or dedicated to the public.

22 3. An opinion by an attorney-at-law who has
23 examined the abstract of title of the land being
24 platted. The opinion shall state the names of the
25 proprietors and holders of mortgages, liens, or other
26 encumbrances on the land being platted and shall note
27 the encumbrances, along with any bonds securing the
28 encumbrances. Utility easements shall not be
29 construed to be encumbrances for the purpose of this
30 section.

31 4. A certified resolution by each governing body
32 as required by section 409A.8 either approving the
33 subdivision or waiving the right to review.

34 5. A certificate of the treasurer that the land is
35 free from certified taxes and certified special
36 assessments or that the land is free from certified
37 taxes and that the certified special assessments are
38 secured by bond in compliance with section 409A.12.

39 A subdivision plat which includes no land set apart
40 for streets, alleys, parks, open areas, school
41 property, or public use other than utility easements,
42 shall be accompanied by the documents listed in
43 subsections 1, 2, 3, and 4 and a certificate of the
44 treasurer that the land is free from certified taxes
45 other than certified special assessments.

46 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE
47 LIENS.

48 A bond in double the amount of the lien shall be

49 secured and recorded if a lien exists on the land
50 included in a subdivision plat and the required

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1 consent of the lienholder is not attached for one of
2 the following reasons:
3 1. The lienholder cannot be found, in which case
4 an affidavit by the proprietor stating that the lien
5 holder could not be found shall be recorded with the
6 bond.

7 2. The lienholder will not accept payment or
8 cannot, because of the nature of the lien, accept
9 payment in full of the lien, in which case an
10 affidavit by the lienholder stating that payment of
11 the lien was offered but refused shall be recorded
12 with the bond.

13 The bond shall run to the county and be for the
14 benefit of purchasers of lots within the plat and
15 shall be conditioned for the payment and cancellation
16 of the debt as soon as practicable and to hold
17 harmless purchasers or their assigns and the governing
18 body from the lien.

19 **Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS**
20 **AND PLATS OF SURVEY.**

21 If a tract is divided or subdivided in violation of
22 section 409A.4 or 409A.6 or the descriptions of one or
23 more parcels within a tract are not sufficiently
24 certain and accurate for the purpose of assessment and
25 taxation under the guidelines of section 409A.3, the
26 auditor shall notify the proprietors of the parcels
27 within the tract for which no plat has been recorded
28 as required by this chapter, and demand that a plat of
29 survey or a subdivision plat be recorded as required
30 by this chapter. Notice shall be served by mail and a
31 certified copy of the notice shall be recorded. The
32 auditor shall mail a copy of the notice to the
33 applicable governing bodies. If the proprietors fail,
34 within thirty days of the notice, to comply with the
35 notice or file with the auditor a statement of intent
36 to comply, the auditor shall contract with a surveyor
37 to have a survey made of the property and have a plat
38 of survey or an auditor's plat recorded as necessary
39 to comply with this chapter. Upon receipt of a
40 statement of intent to comply, the auditor may extend
41 the time period for compliance.

42 **Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.**

43 A proprietor aggrieved by a notice to plat by the
44 auditor may appeal to the district court within twenty
45 days after service of notice. Upon appeal, the

46 auditor shall take no further action pending a
47 decision of the district court. The appeal shall be
48 tried de novo as an equitable proceeding.
49 Sec. 29. NEW SECTION. 409A.15 REVIEW OF
50 AUDITOR'S PLATS.

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1 A proposed auditor's plat shall be filed with the
2 applicable governing body which shall review the plat
3 within the time specified by ordinance, and if it
4 conforms to chapter 114A, the governing body shall by
5 resolution approve the plat and certify the resolution
6 to be recorded with the plat. The governing body may
7 state in the resolution whether the lots within the
8 auditor's plat meet the standards and conditions
9 established by ordinance for subdivision lots. The
10 lots within a recorded auditor's plat and parcels
11 within a recorded plat of survey prepared under
12 section 409A.13 are individually subject to local
13 regulations and ordinances. Approval of an auditor's
14 plat shall not impose any liability on a governing
15 body to install or maintain public improvements or
16 utilities within the plat. Approval of an auditor's
17 plat by a governing body shall not constitute a waiver
18 of ordinances requiring a subdivision plat.

19 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO
20 AUDITOR'S PLATS AND PLATS OF SURVEY.

21 1. A plat of survey prepared pursuant to section
22 409A.13 shall be accompanied by a certificate of the
23 auditor that the plat of survey was prepared at the
24 direction of the auditor because the proprietors
25 failed to file a plat.

26 2. An auditor's plat shall conform to section
27 409A.6, but is exempt from section 409A.11. An
28 auditor's plat presented to the recorder for recording
29 shall be accompanied by the following documents:

30 a. A certificate of the auditor that the auditor's
31 plat was prepared at the direction of the auditor
32 because the proprietors failed to file a plat, that
33 the plat was prepared for assessment and taxation
34 purposes, and that the recording of the plat does not
35 constitute a dedication or impose any liability upon
36 the state or governmental agency.

37 b. A certified resolution by the governing body,
38 approving the plat or waiving the right to review.

39 c. A list for each lot within the plat of the
40 proprietor's names, the area, expressed in acreage or
41 square feet, the book and page number of the recorded
42 conveyance to the proprietors and the permanent real

43 estate index number, where established.
44 d. A certificate of the auditor that no search was
45 made at the time of the recording of the plat to
46 determine the existence of any liens, mortgages,
47 delinquent taxes, or special assessments, that no
48 search was made, other than the records of the
49 auditor's office, to establish title to the property
50 within the plat, and that the lots within the plat are

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1 subject individually to the regulations and ordinances
2 of the applicable governing body.

3 Sec. 31. NEW SECTION. 409A.17 COSTS AND
4 COLLECTION OF COSTS.

5 The surveyor shall present to the auditor a
6 statement of the total cost of the surveying,
7 platting, and recording of a plat prepared pursuant to
8 section 409A.13. The surveyor shall also present a
9 statement of the part of the total cost to be assessed
10 to each parcel included in the plat based on the time
11 involved in establishing the boundaries of each
12 parcel. The auditor shall certify to the treasurer an
13 assessment for the platting costs against the lots
14 within the plat which shall be collected in the same
15 manner as general taxes, except that the board of
16 supervisors, by resolution, may establish not more
17 than ten equal annual installments and provide for
18 interest on unpaid installments at a rate not to
19 exceed that permitted by chapter 74A.

20 Sec. 32. NEW SECTION. 409A.18 RECORDING OF
21 PLATS.

22 A plat of survey prepared pursuant to this chapter
23 and a subdivision plat, with attachments, shall be
24 recorded in the office of the county recorder, and an
25 exact copy of the plat shall be filed in the offices
26 of the county auditor and assessor. A replat of any
27 part of an official plat pursuant to section 409A.25,
28 or a recorded subdivision plat of any part of an
29 existing official plat shall supersede that part of
30 the original official plat, including unused public
31 utility easements.

32 The recorder shall examine each plat of survey and
33 subdivision plat to determine whether the plat is
34 clearly legible and whether the approval by the
35 applicable governing body and the other attachments
36 required by this chapter are presented with the plat.
37 The recorder shall also keep a reproducible copy of
38 the plat from which legible copies can be made. The
39 recorder may specify the material and the size of the

40 plat, not less than eight and one-half inches by
41 eleven inches, that will be accepted for recording in
42 order to comply with this section. The recorder shall
43 not record a subdivision plat that violates this
44 chapter.

45 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF
46 LAND.

47 An official plat which conforms to this chapter and
48 has attached to the plat a dedication by the
49 proprietors to the public and approval of the
50 dedication by the governing body is equivalent to a

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1 deed in fee simple from the proprietors to the public
2 of any land within the plat that is dedicated for
3 street, alley, walkway, park, open area, school
4 property, or other public use. An approved dedication
5 of land for street purposes by the proprietors
6 establishes an easement for public access, whether or
7 not a deed has been recorded or the improvement of the
8 street is complete, except when the resolution
9 approving the plat specifically sets aside portions of
10 the dedicated land as not being open for public access
11 at the time of recording for public safety reasons.

12 The recording of a subdivision plat shall dedicate to
13 the public any utility, sewer, drainage, access,
14 walkway, or other public easement shown on the plat.

15 The recording of an auditor's plat shall not serve
16 to dedicate streets, alleys, parks, open areas, school
17 property, public improvements, or utilities. The
18 failure to show the existence of an easement or any
19 public interest on the auditor's plat shall not remove
20 or otherwise affect the interest.

21 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL
22 PLATS.

23 If a plat is filed and recorded in violation of
24 this chapter, a governing body or a proprietor
25 aggrieved by the violation, after filing written
26 notice with the proprietors who joined in the
27 acknowledgement of the plat or their successors in
28 interest, may institute a suit in equity in the
29 district court. The court may order the plat annulled
30 except as provided in section 409A.21.

31 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF
32 ACTIONS ON OFFICIAL PLATS.

33 An action shall not be maintained, at law or in
34 equity, in any court, against a proprietor, based upon
35 an omission of data shown on an official plat or upon
36 an omission, error, or inconsistency in any of the

37 documents required by this chapter unless the action
38 is commenced within ten years after the date of
39 recording of the official plat. Limitation of actions
40 based on claims other than those provided for in this
41 section shall be consistent with chapter 614.

42 Sec. 36. NEW SECTION. 409A.22 VACATION OF
43 OFFICIAL PLATS.

44 The proprietors of lots within an official plat who
45 wish to vacate any portion of the official plat shall
46 file a petition for vacation with the governing body
47 which would have jurisdiction to approve the plat at
48 the time the petition is filed. After the petition
49 has been filed, the governing body shall fix the time
50 and place for public hearing on the petition. Written

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1 notice of the proposed vacation shall be served in the
2 manner of original notices as provided in Iowa rules
3 of civil procedure and be served upon proprietors and
4 mortgagees within the official plat that are within
5 three hundred feet of the area to be vacated. If a
6 portion of the official plat adjoins a river or state-
7 owned lake, the Iowa department of natural resources
8 shall be served written notice of the proposed
9 vacation. Notice of the proposed vacation shall be
10 published twice, with ten days between publications
11 stating the date, time, and place of the hearing.

12 The official plat or portion of the official plat
13 shall be vacated upon recording of all of the
14 following documents:

15 1. An instrument signed, executed, and
16 acknowledged by all the proprietors and mortgagees
17 within the area of the official plat to be vacated,
18 declaring the plat to be vacated. The instrument
19 shall state the existing lot description for each
20 proprietor along with an accurate description to be
21 used to describe the land after the lots are vacated.

22 2. A resolution by the governing body approving
23 the vacation and providing for the conveyance of those
24 areas included in the vacation which were previously
25 set aside or dedicated for public use.

26 3. A certificate of the auditor that the vacated
27 part of the plat can be adequately described for
28 assessment and taxation purposes without reference to
29 the vacated lots.

30 No part of this section authorizes the closing or
31 obstructing of public highways.

32 The vacation of a portion of an official plat shall
33 not remove or otherwise affect a recorded restrictive

34 covenant, protective covenant, building restriction,
35 or use restriction. Recorded restrictions on the use
36 of property within an official plat shall be modified
37 or revoked by recording a consent to the modification
38 or removal, signed and acknowledged by the proprietors
39 and mortgagees within the official plat.

40 Sec. 37. NEW SECTION. 409A.23 VACATION OF
41 STREETS OR OTHER PUBLIC LANDS.

42 A city or a county may vacate part of an official
43 plat that had been conveyed to the city or county or
44 dedicated to the public which is deemed by the
45 governing body to be of no benefit to the public.
46 The city or county shall vacate by resolution
47 following a public hearing or by ordinance and the
48 vacating instrument shall be recorded. The city or
49 county may convey the vacated property by deed or may
50 convey the property to adjoining proprietors through

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1 the vacation instrument. If the vacating instrument
2 is used to convey property then the instrument shall
3 include a list of adjoining proprietors to whom the
4 vacated property is being conveyed along with the
5 corresponding description of each parcel being
6 conveyed. A recorded vacation instrument which
7 conforms to this section is equivalent to a deed of
8 conveyance and the instrument shall be filed and
9 indexed as a conveyance by the recorder and auditor.

10 A vacation instrument recorded pursuant to this
11 section shall not operate to annul any part of an
12 official plat except as provided for in section
13 409A.22.

14 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED
15 PLATS.

16 If an error or omission in the data shown on a
17 recorded plat is detected by subsequent examinations
18 or revealed by retracing the lines shown on the plat,
19 the original surveyor or two surveyors confirming the
20 error through independent surveys shall record an
21 affidavit confirming that the error or omission was
22 made. The affidavit shall describe the nature and
23 extent of the error or omission and also describe the
24 corrections or additions to be made to the plat and
25 note the book and page number of the recorded plat.
26 The recorder shall write across that part of the plat
27 so corrected the word "corrected", and note the book
28 and page number of the recorded affidavit. A copy of
29 the recorded affidavit shall be filed with the auditor
30 and assessor. The affidavit shall raise a presumption

31 from the date of recording that the purported facts
32 stated in the affidavit are true, and after the lapse
33 of three years from the date of recording the
34 presumption shall be conclusive.

35 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT
36 OF OFFICIAL PLATS.

37 A survey of an official plat shall conform as
38 nearly as possible to the original lot lines shown on
39 the official plat. The surveyor may summon witnesses,
40 administer oaths, and prepare affidavits and boundary
41 line agreements as necessary in order to establish the
42 location of property lines or lot lines. If a
43 substantial error is discovered in an official plat or
44 if it is found to be materially defective, a
45 proprietor may petition the governing body which would
46 have jurisdiction to approve the plat at the time the
47 petition is filed for a replat of any part of the
48 official plat. Notice of the proposed replat shall be
49 served, in the manner of original notice as provided
50 in Iowa rules of civil procedure, to the proprietors

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1 of record and holders of easements specifically
2 recorded within the area to be replatted. The court
3 has jurisdiction of the matter upon proof of
4 publication of notice of the petition once each week
5 for two weeks in a newspaper of general circulation
6 within the area of the replat.

7 A replat of an official plat ordered by the
8 district court:

9 1. Shall be prepared by a surveyor pursuant to
10 chapter 114A and recorded; and

11 2. Shall be exempt from the provisions of section
12 409A.11; and

13 3. Shall have attached to the plat a statement by
14 the surveyor that the replat is prepared at the
15 direction of the district court. The costs of the
16 replat shall be presented to the auditor and assessed
17 against the property included in the replat as
18 provided for in section 409A.17.

19 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR
20 CHANGES TO PLATS.

21 A vacation, correction, or replatting as provided
22 for in this chapter, shall be recorded and an exact
23 copy shall be filed with the auditor and assessor. If
24 a governing body changes the addresses or street names
25 shown on an official plat, notice of the change shall
26 note the name or other designation of each official
27 plat affected and shall be filed with the recorder,

28 auditor, and assessor. The recorder shall note the
 29 vacation, correction, or replatting on the margin of
 30 the official plat or upon an attachment to the
 31 official plat for that purpose. The auditor shall
 32 make the proper changes on the plats required to be
 33 kept by the auditor.

34 Sec. 41. Section 117A.1, subsection 1, Code 1989,
 35 is amended to read as follows:

36 1. "Subdivided land" means improved or unimproved
 37 land divided or proposed to be divided for the purpose
 38 of sale or lease into five or more lots or parcels, or
 39 additions ~~thereto~~, or parts ~~thereof~~ of ~~lots or~~
 40 ~~parcels~~; however, subdivided land does not apply to
 41 ~~include~~ a subdivision subject to section 306.21 or
 42 chapter ~~409~~ 409A nor to the leasing of apartments,
 43 offices, stores, or similar space within an apartment
 44 building, industrial building, or commercial building
 45 unless an undivided interest in the land is granted as
 46 a condition precedent to occupying space in the
 47 structure. Subdivided land does not include
 48 subdivisions of land located within the state of Iowa
 49 or time-share intervals as defined in section 557A.2.

50 Sec. 42. Section 306.21, Code 1989, is amended to

Page 27

1 read as follows:

2 306.21 PLANS, PLATS AND FIELD NOTES FILED.

3 All road plans, plats and field notes and true and
 4 accurate diagrams of water, sewage and electric power
 5 lines for rural subdivisions shall be filed with and
 6 ~~recorded by the county auditor and~~ approved by the
 7 board of supervisors and the county engineer before
 8 the subdivision is laid out ~~and platted, and if any~~
 9 ~~proposed rural subdivision is within one mile of the~~
 10 ~~corporate limits of any city such road plans shall~~
 11 ~~also be approved by the city engineer or council of~~
 12 ~~the adjoining municipality or recorded.~~ Such plans
 13 shall be clearly designated as "completed", "partially
 14 completed" or "proposed" with a statement of the
 15 portion completed and the expected date of full
 16 completion. ~~In the event~~ If such road plans are not
 17 approved as ~~herein~~ provided in this section such roads
 18 shall not become the part of any road system as
 19 defined in this chapter.

20 Sec. 43. Section 306.42, subsection 5, Code 1989,
 21 is amended to read as follows:

22 5. Notwithstanding ~~requirements~~ of chapter 114 and
 23 sections 306.22, 364.7, ~~409.12~~ 409A.13, ~~409.14~~ 409A.15
 24 and 471.20, legal descriptions, plats, maps, or

25 engineering drawings used to describe transfers of
 26 right of way shall, where available, be descriptions,
 27 plats, maps, or engineering drawings of record and
 28 shall be incorporated by reference to ~~such the~~ title
 29 instrument or proceedings. ~~Where If~~ a part but not
 30 all of the land acquired by a single conveyance or
 31 condemnation is being transferred, the description of
 32 that part to be transferred shall be abstracted from
 33 the present legal description, plat, map, or
 34 engineering drawing of record.

35 Sec. 44. Section 331.321, subsection 2, Code 1989,
 36 is amended to read as follows:

37 2. If the board proposes to appoint a county
 38 surveyor, it shall appoint a person qualified in
 39 accordance with ~~section 355-1~~ chapter 114 and provide
 40 the surveyor with a suitable book in which to record
 41 field notes and plats.

42 Sec. 45. Section 331.401, subsection 1, paragraph
 43 j, Code 1989, is amended to read as follows:

44 j. Serve on the conference board as provided in
 45 section 441.2 and ~~carry out duties relating to~~
 46 ~~platting for assessment and taxation as provided in~~
 47 ~~sections 441.67 and 441.70.~~

48 Sec. 46. Section 331.427, subsection 1, unnumbered
 49 paragraph 1, Code 1989, is amended to read as follows:

50 Except as otherwise provided by state law, county

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1 revenues from taxes and other sources for general
 2 county services shall be credited to the general fund
 3 of the county, including revenues received under
 4 sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12,
 5 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152,
 6 321.192, 321G.7, 331.554, subsection 6, 341A.20,
 7 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8,
 8 430A.3, 433.15, 434.19, ~~441.68~~, 445.52, 445.57,
 9 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and
 10 the following:

11 Sec. 47. Section 331.511, subsections 1 through 5,
 12 Code 1989, are amended to read as follows:

13 1. Record each plat as provided in ~~sections 409-12~~
 14 ~~to 409-16~~ section 409A.18.

15 2. Record changes in names of platted streets as
 16 provided in section ~~409-17~~ 409A.26.

17 3. Record notations of errors or omissions on
 18 recorded plats as provided in section ~~409-32~~ 409A.24.

19 4. Record resurveyed plats as provided in section
 20 ~~409-43~~ 409A.25.

21 5. Provide for the platting of real estate which

22 cannot otherwise be accurately assessed for taxation
23 as provided in sections 441.65 to 441.71 section
24 409A.13.

25 Sec. 48. Section 331.602, subsection 19, Code
26 1989, is amended to read as follows:

27 19. Carry out duties relating to the platting of
28 land as provided in chapter 409 409A and sections
29 441.65 to 441.71.

30 Sec. 49. NEW SECTION. 441.72 ASSESSMENT OF
31 PLATTED LOTS.

32 When a subdivision plat is recorded pursuant to
33 chapter 409A, the individual lots within the
34 subdivision plat shall not be assessed in excess of
35 the total assessment of the land as acreage or
36 unimproved property for three years after the
37 recording of the plat or until the lot is actually
38 improved with permanent construction, whichever occurs
39 first. When an individual lot has been improved with
40 permanent construction, the lot shall be assessed for
41 taxation purposes as provided in chapter 428 and this
42 chapter. This section does not apply to special
43 assessment levies.

44 Sec. 50. NEW SECTION. 558.19A STATEMENT OF
45 DIVISION AND NOTING PERMANENT REAL ESTATE INDEX
46 NUMBER.

47 Deeds, contracts, or other conveyances presented
48 for recording as evidence of transfer of title to
49 land, shall contain on the face of the conveyance a
50 statement signed by at least one grantor or the

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1 grantor's agent stating that the conveyance is not a
2 division of an existing tract or parcel of land, or
3 that the conveyance is a division of an existing tract
4 or parcel of land. If the conveyance is a division
5 the grantor or agent shall also state that the
6 requirements of chapter 409A have been met, noting the
7 book and page number of the official plat or plat of
8 survey recorded in compliance with chapter 409A. The
9 recorder shall not record a conveyance which does not
10 contain a statement of division on the face of the
11 document. Making a false statement of division may be
12 prosecuted as a county infraction under the provisions
13 of section 331.307.

14 When a permanent real estate index number system
15 has been established by a county pursuant to section
16 441.29, the auditor may note the permanent real estate
17 index number on every conveyance.

18 Sec. 51. Section 592.7, Code 1989, is amended to

19 read as follows:

20 592.7 CHANGING NAMES OF STREETS.

21 Whereas, certain cities or towns throughout the
22 state of Iowa have passed ordinances changing the name
23 or names of certain streets in said the cities;

24 Now, therefore, it is provided that the acts of
25 said the city and town councils of such the cities and
26 towns in enacting said the ordinances changing the
27 names of said certain streets are hereby declared
28 valid. The proper method for recording a change of
29 street name is found in section 409.17 409A.26.

30 Sec. 52. Section 602.8102, subsection 57, Code
31 1989, is amended to read as follows:

32 57. Carry out duties relating to the platting of
33 land as provided in sections 409.9, 409.11, and 409.22
34 chapter 409A.

35 Sec. 53. Section 714.16, subsection 2, paragraph
36 d, Code 1989, is amended to read as follows:

37 d. (1) No person shall offer or advertise within
38 this state for sale or lease, any subdivided lands
39 without first filing with the real estate commission;
40 true and accurate copies of all road plans, plats,
41 field notes, and diagrams of water, sewage, and
42 electric power lines as they exist at the time of such
43 the filing, provided such however, this filing shall
44 is not be required for a subdivision subject to
45 section 306.21 or chapter 409 409A. Each such A
46 filing shall be accompanied by a fee of fifty dollars
47 for each subdivision included, payable to the real
48 estate commission.

49 (2) False or misleading statements filed pursuant
50 to subparagraph (1) of paragraph "d" of this

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1 subsection or section 306.21 or chapter 409 409A, and
2 advertising, offers to sell, or contracts not in
3 substantial conformity with the filings made pursuant
4 to section 306.21 or chapter 409 409A are unlawful.

5 Sec. 54. REPEAL. Chapters 355 and 409, Code 1989,
6 are repealed. Sections 441.65 through 441.71, Code
7 1989, are repealed."

COMMITTEE ON JUDICIARY
RICHARD VARN, Chair

S-5322

1 Amend the amendment S-5247 to Senate File 2169 as
2 follows:
3 1. Page 2, line 25, by inserting after the word
4 "employee." the following: "This subsection shall
5 apply to wage and hour employees, and shall not apply
6 to public employees."

RICHARD DRAKE

S-5323

1 Amend the amendment S-5274, to Senate File 431, as
2 follows:
3 1. Page 1, by inserting after line 3, the
4 following:
5 "Sec. ____ . Section 206.5, subsection 3, Code
6 Supplement 1989, is amended to read as follows:
7 3. Commercial applicators shall choose between
8 one-year certification for which the applicator shall
9 pay a thirty dollar fee or three-year certification
10 for which the applicator shall pay a seventy-five
11 dollar fee. Public applicators are exempt from the
12 thirty and seventy-five dollar certification fees and
13 instead are subject to a ten-dollar annual
14 certification fee or a fifteen dollar fee for a three-
15 year certification. ~~The A commercial, public, or~~
16 ~~private applicator shall be tested prior to initial~~
17 ~~certification. In addition, a commercial, public, or~~
18 ~~private applicator shall be reexamined every three~~
19 ~~years following initial certification before the~~
20 ~~applicator is eligible for a renewal of certification:~~
21 A commercial, public, or private applicator to
22 renew certification shall not be subject to
23 reexamination but shall be certified by an
24 instructional center upon completion each year
25 following initial certification of at least four hours
26 of continuing education. The continuing education
27 shall relate to fundamental principles and practices
28 regarding pest problems and pest control, according to
29 a curriculum established by the department. The
30 curriculum may include instruction in the use of
31 pesticide devices, the calculation of spray
32 ingredients and use of sprayers, the mixing of
33 pesticides, and the cleanup of chemical spills. As
34 used in this paragraph, "instructional center" means
35 either an area school, as defined in section 280A.2,

36 which is approved by the department to provide
 37 certification, or the extension services at Iowa state
 38 university of science and technology.
 39 PARAGRAPH DIVIDED. However, a commercial, public,
 40 or private applicator need not be certified to apply
 41 pesticides for a period of twenty-one days from the
 42 date of initial employment if the commercial, public,
 43 or private applicator is under the direct supervision
 44 of a certified applicator. For the purposes of this
 45 section, "under the direct supervision of" means that
 46 the application of a pesticide is made by a competent
 47 person acting under the instructions and control of a
 48 certified applicator who is physically present, by
 49 being in sight or hearing distance of the supervised
 50 person."

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1 2. Page 1, line 4, by striking the word "'Sec."
 2 and inserting the following: "Sec."
 3 3. Page 3, by inserting after line 8, the
 4 following:
 5 "___ . Page 4, line 20, by inserting after the
 6 word "by" the following: "private applicators."
 7 ___ . Page 5, by striking line 2, and inserting
 8 the following:
 9 "In the case of a violation by a private
 10 applicator, the penalty shall not exceed fifty dollars
 11 for each day the violation continues. If the private
 12 applicator has a previous violation, the penalty shall
 13 not exceed one hundred dollars for each day the
 14 violation continues.
 15 In the case of a violation by a public or
 16 commercial."
 17 4. Page 3, by inserting after line 13, the
 18 following:
 19 "___ . Title page, line 2, by striking the word
 20 "commercial"."

ALVIN V. MILLER

S-5324

1 Amend the amendment, S-5247, to Senate File 2169 as
 2 follows:
 3 1. Page 1, line 20, by striking the word "twenty"
 4 and inserting the following: "fifty".
 5 2. Page 1, line 33, by striking the word "five"
 6 and inserting the following: "ten".

JIM LIND

S-5325

1 Amend House File 2514, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, line 3, by striking the figure
4 "215,705,169" and inserting the following:
5 "215,605,169".

6 2. Page 5, by inserting after line 5 the fol-
7 lowing:

8 "____. As a condition, limitation, and
9 qualification of the funds appropriated in this
10 section, the differential reimbursement amount paid to
11 hospitals which provide a disproportionate share of
12 care to medical assistance recipients shall be
13 doubled. Of the funds appropriated in House File
14 2418, 1990 Iowa Acts, if enacted by the Seventy-third
15 General Assembly, to the university of Iowa hospitals
16 and clinics for treatment of indigent patients,
17 \$740,000 shall be transferred to the department of
18 human services to be used as additional funds for the
19 purposes designated for medical assistance in this
20 appropriation, provided the differential reimbursement
21 amount is changed in accordance with this subsection."

22 3. Page 7, line 24, by striking the figure
23 "300,000" and inserting the following: "400,000".

CHARLES BRUNER
RICHARD VARN
ELAINE SZYMONIAK

S-5326

1 Amend House File 2514, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, line 32, by striking the word
4 "require" and inserting the following: "make
5 reasonable efforts to encourage and increase the use
6 of".

LINN FUHRMAN

S-5327

1 Amend House File 2514, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 45, line 8, by striking the word "depart-
4 ment" and inserting the following: "mental health and
5 mental retardation commission".

CHARLES BRUNER

S-5328

1 Amend the amendment, S-5292, to House File 2514, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 24, by striking the figure
5 "352.95" and inserting the following: "349.95".
6 2. Page 2, line 34, by striking the word
7 "efforts." and inserting the following: "efforts.
8 ____ . Of the funds appropriated in this section, up
9 to \$80,000 shall be used for staff and support costs
10 required to implement section 35 of this Act, relating
11 to development of children's programs in community
12 settings. The number of staff persons shall be
13 limited to not more than 3 FTEs and the full-time
14 equivalent positions are considered to be in addition
15 to the full-time equivalent position limit authorized
16 in this section.""

CHARLES BRUNER
DALE L. TIEDEN

S-5329

1 Amend Senate File 2010 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 455B.307, subsection 1, Code
5 Supplement 1989, is amended by adding the following
6 new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. A person who dumped or
8 deposited solid waste on land used for agricultural
9 production prior to July 1, 1990, shall remove the
10 solid waste and dispose of the solid waste at a
11 permitted site, unless all of the following conditions
12 are met:
13 a. The solid waste does not include hazardous,
14 commercial, industrial, or infectious waste.
15 b. The solid waste was generated by a person
16 residing on the land or having a property or
17 managerial interest in the land.
18 c. The owner of the land upon which the solid

19 waste was dumped or deposited has notified the
20 department in writing by July 1, 1991, of the
21 existence of the site, has identified the location of
22 the site by accepted references to the section,
23 township, and range, and the type of solid waste
24 dumped or deposited at the site.

25 d. The owner of the land where the solid waste has
26 been dumped or deposited agrees in writing that the
27 solid waste will be compacted to the extent possible,
28 the site will be covered with dirt and surface water
29 will be diverted, where necessary to maintain the
30 cover, and the cover has been seeded to establish
31 vegetation by July 1, 1992.”

MIKE CONNOLLY
EUGENE FRAISE

S-5330

1 Amend House File 2514, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 39, by inserting before line 8 the
4 following:

5 “___ . As a condition, qualification, and limita-
6 tion of the funds appropriated in this section, the
7 department shall seek additional funds through supple-
8 mental appropriation if in relation to the
9 appropriations for field operations in this Act, the
10 expected federal cost allocation share is less than
11 expected, the average base salary and support cost is
12 more than expected, or the vacancy factor is lower
13 than expected. The department shall report monthly to
14 the fiscal committee of the legislative council, the
15 chairpersons and ranking members of the joint human
16 services appropriations subcommittee, and the
17 legislative fiscal bureau regarding the projections of
18 expenditures relating to the appropriations in this
19 Act, and regarding any changes that occur relating to
20 the federal cost allocation share, the average base
21 salary and support cost, and the vacancy factor which
22 affect the appropriation for field operations.”

MICHAEL GRONSTAL
CHARLES BRUNER

S-5331

1 Amend Senate File 2011 as follows:

2 1. Page 1, line 10, by inserting after the words
 3 "men's restroom" the following: ", unless each
 4 restroom has only one toilet or urinal".
 5 2. Page 1, by inserting after line 12 the fol-
 6 lowing:
 7 "The state building code commissioner, with the
 8 approval of the state building code advisory council
 9 established pursuant to section 103A.14, shall adopt
 10 rules to enforce this chapter. The rules shall
 11 provide exemptions from the requirements of the
 12 chapter for buildings and facilities where conformance
 13 to the chapter will result in unreasonable expense,
 14 undue hardship for the building's owners or tenants,
 15 or where otherwise impracticable. Any ruling of the
 16 building code commissioner made pursuant to this
 17 chapter is subject to administrative review and appeal
 18 as provided in chapter 17A."

BEVERLY A. HANNON
 JIM LIND

S-5332

1 Amend Senate File 2255 as follows:
 2 1. Page 1, line 15, by striking the word
 3 "Notwithstanding" and inserting the following: "1.
 4 Notwithstanding".
 5 2. Page 1, lines 16 and 17, by striking the words
 6 "~~who is furnishing only materials~~" and inserting the
 7 following: "who is furnishing only materials".
 8 3. Page 1, by inserting after line 24, the
 9 following:
 10 "2. A claim by a person furnishing only materials
 11 to a subcontractor who is furnishing labor and
 12 materials shall not be entitled to a lien under this
 13 chapter unless the person furnishing materials had
 14 notified the principal contractor within forty-five
 15 days of the furnishing of the materials and the lien
 16 claim is supported by a certified statement that the
 17 principal contractor had been notified within forty-
 18 five days after the materials were furnished. This
 19 subsection does not apply to owner-occupied dwellings
 20 as defined in subsection 572.1, subsection 5, or to a
 21 dwellling under construction which is intended to be
 22 sold and occupied as a homestead.
 23 Sec. ——. Section 573.7, Code 1989, is amended by
 24 adding the following new unnumbered paragraph:
 25 NEW UNNUMBERED PARAGRAPH. A claim by a person
 26 furnishing only materials to a subcontractor shall not

27 be entitled to a claim against the retainage or bond
 28 under this chapter and is not an obligee or person
 29 protected under the bond pursuant to section 573.6
 30 unless the person furnishing materials had notified
 31 the principal contractor within forty-five days of the
 32 furnishing of the materials and the claim is supported
 33 by a certified statement that the principal contractor
 34 had been notified within forty-five days after the
 35 materials were furnished.”
 36 4. By renumbering as necessary.

JOE WELSH

S-5333

1 Amend Senate File 2269 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 “Section 1. Section 99B.2, subsection 3,
 5 unnumbered paragraph 1, Code Supplement 1989, is
 6 amended to read as follows:
 7 A qualified organization conducting at least two
 8 bingo occasions under a two year license and expecting
 9 to have annual gross receipts of more than ten
 10 thousand dollars annually shall establish and maintain
 11 one regular checking account designated the “bingo
 12 account” and may also maintain one or more interest-
 13 bearing savings accounts designated as “bingo savings
 14 account”.
 15 Sec. 2. Section 99B.7, subsection 1, paragraph c,
 16 Code Supplement 1989, is amended to read as follows:
 17 c. Cash or merchandise prizes may be awarded in
 18 the game of bingo and, except as otherwise provided in
 19 this paragraph, shall not exceed one hundred dollars.
 20 Merchandise prizes may be awarded in the game of
 21 bingo, but the actual retail value of the prize, or if
 22 the prize consists of more than one item, unit or
 23 part, the aggregate retail value of all items, units
 24 or parts, shall not exceed the maximum provided by
 25 this paragraph. A jackpot bingo game or games may be
 26 conducted once during any twenty-four hour period in
 27 which the prize may begin at not more than three
 28 hundred dollars in cash or actual retail value of
 29 merchandise prizes and may be increased by not more
 30 than one hundred dollars after each bingo occasion.
 31 However, the The cost of play in a jackpot bingo game
 32 or games, not to exceed four games, shall not be
 33 increased and the jackpot shall not amount to more
 34 than eight hundred dollars in cash or actual retail

35 value of merchandise prizes. A jackpot bingo game is
 36 not prohibited by paragraph "h". A bingo occasion
 37 shall not last for longer than four consecutive hours.
 38 A qualified organization shall not hold more than
 39 ~~fourteen~~ three bingo occasions per ~~month~~ week. Bingo
 40 occasions held under a limited license shall not be
 41 counted in determining whether a qualified
 42 organization has conducted more than ~~fourteen~~ three
 43 bingo occasions per ~~month~~ week, nor shall bingo
 44 occasions held under a limited license be limited to
 45 four consecutive hours. With the exception of a
 46 limited license bingo, no more than three bingo
 47 occasions per week shall be held within a structure or
 48 building and only one person licensed to conduct games
 49 under this section may hold bingo occasions within a
 50 structure or building.

Page 2

1 However, a qualified organization, which is a
 2 senior citizens' center or a residents' council at a
 3 senior citizen housing project or a group home, may
 4 hold more than ~~fourteen~~ three bingo occasions per
 5 ~~month~~ week and more than three bingo occasions per
 6 week within the same structure or building, and bingo
 7 occasions conducted by such a qualified organization
 8 may last for longer than four consecutive hours, if
 9 the majority of the patrons of the qualified
 10 organization's bingo occasions also participate in
 11 other activities of the senior citizens' center or are
 12 residents of the housing project. At the conclusion
 13 of each bingo occasion, the person conducting the game
 14 shall announce both the gross receipts received from
 15 the bingo occasion and the use permitted under
 16 subsection 3, paragraph "b", to which the net receipts
 17 of the bingo occasion will be dedicated and
 18 distributed."

19 2. Title page, by striking lines 1 through 3 and
 20 inserting the following: "An Act relating to games of
 21 skill and games of chance."

RICHARD RUNNING
 WALLY HORN
 PAUL D. PATE

S-5334

1 Amend House File 2514, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 5, by inserting before line 6 the
4 following:

5 "Sec. ____ . NURSING FACILITY REIMBURSEMENT -- APRIL
6 1991 ADJUSTMENT.

7 There is appropriated from the general fund of the
8 state to the department of human services for the
9 fiscal year beginning July 1, 1990, and ending June
10 30, 1991, the following amount or so much thereof as
11 is necessary, to be used for the purpose designated:

12 For adjustment of nursing facility reimbursement
13 rates in accordance with this section:

14 \$ 1,247,000

15 Effective April 1, 1991, the maximum reimbursement

16 rate for nursing facilities shall be the 74th
17 percentile of facility costs as calculated from the
18 March 31, 1991, unaudited compilation of cost and
19 statistical data."

20 2. By renumbering as necessary.

BERL E. PRIEBE

S-5335

1 Amend House File 2514, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 45, by striking lines 6 through 17.

RICHARD VARN

S-5336

1 Amend House File 2514 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 2, the
4 following:

5 "As a condition, qualification, and limitation of
6 the funds appropriated in this section, the department
7 shall submit quarterly reports to the fiscal committee
8 of the legislative council which provide the
9 expenditures of the funds appropriated in this section
10 for each county."

JOE WELSH

S-5337

1 Amend amendment, S-5304, to House File 2437, as

2 follows:

- 3 1. Page 2, line 28, by inserting after the word
 4 "entered" the following: "or modified on or".
 5 2. Page 2, by striking lines 30 through 32, and
 6 inserting the following: "withholding and no further
 7 notice is required. However, if a support order does
 8 not contain notification of immediate withholding,
 9 notification shall be provided by sending to the
 10 obligor by regular mail a copy of the withholding
 11 order and a statement of the procedures for filing a
 12 motion to quash."

CHARLES BRUNER

S-5338

- 1 Amend Senate File 2369 as follows:
 2 1. Page 2, line 19, by striking the words "Grants
 3 shall not" and inserting the following: "~~Grants shall~~
 4 not Not more than twenty percent of the grant moneys
 5 shall".

JEAN LLOYD-JONES
 BERL E. PRIEBE

S-5339

- 1 Amend Senate File 2249 as follows:

DIVISION S—5339A

- 2 1. Page 2, by striking lines 4 through 16.

DIVISION S—5339B

- 3 2. Page 2, line 17, by striking the figure "2."

JOHN PETERSON

S-5340

- 1 Amend Senate File 2405 as follows:
 2 1. Page 1, line 3, by inserting after the word
 3 "established" the following: "as a subcommittee of
 4 the committee on maternal and child health of the
 5 community health division of the department of public
 6 health".

- 7 2. By striking page 1, line 10, through page 2,
8 line 2, and inserting the following: "of represen-
9 tatives of state agencies and private organizations
10 involved in prevention, education, and treatment
11 regarding pregnancy and children."
12 3. Page 2, line 14, by inserting after the word
13 "employed" the following: "in Iowa and".
14 4. Page 3, line 35, by striking the words "AWARDS
15 OF GRANTS AND".
16 5. Page 4, by striking lines 1 through 3 and
17 inserting the following: "The council shall recommend
18 or develop pilot programs to achieve the purposes of
19 the council."
20 6. Page 4, by inserting after line 6 the fol-
21 lowing:
22 "8. CONFIDENTIALITY OF INFORMATION. Data
23 collected pursuant to this chapter shall be
24 confidential to the extent necessary to protect the
25 identity of persons who are the subjects of the data
26 collection."

JEAN LLOYD-JONES

HOUSE AMENDMENT TO
SENATE FILE 2212

S-5341

- 1 Amend Senate File 2212 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 24, by striking the figure
4 "1,977,302" and inserting the following: "1,867,302".
5 2. Page 5, line 23, by striking the figure
6 "9,300,000" and inserting the following: "9,200,000".
7 3. By striking page 5, line 24 through page 6,
8 line 3.
9 4. Page 6, by inserting before line 4 the
10 following:
11 "Sec. ____ . 1989 Iowa Acts, chapter 321, section 4,
12 subsection 2, is amended by adding the following new
13 paragraph after paragraph "b":
14 NEW PARAGRAPH. bb. The division may expend up to
15 \$120,000 from the fund to offset the federal
16 unemployment insurance shortfall."
17 5. Page 8, by striking lines 9 through 19.
18 6. By striking page 8, line 20 through page 9,
19 line 3.
20 7. Page 10, by striking lines 8 through 17.

21 8. Page 10, by inserting before line 18 the
22 following:

23 "Sec. ____ .

24 There is appropriated from the general fund of the
25 state to the department of corrections for the fiscal
26 year beginning July 1, 1989, and ending June 30, 1990,
27 the following amounts, or so much thereof as is
28 necessary, to be used for the purposes designated:

29 To provide for financial arrangements for the
30 acquisition or construction by lease-purchase of real
31 and personal property not exceeding a maximum cost,
32 excluding the cost of interest expense and various
33 fees associated with the acquisition of lease-purchase
34 financing, of a total project cost of \$17,532,000 for
35 land acquisition, for expanded prison facilities, for
36 consolidation of certain community-based corrections
37 district's facilities, and to supplement 1989 Iowa
38 Acts, chapter 316 in the manner provided in the
39 following subsections:

40 \$ 200,000

41 Notwithstanding section 8.33, moneys remaining
42 unencumbered and unobligated on June 30, 1989, from
43 the appropriation made in this section shall not
44 revert but shall remain available for expenditure for
45 purposes of this section for the fiscal year beginning
46 July 1, 1990.

47 1. Up to \$3,900,000 for construction of 120
48 additional medium security dormitory style beds at the
49 Rockwell City correctional facility.

50 2. Up to \$4,000,000 for construction of 100

Page 2

1 additional medium security dormitory style beds at the
2 Oakdale corrections campus.

3 3. Up to \$2,363,000 for construction of 50
4 additional minimum security dormitory style beds at
5 the Mitchellville correctional facility.

6 4. Up to \$1,300,000 for construction of 60 minimum
7 security dormitory style beds located in Polk county.

8 As a condition, limitation, and qualification of
9 this appropriation, the beds shall be used for a 30-
10 to-60-day shock revocation program for parole and
11 probation violators. The beds shall be administered
12 by the state department of corrections.

13 5. Up to \$3,500,000 for the addition of 200
14 community-based corrections residential beds with the
15 locations to be determined by the state department of
16 corrections, with at least 25 residential beds being
17 dedicated for women.

18 The construction of the 200 beds shall not begin until
19 the department has notified and provided an
20 explanation for the placement of the beds to the
21 legislative council, the legislative fiscal committee,
22 the joint justice system appropriations subcommittee,
23 and the legislative fiscal bureau.
24 6. Up to \$849,000 for the remodeling of
25 administrative offices and the consolidation of
26 certain district operations in the fifth community-
27 based correctional services district.
28 7. Up to \$120,000 to supplement funds appropriated
29 by 1989 Iowa Acts, chapter 316, section 7, subsection
30 6, for providing financing to begin construction of
31 the 36 residential beds authorized under paragraph "d"
32 for the eighth community-based correctional services
33 district.
34 8. Up to \$1,000,000 for supplementing the
35 appropriations available under subsections 4 and 5 for
36 land acquisition costs and architectural fees if the
37 appropriations available under those subsections are
38 insufficient to pay all costs of land acquisition and
39 architectural fees.
40 8A. Up to \$500,000 for the consolidation of work
41 release, OWI, field services, and administrative
42 offices for the sixth community-based correctional
43 services district.
44 9. Notwithstanding the limitation on the amount
45 available for use for each of the projects designated
46 in subsections 1 through 8A, the dollar limitation may
47 be exceeded for any project provided that the dollar
48 limitations for other projects are reduced in the
49 cumulative by that excess. However, a dollar
50 limitation shall not be increased unless notification

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1 is provided to the legislative council, legislative
2 fiscal committee, legislative fiscal bureau, and
3 department of management prior to the increase in the
4 dollar limitation.
5 10. Notwithstanding section 453.7, interest earned
6 on the proceeds from the lease-purchase arrangement
7 are available for the projects designated in
8 subsections 1 through 8A."
9 9. Page 19, by inserting after line 25, the
10 following:
11 "Sec. ____ . 1989 Iowa Acts, chapter 316, section 1,
12 subsection 3, is amended to read as follows:
13 3. Preparation of a new domestic abuse manual and
14 updating of the desk manual for prosecutors:

- 15 \$ 15,000
- 16 Notwithstanding section 8.33, the moneys
- 17 appropriated in this subsection that remain
- 18 unencumbered or unobligated on June 30, 1990, shall
- 19 not revert to the general fund of the state but shall
- 20 remain available for expenditure for the purposes
- 21 designated during the fiscal year beginning July 1,
- 22 1990.”
- 23 10. Page 20, line 16, by striking the figure
- 24 “1,255,677” and inserting the following: “1,236,777”.
- 25 11. Page 20, by striking lines 25 through 32.
- 26 12. Page 21, line 3, by striking the figure
- 27 “851,671” and inserting the following: “818,571”.
- 28 13. Page 21, line 8, by striking the word
- 29 “designated” and inserting the following: “of a
- 30 statewide gypsy moth detection survey”.
- 31 14. Page 22, by striking lines 8 through 18.
- 32 15. By renumbering, relettering, or redesignating
- 33 and correcting internal references as necessary.

S-5342

- 1 Amend Senate File 2330 as follows:
- 2 1. By striking page 1, line 1 through page 2,
- 3 line 6.
- 4 2. Page 2, line 9, by inserting after the figure
- 5 “562A.27” the following: “or 648.3”.
- 6 3. Page 2, line 13, by inserting after the word
- 7 “after” the following: “a single”.
- 8 4. Page 2, lines 13 and 14, by striking the words
- 9 “without a hearing” and inserting the following:
- 10 “notice to quit”.
- 11 5. Page 2, line 17, by inserting after the word
- 12 “proceedings” the following: “by notice thereof at
- 13 least five days prior to the hearing”.
- 14 6. Page 2, line 26, by inserting after the word
- 15 “firearm” the following: “; or possession of any
- 16 firearm on or about the leased premises if such
- 17 possession is prohibited by the lease or rules adopted
- 18 by the landlord”.
- 19 7. Page 2, by inserting after line 34, the
- 20 following:
- 21 “3. A landlord in good faith may rely upon any of
- 22 the following without incurring liability for a
- 23 termination pursuant to this section:
- 24 a. Personal observation, by the landlord, or an
- 25 employee or agent of the landlord, if a reasonable
- 26 person in similar circumstances could reasonably
- 27 conclude that person had observed a basis for

28 termination included in subsection 2.
29 b. One or more warnings or notices to the landlord
30 concerning illegal activities on the tenant's
31 premises, received from a law enforcement agency or
32 officer.
33 c. One or more written complaints from a tenant
34 objecting to another tenant's activities which
35 complaint describes a basis for termination committed
36 by the tenant.
37 d. An arrest or conviction of a tenant in
38 circumstances or upon a charge constituting a basis
39 for termination under this section.
40 e. Any other reasonable, independently verifiable
41 basis."
42 8. By striking page 3, line 15, through page 4,
43 line 5.
44 9. Page 4, by striking lines 6 through 11.
45 10. Title page, by striking line 1, and inserting
46 the following: "An Act relating to alternative
47 service of notice of termination and process and
48 authorizing termination of a rental agreement for
49 creating a serious and clear danger."
50 11. By renumbering as necessary.

ELAINE SZYMONIAK

S-5343

1 Amend Senate File 2093 as follows:
2 1. Page 1, line 4, by striking the word "forty"
3 and inserting the following: "forty-five".
4 2. Page 1, line 11, by striking the word "forty"
5 and inserting the following: "forty-five".

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-5344

1 Amend Senate File 2386 as follows:
2 1. Page 5, by inserting after line 22, the
3 following:
4 "Sec. ____ . Section 261.12, subsection 1, Code
5 Supplement 1989, is amended to read as follows:
6 1. The amount of a tuition grant to a qualified
7 full-time student for the fall and spring semesters,
8 or the trimester equivalent, shall be the amount of
9 the student's financial need for that period. ~~However,~~

10 a tuition grant shall not exceed the lesser of:
11 a. The total tuition and mandatory fees for that
12 student for two semesters or the trimester or quarter
13 equivalent, less the base amount determined annually
14 by the college aid commission, which base amount shall
15 be within ten dollars of the average tuition for two
16 semesters or the trimester equivalent of undergraduate
17 study at the state universities under the board of
18 regents; but in any event the base amount shall not be
19 less than four hundred dollars; or
20 b. For the fiscal year beginning July 1, 1989
21 1990, and for each following fiscal year, two thousand
22 five hundred dollars the maximum grant amount shall be
23 two thousand six hundred fifty dollars. In succeeding
24 years, the maximum grant amount shall increase by two
25 hundred fifty dollars until the maximum grant amount
26 reaches an amount which equals the difference between
27 resident and nonresident tuition rates at the state
28 universities under the control of the board of
29 regents.

30 Sec. ____ . Section 261.25, subsection 1, Code
31 Supplement 1989, is amended to read as follows:

32 1. There is appropriated from the general fund of
33 the state to the commission for each fiscal year the
34 sum of thirty million six hundred eighty-two thousand
35 five hundred five dollars for tuition grants an amount
36 which equals the greater of the following amounts:

37 a. Thirty-two million five hundred twelve thousand
38 eight hundred dollars.

39 b. An amount which equals the product of the
40 maximum allowable grant to a qualified student under
41 section 261.12 times a number which represents
42 seventy-five percent of the number of qualified
43 tuition grant applicants.

44 However, if the amount contained in paragraph "a"
45 is less than the amount in paragraph "b", the amount
46 contained in paragraph "a" shall be increased each
47 fiscal year by ten percent until the amount contained
48 in paragraph "a" at least equals the amount in
49 paragraph "b". After the amount in paragraph "a"
50 equals the amount in paragraph "b", the amount in

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1 paragraph "b" shall be appropriated each fiscal year."

WILLIAM DIELEMAN

S-5345

1 Amend Senate File 2397 as follows:

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

4 "Sec. ____ . Section 562A.4, Code 1989, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 3. An aggrieved party shall
7 notify the other party to the rental agreement
8 concerning an alleged violation of this chapter. Upon
9 notification the parties shall have ten days to reach
10 agreement concerning the violation. If such agreement
11 is not reached, the parties shall participate in
12 arbitration of the dispute pursuant to chapter 679A."

13 2. Renumber as necessary.

GEORGE R. KINLEY
DONALD V. DOYLE

S-5346

1 Amend Senate File 2386 as follows:

2 1. Page 11, by inserting after line 29, the
3 following:

4 "Each school district shall distribute to all
5 pupils who are to be attending a grade in grades ten
6 through twelve the brochure prepared by the department
7 of education, which explains the provisions of this
8 chapter, and a listing of each eligible postsecondary
9 institution from which the district has or will accept
10 credits under this chapter. The brochure shall be
11 included in the class registration materials for the
12 ensuing school year."

LARRY MURPHY

S-5347

1 Amend Senate File 2249 as follows:

2 1. Page 1, by inserting after line 27 the
3 following:

4 "Sec. ____ . Section 85.21, Code 1989, is amended to
5 read as follows:

6 85.21 PAYMENTS CONCERNING LIABILITY DISPUTES.

7 1. The industrial commissioner ~~may~~ shall order any

8 number or combination of alleged workers' compensation
9 insurance carriers, third-party payors, and alleged
10 employers, which are parties to a contested case or to
11 a dispute which could culminate in a contested case,
12 or in the case of a third-party pavor which may have
13 responsibility, if not work related, to pay all or
14 part of the benefits due to an employee or an
15 employee's dependent or legal representative if any of
16 the carriers, third-party payors, or employers agree,
17 or the commissioner determines after an evidentiary
18 hearing, that one or more of the carriers, third-party
19 payors, or employers is liable to the employee or to
20 the employee's dependent or legal representative for
21 benefits under this chapter or under chapter 85A or
22 85B, or pursuant to contract or agreement, but the
23 carriers, third-party payors, or employers cannot
24 agree, or the commissioner has not determined which
25 carriers, third-party payors, or employers are liable.

26 2. Unless waived by the carriers, third-party
27 payors, or employers ordered to pay benefits, the
28 industrial commissioner shall order an employer, which
29 is not ordered to pay benefits and which does not have
30 in force a policy of workers' compensation insurance
31 issued by any carrier which is a party to the case or
32 dispute and covering the claim made by the employee or
33 the employee's dependent or legal representative, to
34 post a bond or to deposit cash with the commissioner
35 equal to the benefits paid or to be paid by the
36 carriers or employers ordered to pay benefits. If any
37 employer is ordered by the commissioner to post bond
38 or to deposit cash, the employers, third-party payors,
39 or carriers ordered to pay benefits are not obligated
40 to pay benefits until the bond is posted or the cash
41 is deposited. The commissioner may order the bond or
42 cash deposit to be increased.

43 3. When liability is finally determined by the
44 industrial commissioner, the commissioner shall order
45 the carriers, third-party payors, or employers liable
46 to the employee or to the employee's dependent or
47 legal representative to reimburse the carriers, third-
48 party payors, or employers which are not liable but
49 were required to pay benefits. Benefits paid or
50 reimbursed pursuant to an order authorized by this

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1 section do not require the filing of a memorandum of
2 agreement. However, a contested case for benefits
3 under this chapter or under chapter 85A or 85B shall
4 not be maintained against a party to a case or dispute

5 resulting in an order authorized by this section
6 unless the contested case is commenced within three
7 years from the date of the last benefit payment under
8 the order. The commissioner may determine liability
9 for the payment of workers' compensation benefits
10 under this section."

WALLY HORN

S-5348

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by striking line 31.

JOHN JENSEN

S-5349

1 Amend Senate File 2093 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 22.7, subsection 25, Code
5 Supplement 1989, is amended to read as follows:
6 25. Records of purchases of alcoholic liquor from
7 the alcoholic beverages division of the department of
8 commerce which would reveal purchases made by an in-
9 dividual class "E" or class "F" liquor control
10 licensee. ~~However, the records may be revealed for~~
11 ~~law enforcement purposes or for the collection of~~
12 ~~payments due the division pursuant to section 123.24.~~
13 Sec. 2. Section 123.16, subsection 2, Code 1989,
14 is amended to read as follows:
15 2. The commission may review and affirm, reverse,
16 or amend all actions of the administrator, including
17 but not limited to the following instances:
18 a. ~~Purchases of alcoholic liquor for resale by the~~
19 ~~division.~~
20 b. ~~The granting or refusing of liquor licenses and~~
21 ~~permits, wine permits, and beer permits, and the~~
22 ~~suspension or revocation of the licenses and permits.~~
23 c. ~~The establishment of wholesale prices of~~
24 ~~alcoholic liquor.~~
25 Sec. 3. Section 123.19, subsection 1, Code 1989,
26 is amended to read as follows:
27 1. Any manufacturer, distiller or importer of
28 alcoholic beverages shipping, selling, or having

29 alcoholic beverages brought into this state for resale
 30 ~~by the state sale at wholesale by a class "F" licensee~~
 31 ~~shall; as a condition precedent to the privilege of so~~
 32 ~~trafficking in alcoholic liquors in this state;~~
 33 ~~annually first~~ make application for and hold a
 34 distiller's certificate of compliance which shall be
 35 issued by the administrator for that purpose. ~~No~~
 36 ~~brand of alcoholic liquor shall be sold by the~~
 37 ~~division in this state unless the manufacturer,~~
 38 ~~distiller, importer, and all other persons~~
 39 ~~participating in the distribution of that brand in~~
 40 ~~this state have obtained a certificate.~~ The
 41 certificate of compliance shall expire at the end of
 42 one year from the date of issuance and shall be
 43 renewed for a like period upon application to the
 44 administrator unless otherwise suspended or revoked
 45 for cause. Each application for a certificate of
 46 compliance or renewal shall be made in a manner and
 47 upon forms prescribed by the administrator and shall
 48 be accompanied by a fee of fifty dollars payable to
 49 the division. However, this subsection need not apply
 50 to a manufacturer, distiller, or importer who ships or

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1 sells in this state no more than eleven gallons or its
 2 case equivalent during any fiscal year as a result of
 3 "special orders" which might be placed, as defined and
 4 allowed by divisional rules adopted under this
 5 chapter. The holder of a distiller's certificate of
 6 compliance may also hold a class "F" liquor control
 7 license.
 8 Sec. 4. Section 123.20, subsections 1 and 7, Code
 9 1989, are amended by striking the subsections.
 10 Sec. 5. Section 123.21, subsections 2 and 3, Code
 11 1989, are amended by striking the subsections.
 12 Sec. 6. Section 123.21, subsection 6, Code 1989,
 13 is amended to read as follows:
 14 6. Providing for the issuance and distribution of
 15 price lists which show the price to be paid by class
 16 "E" liquor control licensees for each brand, class, or
 17 variety of liquor kept for sale by the division;
 18 providing for the filing or posting of prices charged
 19 in sales between class "F" and class "E" liquor
 20 control licensees, and between class "A" beer and
 21 class "A" wine permit holders and retailers, as
 22 provided in this chapter, and establishing or
 23 controlling the prices based on minimum standards of
 24 fill, quantity, or alcoholic content for each
 25 individual sale of intoxicating alcoholic liquor,

26 wine, or beer as deemed necessary for retail or
 27 consumer protection. However, the division shall not
 28 regulate markups, prices, discounts, allowances, or
 29 other terms of sale at which alcoholic liquor may be
 30 purchased by class "E" liquor control licensees from
 31 class "F" liquor control licensees or by the retail
 32 public or liquor control licensees from class "E"
 33 liquor control licensees or at which wine may be
 34 purchased and sold by class "A" and retail wine
 35 permittees, or change, nullify, or vary the terms of
 36 an agreement between a holder of a vintner certificate
 37 of compliance and a class "A" wine permittee.
 38 Sec. 7. Section 123.21, subsection 8, Code 1989,
 39 is amended by striking the subsection.
 40 Sec. 8. Section 123.22, unnumbered paragraph 1,
 41 Code Supplement 1989, is amended by striking the
 42 paragraph.
 43 Sec. 9. Section 123.28, unnumbered paragraph 1,
 44 Code 1989, is amended by striking the paragraph.
 45 Sec. 10. Section 123.29, subsections 1 and 2, Code
 46 Supplement 1989, are amended to read as follows:
 47 1. To a physician, pharmacist, dentist, or
 48 veterinarian, entitling the holder to purchase and
 49 import alcohol from distillers and wholesalers or from
 50 ~~the division or a class "E" or "F" liquor control~~

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1 ~~licensee licensees~~ for use medicinally and in
 2 compounding prescriptions and to sell the alcohol for
 3 use medicinally in the compounded prescription only
 4 upon the prescription of a licensed physician or
 5 surgeon, or to use the alcohol in manufacturing or
 6 compounding lotions, compounds, and like commodities
 7 not susceptible for beverage purposes, and to sell the
 8 commodities for public use.
 9 2. To a veterans home, sanitarium, hospital,
 10 college, or home for the aged which will entitle the
 11 holder to purchase and import alcohol from distillers
 12 and wholesalers or from ~~the division or a class "E" or~~
 13 ~~"F" liquor control licensee licensees~~ for use for
 14 medicinal, laboratory, and scientific purposes only.
 15 Sec. 11. Section 123.29, subsection 3, unnumbered
 16 paragraphs 3 and 4, Code Supplement 1989, are amended
 17 to read as follows:
 18 ~~Such~~ The special permit ~~shall entitle~~ entitles the
 19 holder to import into the state, or purchase from
 20 licensed distillers within the state or from ~~the~~
 21 ~~division class "F" liquor control licensees~~, alcoholic
 22 liquors for use in manufacture in accordance with the

23 terms of ~~said the~~ permit, and to sell the product of
24 such manufacture.

25 It ~~shall be is~~ the duty of every manufacturer
26 holding a special permit under ~~the provisions~~ of this
27 subsection, whenever ~~such the~~ manufacturer purchases
28 alcoholic liquor ~~from any source other than the~~
29 ~~division~~, to immediately file with the division a
30 report of the receipt of ~~such the~~ liquor in accordance
31 with rules adopted by the administrator.

32 Sec. 12. Section 123.29, unnumbered paragraph 5,
33 Code Supplement 1989, is amended to read as follows:

34 Every person holding a special liquor permit under
35 this chapter shall fill out in duplicate, on forms
36 furnished by the division, the amount and kinds of
37 liquors purchased, and shall retain one copy in the
38 person's establishment for a period of two years. The
39 class "E" or "~~F~~" liquor control licensee from whom the
40 purchase was made shall monthly forward the other copy
41 to the division.

42 Sec. 13. Section 123.30, subsection 3, paragraph
43 e, unnumbered paragraph 1, Code 1989, is amended to
44 read as follows:

45 A class "E" liquor control license may be issued
46 and shall authorize the holder to purchase alcoholic
47 liquor ~~from the division class "F" liquor control~~
48 ~~licensees~~ only and to sell the alcoholic liquor to
49 patrons for consumption off the licensed premises and
50 to other liquor control licensees. A class "E"

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1 license shall not be issued to premises at which
2 gasoline is sold. A holder of a class "E" liquor
3 control license may hold other retail liquor control
4 licenses or retail wine or beer permits, but the
5 premises licensed under a class "E" liquor control
6 license shall be separate from other licensed
7 premises, though the separate premises may have a
8 common entrance. However, the holder of a class "E"
9 liquor control license may also hold a class "B" wine
10 or class "C" beer permit or both for the premises
11 licensed under a class "E" liquor control license.

12 Sec. 14. Section 123.30, subsection 3, Code 1989,
13 is amended by adding the following new paragraph:
14 NEW PARAGRAPH. f. A class "F" liquor control
15 license may be issued and shall authorize the holder
16 to manufacture and sell, or sell at wholesale
17 alcoholic liquor for consumption off the premises. A
18 class "F" licensee may purchase and resell only those
19 brands of alcoholic liquor which are manufactured,

20 distilled, bottled, shipped, or imported by a person
21 holding a certificate of compliance issued pursuant to
22 section 123.19. Sales within the state may only be
23 made to persons holding a class "E" liquor control
24 license. A class "F" licensee having more than one
25 place of business shall obtain a separate license for
26 each place of business where alcoholic beverages are
27 stored, warehoused, or sold.

28 Sec. 15. Section 123.32, subsection 1, Code
29 Supplement 1989, is amended to read as follows:

30 1. FILING OF APPLICATION. An application for a
31 class "A", class "B", class "C", or class "E" liquor
32 control license, for a retail beer permit as provided
33 in sections 123.128 and 123.129, or for a class "B"
34 retail wine permit as provided in section 123.176,
35 accompanied by the necessary fee and bond, if
36 required, shall be filed with the appropriate city
37 council if the premises for which the license or
38 permit is sought are located within the corporate
39 limits of a city, or with the board of supervisors if
40 the premises for which the license or permit is sought
41 are located outside the corporate limits of a city.
42 An application for a class "D" or "F" liquor control
43 license and for a class "A" beer or class "A" wine
44 permit, accompanied by the necessary fee and bond, if
45 required, shall be filed with the division, which
46 shall proceed in the same manner as in the case of an
47 application approved by local authorities.

48 Sec. 16. Section 123.36, Code 1989, is amended by
49 adding the following new subsection after subsection 9
50 and renumbering the subsequent subsection:

Page 5

1 NEW SUBSECTION. 10. Class "F" liquor control
2 license, seven hundred and fifty dollars.

3 Sec. 17. Section 123.41, Code 1989, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 123.41 ALCOHOLIC LIQUOR TAX.

7 In addition to the annual license fee to be paid by
8 all class "F" liquor control licensees, there shall be
9 levied and collected from each class "F" liquor
10 control licensee on all alcoholic liquor manufactured
11 for sale and sold in this state at wholesale and on
12 all alcoholic liquor imported into this state for sale
13 at wholesale and sold in this state at wholesale, a
14 tax of one dollar and fifty cents for each liter and a
15 like rate for the fractional parts of each liter. The
16 tax shall not be levied or collected on alcoholic

17 liquor sold by one class "F" licensee to another class
18 "F" licensee.

19 Sec. 18. Section 123.42, Code 1989, is amended by
20 striking the section and inserting in lieu thereof the
21 following:

22 123.42 REPORT OF VOLUME SALES -- PENALTY.

23 Each class "F" liquor control licensee on or before
24 the tenth day of each calendar month commencing on the
25 tenth day of the calendar month following the month in
26 which the person is issued a license, shall make a
27 report under oath to the division upon forms to be
28 furnished by the division showing the exact number of
29 liters of alcoholic liquor and fractional parts of
30 liters, sold by that licensee during the preceding
31 calendar month. The report also shall include
32 additional information the administrator may
33 reasonably require. The licensee at the time of
34 filing this report shall pay to the division the
35 amount of tax due at the rate fixed in section 123.41.
36 A penalty of ten percent of the amount of the tax
37 shall be assessed and collected if the report is not
38 filed and the tax paid within the time required by
39 this section.

40 Sec. 19. Section 123.43, Code 1989, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 123.43 REPORTS REQUIRED OF CLASS "E" AND "F"
44 LICENSEES.

45 Each class "F" liquor control licensee shall keep
46 books of account and records showing each sale of
47 alcoholic liquor, which shall be at all times open to
48 inspection by the administrator and agents of the
49 division. Each class "E" liquor control licensee
50 shall keep proper books of account and records showing

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1 each purchase of alcoholic liquor and the date and the
2 amount of each purchase and the name of the person
3 from whom each purchase was made, which shall be open
4 to inspection by the administrator and agents of the
5 division during normal business hours of the
6 permittee.

7 Sec. 20. Sections 123.24, 123.25, and 123.26, Code
8 1989, are repealed. Section 123.27, Code Supplement
9 1989, is repealed."

10 2. Title page, by striking lines 1 and 2 and
11 inserting the following: "An Act providing for the

AMENDMENTS FILED

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12 sale of alcoholic liquor by private wholesalers,
13 imposing a tax, and making penalties applicable.”

LINN FUHRMAN
WILLIAM D. PALMER

S-5350

1 Amend Senate File 2249 as follows:
2 1. Page 5, line 25, by inserting after the word
3 “filed,” the following: “notwithstanding the
4 provisions of chapter 17A,”

TOM MANN, Jr.

S-5351

1 Amend Senate File 2249 as follows:
2 1. Page 6, by striking lines 13 through 16 and
3 inserting the following:
4 “(1) In those cases, where the deputy industrial
5 commissioner finds that there is probable cause to
6 believe that the claimant is likely to succeed on the
7 merits of the case, the application shall be granted.”

THOMAS MANN, Jr.

S-5352

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 and 4.

JOHN W. JENSEN

S-5353

1 Amend Senate File 2093 as follows:
2 1. Page 1, by inserting after line 11 the
3 following:
4 “Sec. — . NEW SECTION. 551.3 UNFAIR SALES OF
5 BEVERAGES.
6 1. As used in this section, unless the context
7 otherwise requires:
8 a. “Beverage” means beer as defined in section
9 123.3, subsection 10, mineral water, soda water, or
10 similar carbonated soft drinks in liquid form intended
11 for human consumption.
12 b. “Retailer” means a person who engages in the

13 sale of a beverage to a consumer, including another
14 retailer.

15 c. "Wholesaler" means a person who engages in the
16 sale of a beverage to a retailer in this state,
17 including a manufacturer who engages in beverage sales
18 to a retailer.

19 d. "Manufacturer" means a person who bottles,
20 cans, or otherwise fills a container with a beverage
21 for sale to a wholesaler or retailer.

22 2. A wholesaler shall offer for sale or sell a
23 beverage to a retailer only if the beverage may be
24 purchased from the wholesaler by any other retailer in
25 the same marketing area at the same price and under
26 the same conditions.

27 3. Two or more retailers may jointly purchase a
28 quantity of a beverage from a wholesaler to meet
29 volume requirements for the purchase of a beverage.

30 4. A retailer shall offer for sale or sell a
31 beverage to a consumer only if the beverage may be
32 purchased from the retailer by any other consumer at
33 the same price and under the same conditions.

34 5. A wholesaler shall not prohibit the sale of a
35 beverage by a retailer to another retailer.

36 6. All volume price reductions provided by a
37 wholesaler shall be submitted in writing to a retailer
38 and acknowledged by the retailer. A retailer injured
39 by the failure of a wholesaler to comply with this
40 subsection is entitled to collect treble damages for
41 any losses and all court costs and attorney fees
42 associated with the civil litigation.

43 7. A wholesaler shall not require the sale of a
44 beverage at a specific retail price as a condition of
45 a sale or discounted price of a beverage to a
46 retailer.

47 Sec. ____ . Section 551.4, Code 1989, is amended to
48 read as follows:

49 551.4 PENALTY.

50 Any person, firm, company, association, or

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1 corporation violating ~~any of the provisions of~~
2 sections 551.1 ~~and 551.2~~ through 551.3, and any
3 officer, agent, or receiver of any firm, company,
4 association, or corporation, or any member of the
5 same, or any individual violating any of ~~such~~
6 ~~provisions shall be those sections~~ is guilty of a
7 serious misdemeanor.

8 Sec. ____ . Section 551.5, Code 1989, is amended to
9 read as follows:

10 551.5 CONTRACTS OR AGREEMENTS.

11 All contracts or agreements made in violation of
12 ~~any of the provisions of sections 551.1 and 551.2~~
13 ~~shall be through 551.3 are void.~~"

14 2. Title page, line 1, by striking the words "to
15 reduce the markup percentage on" and inserting the
16 following: "relating to the sale of certain beverages
17 including beer and".

18 3. By renumbering sections as required.

WILLIAM W. DIELEMAN

S-5354

1 Amend Senate File 2113 as follows:

2 1. Page 1, by striking lines 1 through 31, and
3 inserting the following:

4 "Section 1. Section 206.12, subsection 2,
5 paragraph c, Code 1989, is amended to read as follows:

6 c. An ingredient statement in which the accepted
7 common name and percentage by weight of each active
8 ingredient is listed as well as the percentage of
9 inert ingredients in the pesticides. A separate inert
10 ingredient statement containing the common name of
11 each inert ingredient listed in rank order according
12 to weight of each inert ingredient in the pesticide
13 shall also be submitted to the secretary. Except as
14 required by subsection 4, the registrant is not
15 required to state the percentage composition or
16 specific weight of any inert ingredient within a
17 pesticide. The information required by this paragraph
18 shall be submitted in a manner and according to
19 procedures specified by the secretary.

20 Upon written request by the director of the
21 department of natural resources, the secretary shall
22 provide a copy of the ingredient statement and inert
23 ingredient statement to the department. Upon written
24 request by the director of the center for health
25 effects of environmental contamination, the secretary
26 shall provide a copy of the ingredient statement and
27 inert ingredient statement to the center.

28 The identity of a specific inert ingredient in a
29 specific pesticide shall be treated as a confidential
30 trade secret if the following two conditions are met:
31 the registrant states, at the time of registration,
32 that the inert ingredient is a confidential trade
33 secret; and three or fewer registrants are using a
34 particular active ingredient in a registered
35 pesticide. The secretary, the director of the

36 department of natural resources, and the director of
 37 the center for health effects of environmental
 38 contamination shall treat the presence of any inert
 39 ingredient in a particular pesticide that meets the
 40 two conditions as confidential. This section does not
 41 prohibit research or monitoring of any aspect of any
 42 inert ingredient. This section does not prohibit the
 43 public disclosure of research, monitoring, or data
 44 relative to any inert ingredient so long as such
 45 disclosure does not link an inert ingredient to a
 46 particular brand of pesticide registered in this
 47 state."

48 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5355

- 1 Amend Senate File 18 as follows:
- 2 1. Page 1, by striking lines 7 and 8, and
- 3 inserting the following: "its commission not later
- 4 than six months after the child attains eighteen years
- 5 of age."

DONALD V. DOYLE

S-5356

- 1 Amend Senate File 2273 as follows:
- 2 1. Page 2, line 13, by inserting after the words
- 3 "avoiding the" the following: "airport".
- 4 2. Page 3, line 7, by inserting after the word
- 5 "roadways" the following: ", driveways, or parking
- 6 lots".
- 7 3. Page 3, by striking line 12, and inserting the
- 8 following: "vehicle by the customer for a term of
- 9 sixty days or less and for which the customer is
- 10 charged."
- 11 4. Page 3, by striking lines 33 and 34, and
- 12 inserting the following:
- 13 "d. The rental vehicle is obtained by the use of
- 14 false or misleading information."
- 15 5. Page 4, line 1, by inserting after the word
- 16 "roadways" the following: ", driveways, or parking
- 17 lots".
- 18 6. Page 4, by striking line 8, and inserting the
- 19 following: "authorized by the rental agreement.
- 20 i. The loss due to theft is attributable to the

21 customer or authorized driver leaving the vehicle
22 unattended with the keys in the vehicle.
23 j. The rental company is providing a rental motor
24 vehicle pursuant to a rental agreement as a
25 replacement vehicle for the customer's use while the
26 customer's own vehicle is being repaired by the rental
27 company, and the customer agrees in writing to assume
28 the risk of damage or loss.

29 k. One or both of the following apply:

30 (1) The rental customer charges the cost of the
31 rental to a credit card or charge card which provides
32 the customer or authorized driver with collision or
33 liability coverage for damage to the rental vehicle.

34 (2) The rental vehicle is rented by a customer, or
35 operated by an authorized driver, who has a
36 preexisting personal automobile insurance policy or
37 policies which provide collision or liability
38 insurance coverage for damage to the rental vehicle.
39 In either case under paragraph "k", the customer's
40 or authorized driver's liability shall not exceed that
41 provided by the credit or charge card agreement or the
42 insurance policy, and the collection of damages from
43 the credit card, charge card, or insurance company
44 does not result in nonreimbursed costs to the customer
45 or authorized driver as part of the defense of such
46 actions in excess of the five hundred dollars in total
47 aggregate liability otherwise allowed under this
48 section. The rental company shall not inquire into
49 whether a customer has insurance coverage prior to
50 completion of the rental agreement. The customer,

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1 authorized driver, credit card company, charge card
2 company, or insurance company providing coverage shall
3 not be liable in excess of five hundred dollars for
4 the theft of a rental vehicle which occurs without the
5 customer's or authorized driver's prior knowledge or
6 participation. An insurance company authorized to do
7 business in this state shall not cancel or withdraw
8 only the collision or liability insurance coverage for
9 damage to rental vehicles from its policies issued to
10 residents of this state."

11 7. Page 4, line 16, by striking the words "and
12 sole proprietors," and inserting the following: "
13 sole proprietors, and business, trade, or professional
14 associations,".

15 8. Page 4, line 18, by inserting after the word
16 "rate" the following: "or other contractual".

17 9. Page 6, line 16, by inserting after the word

18 "orally" the following: "if the transaction is made
 19 at the rental company's counter or place of business".
 20 10. Page 6, line 24, by inserting after the word
 21 "charges" the following: ", including taxes and
 22 charges for optional services accepted by the
 23 customer,".
 24 11. Title page line 2, by striking the words
 25 "four months" and inserting the following: "sixty
 26 days".
 27 12. By renumbering, relettering, and
 28 redesignating as necessary.

BEVERLY A. HANNON

S-5357

1 Amend Senate File 2093 as follows:
 2 1. Page 1, by inserting after line 11, the
 3 following:
 4 "Sec. ____ .
 5 It is the intent of the general assembly that the
 6 division of beer and liquor enforcement of the
 7 department of public safety increase its staffing and
 8 enforcement of sections 123.22 and 123.59 particularly
 9 along the border areas of this state to prevent the
 10 illegal importation of alcoholic beverages into this
 11 state."

RICHARD VANDE HOEF

S-5358

1 Amend House File 2170, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 17, by inserting after the word
 4 "water" the following: ", except that this section
 5 shall not be construed to prohibit the application of
 6 such a pesticide by a certified applicator who is
 7 trained in aquatic applications and who has given
 8 written notice to the director".

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chair

S-5359

1 Amend Senate File 2249 as follows:
 2 1. Page 7, by inserting after line 4 the

3 following:

- 4 "g. The expedited hearing provided for in this
- 5 subsection cannot be used by an applicant who is
- 6 receiving workers' compensation benefits where such
- 7 benefits are being paid in a timely fashion."

LINN FUHRMAN

S-5360

1 Amend Senate File 2249 as follows:

- 2 1. Page 3, by striking line 13 through page 4,
- 3 line 9.
- 4 2. By renumbering as necessary.

LINN FUHRMAN

S-5361

1 Amend Senate File 2249 as follows:

- 2 1. Page 7, line 11, by inserting after the word
- 3 "employee" the following: "or the employer, or the
- 4 employer's workers' compensation carrier".

LINN FUHRMAN

S-5362

1 Amend Senate File 2249 as follows:

- 2 1. Page 5, line 29, by inserting after the word
- 3 "award" the following: "provided that at least nine
- 4 months has elapsed since the filing of the original
- 5 proceeding or a proceeding to reopen an award".

LINN FUHRMAN

S-5363

1 Amend Senate File 2249 as follows:

- 2 1. Page 7, by inserting after line 4 the
- 3 following:
- 4 "g. An applicant for an expedited hearing under
- 5 this subsection is limited to one expedited hearing
- 6 per original proceeding or proceeding to reopen an
- 7 award that the applicant has filed."

LINN FUHRMAN

S-5364

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 7, by inserting after line 4 the
- 3 following:
- 4 "g. No fees may be deducted from relief granted
- 5 under this subsection and fees may only be assessed
- 6 against awards arising out of decisions made following
- 7 the hearing of the full case."

LINN FUHRMAN

S-5365

- 1 Amend the amendment,
- 2 S-5321, to House File 724, as
- 3 amended, passed, and reprinted by the House, as
- 4 follows:
- 5 1. Page 13, line 25, by striking the word "or"
- 6 and inserting the following: "of".

C. JOSEPH COLEMAN

S-5366

- 1 Amend Senate File 2333 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 554.3507, subsection 5, Code
- 5 1989, is amended to read as follows:
- 6 5. The holder of a dishonored instrument may
- 7 assess against the maker of that instrument a
- 8 surcharge of not more than ~~ten~~ fifteen dollars for
- 9 each dishonored instrument. The surcharge authorized
- 10 by this section shall not be assessed unless the
- 11 holder clearly and conspicuously posts a notice at the
- 12 usual place of payment, or in the billing statement of
- 13 the holder, stating that a surcharge will be assessed
- 14 and the amount of the surcharge. However, ~~such a the~~
- 15 surcharge shall not be assessed against the maker if
- 16 the reason for the dishonor of the instrument is that

17 the maker has stopped payment pursuant to section
18 554.4403."

RICHARD VARN
MICHAEL E. GRONSTAL

S-5367

- 1 Amend House File 2465 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by inserting after the figure
- 4 "10903" the following: "adopted as of a specific date
- 5 by rule by the department".
- 6 2. Page 1, line 6, by inserting after the figure
- 7 "1247(d)" the following: "adopted as of a specific
- 8 date by rule by the department".

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chair

S-5368

- 1 Amend House File 2393, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 27, by inserting after the figure
- 4 "~~1981~~" the following: "adopted as of a specific date
- 5 by rule by the department".
- 6 2. Page 2, line 2, by inserting after the figure
- 7 "~~1981~~" the following: "adopted as of a specific date
- 8 by rule by the department".
- 9 3. Page 2, line 16, by inserting after the figure
- 10 "~~1981~~" the following: "adopted as of a specific date
- 11 by rule by the department".
- 12 4. Page 2, line 26, by inserting after the figure
- 13 "~~1981~~" the following: "adopted as of a specific date
- 14 by rule by the department".
- 15 5. Page 3, line 4, by inserting after the figure
- 16 "~~1981~~" the following: "adopted as of a specific date
- 17 by rule by the department".
- 18 6. Page 3, line 14, by inserting after the figure
- 19 "~~1981~~" the following: "adopted as of a specific date
- 20 by rule by the department".
- 21 7. Page 3, line 24, by inserting after the word
- 22 "passengers" the following: "adopted as of a specific
- 23 date by rule by the department".
- 24 8. Page 3, line 32, by inserting after the word

25 "passengers" the following: "adopted as of a specific
 26 date by rule by the department".

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chairperson

S-5369

1 Amend Senate File 2396 as follows:
 2 1. Page 1, line 15, by inserting after the word
 3 "physical" the following: "mental".

PAT DELUHERY

S-5370

1 Amend Senate File 2369 as follows:
 2 1. Page 2, line 19, by striking the words "Grants
 3 shall not" and inserting the following: "Grants shall
 4 not Not more than twenty percent of the total grant
 5 moneys combined shall".

JEAN LLOYD-JONES
 BERL E. PRIEBE

S-5371

1 Amend House File 2115 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 6 through 8, and
 4 inserting the following: "disposal facilities and for
 5 the disposal of waste from the facilities."

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PATRICK DELUHERY, Chair

S-5372

1 Amend House File 2534 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 1 through page 6,
 4 line 10.
 5 2. Page 6, by inserting before line 11, the
 6 following:
 7 "Sec. ____ . NEW SECTION. 455B.305A LOCAL APPROVAL
 8 OF CERTAIN SANITARY DISPOSAL PROJECTS.
 9 If a city or county provides by ordinance for
 10 zoning relative to sanitary landfills or waste
 11 incineration facilities, prior to the siting of a

12 proposed sanitary landfill or waste incineration
 13 facility, a city, county, or private agency shall
 14 submit a request for local siting approval to the city
 15 council or county board of supervisors which governs
 16 the city or county in which the proposed site is
 17 located. The city council or county board of
 18 supervisors shall approve or disapprove each request
 19 submitted within one hundred eighty days of the
 20 submitting of the request."

21 3. Page 6, by striking lines 18 through 20 and
 22 inserting the following:

23 "The department of natural resources shall not
 24 grant a permit prior to July 1, 1991, for the
 25 construction or operation of a new infectious waste
 26 incinerator that receives in excess of seventy-five
 27 percent of its waste from other public or private
 28 agencies for a fee."

29 4. Title page, line 1, by inserting after the
 30 word "to" the following: "certain".

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PATRICK DELUHERY, Chair

S-5373

1 Amend House File 2465, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 11, by inserting after the word
 4 "crossing." the following: "However, this section
 5 shall not be construed as reducing the obligation or
 6 liability of a railway corporation to remove the
 7 railway tracks from the crossing."

JEAN LLOYD-JONES

S-5374

1 Amend Senate File 2391 as follows:

2 1. Page 1, line 19, by inserting after the word
 3 "standards." the following: "In the case of a
 4 construction permit in existence prior to July 1,
 5 1990, the conditions of the operation permit initially
 6 issued for a facility shall be the same as those
 7 contained in any existing construction permit. The
 8 conditions in all existing construction permits for
 9 all contaminant sources in a facility may be
 10 incorporated into a single operating permit."

11 2. Page 1, line 22, by inserting after the word
 12 "appropriate." the following: "To the extent the
 13 specific data and information has been previously
 14 submitted under a construction or conditional permit
 15 to the department, the data and information need not
 16 be resubmitted without a specific request by the
 17 department. Draft operation permits shall be provided
 18 to the source for review prior to issuance."

MICHAEL E. GRONSTAL

S-5375

1 Amend the amendment, S-5257, to House File 673, as
 2 amended and passed by the House, as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "funds." the following: "However, the county
 5 conservation board shall reimburse any moneys received
 6 in a fiscal year from the county's allotment of
 7 secondary road funds, in the following fiscal year and
 8 such reimbursement shall be credited to the county's
 9 secondary road fund."

DON E. GETTINGS

S-5376

1 Amend Senate File 2383 as follows:
 2 1. Page 2, by inserting after line 32 the
 3 following:
 4 "Sec. ____ . Section 455B.172, subsection 5, Code
 5 1989, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The department or a
 8 county board of health shall not prohibit the
 9 discharge of wastewater from a septic tank located on
 10 agricultural land used for farming as defined in
 11 section 172C.1, and installed before November 19,
 12 1986."

RAY TAYLOR
 ALVIN V. MILLER
 BERL E. PRIEBE
 KENNETH D. SCOTT
 C. JOSEPH COLEMAN
 EMIL J. HUSAK
 LEONARD L. BOSWELL
 JACK W. HESTER

LINN FUHRMAN
H. KAY HEDGE
RICHARD VANDE HOEF
JOHN W. JENSEN
NORMAN J. GOODWIN
RICHARD F. DRAKE
DALE L. TIEDEN
JACK RIFE
JOHN E. SOORHOLTZ

S-5377

1 Amend Senate File 431 as follows:
2 1. Page 4, line 20, by striking the words "and
3 assess" and inserting the following: ", but not
4 assess.".
5 2. Page 5, by inserting after line 12, the
6 following:
7 "The county attorney in the county where the
8 violation occurs, or the attorney general upon request
9 by the department, may bring a civil action in
10 district court to assess civil penalties under this
11 subsection. Moneys collected from the assessment of
12 civil penalties shall be deposited into the general
13 fund of the state."

EMIL J. HUSAK

S-5378

1 Amend Senate File 2113 as follows:
2 1. Page 1, by striking lines 1 through 31, and
3 inserting the following:
4 "Section 1. Section 206.12, subsection 2,
5 paragraph c, Code 1989, is amended to read as follows:
6 c. An ingredient statement in which the accepted
7 common name and percentage by weight of each active
8 ingredient is listed as well as the percentage of
9 inert ingredients in the pesticides. A separate inert
10 ingredient statement containing the common name of
11 each inert ingredient listed in rank order according
12 to weight of each inert ingredient in the pesticide
13 shall also be submitted to the secretary. Except as
14 required by subsection 4, the registrant is not
15 required to state the percentage composition or
16 specific weight of any inert ingredient within a
17 pesticide. The information required by this paragraph
18 shall be submitted in a manner and according to

19 procedures specified by the secretary.

20 Upon written request by the director of the
 21 department of natural resources, the secretary shall
 22 provide a copy of the ingredient statement and inert
 23 ingredient statement to the department. Upon written
 24 request by the director of the center for health
 25 effects of environmental contamination, the secretary
 26 shall provide a copy of the ingredient statement and
 27 inert ingredient statement to the center.

28 The identity of a specific inert ingredient in a
 29 specific pesticide shall be treated as a confidential
 30 trade secret if the following two conditions are met:
 31 the registrant states, at the time of registration,
 32 that the inert ingredient is a confidential trade
 33 secret; and three or fewer registrants are using a
 34 particular active ingredient in a registered
 35 pesticide. The secretary, the director of the
 36 department of natural resources, and the director of
 37 the center for health effects of environmental
 38 contamination shall treat the presence of any inert
 39 ingredient in a particular pesticide that meets the
 40 two conditions as confidential. This section does not
 41 prohibit research or monitoring of any aspect of any
 42 inert ingredient. This section does not prohibit the
 43 public disclosure of research, monitoring, or data
 44 relative to any inert ingredient so long as such
 45 disclosure does not link an inert ingredient to a
 46 particular brand of pesticide registered in this
 47 state.”

48 2. Page 1, by inserting before line 32, the
 49 following:

50 “Sec. ____ . Section 206.22, Code 1989, is amended

Page 2

1 by adding the following new subsection:

2 NEW SUBSECTION. 4. A person not submitting an
 3 ingredient statement or a separate inert ingredient
 4 statement as provided in section 206.12, subsection 2,
 5 is subject to a civil penalty not to exceed one
 6 thousand dollars. The civil penalty shall be in
 7 addition to other penalties provided under this
 8 chapter. The county attorney in the county where the
 9 person resides, or the attorney general upon request
 10 by the department, may bring a civil action in
 11 district court to assess the penalty. Moneys
 12 collected from the assessment of the civil penalties

13 shall be deposited in the general fund of the state.”

14 3. By renumbering as necessary.

EMIL J. HUSAK
MICHAEL E. GRONSTAL

S-5379

1 Amend House File 121, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 6 through 17 and
4 inserting the following: “institutions under the
5 control of the state board, unless the employee is
6 covered by a collective bargaining agreement providing
7 for a parental leave which is equal to or greater than
8 the parental leave provided in this section. An
9 additional unpaid leave of absence may be granted to
10 an employee with the approval of the employee’s
11 supervisor. Parental leave, required by this section,
12 is subject to each of the following conditions:”.

RICHARD RUNNING

S-5380

1 Amend House File 737, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 8, by striking the word “county”
4 and inserting the following: “school corporation,
5 county.”.

LARRY MURPHY
WALLY HORN

S-5381

1 Amend House File 705, 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 15.108, subsection 3,
6 paragraph a, subparagraph (2), Code Supplement 1989,
7 is amended by striking the subparagraph.
8 Sec. 2. Section 15.264, subsection 3, Code 1989,
9 is amended by striking the subsection.
10 Sec. 3. NEW SECTION. 15.301 TITLE.
11 This part shall be known as the “Iowa Economic

12 Development Network Act".

13 Sec. 4. NEW SECTION. 15.302 PURPOSE -- INTENT.

14 1. The purpose of the Iowa economic development
15 network is to create and stimulate economic
16 opportunity through planning and technical assistance
17 and support to entrepreneurs and existing business in
18 the state.

19 2. It is the intent of the general assembly to
20 make available and coordinate economic development
21 services and programs to assist individuals,
22 businesses, and communities through the Iowa economic
23 development network.

24 Sec. 5. NEW SECTION. 15.303 ESTABLISHMENT OF
25 IOWA ECONOMIC DEVELOPMENT NETWORK -- DUTIES OF
26 DIRECTOR.

27 1. The Iowa economic development network is
28 established in the department of economic development.
29 The director of the department of economic development
30 is the executive director of the Iowa economic
31 development network.

32 2. The director shall do all of the following:

33 a. Establish a primary center for economic
34 development programs and services.

35 b. Establish a statewide system of regional
36 economic development centers.

37 c. Establish regional coordinating councils to
38 coordinate the regional delivery of economic
39 development programs and services to businesses and
40 the operation of the regional economic development
41 centers.

42 d. Cooperate with the councils of governments,
43 merged area schools, small business development
44 centers, the center for industrial research and
45 service, the Iowa quality coalition, other service
46 providers, and new and existing businesses in the
47 state to fulfill the purposes of the Iowa economic
48 development network.

49 Sec. 6. NEW SECTION. 15.304 IOWA ECONOMIC
50 DEVELOPMENT NETWORK -- DUTIES.

Page 2

1 The Iowa economic development network shall do all
2 of the following:

3 1. Coordinate the delivery of economic development
4 and community development programs and services with
5 other local, regional, state, and federal programs and
6 activities.

7 2. Provide leadership and support in the
8 development and implementation of statewide, regional,

9 and local economic and community development planning
10 efforts.

11 3. Provide information and data to Iowa
12 businesses, communities, and individuals through a
13 central registry.

14 4. Provide coordination, assistance, and support
15 for the operation of regional economic development
16 centers, and regional coordinating councils.

17 5. Establish, in coordination with the Iowa
18 economic development training program, a professional
19 development training and education curriculum that
20 will implement a certification program for
21 administrators and employees of the regional economic
22 development centers, the department, and other
23 interested persons.

24 Sec. 7. NEW SECTION. 15.305 REGIONAL
25 COORDINATING COUNCILS -- DUTIES.

26 1. For purposes of the Iowa economic development
27 network, the state is divided into fifteen regions.
28 The boundaries of the regions are contiguous to the
29 boundaries established for the merged areas under
30 chapter 280A. Each region shall establish a regional
31 coordinating council.

32 2. The director of the department of economic
33 development shall contract with each regional
34 coordinating council to provide economic development
35 programs and services to businesses in the area. The
36 contract shall include but is not limited to the
37 following:

38 a. Establishment and operation of a regional
39 economic development center within each region. The
40 department may authorize and provide supplemental
41 funding for a subcenter of the regional economic
42 development center within the merged area upon
43 application by the regional coordinating council. A
44 subcenter shall be based upon demographic and
45 geographic considerations that are adopted by the
46 department.

47 b. Employment of an administrator and other
48 personnel to operate the regional economic development
49 center. The contract shall include responsibilities
50 and duties of the administrator and other personnel,

Page 3

1 wage and benefit provisions, and performance measures
2 related to the operation of the regional economic
3 development center.

4 c. An annual budget for the operation of the
5 regional economic development center including a

6 provision to transfer funds from the department to the
7 regional coordinating council or its designee, as
8 agreed upon by the regional coordinating council and
9 the director. The budget shall reflect the work plan
10 of the regional coordinating council and the regional
11 economic development center to implement the intent
12 and purposes of the Iowa economic development network.

13 d. Authorization for a regional coordinating
14 council to enter into agreements to obtain necessary
15 facilities or other support services for the regional
16 economic development center.
17 3. Membership of the regional coordinating council
18 shall consist of at least twelve members who shall be
19 representative of education, government, business and
20 industry, labor, and service organizations in the
21 merged area. Private sector representation shall
22 comprise at least one-half of the membership. A
23 council of governments serving a substantial portion
24 of the merged area may have a representative on the
25 regional coordinating council. The appointment and
26 terms of office of the members shall be governed by
27 bylaws adopted by each regional coordinating council.

28 4. A director, officer, employee, member, trustee,
29 or volunteer, of a regional coordinating council is
30 not liable for the debts or obligations of the
31 regional coordinating council and a director, officer,
32 employee, member, trustee, or volunteer is not
33 personally liable for a claim based upon an act or
34 omission of the person performed in the discharge of
35 the person's duties, except for acts or omissions
36 which involve intentional misconduct or known
37 violation of the law, or for a transaction from which
38 the person derives an improper personal benefit.

39 5. The regional coordinating councils shall do all
40 of the following:

41 a. Adopt a multiyear regional business assistance
42 work plan to implement the purposes of the Iowa
43 economic development network and guide the operation
44 of the regional economic development center in the
45 delivery of programs and services to businesses in the
46 region and provide annual updates. The work plan may
47 include other activities specifically designed to meet
48 the needs of businesses in the region. The regional
49 coordinating council may consult with the councils of
50 governments or other service providers within the

Page 4

1 region in the preparation and adoption of the work
2 plan and may contract with one or more councils of

3 governments or other service providers in its
4 preparation. The work plan shall be submitted to the
5 department for review and comment before the adoption
6 of the work plan by the regional coordinating council.
7 Before the release of any state funds by the
8 department for operation of a regional economic
9 development center, the work plan shall be approved by
10 the department.

11 b. Establish and operate a regional economic
12 development center to implement the goals and
13 objectives established in the work plan and deliver
14 economic development programs and services to
15 businesses in the region.

16 c. Cooperate with the department to promote local,
17 regional, and statewide service delivery systems, to
18 coordinate the delivery of economic development
19 programs and services to businesses in the region, and
20 to participate in the Iowa economic development
21 network.

22 d. Elect annually a representative to serve on the
23 advisory council established by the department to
24 provide input on the review and update of the state's
25 economic development strategic plan.

26 e. Conduct an annual inventory of business
27 assistance service providers to businesses within the
28 region and provide a matrix of available technical
29 services to the department.

30 f. Meet at least quarterly with the board of
31 directors or their designees of the merged area
32 school, any councils of governments serving a
33 substantial portion of the region, and representatives
34 of any small business development center, incubator,
35 representatives of any area quality council, and the
36 center for industrial research and service serving the
37 region to share information, develop plans and
38 programs, and coordinate the delivery of services
39 within the region.

40 Sec. 8. **NEW SECTION. 15.306 PRIMARY CENTER FOR**
41 **ECONOMIC DEVELOPMENT PROGRAMS AND SERVICES.**

42 A primary center for economic development programs
43 and services is established in the department of
44 economic development. The primary center shall do all
45 of the following:

- 46 1. Implement a comprehensive statewide economic
47 development planning process and provide leadership,
48 coordination, and support to regional and local
49 economic and community development planning efforts.
- 50 2. Implement the activities of the Iowa economic

Page 5

- 1 development network and coordinate the delivery of
2 economic development and community development
3 programs and services with other local, regional,
4 state, and federal programs and activities.
5 3. Coordinate planning efforts of the regional
6 coordinating councils in the preparation of annual
7 regional business assistance work plans and provide
8 technical assistance and support to the regional
9 economic development centers.
10 4. Collect and analyze information and data,
11 develop databases, and perform research to keep
12 abreast of Iowa's present economic base, changing
13 market demands, and emerging trends including
14 identification of targeted markets and development of
15 marketing strategies.
16 5. Establish a database of products and services
17 available from Iowa businesses to provide businesses
18 with a source for locating buyers for or suppliers of
19 their products and services and utilize the database
20 to provide a noncommissioned brokerage service for
21 facilitating trade by Iowa businesses.
22 6. Establish a database of community and economic
23 information to aid local, regional, and statewide
24 community development and economic development
25 planning and service delivery efforts.
26 Sec. 9. NEW SECTION. 15.307 REGIONAL ECONOMIC
27 DEVELOPMENT CENTERS.
28 1. A regional economic development center shall
29 create and stimulate economic development by assisting
30 and supporting entrepreneurs and businesses in the
31 region.
32 2. A regional economic development center shall do
33 all of the following:
34 a. Provide outreach to entrepreneurs and
35 businesses and function as a clearinghouse and
36 referral center for information on business assistance
37 programs and services. The regional economic
38 development center shall serve as a liaison between
39 businesses in the region and the Wallace technology
40 transfer foundation of Iowa, the internet foundation,
41 the department, and other business assistance service
42 providers for the purpose of fostering science and
43 technology transfer and international trade
44 opportunities.
45 b. Develop a support network to create and promote
46 entrepreneurship, business retention, business
47 development, and business expansion within the region.
48 c. Maintain ongoing communication with other

49 business assistance service providers in the region
50 and coordinate the delivery of programs and services

Page 6

1 between the service providers and businesses.

2 d. Assist the regional coordinating council in
3 preparing and implementing the annual regional
4 business assistance work plan and inventory of
5 business assistance service providers.

6 e. Provide the regional link for the database and
7 information systems of the Iowa economic development
8 network and the primary center. In providing the
9 regional link, the regional economic development
10 center shall do all of the following:

11 (1) Implement and utilize the department's
12 domestic and international trade lead programs to
13 facilitate trade opportunities for businesses in the
14 region, including updating information for the catalog
15 of products and services, maintaining and updating
16 business profiles, and providing trade lead data.

17 (2) Provide information and referral to
18 individuals and businesses about available programs
19 and services.

20 (3) Cooperate with councils of governments and the
21 primary center in the development and maintenance of a
22 statewide community database.

23 (4) Provide other information and data concerning
24 the region to the primary center or other sources.

25 f. Perform other related duties and
26 responsibilities assigned to the regional economic
27 development center as agreed upon in the contract
28 entered into between the department and the regional
29 coordinating council.

30 Sec. 10. NEW SECTION. 15.308 COMMUNITY BUILDER
31 PROGRAM.

32 1. A community builder program is established in
33 the Iowa department of economic development. The
34 purpose of the program is to encourage a city, cluster
35 of cities, county, group of counties, unincorporated
36 community or group of unincorporated communities to
37 implement planning efforts for community, business,
38 and economic development.

39 2. A city, cluster of cities, county, group of
40 counties, unincorporated community or group of
41 unincorporated communities which participate and
42 receive certification under this program may be
43 eligible for additional consideration under the
44 following state financial assistance programs:

45 a. The community economic betterment account under

46 section 99E.32.

47 b. The community development block grant program.

48 c. The rural community 2000 program under chapter
49 15.

50 d. Recycling projects under section 455D.15.

Page 7

1 e. Revitalize Iowa's sound economy fund under
2 chapter 315.

3 f. Programs administered by the Iowa finance
4 authority under chapter 220.

5 g. Water, conservation, or any resource
6 enhancement and protection program under the control
7 of the department of natural resources.

8 3. A department administering a program under
9 subsection 2 shall adopt administrative rules
10 providing bonus points of not less than five percent
11 and not more than twenty percent of the points
12 available under the program for certified participants
13 under this section.

14 4. A city, cluster of cities, county, group of
15 counties, unincorporated community or group of
16 unincorporated communities not yet certified under
17 this section but awarded a grant or initiative from
18 the state shall initiate a process to establish a
19 community builder program within six months of the
20 award, to be completed within three years of the
21 receipt of the award.

22 5. A city, cluster of cities, county, group of
23 counties, unincorporated community, or group of
24 unincorporated communities shall submit a community
25 builder program to the regional coordinating council
26 for coordination, review, and comment and to the
27 department for certification.

28 6. A community builder program shall include, but
29 is not limited to, all of the following information:

30 a. A plan to improve infrastructure, cultural and
31 fine arts resources, housing, primary health care ser-
32 vices, and natural resources, conservation, and
33 recreational facilities. The plan shall include a
34 prioritization of identified needs.

35 b. A community database including an inventory and
36 assessment of infrastructure, cultural and fine arts
37 resources, housing, primary health care services, and
38 natural resources, conservation and recreational
39 facilities. The database shall also include an
40 assessment of applicants' participation in a county or
41 regional economic development plan.

42 c. A five-year community economic development

43 strategic plan designed to meet the needs of the
 44 community.
 45 d. A list of local community programs to encourage
 46 economic development including public and private
 47 financial resources, an analysis of current and
 48 potential local tax revenues, and tax abatement
 49 programs.
 50 e. A county or regional survey of the available

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1 employment and labor force.
 2 7. The department may enter into a contract with
 3 councils of governments or other service providers to
 4 provide technical assistance to a city, cluster of
 5 cities, county, group of counties, or unincorporated
 6 community, or group of unincorporated communities
 7 participating in a community builder program.
 8 8. The department shall adopt administrative rules
 9 pursuant to chapter 17A to administer this division.
 10 Sec. 11. Section 28.101, Code 1989, is repealed.”
 11 2. Title page, by striking lines 1 and 2 and
 12 inserting the following: “An Act establishing the
 13 Iowa economic development network and related councils
 14 and centers to assist in making available economic
 15 development programs and services.”

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD L. BOSWELL, Chair

S-5382

1 Amend Senate File 2331 as follows:
 2 1. Page 2, line 31, by striking the word “twenty-
 3 five” and inserting the following: “thirty-five”.
 4 2. Page 3, line 1, by striking the word “twenty-
 5 five” and inserting the following: “thirty-five”.
 6 3. Page 10, by striking lines 24 and 25, and
 7 inserting the following:
 8 “Notwithstanding this chapter, a person shall not
 9 begin a”.
 10 4. Title page, line 3, by inserting after the
 11 word “service,” the following: “increasing certain
 12 fees,”.

JAMES RIORDAN

S-5383

- 1 Amend Senate File 2354 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 633.230, Code Supplement 1989,
- 5 is amended by adding the following new unnumbered
- 6 paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. An action based upon the
- 8 failure to give notice by mail required by this
- 9 section, section 633.304 or 633.305, to heirs of a
- 10 decedent or to persons known by the personal
- 11 representative to own or possess a claim in any estate
- 12 in which the personal representative was discharged
- 13 prior to July 1, 1989, shall not be maintained in any
- 14 court in this state unless commenced prior to July 1,
- 15 1991."
- 16 2. Page 1, by inserting after line 15, the
- 17 following:
- 18 "Sec. ____ . NEW SECTION. 682.60A VALIDITY OF
- 19 VOLUNTARY TRUSTS.
- 20 A voluntary trust is not invalid, merged, or
- 21 terminated if the trustor is also the sole trustee or
- 22 a cotrustee, and a beneficiary during the trustor's
- 23 lifetime."
- 24 3. Title page, line 1, by inserting after the
- 25 word "to" the following: "certain trust and estate
- 26 documents by providing for notice requirements for
- 27 claims against an estate, the validity of a voluntary
- 28 trust, and".
- 29 4. By renumbering as necessary.

JACK W. HESTER

S-5384

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 1, by striking lines 5 through 12.

JACK HESTER

S-5385

- 1 Amend Senate File 2093 as follows:
- 2 1. Page 1, by inserting after line 11 the

3 following:

4 "Sec. ____ . Section 123.137, unnumbered paragraph
5 1, Code Supplement 1989, is amended to read as
6 follows:

7 A person holding a class "A" or special class "A"
8 permit shall on or before the tenth day of each
9 calendar month commencing on the tenth day of the
10 calendar month following the month in which the person
11 is issued a permit, make a report under oath to the
12 division upon forms to be furnished by the division
13 for that purpose showing the exact number of barrels
14 of beer, or fractional parts of barrels, sold by the
15 permit holder during the preceding calendar month.
16 Each keg of beer exceeding two gallons in capacity
17 shall have an identification number which shall be
18 included in the report. The report shall also state
19 information the administrator requires, and permit
20 holders shall at the time of filing a report pay to
21 the division the amount of tax due at the rate fixed
22 in section 123.136.

23 Sec. ____ . Section 123.138, Code Supplement 1989,
24 is amended to read as follows:

25 123.138 BOOKS OF ACCOUNT REQUIRED.

26 1. Each class "A" or special class "A" permittee
27 shall keep proper books of account and records showing
28 the amount of beer sold by the permittee, and these
29 books of account shall be at all times open to
30 inspection by the administrator and to other persons
31 pursuant to section 123.30, subsection 1. Each class
32 "B" and class "C" permittee shall keep proper books of
33 account and records showing each purchase of beer made
34 by the permittee, the keg identification number if
35 applicable, and the date and the amount of each
36 purchase and the name of the person from whom each
37 purchase was made, which books of account and records
38 shall be open to inspection pursuant to section
39 123.30, subsection 1, during normal business hours of
40 the permittee.

41 2. Each class "A", class "B", and class "C"
42 permittee shall also keep a record of the
43 identification number of each keg of beer which has a
44 capacity exceeding two gallons sold by the permittee
45 and the name and address of the purchaser. This
46 record shall also be open to inspection by peace
47 officers pursuant to section 123.30, subsection 1,
48 during normal business hours of the permittee."

49 2. Title page, line 1, by striking the words "to
50 reduce the markup percentage on" and inserting the

Page 2

- 1 following: "relating to the sale of certain alcoholic
- 2 beverages including keg beer and".
- 3 3. By numbering sections as required.

RICHARD VANDE HOEF
H. KAY HEDGE
WILMER RENSINK
RAY TAYLOR
WILLIAM W. DIELEMAN

S-5386

- 1 Amend House File 2418, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 34, line 26, by striking the word
- 4 "autism" and inserting the following: "the disorders
- 5 of autism and attention deficit".
- 6 2. Page 34, lines 28 and 29, by striking the
- 7 words "a broad general category" and inserting the
- 8 following: "broad general categories".
- 9 3. Page 34, line 30, by inserting after the word
- 10 "autism" the following: "and the attention deficit
- 11 disordered".
- 12 4. Page 34, line 32, by inserting after the word
- 13 "autism" the following: "and with attention deficit
- 14 disorder".

WALLY E. HORN

S-5387

- 1 Amend House File 2418, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 21, by striking lines 1 through 10.

RICHARD VARN

S-5388

- 1 Amend House File 2418, as amended, passed, and
- 2 reprinted by the House as follows:

DIVISION S—5388A

- 3 1. Page 1, line 13, by striking the figure
4 "398,735" and inserting the following: "468,735".
- 5 2. Page 1, by inserting after line 14, the
6 following:
7 "Of the funds appropriated in this subsection,
8 \$70,000 shall be allocated by the department to a
9 nonprofit organization for purposes of conducting a
10 feasibility study of a midwest regional space center."
- 11 3. Page 2, line 21, by striking the figure
12 "211,581" and inserting the following: "241,581".
- 13 4. Page 2, line 22, by striking the figure "5.25"
14 and inserting the following: "5.75".
- 15 5. Page 2, line 25, by striking the figure
16 "1,530,655" and inserting the following: "1,605,655".
- 17 6. Page 2, line 29, by striking the figure
18 "286,600" and inserting the following: "356,600".
- 19 7. Page 2, by inserting after line 29, the
20 following:
21 "As a condition, limitation, and qualification of
22 the appropriation in this subsection, the Iowa peace
23 institute shall expend \$70,000 for conducting a
24 feasibility study of the establishment of an
25 international museum."
- 26 8. Page 3, line 23, by striking the figure
27 "313,271" and inserting the following: "326,271".
- 28 9. Page 3, line 24, by striking the figure "6.24"
29 and inserting the following: "8.05".
- 30 10. Page 4, line 2, by striking the figure
31 "570,100" and inserting the following: "620,100".
- 32 11. Page 4, line 9, by inserting after the word
33 "program," the following: "\$50,000 shall be expended
34 on the physician's loan program,".
- 35 12. Page 4, line 14, by striking the figure
36 "250,000" and inserting the following: "350,000".
- 37 13. Page 5, line 26, by striking the figure
38 "2,400,000" and inserting the following: "2,350,000".
- 39 14. Page 6, line 23, by striking the figure
40 "2,571,447" and inserting the following: "2,815,748".
- 41 15. Page 6, line 24, by striking the figure
42 "31.23" and inserting the following: "32.52".
- 43 16. Page 7, line 7, by striking the figure
44 "6,120,093" and inserting the following: "6,170,093".

DIVISION S—5388C

- 45 17. Page 9, by striking lines 3 through 8.

DIVISION S—5388B

46 18. Page 9, line 28, by inserting after the word
47 "literacy" the following: ", life management skill
48 training cognitive processes, problem solving skill
49 training,".

DIVISION S—5388A (cont'd.)

50 19. Page 9, by striking lines 30 through 32, and

Page 2

DIVISION S—5388A (cont'd.)

1 inserting the following: "penal system. A
2 computerized learning system which would support the
3 continuity of instruction shall be used in combination
4 with an information management system, that is
5 available throughout the state, to track student
6 progress."

7 20. Page 9, by striking line 33 and inserting the
8 following: "The computerized learning system shall
9 establish an individual educational".

10 21. Page 10, line 29, by striking the figure "10"
11 and inserting the following: "20".

12 22. Page 10, line 32, by striking the figure
13 "368,413" and inserting the following: "643,053".

14 23. Page 21, line 16, by striking the figure
15 "165,093,389" and inserting the following:
16 "164,843,389".

17 24. Page 31, by inserting after line 12 the
18 following:

19 "Sec. ____.

20 There is appropriated from the general fund of the
21 state to the Iowa department of public health for the
22 fiscal year beginning July 1, 1990, and ending June
23 30, 1991, the following amount, or so much thereof as
24 may be necessary, to be used for purposes of
25 administering a graduate nursing grant program at
26 accredited private colleges or universities:

27 \$ 250,000

28 As a condition, limitation, and qualification of
29 the funds appropriated in this section the Iowa
30 department of public health shall adopt rules for
31 administration of the graduate nursing grant program."

32 25. Page 32, line 3, by striking the word
33 "conduct" and inserting the following: "work with the
34 laboratory in the conduct of".

35 26. Page 32, line 24, by striking the word

36 "consortium" and inserting the following:
37 "laboratory".
38 27. Page 32, line 25, by striking the word
39 "laboratory" and inserting the following:
40 "consortium".
41 28. Page 33, by inserting after line 29, the
42 following:
43 "Sec. ____ . 1989 Iowa Acts, chapter 135, section
44 130, is amended to read as follows:
45 SEC. 130. The department of education is directed
46 to conduct a survey of school districts to determine
47 the academic, cocurricular, and extracurricular fees
48 charged to students as a requirement for enrollment in
49 the schools, or participation in an activity, of the
50 school district. Both districtwide and building fees

Page 3

DIVISION S--5388A (cont'd.)

1 shall be included in the survey. The survey shall
2 include the procedures used by the district for
3 payment of fees for low-income pupils. The survey
4 shall provide information listing the total of fees
5 collected and of fees waived. The department of
6 education shall report the results of the survey to
7 the chairpersons and members of the house and senate
8 committees on education by ~~January 15~~ July 1, 1990."
9 29. Page 34, line 23, by inserting after the word
10 "plan." the following: "If the narrowcast system
11 advisory committee finds that a grant request is
12 inconsistent with the telecommunications plan, the
13 grant request shall be denied."
14 30. Page 34, by inserting after line 32 the
15 following:
16 "Sec. ____ . Section 256.11, unnumbered paragraph 1,
17 Code Supplement 1989, is amended to read as follows:
18 The state board shall adopt rules under chapter 17A
19 and a procedure for accrediting all public and
20 nonpublic schools in Iowa offering instruction at any
21 or all levels from the prekindergarten level through
22 grade twelve. The rules of the state board shall
23 require that a multicultural, nonsexist approach is
24 used by schools and school districts. The educational
25 program shall be taught from a multicultural,
26 nonsexist approach. Global perspectives shall be
27 incorporated into all levels of the educational
28 program."
29 31. Page 43, by inserting after line 17 the
30 following:

31 "Sec. ____ . Section 301.30, unnumbered paragraph 4,
 32 Code Supplement 1989, is amended to read as follows:
 33 Claims for reimbursement shall be made to the
 34 department of education by the public school district
 35 providing textbook services during a school year on a
 36 form prescribed by the department, and the claim shall
 37 state the services provided and the actual costs
 38 incurred. Claims shall be accompanied by an affidavit
 39 of an officer of the public school district affirming
 40 the accuracy of the claim. By February 1 and by July
 41 15 of each year the department shall certify to the
 42 director of revenue and finance the amounts of
 43 approved claims to be paid, and the director of
 44 revenue and finance shall draw warrants payable to
 45 school districts which have established claims. The
 46 ~~public school district in which the pupil resides may~~
 47 ~~contract with the public school district of attendance~~
 48 ~~to have the latter school shall~~ furnish the services
 49 and shall receive reimbursement ~~for the payment of~~
 50 ~~said contract; however, said from the state. However,~~

Page 4

DIVISION S—5388A (cont'd.)

1 the services must be comparable to the services of the
 2 district of residence attendance and cannot exceed the
 3 per pupil cost of the program of the district of
 4 residence attendance."
 5 32. Page 43, line 32, by inserting after the word
 6 "society." the following: "This appointment shall be
 7 consistent with all other university employment
 8 practices."
 9 33. Page 43, line 35, by striking the words
 10 "American studies, education,".
 11 34. Page 44, line 1, by striking the word
 12 "thorough".
 13 35. Page 44, lines 30 and 31, by striking the
 14 words "subject to the approval of" and inserting the
 15 following: "in consultation with".
 16 36. By numbering, renumbering, redesignating, and
 17 changing internal references as necessary.

RICHARD VARN

S-5389

1 Amend House File 2418, as amended, passed, and re-
 2 printed by the House, as follows:

- 3 1. By striking page 14, line 29, through page 15,
4 line 9.
5 2. Page 17, by striking lines 1 through 16.
6 3. Page 38, lines 28 and 29, by striking the
7 words "one million three hundred thirty thousand six
8 hundred forty-seven" and inserting the following:
9 "three million eight hundred thirty thousand six
10 hundred forty-seven".
11 4. By renumbering, redesignating, and changing
12 internal references as necessary.

JACK RIFE

S-5390

- 1 Amend the amendment, S-5388, to House File 2418, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 17 through 25.
5 2. By renumbering as necessary.

JACK RIFE

S-5391

- 1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 20, line 17 through page 21,
4 line 10.
5 2. By renumbering, redesignating, and changing
6 internal references as necessary.

JACK RIFE
JOHN W. JENSEN
JULIA GENTLEMAN
RICHARD VANDE HOEF

S-5392

- 1 Amend House File 2418 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 33, by inserting after line 9, the
4 following:
5 "Sec. ____ .
6 Notwithstanding section 282.10, boards of school
7 districts with existing whole-grade sharing agreements
8 which wish to include sixth grade as one of the grades

9 in which the pupils of the districts may attend school
 10 in other districts under the agreement, but which have
 11 failed to meet the February 1, 1990, deadline for the
 12 signing of agreements that are to begin during the
 13 1990-1991 school year, shall be permitted to amend the
 14 existing whole-grade sharing agreements to include the
 15 sixth grade, provided that the school districts meet
 16 all of the other requirements contained in chapter 282
 17 relating to the signing of whole-grade agreements and
 18 the addition of the sixth grade to the current
 19 agreement is signed by the board, under chapter 282 by
 20 July 1, 1990."

21 2. By numbering, renumbering, and changing
 22 internal references as necessary.

LARRY MURPHY

S-5393

1 Amend House File 2422 as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 9, the
 4 following:

5 "Improved technology leading to better evidence of
 6 nonpaternity is not barred by time limits on new
 7 evidence and constitutes a substantial change in
 8 circumstances authorizing the court to consider
 9 modification of a previous determination of paternity.
 10 The enactment of section 598.41 or the enactment of
 11 any substantive amendment to section 598.41
 12 constitutes a substantial change in circumstances
 13 authorizing the court to consider modification of an
 14 award of child custody.

15 Sec. ____ . **NEW SECTION.** 675.43 MODIFICATION.

16 1. The court may subsequently modify orders made
 17 under this chapter if a substantial change in
 18 circumstances occurs. Modification of orders
 19 pertaining to child custody shall be made pursuant to
 20 section 598.41 or chapter 598A.

21 2. The enactment of section 598.41 or the
 22 enactment of any substantive amendment to section
 23 598.41 constitutes a substantial change in
 24 circumstances authorizing the court to consider
 25 modification of an award of child custody.

26 3. Improved technology leading to better evidence
 27 of nonpaternity is not barred by time limits on new
 28 evidence and constitutes a substantial change in
 29 circumstances authorizing the court to consider
 30 modification of a previous determination of paternity.

31 Sec. ____ . CHAPTER TITLE CHANGE. The Code editor
32 shall change the title of chapter 675 to "Parentage of
33 Children and Obligation for Support".

RICHARD RUNNING

S-5394

1 Amend Senate File 2375 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 21.2, Code Supplement 1989, is

5 amended by adding the following new subsection:

6 NEW SUBSECTION. 4. "Physically handicapped" means

7 a person who is unable to walk, who has difficulty

8 walking, or who relies on assistance in order to walk.

9 Sec. 2. Section 21.4, subsection 2, Code 1989, is

10 amended to read as follows:

11 2. Notice conforming with all of the requirements

12 of subsection 1 of this section shall be given at

13 least twenty-four hours prior to the commencement of

14 any meeting of a governmental body unless for good

15 cause such notice is impossible or impractical, in

16 which case as much notice as is reasonably possible

17 shall be given. Each meeting shall be held at a place

18 reasonably accessible to the public, which place shall

19 be accessible to and functional for the physically

20 handicapped, as required in chapter 104A, and at a

21 time reasonably convenient to the public, unless for

22 good cause such a place or time is impossible or

23 impractical. ~~Special access to the meeting may be~~

24 ~~granted to handicapped or disabled individuals.~~

25 When it is necessary to hold a meeting on less than

26 twenty-four hours' notice, or at a place that is not

27 reasonably accessible to the public or is not

28 accessible to and functional for the physically

29 handicapped, or at a time that is not reasonably

30 convenient to the public, the nature of the good cause

31 justifying that departure from the normal requirements

32 shall be stated in the minutes.

33 Sec. 3. Section 21.4, Code 1989, is amended by

34 adding the following new subsections:

35 NEW SUBSECTION. 2A. A governmental body shall,

36 upon request made within a reasonable time in advance

37 of the meeting, make a good faith effort to provide

38 interpreters for hearing impaired persons, and

39 materials printed in Braille or an audio tape for

40 visually impaired persons.

41 NEW SUBSECTION. 2B. The department of human

42 rights shall collect and publish on a regular basis
 43 lists of resources available to governmental bodies
 44 and officials including but not limited to, persons
 45 who may serve as interpreters for hearing impaired
 46 persons, transcribers, printers, and publishers of
 47 Braille materials and any other resources needed to
 48 meet the requirements of subsection 2A.
 49 NEW SUBSECTION. 2C. A meeting may be held in a
 50 building which is not in conformity with chapter 104A,

Page 2

1 if the building is a qualified historic building as
 2 defined in chapter 103A, and provided that upon a
 3 request made within a reasonable time in advance of
 4 the meeting by a physically handicapped person wishing
 5 to attend the meeting, the meeting shall be moved to a
 6 building which is accessible to physically handicapped
 7 persons.
 8 Notice of such a move shall be posted at the
 9 original meeting site, prior to and during the time of
 10 the meeting, stating the reason for the move and the
 11 location of the new meeting site.”

BEVERLY A. HANNON

S-5395

1 Amend House File 2418, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, line 8, by striking the figure
 4 “129.75” and inserting the following: “130.75”.
 5 2. Page 35, by inserting after line 10, the
 6 following:
 7 “Sec. . NEW SECTION. 256.43 AMBASSADOR TO
 8 EDUCATION.
 9 The department of education shall establish within
 10 the department the position of ambassador to education
 11 to act as an education liaison to primary and
 12 secondary schools in this state. The ambassador to
 13 education position shall be filled by the educator
 14 selected as teacher of the year by the governor, but
 15 only if that person agrees to fill the ambassador to
 16 education position.
 17 The ambassador to education’s duties shall be
 18 established by the director of the department and
 19 shall be tailored to the relative skills and
 20 educational background of the person designated as
 21 ambassador. Duties of the ambassador may include, but

22 are not limited to, providing seminars and workshops
 23 in the subject matter area in which the ambassador
 24 possesses expertise, accompanying the director of the
 25 department of education in the exercise of the
 26 director's duties in the state, and speaking at public
 27 gatherings in the state.

28 The ambassador to education shall receive, in lieu
 29 of compensation from the district in which the
 30 ambassador is regularly employed, a salary which is
 31 equal to the amount of salary received by the person
 32 during the previous school year or thirty thousand
 33 dollars, whichever amount is greater. The ambassador
 34 shall also be compensated for actual expenses incurred
 35 as a result of the performance of duties under this
 36 section.

37 The district which employs the person selected as
 38 the ambassador to education shall grant the person a
 39 one-year sabbatical in order to allow the person to be
 40 the ambassador to education. The person selected as
 41 the ambassador to education shall be entitled to
 42 return to the person's same or a comparable position
 43 without loss of accrued benefits or seniority."

44 3. Page 43, by inserting after line 17, the
 45 following:

46 "Sec. ____ . Section 294A.25, Code Supplement 1989,
 47 is amended by adding the following new subsection:
 48 NEW SUBSECTION. 4A. Commencing with the fiscal
 49 year beginning July 1, 1990, the amount of sixty
 50 thousand dollars for the ambassador to education

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1 program under section 256.43."

BEVERLY A. HANNON
 LARRY MURPHY

S-5396

1 Amend the amendment, S-5139, to Senate File 2392,
 2 as follows:

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

5 "____ . Page 1, by inserting before line 1 the
 6 following:

7 "Section 1. Section 294A.5, unnumbered paragraphs
 8 1 and 2, Code 1989, are amended to read as follows:

9 For each of the school year years beginning July 1,

10 1987, and succeeding school years ending June 30,
 11 1990, the minimum annual salary paid to a full-time
 12 teacher as regular compensation shall be eighteen
 13 thousand dollars. For the school year beginning July
 14 1, 1990, and succeeding school years, the minimum
 15 annual salary paid under this section shall be
 16 nineteen thousand dollars.

17 For the school year beginning July 1, ~~1987~~ 1990,
 18 for phase I, each school district and area education
 19 agency shall certify to the department of education by
 20 the third Friday in September the names of all
 21 teachers employed by the district or area education
 22 agency whose regular compensation is less than
 23 ~~eighteen~~ nineteen thousand dollars per year for that
 24 year and the amounts needed as minimum salary
 25 supplements. The minimum salary supplement for each
 26 eligible teacher is the total of the difference
 27 between ~~eighteen~~ nineteen thousand dollars and the
 28 teacher's regular compensation plus the amount
 29 required to pay the employer's share of the federal
 30 social security and Iowa public employees' retirement
 31 system, or a pension and annuity retirement system
 32 established under chapter 294, payments on the
 33 additional salary moneys.

34 Sec. ____ . Section 294A.6, Code Supplement 1989, is
 35 amended to read as follows:

36 294A.6 PAYMENTS.

37 For the school year beginning July 1, ~~1987~~ 1990,
 38 the department of education shall notify the
 39 department of revenue and finance of the total minimum
 40 salary supplement to be paid to each school district
 41 and area education agency under phase I and the
 42 department of revenue and finance shall make the
 43 payments. For school years after the school year
 44 beginning July 1, ~~1987~~ 1990, if a school district or
 45 area education agency reduces the number of its full-
 46 time equivalent teachers below the number employed
 47 during the school year beginning July 1, ~~1987~~ 1990,
 48 the department of revenue and finance shall reduce the
 49 total minimum salary supplement payable to that school
 50 district or area education agency so that the amount

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1 paid is equal to the ratio of the number of full-time
 2 equivalent teachers employed in the school district or
 3 area education agency for that school year divided by
 4 the number of full-time equivalent teachers employed
 5 in the school district or area education agency for
 6 the school year beginning July 1, ~~1987~~ 1990, and

7 multiplying that fraction by the total minimum salary
8 supplement paid to that school district or area
9 education agency for the school year beginning July 1,
10 ~~1987~~ 1990.

11 If the moneys allocated for phase I for a school
12 year exceed the moneys required to pay the total
13 minimum salary supplements to all school districts and
14 area education agencies, the board of directors of a
15 school district that has employed one or more
16 additional teachers as a result of a whole grade
17 sharing agreement completed under section 282.7 may
18 request approval from the department of education for
19 additional funding for its minimum salary supplement
20 for that school year and succeeding school years if
21 the other school district or districts that are
22 parties to the sharing agreement have correspondingly
23 reduced their number of teachers. If the department
24 of education approves the payment of the additional
25 salary supplement to a district, the department shall
26 certify to the department of revenue and finance that
27 the additional payment be made. The payment shall be
28 equal to the amount of the difference between ~~eighteen~~
29 nineteen thousand dollars and the teacher's regular
30 compensation, plus the amount required to make the
31 payments on the additional salary moneys for the
32 employer's share of the federal social security and
33 Iowa public employees' retirement system, or a pension
34 and annuity retirement system established under
35 chapter 294. If the phase I moneys remaining are
36 insufficient to pay the entire amount approved by the
37 department of education, the department of revenue and
38 finance shall prorate the payments to school
39 districts."

40 2. Page 1, line 3, by striking the word "twenty-
41 nine" and inserting the following: "twenty-six".

42 3. Page 1, line 4, by striking the word "seventy-
43 four" and inserting the following: "ninety-six".

44 4. Page 1, by striking lines 5 and 6.

45 5. Page 1, line 8, by striking the word "seven"
46 and inserting the following: "ninety-four".

LARRY MURPHY

S-5397

1 Amend House File 2418 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 33, by striking lines 10 through 29 and
4 inserting the following:

5 "Sec. 56.
6 Notwithstanding section 442.7, subsection 7,
7 paragraphs "g" and "h", for the budget year beginning
8 July 1, 1990, the department of management shall
9 determine the average special education support
10 services district cost per pupil for the base year
11 among the area education agencies and shall use that
12 amount as the special education support services
13 district cost per pupil for the base year in lieu
14 of the actual amount for each area education agency
15 in which the special education support services
16 district cost per pupil for the base year is below
17 the average.
18 For the budget year commencing July 1, 1991,
19 the increased amount shall be used under section
20 257.10 as the special education support services
21 district cost per pupil for the base year for any
22 area education agency meeting the criteria of this
23 section."

RAY TAYLOR

S-5398

1 Amend House File 2418, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 40, by inserting after line 1, the
4 following:
5 "Sec. ____ NEW SECTION. 262.34A ATHLETIC COMPENSATION
6 POLICY.
7 The state board of regents shall investigate, review,
8 and adopt a policy permitting the compensation of collegiate
9 athletes, who are enrolled in any of the universities and
10 participating in a university-sponsored athletic program,
11 by the university, alumni, or other interested person.
12 Compensation shall include, but not be limited to, scholarships,
13 available financial awards or resources, motor vehicles,
14 real or personal property, or anything of value. The state
15 board shall urge the national collegiate athletic association
16 to adopt rules to permit the compensation of collegiate
17 athletes. The state board shall provide the policy to
18 the presidents, athletic directors, and the departments
19 of athletics of the three institutions of higher education
20 under its control. The state board shall review, update, and
21 reissue the policy annually. However, the state board shall
22 delay implementation of the policy until the national
23 collegiate athletic association adopts a similar policy
24 permitting compensation of athletes."

25 2. By designating, redesignating, and changing
26 internal references as necessary.

THOMAS MANN

S-5399

1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 41, by inserting after line 28, the
4 following:
5 "Sec. ____ . Section 282.28, Code 1989, is amended
6 to read as follows:
7 282.28 CHILDREN AT ELDORA AND TOLEDO.
8 Annually, the area education agency in which the
9 state training school and the Iowa juvenile home are
10 located and the department of human services on behalf
11 of the training school and juvenile home shall submit
12 an annual joint application by January 1 for the next
13 succeeding school year to the department of education
14 describing the proposed special education
15 instructional and support programs and service
16 improvements for the training school and juvenile
17 home. The department of education shall review and
18 approve or modify the program and proposed budget by
19 February 1 and shall notify the department of revenue
20 and finance, the area education agency, and the
21 department of human services of the approved budget
22 amount. The moneys for the approved budget shall
23 supplement and not supplant moneys equal to the moneys
24 expended for education for the fiscal year beginning
25 July 1, 1986 by the department of human services. The
26 moneys for the approved budget shall be used to ensure
27 that the training school and juvenile home comply with
28 appropriate administrative rules relating to special
29 education adopted by the department of education. The
30 department of revenue and finance shall pay the
31 approved budget amount for an area education agency in
32 monthly installments beginning on September 15 and
33 ending on June 15 of the next succeeding school year.
34 The installments shall be as nearly equal as possible
35 as determined by the department of management, taking
36 into consideration the relative budget and cash
37 position of the state's resources. The department of
38 revenue and finance shall transfer the approved budget
39 amount for an area education agency from the moneys
40 appropriated under section 442.26 or section 257.16
41 and make the payment to the area education agency.
42 The area education agency shall submit a claim an

43 accounting to the department of education by August 1
 44 following the school year for the actual costs of the
 45 special education programs and services provided at
 46 the training school and juvenile home. The department
 47 shall review and approve or modify the claims
 48 accounting by September 1 and shall notify the
 49 department of revenue and finance of the approved
 50 claim accounting amount. ~~The total amount of the~~

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1 ~~approved claim shall be paid by the department of~~
 2 ~~revenue and finance to the area education agency by~~
 3 ~~October 1. The total amount The department of~~
 4 ~~revenue and finance shall adjust the September payment~~
 5 ~~to the area education agency for the next fiscal year~~
 6 ~~by the difference between the amount of the proposed~~
 7 ~~budget paid to the area education agency and the~~
 8 ~~amount of the actual costs as reflected in the area~~
 9 ~~education agency's accounting. Any amount paid by the~~
 10 ~~department of revenue and finance shall be deducted~~
 11 ~~monthly from the state foundation aid paid under~~
 12 ~~section 442.26 or section 257.16 during the remainder~~
 13 ~~of that fiscal year to all school districts in the~~
 14 ~~state. The portion of the total amount of the~~
 15 ~~approved claim accounting amount that shall be~~
 16 ~~deducted from the state aid of a school district shall~~
 17 ~~be the same as the ratio that the budget enrollment~~
 18 ~~for the budget year of the school district bears to~~
 19 ~~the total budget enrollment in the state for that~~
 20 ~~budget year. The department of revenue and finance~~
 21 ~~shall transfer the total amount of the approved claim~~
 22 ~~from the moneys appropriated under section 442.26 for~~
 23 ~~payment to the area education agency.~~
 24 ~~Sec. ____ . Section 282.31, subsection 1, Code 1989,~~
 25 ~~is amended to read as follows:~~
 26 1. a. A child who lives in a facility pursuant to
 27 section 282.30, subsection 1, paragraph "a", and who
 28 is not enrolled in the educational program of the
 29 district of residence of the child, shall receive
 30 appropriate educational services. The area education
 31 agency shall submit a proposed program and budget to
 32 the department of education by January 1 for the next
 33 succeeding school year. The department of education
 34 shall review and approve or modify the program and
 35 proposed budget and shall notify the department of
 36 revenue and finance and the area education agency of
 37 its action by February 1. ~~The area education agency~~
 38 ~~shall submit a claim to the department of education by~~

39 August 1 following the school year for the actual cost
40 of the program. The department of revenue and finance
41 shall pay the approved budget amount for an area
42 education agency in monthly installments beginning
43 September 15 and ending June 15 of the next succeeding
44 school year. The installments shall be as nearly
45 equal as possible as determined by the department of
46 management, taking into consideration the relative
47 budget and cash position of the state's resources.
48 The department of revenue and finance shall transfer
49 the approved budget amount for an area education
50 agency from the moneys appropriated under section

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1 442.26 or section 257.16 and make the payment to the
2 area education agency. The area education agency
3 shall submit an accounting for the actual cost of the
4 program to the department of education by August 1 of
5 the following school year. The department shall
6 review and approve or modify all expenditures incurred
7 in compliance with the guidelines pursuant to section
8 256.7, subsection 12, and shall notify the department
9 of revenue and finance of the approved ~~claim~~
10 accounting amount by September 1. The total amount of
11 the approved ~~claim~~ accounting amount shall be compared
12 with any amounts paid by the department of revenue and
13 finance to the area education agency by October 1 and
14 any differences added to or subtracted from the
15 September payment made under this paragraph for the
16 next school year. The total amount Any amount paid by
17 the department of revenue and finance shall be
18 deducted monthly from the state foundation aid paid
19 under section 442.26 or section 257.16 during the
20 remainder of that fiscal year to all school districts
21 in the state. The portion of the total amount of the
22 approved ~~claims~~ budget that shall be deducted from the
23 state aid of a school district shall be the same as
24 the ratio that the budget enrollment for the budget
25 year of the school district bears to the total budget
26 enrollment in the state for that budget year. The
27 department of revenue and finance shall transfer the
28 total amount of the approved ~~claims~~ from the moneys
29 appropriated under section 442.26 for payment to the
30 area education agencies:

31 b. A child who lives in a facility or home
32 pursuant to section 282.19, and who does not require
33 special education and who is not enrolled in the
34 educational program of the district of residence of

35 the child, shall be included in the basic enrollment
36 of the school district in which the facility or home
37 is located.

38 However, on June 30 of a school year, if the board
39 of directors of a school district determines that the
40 number of children under this paragraph who were
41 counted in the basic enrollment of the school district
42 on the third Friday of September of that school year
43 is fewer than the sum of the number of months all
44 children were enrolled in the school district under
45 this paragraph during the school year divided by nine,
46 the secretary of the school district may submit a
47 claim to the department of education by August 1
48 following the school year for an amount equal to the
49 district cost per pupil of the district for the
50 previous school year multiplied by the difference

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1 between the number of children counted and the number
2 of children calculated by the number of months of
3 enrollment. The amount of the claim shall be paid by
4 the department of revenue and finance to the school
5 district by October 1 ~~in the same manner as the claims~~
6 ~~are paid under paragraph "a".~~ The department of
7 revenue and finance shall transfer the total amount of
8 the approved claim of a school district from the
9 moneys appropriated under section 442.26 or under
10 section 257.16 and the amount paid shall be deducted
11 monthly from the state foundation aid paid during the
12 remainder of that fiscal year to all school districts
13 in the state in the manner provided in paragraph "a".
14 2. By numbering, renumbering, and changing
15 internal references as necessary.

LARRY MURPHY
JOY CORNING

S-5400

1 Amend House File 2418 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 33, by striking lines 10 through 29 and
4 inserting the following:
5 "Sec. 56.
6 Notwithstanding section 442.7, subsection 7,
7 paragraphs "g" and "h", for the budget year beginning
8 July 1, 1990, the department of management shall
9 increase the special education support services

10 district cost per pupil for each district in an area
 11 education agency that has fewer than 3.5 public school
 12 pupils per square mile so that it equals \$147 per
 13 pupil and for the budget year beginning July 1, 1991,
 14 \$147 shall be used under section 257.10 as the special
 15 education support services district cost per pupil for
 16 the base year for any area education agency meeting
 17 the criteria of this section."

JOY CORNING

S-5401

1 Amend House File 2418, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 31, line 33, by inserting after the word
 4 "administrators," the following: "school board mem-
 5 bers, members of the general public,".

JIM LIND
 LARRY MURPHY

S-5402

1 Amend House File 2418, as amended, passed,
 2 and reprinted by the House, as follows:
 3 1. Page 33, by inserting after line 1,
 4 the following:
 5 "Sec. ____ . The department of education shall
 6 conduct a study of and develop recommendations for
 7 an administrators's excellence program. The
 8 department's recommendations shall include components
 9 which address issues relating to recruitment,
 10 skill enhancement, and retention of
 11 administrators. In developing recommendations,
 12 the department shall consult with an
 13 education associations or organizations
 14 which have developed recommendations relating to
 15 an administrator's excellence program.
 16 The department shall submit its
 17 recommendations in a report to the General
 18 Assembly by January 1, 1991."
 19 2. By designating, redesignating, and
 20 changing internal references as necessary.

ELAINE SZYMONIAK
 MAGGIE TINSMAN
 JOY CORNING

S-5403

1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 41, by inserting after line 28 the
4 following:
5 "Sec. ____ . NEW SECTION. 282.22 CHILDREN IN
6 ENHANCED FOSTER CARE FACILITIES.
7 A child who lives in a licensed foster care
8 facility as defined in section 237.1 which receives
9 enhanced foster care funding shall receive appropriate
10 educational services. Notwithstanding section 282.19,
11 the local school district where the facility is
12 located shall submit a proposed program and budget to
13 the department of education by January 1, 1991, for
14 the next succeeding school year. The department of
15 education shall review and approve or modify the
16 program and proposed budget and shall notify the
17 department of revenue and finance and the local school
18 district of its action by February 1, 1991. The
19 department of revenue and finance shall pay the
20 difference between the approved budget and the
21 anticipated special education instructional costs
22 which are reimbursed according to section 282.31,
23 subsection 2 or 3, in monthly installments beginning
24 September 15, 1991, and ending June 15, 1992. The
25 installments shall be as nearly equal as possible as
26 determined by the department of management, taking
27 into consideration the relative budget and cash
28 position of the state's resources. The department of
29 revenue and finance shall transfer the approved budget
30 amount from the moneys appropriated under section
31 257.16 for payment to the local school district. The
32 local school district shall submit an accounting
33 for the actual cost of the program to the department
34 of education by August 1, 1992. The department shall
35 review and approve or modify all expenditures incurred
36 in compliance with the guidelines pursuant to section
37 256.7, subsection 12, and shall notify the department
38 of revenue and finance of the approved accounting
39 amount. The approved accounting amount shall be
40 compared with any amounts paid by the department of
41 revenue and finance to the local school district and
42 any differences shall be added or subtracted from the
43 September payment for the next school year. Any
44 amount paid by the department of revenue and finance
45 shall be deducted monthly from the state foundation
46 aid paid under section 257.16 during the remainder of
47 that fiscal year to all school districts in the state.

- 48 The state board shall adopt rules, for the
49 implementation of this section.
50 The department shall develop recommendations

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- 1 relating to development of appropriate funding, for
2 children who live in licensed foster care facilities
3 which receive enhanced foster care funding and report
4 the results of the study to the state board and the
5 general assembly by January 1, 1991.”
6 2. By numbering and renumbering and changing
7 internal references.

LARRY MURPHY
JOY CORNING

S-5404

- 1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—5404A

- 3 1. Page 35, by inserting after line 10 the
4 following:
5 “Sec. 200. NEW SECTION. 257.37 FUNDING MEDIA AND
6 EDUCATIONAL SERVICES.
7 For the fiscal year beginning July 1, 1991, and
8 ending June 30, 1992, media services and educational
9 services provided through the area education agencies
10 shall be funded, to the extent provided, by an
11 addition to the district cost of each school district,
12 determined as follows:
13 1. The amount to be funded in each area for media
14 services in the budget year is equal to eight and
15 four-tenths of one percent of the state cost per pupil
16 for the budget year, multiplied by the enrollment
17 served in the area for the budget year. Thirty
18 percent of the budget of an area for media services
19 shall be expended for media resource material which
20 shall only be used for the purchase or replacement of
21 material required in section 273.6, subsection 1,
22 paragraphs “a”, “b”, and “c”. Funds shall be paid to
23 area education agencies as provided in section 257.35.
24 The costs shall be allocated to school districts in
25 the area based upon the proportion of the enrollment
26 served that resides in the district.
27 2. The amount to be funded in each area for

28 educational services in the budget year is equal to
 29 nine and six-tenths of one percent of the state cost
 30 per pupil for the budget year, multiplied by the
 31 enrollment served in the area for the budget year.
 32 Funds shall be paid to area education agencies as
 33 provided in section 257.35. The costs shall be
 34 allocated to school districts in the area based upon
 35 the proportion of the enrollment served that resides
 36 in the district.

37 3. "Enrollment served" means the basic enrollment
 38 plus the number of nonpublic school pupils served with
 39 media services or educational services, as applicable,
 40 except that if a nonpublic school pupil or a pupil
 41 attending another district under a whole grade sharing
 42 agreement or open enrollment receives services through
 43 an area other than the area of the pupil's residence,
 44 the pupil shall be deemed to be served by the area of
 45 the pupil's residence, which shall by contractual
 46 arrangement reimburse the area through which the pupil
 47 actually receives services. Each school district
 48 shall include in the third Friday in September
 49 enrollment report the number of nonpublic school
 50 pupils within each school district for media and

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DIVISION S—5404A (cont'd.)

1 educational services served by the area.
 2 4. If an area education agency does not serve
 3 nonpublic school pupils in a manner comparable to
 4 services provided public school pupils for media and
 5 educational services, as determined by the state board
 6 of education, the state board shall instruct the
 7 department of management to reduce the funds for media
 8 services and educational services one time by an
 9 amount to compensate for such reduced services. The
 10 media services budget shall be reduced by an amount
 11 equal to the product of the cost per pupil in basic
 12 enrollment for the budget year for media services
 13 times the difference between the enrollment served and
 14 the basic enrollment recorded for the area. The
 15 educational services budget shall be reduced by an
 16 amount equal to the product of the cost per pupil in
 17 basic enrollment for the budget year for educational
 18 services times the difference between the enrollment
 19 served and the basic enrollment recorded for the area.
 20 This subsection applies only to media and
 21 educational services which cannot be diverted for
 22 religious purposes.

23 Notwithstanding this subsection, an area education
24 agency shall distribute to nonpublic schools media
25 materials purchased wholly or partially with federal
26 funds in a manner comparable to the distribution of
27 such media materials to public schools as determined
28 by the director of the department of education."

DIVISION S—5404B

29 2. Page 35, by inserting before line 11, the
30 following:

31 "Sec. 201. NEW SECTION. 257.37A ADDITIONAL
32 FUNDING FOR MEDIA AND EDUCATIONAL SERVICES.

33 For the fiscal year beginning July 1, 1991, and
34 ending June 30, 1992, media services and educational
35 services provided through the area education agencies
36 shall receive additional funding, for purposes of
37 equipment replacement for media services and program
38 implementation for educational services, by an
39 addition to the district cost of each school district,
40 determined as follows:

41 1. The amount funded in each area for equipment
42 replacement for media services in the budget year is
43 equal to one and seven-tenths of one percent of the
44 state cost per pupil for the budget year, multiplied
45 by the enrollment served in the area for the budget
46 year. Funds shall be paid to area education agencies
47 as provided in section 257.35. The costs shall be
48 allocated to school districts in the area based upon
49 the proportion of the enrollment served that resides
50 in the district.

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DIVISION S—5404B (cont'd.)

1 2. The amount funded for program implementation
2 for educational services in each area in the budget
3 year is equal to one and seven-tenths of one percent
4 of the state cost per pupil for the budget year,
5 multiplied by the enrollment served in the area for
6 the budget year. Funds shall be paid to area
7 education agencies as provided in section 257.35. The
8 costs shall be allocated to school districts in the
9 area based upon the proportion of the enrollment
10 served that resides in the district.

11 3. "Enrollment served" means "enrollment served"
12 as defined in section 257.37, subsection 3."

DIVISION S—5404C

13 3. Page 48, by inserting after line 18 the fol-
 14 lowing:
 15 "Sec. ____ .
 16 Sections 200 and 201 of this Act take effect July
 17 1, 1990, for the purpose of computations required for
 18 payment of state aid to and levying of property taxes
 19 by school districts for the budget year beginning July
 20 1, 1991."
 21 4. By numbering and renumbering as necessary.

LARRY MURPHY

S-5405

1 Amend House File 2503, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 31, the
 4 following:
 5 "d. A person required to provide notification
 6 pursuant to this subsection and who, in good faith,
 7 provides such notification has immunity from any
 8 liability, civil or criminal, which might otherwise be
 9 incurred or imposed for providing the notification."

DONALD V. DOYLE

S-5406

1 Amend House File 2418 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 9, by inserting after line 8 the
 4 following:
 5 "____ . VOCATIONAL AGRICULTURE YOUTH ORGANIZATION.
 6 To assist a vocational agriculture youth organi-
 7 zation sponsored by the schools to support the
 8 foundation established by that vocational
 9 agriculture youth organization.
 10 \$ 50,000".

LINN FUHRMAN
 RICHARD VANDE HOEF
 RICHARD J. VARN
 BERL E. PRIEBE

S-5407

- 1 Amend the amendment S-5388 to House File 2418,
- 2 as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 32 through 40 and
- 5 inserting the following:
- 6 " . By striking page 31, line 34 through page 32,
- 7 line 3, and inserting the following: "evaluation.
- 8 The".
- 9 . Page 32, line 4, by striking the word "to"
- 10 and inserting the following: "by".
- 11 . Page 32, line 5, by striking the word "and".
- 12 . Page 32, by striking lines 6 through 35,
- 13 and inserting the following: "Moneys allocated in
- 14 this section may be paid to the regional educational
- 15 laboratory."
- 16 . Page 33, by striking line 1."

JIM LIND
WILLIAM W. DIELEMAN
DALE TIEDEN

S-5408

- 1 Amend House File 2418 as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 31, line 23, by striking the figure "250,000"
- 4 and inserting the following: "150,000".

JIM LIND

S-5409

- 1 Amend the amendment, S-5388, to House File 2418, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by inserting after line 40, the
- 5 following:
- 6 "____. Page 33, by inserting after line 1, the
- 7 following:
- 8 "Sec. ____.
- 9 The department of education and the state board of
- 10 regents shall, in consultation with the board of
- 11 educational examiners, conduct a study of the use of
- 12 phonics in the teaching of reading. The study shall
- 13 include, but is not limited to, compiling a list of
- 14 reading instruction programs and methods used in the
- 15 schools, and taught by practitioner preparation
- 16 institutions; the average cost per pupil of the use of

17 the programs and methods; and an analysis of whether
 18 the programs and methods are providing well-designed
 19 instruction as reflected in student achievement
 20 scores. The study shall also include recommendations
 21 as to the feasibility of incorporating phonics into
 22 current elementary school reading instruction, as well
 23 as into practitioner preparation programs designed to
 24 train persons intending to become licensed
 25 practitioners or to teach in grades kindergarten
 26 through three, and recommendations regarding available
 27 student outcome measures that can be instituted to
 28 ensure that the reading instruction programs meet
 29 student needs. The department and the state board
 30 shall issue a joint report of their findings,
 31 including any recommendations, to the general assembly
 32 by January 1, 1991.”
 33 2. By numbering and renumbering as necessary.

RAY TAYLOR

S-5410

1 Amend Senate File 2399 as follows:
 2 1. Page 3, by striking line 28, and inserting the
 3 following:
 4 “a. A short form as provided by the secretary of
 5 state.”
 6 2. By striking page 4, line 5 through page 6,
 7 line 4, and inserting the following:
 8 “The secretary of state shall by rule provide short
 9 form certificates of notarial acts which shall include
 10 the information required by section 77A.10D,
 11 subsection 1.”

DONALD V. DOYLE
 JACK HESTER

S-5411

1 Amend House File 2418 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 35, by inserting after line 10, the
 4 following:
 5 “Sec. ____ Section 261.2, Code Supplement 1989, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 14. Adopt rules relating to
 8 allocation of moneys in the tuition replacement to
 9 area schools fund for purposes of providing tuition

10 replacement moneys to area schools for students who
11 are eligible to attend an area school on a tuition
12 free basis. Rules adopted shall provide that area
13 schools which provide instruction to students who are
14 eligible to receive benefits under the Economic
15 Dislocation and Workers Adjustment Assistance Act,
16 Pub. L. No. 100-418, 102 Stat. 1107 shall be
17 reimbursed for fees and charges associated with a
18 period of instruction not exceeding two years.

19 Sec. ____ . NEW SECTION. 261.5 TUITION REPLACEMENT
20 TO AREA SCHOOLS.

21 A tuition replacement to area schools fund is
22 created in the office of the treasurer of state.
23 There is appropriated annually from the general fund
24 of the state to the college aid commission to be
25 credited to the tuition replacement to area schools
26 fund, an amount sufficient to make the payments to
27 area schools required under section 261.2, subsection
28 14 and section 280A.23, subsection 15.”

29 2. Page 40, by inserting after line 24, the
30 following:

31 “Sec. ____ . Section 280A.23, Code 1989, is amended
32 by adding the following new subsection:
33 NEW SUBSECTION. 15. Notwithstanding subsection 2,
34 adopt rules which permit students who meet the
35 requirements for receipt of benefits under the
36 Economic Dislocation and Workers Adjustment Assistance
37 Act to attend instruction at the area school for a
38 period not exceeding two academic years on a tuition
39 free basis. Rules adopted shall include a method of
40 identification of affected students, identification of
41 fees and charges associated with instruction of the
42 students, and certification of fees and charges to the
43 college aid commission.”

RICHARD RUNNING
WALLY HORN
BEVERLY HANNON
EMIL HUSAK
RICHARD VARN
JOE WELSH
MIKE CONNOLLY
BILL HUTCHINS
AL STURGEON

S-5412

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 3, line 34, by inserting after the figure

3 "(5)," the following: "paragraph "d", subparagraph
4 (2),".

RAY TAYLOR

S-5413

1 Amend House File 2418 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 34, by inserting after line 23, the
4 following:

5 "Sec. ____ . Section 255.1, Code 1989, is amended to
6 read as follows:

7 255.1 COMPLAINT.

8 ~~Any An~~ adult resident of the state may file a
9 complaint in the office of the clerk of ~~any the~~
10 juvenile court, ~~charging alleging~~ that ~~any a~~ legal
11 resident of Iowa residing in the county where the
12 complaint is filed or a person who is eligible to
13 receive benefits under the Economic Dislocation and
14 Workers Adjustment Assistance Act, Pub. L. No. 100-
15 418, 102 Stat. 1107, in the county or who is a member
16 of the person's immediate family, is pregnant or is
17 suffering from some malady or deformity an illness or
18 physical condition that can probably be improved or
19 cured or advantageously treated by medical or surgical
20 treatment or hospital care, and that neither such the
21 person nor or persons legally chargeable with the
22 person's support are not able to pay therefor for the
23 person's treatment or care.

24 Sec. ____ . Section 255.6, Code 1989, is amended to
25 read as follows:

26 255.6 INVESTIGATION AND REPORT.

27 When ~~such a~~ complaint is filed, the clerk of
28 juvenile court shall furnish the county attorney and
29 board of supervisors with a copy ~~thereof of the~~
30 complaint, and said the board shall, by instruct the
31 general relief director or such other agent as it may
32 select, person to make a thorough investigation of
33 facts as to the legal residence of the patient, and
34 the ability of the patient or ~~others person~~ chargeable
35 with the patient's support to pay the expense of ~~such~~
36 the patient's treatment and care; and, The general
37 relief director or other person shall first ascertain
38 from the local office of the department of human
39 services if the patient would qualify for medical
40 assistance or the medically needy program without the
41 spend-down provision under chapter 249A. If the
42 patient qualifies, the patient shall be certified for

43 medical assistance and shall not be considered to be
44 part of the county's quota under this chapter.
45 Transportation shall be provided at no charge to a
46 patient who is certified for medical assistance under
47 chapter 249A. The general relief director shall file
48 a report of such ~~the~~ investigation in the office of
49 the clerk, at or before the time of hearing.
50 Sec. ____ . Section 255.8, unnumbered paragraph 1,

Page 2

1 Code 1989, is amended to read as follows:
2 The county attorney and the general relief
3 director, or other agent of the board of supervisors
4 of the county where the hearing is held, shall appear
5 ~~thereat at the hearing.~~ The complainant, the county
6 attorney, the general relief director or other agent
7 of the board of supervisors, and the patient, or any
8 person representing the patient, may introduce
9 evidence and be heard. If the court finds that ~~said~~
10 the patient is a legal resident of Iowa or a person
11 who is eligible to receive benefits under the Economic
12 Dislocation and Workers Adjustment Assistance Act,
13 Pub. L. No. 100-418, 102 Stat. 1107, in the county, or
14 who is a member of the person's immediate family, and
15 is pregnant or is suffering from a ~~malady or deformity~~
16 an illness or physical condition which can ~~probably~~ be
17 improved or cured or advantageously treated by medical
18 or surgical treatment or hospital care, and that
19 neither the patient ~~nor any~~ or person legally
20 chargeable with the patient's support is ~~not~~ able to
21 pay the expenses ~~thereof for the patient's treatment~~
22 or care, then the clerk of court, except in
23 obstetrical cases and cases of crippled children,
24 shall immediately ascertain from the admitting
25 physician at the university hospital whether ~~such the~~
26 person can be received as a patient within a period of
27 thirty days; ~~and if, If~~ the patient can be ~~so~~
28 received, the court, or in the event of no actual
29 contest, the clerk of the court, shall ~~then~~ enter an
30 order directing that ~~said the patient shall~~ be sent to
31 the university hospital for proper medical and
32 surgical treatment and hospital care. If the court
33 ascertain, ~~excepting determines, except~~ in obstetrical
34 cases and orthopedic cases, ~~that a the~~ person of the
35 age or sex of the patient, or afflicted by the
36 complaint, disease or deformity with which such person
37 is ~~affected~~ cannot be received as a patient at the
38 university hospital within the period of thirty days,
39 then the court or the clerk shall enter an order

40 directing the board of supervisors of the county to
41 provide adequate treatment at county expense for the
42 patient at the patient's home or in a hospital.
43 Obstetrical cases and orthopedic cases may be
44 committed to the university hospital without regard to
45 the limiting period of thirty days.
46 Sec. ____ Section 255.16, Code 1989, is amended to
47 read as follows:
48 255.16 COUNTY QUOTAS.
49 Subject to subsequent qualifications in this
50 section, there shall be treated at the university

Page 3

1 hospital during each fiscal year a number of committed
2 indigent patients from each county which ~~shall bear~~
3 bears the same relation to the total number of
4 committed indigent patients admitted during the year
5 as the population of ~~such the~~ county ~~shall bear bears~~
6 to the total population of the state according to the
7 last preceding official census. This standard shall
8 apply to indigent patients, the expenses of whose
9 commitment, transportation, care and treatment shall
10 be borne by appropriated funds and shall not govern
11 the admission of ~~either~~ obstetrical patients under
12 chapter 255A, ~~or~~ obstetrical or orthopedic patients
13 under this chapter in accordance with eligibility
14 standards pursuant to section 255A.5, or a person who
15 is eligible to receive benefits under the Economic
16 Dislocation and Workers Adjustment Assistance Act,
17 Pub. L. No. 100-418, 102 Stat. 1107, in the county, or
18 who is a member of the person's immediate family. If
19 the number of patients admitted from any county ~~shall~~
20 ~~exceed exceeds~~ by more than ten percent the county
21 quota as fixed and ascertained under the first
22 sentence of this section, the charges and expenses of
23 the care and treatment of such patients in excess of
24 ten percent of the quota shall be paid from the funds
25 of such county at actual cost; but if the number of
26 excess patients from any county ~~shall does~~ not exceed
27 ten percent, all costs, expenses, and charges incurred
28 in their behalf shall be paid from the appropriation
29 for the support of the hospital."

RICHARD V. RUNNING
RICHARD J. VARN
WALLY E. HORN
JOE J. WELSH

S-5414

- 1 Amend Senate File 2395 as follows:
2 1. Page 1, line 14, by striking the word
3 “Misrepresentation” and inserting the following:
4 “Misappropriation”.

MICHAEL E. GRONSTAL

S-5415

- 1 Amend Senate File 2395 as follows:
2 1. Page 4, by inserting after line 4, the
3 following:
4 “Sec. ____ . The state board of regents institutions
5 have done it again! One of these prestigious
6 institutions has sent its men’s basketball team to the
7 National Collegiate Athletic Association’s annual
8 basketball championship tournament. In order to
9 assist the citizens of Iowa that are fans of the
10 mighty 22-8 Panthers of the University of Northern
11 Iowa to attend the opening round of the tournament,
12 the state department of transportation is directed to
13 provide airplane transportation for these citizen-fans
14 to travel to and return from the opening round site to
15 see those mighty Panthers conquer again.”

JIM LIND
JOY CORNING

S-5416

- 1 Amend Senate File 2345 as follows:
2 1. Page 1, by striking lines 21 through 23, and
3 inserting the following:
4 “d. The county attorney of the county in which the
5 death of the patient occurred.
6 e. The state medical examiner.”
7 2. Page 1, by striking lines 24 through 33, and
8 inserting the following:
9 “2. Following the notification of the state
10 medical examiner of the death of a patient, the state
11 medical examiner shall direct a team to investigate
12 the death, if the death is a death affecting the
13 public interest, as defined in section 331.802. The
14 team selected by the state medical examiner may
15 include, but is not limited to the following members:
16 a. An advocate of the mentally ill.

- 17 b. A psychiatric registered nurse.
 18 c. A psychiatric social worker.
 19 d. A forensic science expert.
 20 State agencies and offices shall cooperate with and
 21 assist the state medical examiner in fulfillment of
 22 the state medical examiner's responsibilities."
 23 3. Page 1, line 34, by striking the words
 24 "citizens' aide" and inserting the following: "state
 25 medical examiner".
 26 4. Page 2, by striking lines 3 through 8, and
 27 inserting the following:
 28 "4. Following the investigation by the state
 29 medical examiner's team, the state medical examiner
 30 shall submit the findings to the county attorney of
 31 the county in which the death occurred and to the
 32 clerk of the district court of the county from which
 33 the patient was committed, if the patient was
 34 involuntarily hospitalized pursuant to chapter 229."
 35 5. Page 2, line 10, by striking the words
 36 "citizens' aide" and inserting the following: "state
 37 medical examiner's".
 38 6. Page 2, line 13, by striking the words
 39 "citizens' aide" and inserting the following: "state
 40 medical examiner".
 41 7. Page 2, line 21, by striking the words
 42 "citizens' aide" and inserting the following: "state
 43 medical examiner's".
 44 8. Page 3, line 1, by striking the words
 45 "citizens' aide" and inserting the following: "state
 46 medical examiner".
 47 9. Page 3, line 11, by striking the words
 48 "citizens' aide" and inserting the following: "state
 49 medical examiner".

LARRY MURPHY
 EMIL J. HUSAK

S-5417

- 1 Amend House File 2312, as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 33 the
 4 following:
 5 "Sec. ____ . Section 18B.6, unnumbered paragraph 1,
 6 Code Supplement 1989, is amended to read as follows:
 7 The board established pursuant to section ~~18.5~~
 8 18B.5 shall have all the general powers needed to
 9 carry out its mission and duties, including but not
 10 limited to the following powers:"

11 2. Page 13, line 7, by striking the figure
12 "~~824A.8,~~" and inserting the following: "~~824A.8~~ or
13 other tax funds available pursuant to section
14 307B.26."

15 3. Page 18, by inserting after line 32, the
16 following:

17 "Sec. ____ . Section 570A.2, subsection 2, Code
18 1989, is amended to read as follows:

19 2. If within ~~two~~ four business days of receipt of
20 a certified request a financial institution fails to
21 issue a memorandum upon the request of an agricultural
22 supply dealer and the request from the agricultural
23 supply dealer was proper under subsection 1, or if the
24 memorandum from the financial institution is
25 incomplete, or if the memorandum from the financial
26 institution states that the farmer does not have a
27 sufficient net worth or line of credit to assure
28 payment of the purchase price, the agricultural supply
29 dealer may decide to make the sale and secure the lien
30 provided in section 570A.3."

31 4. Page 18, by inserting after line 32, the
32 following:

33 "Sec. ____ . Section 602.6403, subsection 2, Code
34 Supplement 1989, is amended to read as follows:

35 2. The magistrate appointing commission for each
36 county shall prescribe the contents of an application,
37 in addition to any application form provided by the
38 supreme court, for an appointment pursuant to this
39 section. The commission shall publicize notice of any
40 vacancy to be filled in at least two publications in
41 ~~the all~~ official county newspaper newspapers in the
42 county. The commission shall accept applications for
43 a minimum of fifteen days prior to making an
44 appointment, and shall make available during that
45 period of time any printed application forms the
46 commission prescribes."

47 5. Page 19, by inserting after line 28 the
48 following:

49 "Sec. ____ . Section 910A.9, subsection 5, Code
50 Supplement 1989, is amended to read as follows:

Page 2

1 5. The date on which the offender is expected to
2 be released from an institution ~~or facility~~ pursuant to
3 a plan of parole ~~or work release~~, or upon discharge
4 of sentence."

5 6. Renumber as necessary.

COMMITTEE ON JUDICIARY
RICHARD VARN, Chair

S-5418

1 Amend House File 2517 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 135H.6, subsection 5, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:
8 5. The department of human services has submitted
9 written approval of the application based on the
10 department of human services' determination of need.
11 The department of human services shall identify the
12 location and number of children in the state who
13 require the services of a psychiatric medical
14 institution for children. Approval of an application
15 shall be based upon the location of the proposed
16 psychiatric institution relative to the need for
17 services identified by the department of human
18 services and an analysis of the applicant's ability to
19 provide services and support consistent with
20 requirements under chapter 232, particularly regarding
21 community-based treatment. If the proposed
22 psychiatric institution is not freestanding from a
23 facility licensed under chapter 135B or 135C, approval
24 under this subsection shall not be given unless the
25 department of human services certifies that the
26 proposed psychiatric institution is capable of
27 providing a resident with a living environment similar
28 to the living environment provided by a licensee which
29 is freestanding from a facility licensed under chapter
30 135B or 135C. Unless a psychiatric institution was
31 accredited to provide psychiatric services by the
32 joint commission on the accreditation of health care
33 organizations under the commission's consolidated
34 standards for residential settings prior to June 1,
35 1989, the department of human services shall not
36 approve an application for a license under this
37 chapter until the federal health care financing
38 administration has approved a state Title XIX plan
39 amendment to include coverage of services in a
40 psychiatric medical institution for children. In
41 addition, either of the following conditions must be
42 met:

43 a. The department of human services shall not give
44 approval to an application which would cause the total
45 number of beds licensed under this chapter to exceed
46 three hundred sixty beds, except as provided in
47 paragraph "b", with not more than three hundred of the
48 beds licensed under chapter 237 before January 1,
49 1989, and not more than sixty of the beds licensed
50 under chapter 237 on or after January 1, 1989.

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1 b. The department of human services shall not give
2 approval to an application which would cause the total
3 number of beds licensed under this chapter after June
4 30, 1990, which specialize in providing substance
5 abuse treatment to children to exceed seventy beds.

6 Sec. 2. Section 135H.6, subsection 6, Code
7 Supplement 1989, is amended to read as follows:

8 6. The proposed psychiatric institution is under
9 the direction of an agency which has operated a
10 facility licensed under section 237.3, subsection 2,
11 paragraph "a", subparagraph (3), for three years or of
12 an agency which has operated a facility for three
13 years providing psychiatric services exclusively to
14 children or adolescents and the facility meets or
15 exceeds requirements for licensure under section
16 237.3, subsection 2, paragraph "a", subparagraph (3).

17 Sec. 3. Section 217.8, Code 1989, is amended to
18 read as follows:

19 217.8 DIVISION OF CHILD AND FAMILY SERVICES.

20 The administrator of the division of child and
21 family services shall be qualified by training,
22 experience and education in the field of welfare and
23 social problems. The administrator ~~shall be entrusted~~
24 is charged with the administration of programs
25 involving neglected, dependent and delinquent
26 children, child welfare, aid to dependent children,
27 and aid to disabled persons and shall administer and
28 be in control of ~~the Iowa juvenile home, the state~~
29 ~~training school, and other related programs~~
30 established for the general welfare of families,
31 adults and children as directed by the director.

32 Sec. 4. Section 218.9, unnumbered paragraph 2,
33 Code 1989, is amended by striking the paragraph.

34 Sec. 5. Section 220.3, Code 1989, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 13A. There is a need in areas of
37 the state to establish facilities providing
38 residential housing or treatment facilities for
39 juveniles requiring a more enhanced level of services

40 than those services currently available in the state's
41 existing foster care system.

42 Sec. 6. NEW SECTION. 220.155 RESIDENTIAL
43 TREATMENT FACILITIES.

44 1. The authority may issue its bonds and notes and
45 loan the proceeds of the bonds or notes to a nonprofit
46 corporation for the purpose of financing the
47 acquisition or construction of residential housing or
48 treatment facilities serving juveniles or handicapped
49 or disabled persons.

50 2. The authority may enter into a loan agreement

Page 3

1 with a nonprofit corporation for the purpose of
2 financing the acquisition or construction of
3 residential housing or treatment facilities serving
4 juveniles or handicapped or disabled persons and shall
5 provide for payment of the loan and security for the
6 loan as the authority deems advisable.

7 3. In the resolution authorizing the issuance of
8 the bonds or notes pursuant to this section, the
9 authority may provide that the related principal and
10 interest are limited obligations payable solely out of
11 the revenues derived from the debt obligation,
12 collateral, or other security furnished by or on
13 behalf of the nonprofit corporation, and the principal
14 or interest does not constitute an indebtedness of the
15 authority or a charge against the authority's general
16 credit or general fund.

17 4. The powers granted the authority under this
18 section are in addition to the authority's other
19 powers under this chapter. All other provisions of
20 this chapter, except section 220.28, subsection 4,
21 apply to bond or notes issued pursuant to, and powers
22 granted to the authority under this section, except to
23 the extent the provisions are inconsistent with this
24 section.

25 Sec. 7. Section 232.52, subsection 2, paragraph e,
26 Code 1989, is amended to read as follows:

27 e. An order transferring the guardianship of the
28 child, subject to the continuing jurisdiction of the
29 court for the purposes of section 232.54, to the
30 director of the department of human services for
31 purposes of placement in the state training school or
32 other facility provided that the child is at least
33 twelve years of age and the court finds the placement
34 to be in the best interests of the child or necessary
35 for the protection of the public, and that the child
36 has been found to have committed an act which is a

37 forcible felony, as defined in section 702.11, or the
38 court finds any three of the following conditions
39 exist:

40 (1) The child is at least twelve fifteen years of
41 age; and,

42 (2) The court finds such placement to be in the
43 best interests of the child or necessary to the
44 protection of the public. The child has committed an
45 act which would be an aggravated misdemeanor or a
46 felony if the act were committed by an adult.

47 (3) The child has previously been found to have
48 committed a delinquent act.

49 (4) The child has previously been placed outside
50 the child's home.

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1 Sec. 8. Section 232.52, Code 1989, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. a. Upon receipt of an
4 application from the director of the department of
5 human services, the court shall enter an order to
6 temporarily transfer a child who has been placed in
7 the state training school pursuant to subsection 2,
8 paragraph "e", to a facility which has been designated
9 to be an alternative placement site for the state
10 training school, provided the court finds both of the
11 following conditions exist:

12 (1) There is insufficient time to file a motion
13 and hold a hearing for a substitute dispositional
14 order under section 232.54.

15 (2) Immediate removal of the child from the state
16 training school is necessary to safeguard the child's
17 physical or emotional health.

18 b. If the court finds the conditions in paragraph
19 "a" exist and there is insufficient time to provide
20 notice as required under rule of juvenile procedure
21 4.6, the court may enter an ex parte order temporarily
22 transferring the child to the alternative placement
23 site.

24 c. Within three days of the child's transfer, the
25 director shall file a motion for a substitute
26 dispositional order under section 232.54 and the court
27 shall hold a hearing concerning the motion within
28 fourteen days of the child's transfer.

29 Sec. 9. Section 232.54, Code 1989, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 6. With respect to a temporary
32 transfer order made pursuant to section 232.52,
33 subsection 8, if the court finds that removal of a

34 child from the state training school is necessary to
35 safeguard the child's physical or emotional health,
36 the court shall grant the director's motion for a
37 substitute dispositional order to place the child in a
* 38 facility which has been designated to be an
39 alternative placement site for the state training
40 school.

41 Sec. 10. Section 232.102, subsection 3, Code 1989,
42 is amended to read as follows:

43 3. After a dispositional hearing and upon written
44 findings of fact based upon evidence in the record
45 that an alternative placement set forth in subsection
46 1, paragraph "b" has previously been made and is not
47 appropriate the court may enter an order transferring
48 the guardianship of the court for the purposes of
49 subsection 7, to the ~~commissioner~~ director of human
50 services for the purposes of placement in the Iowa

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1 ~~Juvenile Home~~ juvenile home at Toledo.

2 Sec. 11. Section 232.102, Code 1989, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 3A. a. Upon receipt of an
5 application from the director of the department of
6 human services, the court shall enter an order to
7 temporarily transfer a child who has been placed in
8 the Iowa juvenile home at Toledo pursuant to
9 subsection 3, to a facility which has been designated
10 to be an alternative placement site for the juvenile
11 home, provided the court finds both of the following
12 conditions exist:

13 (1) There is insufficient time to file a motion
14 and hold a hearing for a new dispositional order under
15 section 232.103.

16 (2) Immediate removal of the child from the
17 juvenile home is necessary to safeguard the child's
18 physical or emotional health.

19 b. If the court finds the conditions in paragraph
20 "a" exist and there is insufficient time to provide
21 notice as required under rule of juvenile procedure
22 4.6, the court may enter an ex parte order temporarily
23 transferring the child to the alternative placement
24 site.

25 c. Within three days of the child's transfer, the
26 director shall file a motion for a new dispositional
27 order under section 232.103 and the court shall hold a
28 hearing concerning the motion within fourteen days of
29 the child's transfer.

30 Sec. 12. Section 232.103, Code 1989, is amended by

31 adding the following new subsection:

32 NEW SUBSECTION. 7. With respect to a temporary
33 transfer order made pursuant to section 232.102,
34 subsection 3A, if the court finds that removal of a
35 child from the Iowa juvenile home is necessary to
36 safeguard the child's physical or emotional health,
37 the court shall grant the director's motion for a new
38 dispositional order to place the child in a facility
39 which has been designated to be an alternative
40 placement site for the juvenile home.

41 Sec. 13. Section 232.142, subsection 3, Code 1989,
42 is amended to read as follows:

43 3. Approved A county or multicounty juvenile homes
44 home approved pursuant to this section shall be
45 entitled to receive financial aid from the state in
46 the amount and in such a manner as determined approved
47 by the director. Aid paid by the state shall not
48 exceed be at least ten percent and not more than fifty
49 percent of the total cost of the establishment,
50 improvements, operation, and maintenance of such a the

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1 home.

2 Sec. 14. NEW SECTION. 237.14 ENHANCED FOSTER
3 CARE SERVICES.

4 The department shall provide for enhanced foster
5 care services by establishing supplemental per diem or
6 performance-based contracts which include payment of
7 costs relating to payments of principal and interest
8 for bonds and notes issued pursuant to section 220.155
9 with facilities licensed under this chapter which
10 provide special services to children who would
11 otherwise be placed in a state juvenile institution or
12 an out-of-state program. Before completion of the
13 department's budget estimate as required by section
14 8.23, the department shall determine and include in
15 the estimate the amount which should be appropriated
16 for enhanced foster care services for the forthcoming
17 fiscal year in order to provide sufficient services.

18 Sec. 15. Section 242.1, Code 1989, is amended to
19 read as follows:

20 242.1 OFFICIAL DESIGNATION.

21 The training school for juvenile delinquents at
22 Eldora and the unit for delinquent juveniles ~~at the~~
23 ~~Iowa juvenile home~~ at Toledo shall together be known
24 as the "state training school". For the purpose of
25 this chapter ~~the word "administrator" or "director"~~
26 ~~shall mean means~~ the administrator of the division of
27 ~~child and family services~~ director of the department

28 of human services.

29 Sec. 16. Section 242.2, Code 1989, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 242.2 SUPERINTENDENT -- POWERS AND DUTIES.

33 The superintendent has charge and custody of the
34 juveniles committed to the state training school. The
35 superintendent shall administer the state training
36 school and direct the staff in order to provide a
37 positive living experience designed to prepare the
38 juveniles for a productive future.

39 Sec. 17. Section 242.4, Code 1989, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 242.4 EDUCATION AND TRAINING.

43 The state training school shall provide a positive
44 living experience for older juveniles who require
45 secure custody and who live at the state training
46 school for an extended period of time. The education
47 and training programs provided to the juveniles shall
48 reflect the age level and extended period of stay by
49 focusing upon appropriate developmental skills to
50 prepare the juveniles for productive living.

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1 Sec. 18. Section 244.1, subsection 1, Code 1989,
2 is amended to read as follows:

3 1. "Administrator" or "director" means the
4 administrator of the division of child and family
5 services director of the department of human services.

6 Sec. 19. Section 244.4, Code 1989, is amended to
7 read as follows:

8 244.4 PROCEDURE.

9 The procedure for commitment to ~~said homes shall be~~
10 ~~the same as the home is as~~ provided by chapter 232.

11 Sec. 20. STATE JUVENILE INSTITUTIONS -- POPULATION
12 GUIDELINES.

13 The judicial department, in consultation with the
14 department of human services, shall develop population
15 guidelines to indicate the number of children which
16 may be placed at the state training school or the Iowa
17 juvenile home at any one time. Within the population
18 guidelines, the judicial department shall allocate to
19 each judicial district a number of children which may
20 be placed in a juvenile institution from the district.
21 The judicial department shall develop procedures to
22 manage the number of children placed in a juvenile
23 institution within the population guideline
24 established for the institution. The guidelines,

25 allocations, and procedures required by this section
26 shall be implemented on or before January 1, 1991.

27 Sec. 21. DEVELOPMENT OF CHILDREN'S PROGRAMS IN
28 COMMUNITY SETTINGS AND OTHER CONCERNS RELATING TO
29 JUVENILE JUSTICE.

30 1. a. The department of human services and the
31 supreme court, in consultation with existing providers
32 of services, 4 members of the general assembly equally
33 representing the house and senate and both political
34 parties, and experts in child welfare and juvenile
35 justice, shall conduct a study identifying the types
36 of residential programs which should be developed,
37 either by enhancing reimbursement of foster care
38 services or of psychiatric medical institutions for
39 children, to serve the children who are currently in
40 the following placements: the Iowa juvenile home,
41 out-of-state facilities at high cost to the state, and
42 the state training school when the children could be
43 served in community settings if the proper type of
44 program were available. The recommendations of the
45 juvenile justice advisory committee, established by
46 the legislative council in 1989, regarding the state
47 training school and the Iowa juvenile home shall be
48 considered. In addition, the need to develop specific
49 programs to serve children who are sexual abuse
50 perpetrators, substance abusers, or have a dual

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1 diagnosis, and the regions of the states where the
2 specific programs should be located in order to serve
3 children in community settings, shall be identified.
4 The department and the supreme court shall complete
5 the study of the items required under this section on
6 or before June 1, 1990.

7 b. Based upon the study findings, the department
8 shall request proposals to develop a total of 120
9 additional residential placement slots in community
10 settings and the slots shall be available on or before
11 October 1, 1991. The department shall work with the
12 Iowa finance authority and service providers to
13 finance the development of resources for these slots
14 at the lowest possible cost. The requests for
15 proposals shall be issued on or before July 1, 1990.

16 c. Notwithstanding the provisions of section
17 135H.6, subsection 5, psychiatric medical institution
18 for children beds developed under this section are not
19 subject to the limit upon the number of beds which may
20 be provided under psychiatric medical institution for
21 children licensure.

22 2. The study group established in subsection 1
 23 shall continue to study the state juvenile justice
 24 system and related issues and shall perform other
 25 tasks when the tasks listed in subsection 1 are com-
 26 pleted. The study group shall conduct a review and
 27 develop recommendations regarding certain aspects of
 28 the system and perform the tasks designated in this
 29 subsection, and report to the governor and to the
 30 legislative council as recommendations are developed
 31 and tasks are performed and submit a final report no
 32 later than December 1, 1991. The system aspects
 33 studied and tasks performed shall include but are not
 34 limited to the following:

35 a. The study group shall seek public-private
 36 partnerships to modernize the educational and
 37 vocational programs offered at the state juvenile
 38 institutions.

39 b. The study group shall develop potential
 40 placement and program criteria for the state juvenile
 41 home, based upon the expectation that the home will
 42 continue to serve as a coeducational juvenile facility
 43 for 90 youth but shall consider that residential
 44 treatment program expansions may eliminate the need
 45 for placements of children found to be in need of
 46 assistance (CHINA) at the home and that the population
 47 and population needs may change.

48 c. The study group shall explore the need for
 49 transitional programs for youth who turn 18 years of
 50 age while part of the juvenile system, including the

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1 potential for developing a youthful offenders facility
 2 to deal with youth up to age 21. As part of this
 3 study, the study group shall review the merit of
 4 converting the state training school at Eldora to this
 5 purpose, and the potential for establishing a number
 6 of regional facilities to serve the population which
 7 is currently served at the state training school at
 8 Eldora. The study group also is directed to explore
 9 the needs for aftercare and extended supervision of
 10 youth who leave the juvenile system at age 18.

11 **Sec. 22. EFFECTIVE DATES.**

12 1. Sections 1, 2, 5, 6, 14, and 21 of this Act,
 13 being deemed of immediate importance, take effect upon
 14 enactment.

15 2. Section 7 of this Act takes effect October 1,
 16 1991."

17 2. Title page, by striking lines 1 through 6 and
 18 inserting the following: "An Act relating to the care

19 and treatment of juveniles and other persons by
20 establishing certain dispositional requirements
21 concerning the state juvenile institutions and their
22 administration, providing for financing and funding of
23 certain facilities serving juveniles and other
24 persons, and providing effective dates.”

COMMITTEE ON JUDICIARY
RICHARD VARN, Chair

S-5419

1 Amend House File 366, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 10 through 16.
4 2. By relettering paragraphs as required.

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chair

S-5420

1 Amend House File 2057, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by striking the word “two”
4 and inserting the following: “one”.
5 2. Page 1, by striking line 11 and inserting the
6 following: “in a fiscal year, and contracts made by a
7 school board, upon competitive bid in writing,
8 publicly invited and opened.”
9 3. Page 1, by inserting after line 11 the
10 following:
11 “Sec. ____ . Section 331.342, subsection 3, Code
12 1989, is amended to read as follows:
13 3. Contracts made by a county of ~~less than ten~~
14 ~~thousand population~~, upon competitive bid in writing,
15 publicly invited and opened.
16 Sec. ____ . Section 331.342, Code 1989, is amended
17 by adding the following new subsection:
18 **NEW SUBSECTION. 10.** Contracts not otherwise
19 permitted by this section, for the purchase of goods
20 or services by a county, which benefit a county
21 officer or employee, if the purchases benefitting that
22 officer or employee do not exceed a cumulative total
23 purchase price of one thousand five hundred dollars in
24 a fiscal year.”

25 4. Page 1, line 19, by striking the words "~~one~~
26 two" and inserting the following: "one".

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-5421

1 Amend House File 2154, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 10, the
4 following:

5 "Sec. ____.

6 This Act applies only to an agency or commission of
7 local government in existence on the effective date of
8 this Act.

9 This Act is repealed as of July 1, 1991. The Code
10 editor shall editorially amend section 601A.19 in this
11 Act to reflect this repeal by restoring the language
12 in the section to the language in the section as it
13 appears in the Code of Iowa 1989."

14 2. Title page, line 5, by inserting after the
15 word "laws" the following: ", and providing for the
16 applicability of the Act".

17 3. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
ALVIN J. MILLER, Chair

S-5422

1 Amend Senate File 2152 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 232.2, subsection 6, Code
5 Supplement 1989, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. o. Who has received a drug urine
8 screen which indicates the presence of cocaine,
9 heroin, amphetamine, metamphetamine, or combinations
10 or derivatives thereof, in a sufficient quantity to
11 cause withdrawal symptoms in the child.

12 Sec. 2. Section 232.68, subsection 2, Code
13 Supplement 1989, is amended by adding the following
14 new paragraph:

15 NEW PARAGRAPH. e. The acts of a natural mother
16 which result in either of the following conditions, as
17 determined by a health practitioner, evident in a
18 child at birth, unless the natural mother received
19 prenatal care and appropriately responded to the
20 prenatal care including seeking any recommended

21 treatment or care for substance abuse:

22 (1) The presence as indicated by a drug urine
23 screen of cocaine, heroin, amphetamine,
24 methamphetamine, or combinations or derivatives
25 thereof, which were not prescribed to the mother by a
26 health practitioner.

27 (2) Withdrawal symptoms or medical abnormalities
28 as a result of exposure to cocaine, heroin,
29 amphetamine, methamphetamine, or combinations or
30 derivatives thereof, which were not prescribed to the
31 mother by a health practitioner.

32 Sec. 3. Section 232.73, Code 1989, is amended to
33 read as follows:

34 232.73 IMMUNITY FROM LIABILITY.

35 A person participating in good faith in the making
36 of a report, or photographs, or X rays, or in the
37 performance of a drug urine screen pursuant to this
38 chapter, or aiding and assisting in an investigation
39 of a child abuse report pursuant to section 232.71,
40 shall have immunity from any liability, civil or
41 criminal, which might otherwise be incurred or
42 imposed. The person shall have the same immunity with
43 respect to participation in good faith in any judicial
44 proceeding resulting from the report or relating to
45 the subject matter of the report.

46 Sec. 4. Section 232.77, Code 1989, is amended to
47 read as follows:

48 232.77 PHOTOGRAPHS AND, X RAYS, AND DRUG URINE
49 SCREENS.

50 Any person who is required to report a case of

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1 child abuse may take or cause to be taken, at public
2 expense, photographs or X rays of the areas of trauma
3 visible on a child. Any health practitioner may, if
4 medically indicated, cause to be performed
5 radiological examination of the child. Any person who
6 takes any photographs or X rays pursuant to this
7 section shall notify the department of human services
8 that such photographs or X rays have been taken, and
9 shall retain such photographs or X rays for a
10 reasonable time thereafter. Whenever such person is
11 required to report under section 232.69, in that
12 person's capacity as a member of the staff of a
13 medical or other private or public institution, agency
14 or facility, that person shall immediately notify the
15 person in charge of such institution, agency, or
16 facility or that person's designated delegate of the
17 need for photographs or X rays.

18 If a health practitioner, who is required to report
 19 a case of child abuse, discovers in a child under five
 20 years of age physical or behavioral symptoms of the
 21 effects of exposure to a drug listed in section
 22 232.68, subsection 2, paragraph "e", the health
 23 practitioner may perform or cause to be performed a
 24 drug urine screen on the child and may provide the
 25 results to the department.

26 Sec. 5. NEW SECTION. 232.77A DRUG EXPOSED CHILD
 27 -- USE OF INFORMATION GATHERED.

28 Information gathered or reported regarding a child
 29 suspected of being exposed to drugs pursuant to
 30 section 232.68, subsection 2, paragraph "e", shall not
 31 be used in any criminal prosecution of the natural
 32 mother of the child. It is the intent of the general
 33 assembly that the information be used to provide as
 34 sistance to the child and the child's parent or
 35 parents and shall not be used as sole grounds for
 36 termination of parental rights over the child.

37 Sec. 6. Section 232.98, subsection 1, paragraph a,
 38 Code 1989, is amended to read as follows:

39 a. Probable cause exists to believe that the child
 40 is a child in need of assistance pursuant to section
 41 232.2, subsection 6, paragraph "e", or "f", or "o".

42 Sec. 7. NEW SECTION. 232.98A DRUG EXPOSED CHILD
 43 -- USE OF INFORMATION GATHERED.

44 Information gathered or reported regarding a child
 45 suspected of being exposed to drugs in a sufficient
 46 quantity to cause withdrawal symptoms in the child
 47 pursuant to section 232.2, subsection 6, paragraph
 48 "o", or to section 232.98, subsection 1, paragraph
 49 "a", shall not be used in any criminal prosecution of
 50 the natural mother of the child. It is the intent of

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1 the general assembly that the information be used to
 2 provide assistance to the child and the child's parent
 3 or parents and shall not be used as sole grounds for
 4 termination of parental rights over the child."

5 2. Title page, line 1, by inserting after the
 6 word "abuse" the following: ", child in need of
 7 assistance,".

TOM MANN, Jr.
 CHARLES BRUNER

S-5423

- 1 Amend Senate File 2338 as follows:
- 2 1. Page 4, by striking lines 20 through 33.

MARK R. HAGERLA

S-5424

- 1 Amend House File 2406, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 19.
- 4 2. By renumbering as necessary.

COMMITTEE ON EDUCATION
LARRY MURPHY, Chair

S-5425

- 1 Amend House File 2416, 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. DEPARTMENTAL RULES.
- 6 The state board of education shall include in the
- 7 rule relating to use of corporal punishment under
- 8 section 280.21, a rule or subrule which provides that
- 9 corporal punishment does not mean the use of
- 10 incidental, minor, or reasonable physical contact to
- 11 maintain order and control, provided that the contact
- 12 is not designed or intended to cause pain."

COMMITTEE ON EDUCATION
LARRY MURPHY, Chair

S-5426

- 1 Amend House File 2481 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 26, by striking the figure "3"
- 4 and inserting the following: "2, 3,".
- 5 2. Page 1, by inserting after line 27 the
- 6 following:
- 7 "2. Schools and school districts are not required
- 8 to meet the requirement stated in the standards
- 9 adopted by the state board under section 256.17, Code
- 10 Supplement 1987, that prohibits an individual who is
- 11 employed or contracted as superintendent from also
- 12 serving as a principal in that school or school

13 district until July 1, 1990, except as otherwise
 14 provided in this subsection. Not later than January
 15 1, 1990, for the school year beginning July 1, 1990,
 16 the board of directors of a school district or
 17 authorities in charge of a nonpublic school, may file
 18 a written request with the department of education
 19 that the department waive the requirement for that
 20 district or school. The procedures specified in
 21 subsection 5 apply to the request."

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chair

S-5427

1 Amend House File 2357, as amended and passed by the
 2 House, as follows:

3 1. Page 1, by striking lines 7 through 10, and
 4 inserting the following: "or dissolved during a
 5 dissolution and in which action to bring about a
 6 reorganization or dissolution was approved in an
 7 election pursuant to sections 275.18 and 275.20 or
 8 section 275.55 initiated by a vote of the board of
 9 directors or jointly by the affected boards of
 10 directors prior to July 1, 1989 September 1, 1988, the
 11 districts were receiving supplementary weighting under
 12 section 442.39, and the reorganization or
 13 dissolution".

14 2. Page 1, line 16, by striking the words and
 15 figures "November 30, 1990" and inserting the
 16 following: "September 1, 1988".

17 3. Page 1, by striking lines 22 through 24, and
 18 inserting the following: "is one in which action to
 19 bring about a reorganization was approved in an
 20 election pursuant to sections 275.18 and 275.20
 21 initiated by a vote of the board of directors or
 22 jointly by the affected boards of directors prior to
 23 July 1, 1989 September 1, 1988, the districts were
 24 receiving supplementary weighting under section
 25 442.39, and the reorganization will take effect on or
 26 after July 1,".

27 4. Page 1, by striking lines 32 and 33, and
 28 inserting the following: "and the school district has
 29 approved initiated an action prior to September 1,
 30 1988, to bring about a reorganization prior to July 1,
 31 1989, the reorganized school".

32 5. Page 2, by striking lines 8 and 9, and
 33 inserting the following: "action to bring about a
 34 reorganization was approved in an election pursuant to

35 ~~sections 275.18 and 275.20 initiated by a vote of the~~
 36 ~~board of directors or jointly by the affected boards~~
 37 ~~of directors and takes effect on or after July~~".

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chair

S-5428

1 Amend Senate File 2405 as follows:
 2 1. Page 1, line 3, by inserting after the word
 3 "established" the following: "as a subcommittee of
 4 the committee on maternal and child health of the
 5 community health division of the department of public
 6 health".
 7 2. By striking page 1, line 10, through page 2,
 8 line 2, and inserting the following: "of represen-
 9 tatives of state agencies and private organizations
 10 involved in prevention, education, and treatment
 11 regarding pregnancy and children."
 12 3. Page 2, line 14, by inserting after the word
 13 "employed" the following: "in Iowa and".
 14 4. Page 3, line 35, by striking the words "AWARDS
 15 OF GRANTS AND".
 16 5. Page 4, by striking lines 1 through 3 and
 17 inserting the following: "The council shall recommend
 18 or develop pilot programs to achieve the purposes of
 19 the council."
 20 6. Page 4, by inserting after line 6 the fol-
 21 lowing:
 22 "8. CONFIDENTIALITY OF INFORMATION. Data
 23 collected pursuant to this chapter shall be
 24 confidential to the extent necessary to protect the
 25 identity of persons who are the subjects of the data
 26 collection."

COMMITTEE ON STATE GOVERNMENT
 JOHN P. KIBBIE, Chair

S-5429

1 Amend House File 2329 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 9, by inserting before line 27, the
 4 following:
 5 "Sec. ____ . Section 53.1, Code 1989, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 3. When the elector expects to be

8 unable to go to the polls and vote on election day.”
9 2. Page 11, by inserting after line 2 the
10 following:
11 “Sec. ____ . Section 69.14A, subsection 2, Code
12 Supplement 1989, is amended to read as follows:
13 2. When a vacancy exists in an elected county
14 office, the board of supervisors shall publish notice
15 as provided in section 331.305 indicating the method,
16 appointment or special election, by which the board
17 intends to fill the vacancy. If appointment is
18 selected by the board, the appointment may be made
19 before publication of the notice, but the appointment
20 shall ~~not~~ be made ~~within~~ earlier than fourteen days or
21 more than forty days after the vacancy occurs. The
22 board may appoint a prospective appointee to serve as
23 a deputy before a vacancy occurs. However, if within
24 fourteen days after the date of the notice or within
25 fourteen days after the appointment is made, whichever
26 date is later, a petition requesting a special
27 election to fill the vacancy is filed with the county
28 auditor, the appointment is temporary and a special
29 election shall be called as provided in subsection 3.
30 The petition shall meet the requirements of section
31 331.306.”
32 3. Page 15, by inserting after line 13 the
33 following:
34 “Sec. 1001. 1990 Iowa Acts, chapter 1007, being
35 House File 2001 of the Seventy-third General Assembly,
36 is amended by adding the following new section:
37 SEC. 3 EFFECTIVE DATE.
38 This Act, being deemed of immediate importance,
39 takes effect upon the enactment of 1990 Iowa Acts,
40 House File 2329, if enacted by the Seventy-third
41 General Assembly, and is retroactively applicable to
42 voting booths approved or furnished on or after the
43 enactment of this Act.
44 Sec. 1002. EFFECTIVE DATE.
45 1. Section 1001 and this section of this Act,
46 being deemed of immediate importance, take effect upon
47 enactment.
48 2. All other sections of this Act take effect July
49 1, 1990.”
50 4. Title page, line 1, by inserting after the

Page 2

1 word “procedures” the following: “, and providing
2 effective and applicability dates”.

- 3 5. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chair

S-5430

- 1 Amend House File 2235, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 25 and 26.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chair

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2418

S-5431

- 1 Amend the Senate amendment, H-5566, to House File
2 2418, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 3, line 22, by striking the word "an".
5 2. Page 3, by striking line 30, and inserting the
6 following: ""Sec. 300."
7 3. Page 3, line 32, by striking the word "whole-
8 grade" and inserting the following: "whole grade".
9 4. Page 3, line 39, by striking the word "whole-
10 grade" and inserting the following: "whole grade".
11 5. Page 3, line 42, by striking the word "whole-
12 grade" and inserting the following: "whole grade".
13 6. By striking page 4, line 21, through page 6,
14 line 11.
15 7. Page 6, by striking lines 30 through 34 and
16 inserting the following: "standards pursuant to sec-
17 tion 255A:5. If".
18 8. Page 6, line 45, by inserting after the word
19 "hospital." the following: "Notwithstanding the quota
20 established for a county under this section, the
21 governor, upon a finding of necessity due to unusual
22 economic circumstances, may increase a county's quota
23 of the number of committed indigent patients admitted
24 to the university hospital."
25 9. Page 7, line 7, by striking the word
26 "disorder" and inserting the following: "disorders".
27 10. Page 10, by striking lines 27 through 37 and

28 inserting the following: "the administration of a
29 displaced workers tuition replacement program under
30 section 261.5."

31 11. Page 10, by striking lines 38 through 47 and
32 inserting the following:

33 "Sec. 250. NEW SECTION. 261.5 DISPLACED WORKERS
34 TUITION REPLACEMENT PROGRAM.

35 A displaced workers tuition replacement program is
36 established to provide free or reduced tuition for
37 attendance of displaced workers at a state board of
38 regents' institution, an area community college or
39 area vocational school, or an accredited private
40 institution as defined in section 261.9. The free or
41 reduced tuition shall be provided under the program
42 within three years of the date of closing of a
43 worker's place of employment and for a period of not
44 exceeding two academic years.

45 The commission shall establish an application
46 process for the program. Displaced workers eligible
47 for receipt of moneys under this section shall receive
48 a voucher from the commission for the payment of
49 tuition at the institution of higher education in
50 which the displaced worker is enrolled.

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1 The moneys paid to a displaced worker for an
2 academic term shall not exceed the lesser of the
3 tuition at the institution of higher education in
4 which the individual is enrolled or the highest
5 tuition at any area community college or area
6 vocational school.

7 Institutions of higher education shall receive the
8 tuition moneys from the college aid commission upon
9 the presentation of the voucher.

10 For the purpose of this section, "displaced worker"
11 means an unemployed individual who was formerly
12 employed by a person who slaughtered live hogs if that
13 person employed five hundred or more workers at any
14 time during the six-month period immediately preceding
15 the date on which the person ceased slaughtering
16 operations and if the person ceased slaughtering
17 operations between January 1, 1989, and December 31,
18 1990.

19 Sec. ____ . NEW SECTION. 261.6 TUITION REPLACEMENT
20 FUND.

21 A tuition replacement fund is created in the office
22 of the treasurer of state. There is appropriated
23 annually commencing July 1, 1990, an amount sufficient
24 to make the payments to institutions of higher

25 education under section 261.5.
26 Sec. 251.
27 Notwithstanding the allocation of moneys under the
28 community economic betterment account in section
29 99E.32, for the fiscal year commencing July 1, 1989,
30 and ending June 30, 1990, \$250,000 shall be allocated
31 from unobligated moneys in the community economic
32 betterment account to the department of economic
33 development to be used for services to displaced
34 workers for the following programs and services:
35 1. Financial counseling for workers eligible to
36 receive benefits under the Economic Dislocation and
37 Workers Adjustment Assistance Act, Pub. L. No. 100-
38 418, 102 Stat. 1107 to be conducted to the extent
39 possible at either the location of the worker's former
40 place of employment or the site of the worker's labor
41 union headquarters.
42 2. Continued operation of the merged area X
43 dislocated worker center.
44 3. Payment to the college aid commission for the
45 displaced workers tuition replacement program under
46 section 261.5."
47 12. Page 16, by inserting after line 46 the
48 following:
49 " ____ . Page 48, by inserting after line 13, the
50 following:

Page 3

1 "Sec. ____ . 1989 Iowa Acts, Chapter 135, sections
2 88, 89, and 90 are repealed.
3 ____ . Page 48, line 17, by striking the word and
4 figure "and 56" and inserting the following: "56,
5 250, 251, and 300".
6 13. By renumbering, relettering, or redesignating
7 and correcting internal references as necessary.

S-5432

1 Amend House File 2009, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, line 21, by striking the words
4 "election day" and inserting the following: "the day
5 of a general election".
6 2. Page 2, by striking line 22, and inserting the
7 following: "appearing at the location or locations
8 established for registration on the day of a general
9 election for the precinct in which the".
10 3. Page 3, by striking line 5 and inserting the

11 following:

12 "2. Registration at the location or locations
13 established for the purpose of registration on the day
14 of a general election shall".

15 4. Page 3, line 7, by striking the words "polling
16 place" and inserting the following: "location estab-
17 lished for the purpose of registration".

18 5. Page 3, line 8, by striking the words
19 "election day" and inserting the following: "the day
20 of a general election".

21 6. Page 3, line 11, by striking the words
22 "polling place" and inserting the following:
23 "location established for the purpose of registration
24 on the day of a general election".

25 7. Page 3, line 16, by striking the words
26 "election day" and inserting the following: "the day
27 of a general election".

28 8. Page 3, line 20, by striking the words
29 "election day" and inserting the following: "the day
30 of a general election".

31 9. Page 3, line 28, by striking the words
32 "election day" and inserting the following: "the day
33 of a general election".

34 10. Page 3, line 30, by striking the words
35 "election day" and inserting the following: "the day
36 of a general election".

37 11. Page 3, by inserting after line 34, the
38 following:

39 "7. A location or locations shall be established
40 for registration on the day of a general election in
41 the following manner:

42 a. In a county with a population of more than
43 forty thousand, the county board of supervisors shall
44 establish four locations for the purpose of
45 registration on the day of a general election.

46 b. In a county with a population of twenty
47 thousand to forty thousand, the county board of
48 supervisors shall establish two locations for the
49 purpose of registration on the day of a general
50 election.

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1 c. In a county with a population of less than
2 twenty thousand, the county board of supervisors shall
3 establish one location for the purpose of registration
4 on the day of a general election."

5 12. Title page, lines 2 and 3, by striking the
6 words "polling place on election day" and inserting
7 the following: "designated location or locations on

- 8 the day of a general election”.
9 13. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chair

S-5433

- 1 Amend House File 2287, 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 96.7, subsection 2, paragraph
6 b, Code Supplement 1989, is amended by adding the
7 following new unnumbered paragraph after unnumbered
8 paragraph 1:
9 NEW UNNUMBERED PARAGRAPH. The predecessor employer
10 shall disclose to the successor employer the
11 predecessor employer’s record of charges of benefits
12 payments or any layoffs or incidences since the last
13 record that would affect the experience record. A
14 predecessor employer who fails to disclose or
15 willfully discloses incorrect information to a
16 successor employer regarding the predecessor
17 employer’s record of charges of benefits payments is
18 liable to the successor employer for any actual
19 damages and attorney fees incurred by the successor
20 employer as a result of the predecessor employer’s
21 failure to disclose or disclosure of incorrect
22 information. The division shall include notice of the
23 requirement of disclosure in the division’s quarterly
24 notification given to each employer pursuant to
25 section 96.7, subsection 2, paragraph “a”,
26 subparagraph (6).”
27 2. Title page, line 2, by striking the word
28 “small”.

COMMITTEE ON BUSINESS
AND LABOR RELATIONS
JOHN A. PETERSON, Chair

S-5434

- 1 Amend House File 2526 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 23, and inserting the
4 following: “under the person. A physician or
5 surgeon, physician assistant, or mental health

- 6 professional shall also allow an individual to access
 7 such information or any other medical records
 8 concerning the individual upon the request of the
 9 individual.
 10 In an action where the rights conferred are”.

TOM MANN, Jr.

S-5435

- 1 Amend House File 2537, as amended, passed, and
 2 reprinted by the House, as follows:

DIVISION S—5435A

- 3 1. Page 4, by striking lines 10 through 16.

DIVISION S—5435B

- 4 2. Page 4, by striking lines 27 through 34.
 5 3. By striking page 8, line 19 through page 10,
 6 line 27.
 7 4. By renumbering as necessary.

COMMITTEE ON COMMERCE
 WILLIAM D. PALMER, Chair

S-5436

- 1 Amend House File 2431, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 10, the
 4 following:
 5 “Sec. ____ . Section 514E.7, subsection 5, paragraph
 6 b, Code 1989, is amended to read as follows:
 7 b. Medical advice or treatment was recommended or
 8 received within a period of six months before the
 9 effective date of coverage.
 10 These preexisting condition exclusions shall be
 11 waived to the extent to which similar exclusions have
 12 been satisfied under any prior health insurance
 13 coverage which is anticipated to be or which was
 14 involuntarily terminated, if the application for pool
 15 coverage is made prior to an anticipated involuntary
 16 termination or not later than thirty days following
 17 the involuntary termination. In that case, coverage
 18 in the pool shall be effective from the date on which
 19 the prior coverage was terminated.

20 This subsection does not prohibit preexisting
21 conditions coverage in an association policy that is
22 more favorable to the insured than that specified in
23 this subsection.

24 For purposes of this subsection, "involuntary
25 termination" includes, but is not limited to, either
26 or both of the following:

27 (1) Anticipated termination or termination of
28 existing coverage or benefits when no conversion
29 policy would be or is available for that person, or a
30 dependent.

31 (2) Where benefits under any state or federal law
32 providing for continuation of coverage upon
33 termination of employment are scheduled to cease or in
34 fact cease for that person, or a dependent."

COMMITTEE ON COMMERCE
WILLIAM D. PALMER, Chair

S-5437

1 Amend Senate File 2336 as follows:

2 1. Page 4, by inserting after line 15, the
3 following:

4 "Sec. ____ . NEW SECTION. 557.27 TIME OF REVERSION
5 OF MINERAL RIGHTS.

6 1. Mineral rights or other subsurface property
7 rights, which are owned separately from the overlying
8 surface property, are presumed to be extinguished if
9 both of the following conditions are satisfied:

10 a. No physical use or attempt at exploitation of
11 the mineral rights or other subsurface property rights
12 has occurred within the prior twenty-five years.

13 b. The owner of the mineral rights or other
14 subsurface property rights has not filed a statement
15 of intent to preserve interest with the county
16 recorder in the county in which the mineral rights or
17 other subsurface property rights are located.

18 Rights presumed to be extinguished pursuant to this
19 section are finally divested one year after the date
20 on which both paragraphs "a" and "b" are satisfied.

21 Sec. ____ . NEW SECTION. 557.28 REVERSION OF
22 MINERAL RIGHTS.

23 1. If mineral rights or other subsurface property
24 rights are presumed to be extinguished pursuant to
25 section 557.27, the mineral rights or other subsurface
26 property rights pass to the overlying surface
27 landowner at the time of divestment under section
28 557.27.

29 2. Any surface property easement ancillary to the
30 mineral rights or other subsurface property rights
31 pass to the adjacent landowner or landowners at the
32 time of divestment under section 557.27. If different
33 adjacent landowners are situated on either side of the
34 surface property easement involved, each adjacent
35 landowner takes to the center of the surface property
36 easement.

37 3. Section 614.24, which requires the filing of a
38 verified claim, does not apply to reversion of
39 property rights under subsection 1 or 2.

40 4. A surface landowner or an adjoining landowner
41 may perfect title under subsection 1 or 2 by filing an
42 affidavit of ownership with the county recorder in the
43 county in which the mineral rights, other subsurface
44 property rights, or ancillary surface property
45 easement claimed by the landowner is located. The
46 affidavit shall include the name of the surface
47 landowner or the adjoining landowner, a description of
48 the property or rights subject to reversion, the name
49 of the recorded owner of the mineral rights, other
50 subsurface property rights, or ancillary surface

Page 2

1 property easement subject to reversion, the date of
2 the last statement of intent to maintain interest
3 filed by such recorded owner and the date of the last
4 use or attempted exploitation of the mineral rights or
5 other subsurface property rights at issue. A copy of
6 the affidavit must be mailed by the landowner by
7 certified mail to the recorded owner.

8 5. The recorded owner may challenge the facts
9 asserted in the affidavit in an action in district
10 court, for a period up to one year after the date of
11 filing of the affidavit. If the recorded owner
12 demonstrates in such an action in the district court
13 by a preponderance of the evidence that both
14 conditions in subsection 1, paragraphs "a" and "b"
15 have not been satisfied, then the property rights
16 shall not revert to the surface landowner, but shall
17 remain the recorded owner's until such time, if ever,
18 that a reversion pursuant to section 557.27 and this
19 section is completed.

20 6. The landowner is liable for taxes on the
21 property interest from the date the affidavit is
22 filed. If before the date of decision of the district
23 court that the requirements for extinguishing disputed
24 property rights pursuant to section 557.27 have not
25 been satisfied, a surface landowner has paid taxes

- 26 upon the disputed property rights, the recorded owner
- 27 shall reimburse the surface landowner as a condition
- 28 of preventing reversion.”
- 29 2. Title page, by striking lines 5 and 6, and
- 30 inserting the following: “the owner of underground
- 31 natural gas storage rights, mineral rights, or other
- 32 subsurface property rights.”
- 33 3. By renumbering as necessary.

BERL PRIEBE

S-5438

- 1 Amend the House amendment, S-5341, to Senate File
- 2 2212, 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 after line 23 the
- 7 following:
- 8 “Sec. ___ . NURSING FACILITY REIMBURSEMENT -- APRIL
- 9 1990 ADJUSTMENT.
- 10 There is appropriated from the general fund of the
- 11 state to the department of human services for the
- 12 fiscal year beginning July 1, 1989, and ending June
- 13 30, 1990, the following amount or so much thereof as
- 14 is necessary, to be used for the purpose designated:
- 15 For adjustment of nursing facility reimbursement
- 16 rates in accordance with this section:
- 17 \$ 1,000,000
- 18 Effective April 1, 1990, the maximum reimbursement
- 19 rate for nursing facilities shall be the 74th
- 20 percentile of facility costs as calculated from the
- 21 March 31, 1990, unaudited compilation of cost and
- 22 statistical data.””

BERL E. PRIEBE

S-5439

- 1 Amend House File 2412, as passed by the House, as
- 2 follows:

DIVISION S—5439A

- 3 1. Page 1, by striking lines 8 and 9, and
- 4 inserting the following: “violation, the civil”

5 penalty shall not exceed one thousand dollars a day
 6 for each day the violation exists or continues."

DIVISION S—5439B

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

9 "Sec. ____ . Section 364.22, Code Supplement 1989,
 10 is amended by adding the following new subsection:
 11 NEW SUBSECTION. 13. An action brought pursuant to
 12 this section for a municipal infraction which is an
 13 environmental violation does not preclude, and is in
 14 addition to, any other enforcement action which may be
 15 brought pursuant to chapter 455B, 455D, or 455E."
 16 3. Renumber as necessary.

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PAT DELUHERY, Chair

S-5440

1 Amend the amendment, S-5422, to Senate File 2152 as
 2 follows:

3 1. Page 1, line 9, by inserting after the word
 4 "methamphetamine," the following: "or other illegal
 5 drugs,".

6 2. Page 1, line 22, by inserting after the word
 7 "by" the following: "appropriate medical studies
 8 including".

9 3. Page 1, line 24, by inserting after the word
 10 "methamphetamine," the following: "or other illegal
 11 drugs,".

12 4. Page 1, line 29, by inserting after the word
 13 "methamphetamine," the following: "or other illegal
 14 drugs,".

15 5. Page 1, line 37, by inserting after the word
 16 "of" the following: "appropriate medical studies
 17 including".

18 6. Page 1, by striking lines 48 and 49 and
 19 inserting the following: "232.77 PHOTOGRAPHS, AND X
 20 RAYS, AND APPROPRIATE MEDICAL STUDIES."

21 7. Page 2, line 20, by striking the words
 22 "symptoms of the" and inserting the following: "signs
 23 indicative".

24 8. Page 2, line 21, by striking the word
 25 "effects".

26 9. Page 2, line 23, by inserting after the word

27 performed the following: appropriate medical
28 studies including".

CHARLES BRUNER

S-5441

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, line 4, by inserting after the word
5 "security" the following: "cottage style or
6 residential".
7 2. Page 2, line 5, by inserting after the word
8 "facility." the following: "The architectural plan
9 shall include living units designed to promote and
10 accomplish the goals of the family preservation
11 program established in section 246.207."

LARRY MURPHY

S-5442

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by striking lines 6 through 12.
5 2. Page 2, line 34, by striking the figure
6 "1,000,000" and inserting the following: "500,000".
7 3. Page 2, line 35, by striking the words and
8 figure "subsections 4 and" and inserting the
9 following: "subsection".
10 4. Page 2, line 37, by striking the words "those
11 subsections are" and inserting the following: "that
12 subsection is".

CALVIN O. HULTMAN
RICHARD VANDE HOEF
JULIA GENTLEMAN

S-5443

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 23, through page 2,
5 line 5, and inserting the following:

6 "Sec. ____ .
7 There is appropriated from the general fund of the
8 state to the department of corrections 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 capital planning and construction of
13 institutional and residential expansions as
14 designated:
15 \$ 6,900,000
16 1. For construction of an additional one hundred
17 twenty beds at the Rockwell City facility.
18 2. For construction of an additional one hundred
19 beds at the Clarinda facility.
20 3. For construction of an additional one hundred
21 beds at the Mitchellville facility."

CALVIN HULTMAN
JULIA GENTLEMAN
RICHARD VANDE HOEF

S-5444

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, line 2, by striking the word "Oakdale"
5 and inserting the following: "Clarinda".

CALVIN HULTMAN

S-5445

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 2, line 3, by striking the figure "50"
5 and inserting the following: "100".

CALVIN O. HULTMAN

S-5446

1 Amend the House amendment, S-5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 42, by striking the figure "1989"

5 and inserting the following: "1990".

6 2. Page 2, lines 26 and 27, by striking the words
7 "community-based correctional services district" and
8 inserting the following: "judicial district
9 department of correctional services".

10 3. Page 2, lines 32 and 33, by striking the words
11 "community-based correctional services district" and
12 inserting the following: "judicial district
13 department of correctional services".

14 4. Page 2, lines 42 and 43, by striking the words
15 "community-based correctional services district" and
16 inserting the following: "judicial district
17 department of correctional services".

JOE J. WELSH

S-5447

1 Amend House File 2313, as passed by the House, as
2 follows:

DIVISION S—5447A

3 1. Page 1, by inserting after line 29 the
4 following:

5 "Sec. ____ . Section 56.6, subsection 3, paragraph
6 i, Code Supplement 1989, is amended by striking the
7 paragraph.

8 Sec. ____ . NEW SECTION. 56.31 REPORTING OF
9 HONORARIA.

10 1. The commission shall adopt rules requiring the
11 filing of periodic reports by officeholders showing
12 all honoraria received during the reporting period.

13 2. The rules shall require that:

14 a. Holders of statewide office must file reports
15 with the state commissioner of elections.

16 b. Holders of the office of state senator must
17 file reports with the secretary of the senate.

18 c. Holders of the office of state representative
19 must file reports with the chief clerk of the house of
20 representatives.

21 d. Holders of county and other offices must file
22 reports with the county commissioner of elections.

23 3. The reports shall be available for public
24 inspection."

25 2. Page 2, line 17, by striking the words "at
26 least quarterly" and inserting the following: "at
27 least quarterly on an annual basis".

28 3. Page 12, by inserting after line 10 the

29 following:

30 "Sec. ____ . Section 321E.16, Code 1989, is amended
31 to read as follows:

32 321E.16 VIOLATIONS -- PENALTIES.

33 Any person who is convicted of a violation of any
34 provision of this chapter or of rules adopted under
35 section 321E.15, other than length, height, width, or
36 weight allowed by any permit issued under this chapter
37 shall be punished by a fine of ~~not less than~~ one
38 hundred dollars for the first conviction, two hundred
39 fifty dollars for a second conviction within a twelve-
40 month period, and five hundred dollars for a third
41 conviction within a twelve-month period. The fine for
42 violation of the length, height, width, and weight
43 allowed by permit shall be based upon the difference
44 between the actual length, height, width, and weight
45 of the vehicle and load and the maximum allowable by
46 permit and in accordance with section 321.482 for
47 violations of length, height, or width limitations and
48 sections 321.482 and 321.463 for violation of weight
49 limitations. If a vehicle with indivisible load
50 traveling under permit is found to be in violation of

Page 2

DIVISION S—5447A (cont'd.)

1 weight limitations, the vehicle operator shall be
2 allowed a reasonable amount of time to remove any ice,
3 mud, snow, and other weight attributable to climatic
4 conditions accumulated along the route prior to
5 application of the penalties prescribed in sections
6 321.463 and 321.482. The department shall adopt rules
7 to require peace officer escorts for permit holders
8 convicted for the third time in a twelve-month period
9 of violating a provision of this chapter or a
10 provision of rules adopted pursuant to section
11 321E.15."

12 4. Page 12, by striking lines 27 through 31, and
13 inserting the following: "statutes. Each previous
14 violation on which conviction or deferral of judgment
15 was entered prior to the date of the violation charged
16 shall be considered and counted as a separate previous
17 offense without regard to whether each was complete as
18 to commission and conviction or deferral of judgment
19 following or prior to any other previous violation."

20 5. Page 14, lines 9 and 10, by striking the words
21 "establishment and operation of a public defender's
22 office," and inserting the following: "establishment
23 and operation of a public defender's office,".

24 6. Page 14, by inserting after line 21, the
25 following:

26 "Sec. ____ . Section 331.555, subsection 4, Code
27 1989, is amended to read as follows:

28 4. The treasurer shall make a complete settlement
29 with the county semiannually and when the treasurer
30 leaves office as provided in sections ~~452.6~~ and
31 section 452.7."

32 7. Page 14, by striking lines 22 through 28.

33 8. Page 17, by inserting after line 13, the
34 following:

35 "Sec. ____ . Section 514F.1, Code Supplement 1989,
36 is amended to read as follows:

37 514F.1 UTILIZATION AND COST CONTROL REVIEW
38 COMMITTEES.

39 The boards of examiners under chapters 148, 149,
40 150, 150A, 151, and 152; ~~and 153~~ shall establish
41 utilization and cost control review committees of
42 licensees under the respective chapters, selected from
43 licensees who have practiced in Iowa for at least the
44 previous five years, or shall accredit and designate
45 other utilization and cost control organizations as
46 utilization and cost control committees under this
47 section, for the purposes of utilization review of the
48 appropriateness of levels of treatment and of giving
49 opinions as to the reasonableness of charges for
50 diagnostic or treatment services of licensees.

Page 3

DIVISION S—5447A (cont'd.)

1 Persons governed by the various chapters of Title XX
2 of the Code and self-insurers for health care benefits
3 to employees may utilize the services of the
4 utilization and cost control review committees upon
5 the payment of a reasonable fee for the services, to
6 be determined by the respective boards of examiners.
7 The respective boards of examiners under chapters 148,
8 149, 150, 150A, 151, and 152; ~~and 153~~ shall adopt
9 rules necessary and proper for the implementation of
10 this section pursuant to chapter 17A. It is the
11 intent of this general assembly that conduct of the
12 utilization and cost control review committees
13 authorized under this section shall be exempt from
14 challenge under federal or state antitrust laws or
15 other similar laws in regulation of trade or
16 commerce."

DIVISION S—5447B

17 9. Page 20, by striking lines 13 through 16, and
 18 inserting the following: “tests required under
 19 federal statutes or federal regulations adopted as of
 20 July 1, 1990, or to drug tests conducted pursuant to
 21 a”.

DIVISION S—5447A (cont'd.)

22 10. Page 21, by inserting after line 30 the
 23 following:
 24 “Sec. ____ . Section 904A.1, Code Supplement 1989,
 25 is amended to read as follows:
 26 904A.1 BOARD OF PAROLE.
 27 The board of parole is created to consist of five
 28 members. Each member, except the chairperson, shall
 29 be compensated on a day-to-day basis. Each member
 30 shall serve a term of four years beginning July 1 and
 31 ending as provided by section 69.19, except for
 32 members appointed to fill vacancies who shall serve
 33 for the balance of the unexpired term. The terms
 34 shall be staggered. The chairperson of the board
 35 shall be a full-time, salaried member of the board. A
 36 majority of the members of the board constitutes a
 37 quorum to transact business.
 38 Sec. ____ . Section 452.6, Code 1989, is repealed.”
 39 11. Renumber as necessary.

COMMITTEE ON JUDICIARY
 RICHARD VARN, Chair

S-5448

1 Amend the House amendment, S-5341, to Senate File
 2 2212, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, line 7, by striking the words “in Polk
 5 county” and inserting the following: “at the
 6 correctional facility at Newton”.

CALVIN HULTMAN
 RICHARD VANDE HOEF
 JULIA GENTLEMAN

S-5449

1 Amend House amendment S-5341 to Senate File
 2 2212, as amended, passed, and reprinted by the

3 Senate, as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 " ____ . Page 2, by striking lines 20 and 21 and
7 inserting the following:

8 "30, 1990, but shall be deposited in the state
9 supplementation of federal social services block
10 grant fund for use in the".

11 ____ . Page 2, by striking line 24 and inserting
12 the following:

13 "supplementation of federal social services block
14 grant fund"."

CHARLES BRUNER

S-5450

1 Amend Senate File 2371 as follows:

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

4 "Section 1. Section 7E.5, subsection 1, paragraph
5 t, Code Supplement 1989, is amended to read as
6 follows:

7 t. The department of human rights, created in
8 section 601K.1, which has primary responsibility for
9 services relating to ~~Spanish-speaking people~~ Latino
10 persons, children, youth, and families, women, persons
11 with disabilities, community action agencies, criminal
12 and juvenile justice planning, the status of blacks,
13 and deaf persons.

14 Sec. 2. Section 601K.1, subsection 1, Code
15 Supplement 1989, is amended to read as follows:

16 1. Division of ~~Spanish-speaking people~~ Latino
17 affairs."

18 2. Page 1, line 16, by striking the word
19 "coordinator" and inserting the following:
20 "coordinator director".

21 3. Page 1, by striking lines 30 and 31, and
22 inserting the following:

23 "8. Evaluate each administrator, after receiving
24 recommendations from the appropriate commissions or
25 councils, and submit a written report of the completed
26 evaluations to the governor and the appropriate
27 commissions or councils, annually."

28 4. Page 2, line 5, by inserting after the word
29 "RIGHTS" the following: "ADMINISTRATIVE-
30 COORDINATING".

31 5. Page 2, by striking line 6, and inserting the

32 following:

33 "1. A human rights ~~policy coordinating~~
34 ~~administrative-coordinating~~".

35 6. Page 2, line 15, by inserting after the word
36 "accounting," the following: "~~clerical~~".

37 7. Page 2, line 19, by striking the words

38 "~~between or~~" and inserting the following: "~~between~~
39 ~~or~~".

40 8. Page 2, by inserting after line 29, the
41 following:

42 "Sec. ____ . Section 601K.11, Code 1989, is amended
43 to read as follows:

44 601K.11 DEFINITIONS.

45 For purposes of this subchapter, unless the context
46 otherwise requires:

47 1. "Commission" means the commission of ~~Spanish-~~
48 ~~speaking people~~ Latino affairs.

49 2. "Division" means the division of ~~Spanish-~~
50 ~~speaking people~~ Latino affairs of the department of

Page 2

1 human rights.

2 3. "Administrator" means the administrator of the
3 division of ~~Spanish-speaking people~~ Latino affairs of
4 the department of human rights.

5 Sec. ____ . Section 601K.12, Code 1989, is amended
6 to read as follows:

7 601K.12 COMMISSION OF SPANISH SPEAKING PEOPLE
8 LATINO AFFAIRS -- TERMS -- COMPENSATION.

9 The commission of ~~Spanish-speaking people~~ Latino
10 affairs consists of nine members, appointed by the
11 governor ~~from a list of nominees submitted by the~~
12 ~~governor's Spanish-speaking peoples task force~~. The
13 members of the commission shall be appointed during
14 the month of June and shall serve for terms of two
15 years commencing July 1 of each odd-numbered year.
16 Members appointed shall continue to serve until their
17 respective successors are appointed. Vacancies in the
18 membership of the commission shall be filled by the
19 original appointing authority and in the manner of the
20 original appointments. Members shall receive actual
21 expenses incurred while serving in their official
22 capacity. Members may also be eligible to receive
23 compensation as provided in section 7E.6.

24 Sec. ____ . Section 601K.14, Code 1989, is amended
25 to read as follows:

26 601K.14 COMMISSION EMPLOYEES.

27 The commission may employ personnel who shall be
28 ~~qualified by experience~~ to assume the responsibilities

29 of their several offices. The administrator shall be
30 the administrative officer of the commission and shall
31 serve the commission by gathering and disseminating
32 information, forwarding proposals and evaluations to
33 the governor, the general assembly, and state
34 agencies, carrying out public education programs,
35 conducting hearings and conferences, and performing
36 other duties necessary for the proper operation of the
37 commission. The administrator shall carry out
38 programs and policies as determined by the commission.
39 Sec. ____ . Section 601K.15, subsections 1 through
40 7, Code 1989, are amended to read as follows:
41 1. Coordinate, assist, and cooperate with the
42 efforts of state departments and agencies to serve the
43 needs of ~~Spanish-speaking~~ Latino persons in the fields
44 of education, employment, health, housing, welfare,
45 and recreation.
46 2. Develop, coordinate, and assist other public
47 organizations which serve ~~Spanish-speaking~~ Latino
48 persons.
49 3. Evaluate existing programs and proposed
50 legislation affecting ~~Spanish-speaking~~ Latino persons,

Page 3

1 and propose new programs.
2 4. Stimulate public awareness of the problems of
3 ~~Spanish-speaking~~ Latino persons by conducting a
4 program of public education and encouraging the
5 governor and the general assembly to develop programs
6 to deal with these problems.
7 5. Conduct training programs for ~~Spanish-speaking~~
8 Latino persons to enable them to assume leadership
9 positions on the community level.
10 6. Conduct a survey of the ~~Spanish-speaking~~ Latino
11 people in Iowa in order to ascertain their needs.
12 7. Work to establish a ~~Spanish-speaking~~ Latino
13 information center in the state of Iowa."
14 9. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5451

1 Amend House File 2495, as passed by the House, as
2 follows:
3 1. Page 2, line 11, by striking the word "A" and
4 inserting the following: "After a favorable vote
5 supporting the proposition, a".

6 2. Page 2, line 15, by inserting after the word
 7 "herein." the following: "The election shall be
 8 conducted in the same manner as a special election
 9 called pursuant to section 384.26 to the extent
 10 applicable, except that the favorable vote of a
 11 majority of the voters voting on the proposition is
 12 sufficient to approve the proposition."

EMIL J. HUSAK
 LEONARD L. BOSWELL
 BERL E. PRIEBE
 EUGENE FRAISE
 KENNETH D. SCOTT
 JIM RIORDAN

S-5452

1 Amend amendment, S-5433, to House File 2287, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 9, by inserting after the word
 5 "employer" the following: ", prior to entering into a
 6 contract with a successor employer relating to the
 7 sale or transfer of the enterprise or business, or a
 8 clearly segregable and identifiable part of the
 9 enterprise or business,".

LINN FUHRMAN

S-5453

1 Amend House File 2531, as passed by the House, as
 2 follows:
 3 1. Page 1, line 7, by striking the word
 4 "establishes" and inserting the following: "meets".
 5 2. Page 1, by striking lines 9 through 22 and
 6 inserting the following:
 7 "a. The business makes a report detailing the
 8 circumstances of its violations, if any, of a federal
 9 or state environmental protection statute, regulation,
 10 or rule within the previous five years. The state
 11 agency shall take into consideration before allowing
 12 financial assistance this report of the business."

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 PAT DELUHERY, Chair

S-5454

- 1 Amend House File 2497, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by striking lines 22 through 26.

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
PAT DELUHERY, Chair

S-5455

- 1 Amend House File 2487 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 27 and 28 and
4 inserting the following:
5 "The board of directors of the Iowa academy of
6 science, the department of natural resources, and the
7 attorney general shall submit lists of potential
8 nominees for membership to an environmental advocate
9 advisory committee. The governor may appoint persons
10 from the lists of nominees or may appoint persons of
11 the governor's choosing who are not named on the
12 submitted lists. The environmental advocate advisory
13 committee shall meet at the".

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
PATRICK DELUHERY, Chair

S-5456

- 1 Amend House File 2468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 6, by striking the words "~~and~~
4 ~~juvenile~~" and inserting the following: "and
5 juvenile".
6 2. Page 1, line 8, by striking the words "~~and~~
7 ~~juvenile~~" and inserting the following: "and
8 juvenile".
9 3. Page 1, line 11, by striking the words "~~and~~
10 ~~juvenile~~" and inserting the following: "and
11 juvenile".
12 4. Page 1, line 15, by striking the words "~~and~~
13 ~~juvenile~~" and inserting the following: "and
14 juvenile".
15 5. Page 1, by striking line 23 and inserting the

16 following:

17 "2. ~~Two persons~~ One person who represent
18 represents the general public and ~~are is~~".

19 6. Page 1, line 29, by inserting after the word
20 "safety," the following: "the division on the status
21 of blacks".

22 7. Page 2, line 26, by striking the words "~~and~~
23 ~~juvenile~~" and inserting the following: "and
24 juvenile".

25 8. Page 3, by inserting after line 11, the
26 following:

27 "The division may form subcommittees for the
28 purpose addressing major correctional issues affecting
29 the criminal and juvenile justice system. The
30 division shall establish a subcommittee to address
31 issues specifically affecting the juvenile justice
32 system."

COMMITTEE ON JUDICIARY
RICHARD VARN, Chair

S-5457

1 Amend House File 2522, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 17 the
4 following:

5 "Sec. ____ . Section 110.24, Code Supplement 1989,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 16. Upon payment of the fee for a
8 lifetime hunting and fishing combined license, the
9 department shall issue a hunting and fishing combined
10 license to a veteran who was disabled or a prisoner of
11 war during that veteran's military service. The
12 department shall prepare an application to be used by
13 a person requesting a hunting and fishing combined
14 license under this subsection. The veteran affairs
15 division of the department of public defense shall
16 assist the department in verifying the status or
17 claims of applicants under this subsection. As used
18 in this subsection, "veteran" means a person who
19 served in the armed forces of the United States of
20 America at any time during World War I between the
21 dates of April 6, 1917, and July 2, 1921, World War II
22 between the dates of December 7, 1941, and December
23 31, 1946, the Korean conflict between the dates of
24 June 27, 1950, and January 31, 1955, or the Vietnam
25 conflict between August 5, 1964, and May 7, 1975, all
26 dates inclusive, and "disabled" means entitled to

27 compensation under the United States Code, title 38,
28 chapter 11.
29 Sec. ____ .
30 This Act takes effect January 1, 1991.”
31 2. Title page, line 1, by striking the word
32 “free”.
33 3. Title page, line 2, by inserting after the
34 word “personnel” the following: “and veterans, and
35 providing an effective date”.

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chair

S-5458

1 Amend House File 2329, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 26 the
4 following:
5 “Sec. ____ . Section 50.24, unnumbered paragraph 1,
6 Code Supplement 1989, is amended to read as follows:
7 The county board of supervisors shall meet to
8 canvass the vote ~~at nine o'clock on the morning of the~~
9 first Monday within ten working days after the day of
10 each election to which this chapter is applicable,
11 unless the law authorizing the election specifies
12 another date for the canvass. ~~If that Monday is a~~
13 public holiday, section 4-1, subsection 22 controls.
14 Upon convening, the board shall open and canvass the
15 tally lists and shall prepare abstracts stating, in
16 words written at length, the number of votes cast in
17 the county, or in that portion of the county in which
18 the election was held, for each office and on each
19 question on the ballot for the election. The board
20 shall contact the chairperson of the special precinct
21 board before adjourning and include in the canvass any
22 absentee ballots which were received after the polls
23 closed in accordance with section 53.17 and which were
24 canvassed by the special precinct board after election
25 day. The abstract shall further indicate the name of
26 each person who received votes for each office on the
27 ballot, and the number of votes each person named
28 received for that office, and the number of votes for
29 and against each question submitted to the voters at
30 the election.”
31 2. By numbering and renumbering as necessary.

DONALD V. DOYLE

S-5459

1 Amend House File 2062, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, by striking line 16 and inserting the
4 following: "enrollee of the group, shall include, at
5 the option of the group purchaser, a provision for
6 coverage for well baby".

7 2. Page 2, by striking line 18 and inserting the
8 following: "insured, subscriber, or enrollee. The
9 group purchaser may reject inclusion of this
10 coverage."

11 3. Page 2, by striking line 20 and inserting the
12 following: "the same limitations, restrictions, and
13 conditions, including but not limited to, deductible
14 and coinsurance factors as other covered".

15 4. Title page, line 3, by striking the word
16 "inclusion" and inserting the following: "an offer".

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chair

HOUSE AMENDMENT TO
SENATE FILE 2097

S-5460

1 Amend Senate File 2097 as follows:

2 1. Page 1, lines 6 and 7, by striking the words
3 "to mediate disputes between dentists and their
4 patients" and inserting the following: "to provide
5 for mediation of disputes between licensees and their
6 patients when specifically recommended by the board".

7 2. Page 1, line 8, by inserting after the word
8 "chapter," the following: "to provide for restitution
9 to patients".

10 3. Page 1, by inserting after line 9 the
11 following:

12 "Subsequent to an investigation by the board, the
13 board may appoint a disinterested third party to
14 mediate disputes between licensees and patients.
15 Referral of a matter to mediation shall not preclude
16 the board from taking disciplinary action against the
17 affected licensee."

18 4. Title page, line 1, by striking the word

19 "dentists" and inserting the following: "licensees".
20 5. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2262

S-5461

1 Amend Senate File 2262, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 169.8, Code 1989, is amended
6 by adding the following new unnumbered paragraph after
7 unnumbered paragraph 2:
8 NEW UNNUMBERED PARAGRAPH. Based upon an
9 applicant's education, experience, and training, the
10 board may grant a limited license to an applicant to
11 perform a restricted range of activities within the
12 practice of veterinary medicine, as specified by the
13 board."
14 2. Page 1, line 4, by striking the words "WITHOUT
15 EXAMINATION" and inserting the following: "BY
16 ENDORSEMENT".
17 3. Page 1, line 9, by striking the word "holds"
18 and inserting the following: "has received".
19 4. Page 1, line 9, by striking the word "an" and
20 inserting the following: "a certificate from the".
21 5. Page 1, line 10, by inserting after the word
22 "certificate" the following: "at least five years
23 prior to application".
24 6. Page 1, line 10, by striking the word
25 "certificate".
26 7. Page 1, line 26, by striking the word
27 "diplomat" and inserting the following: "diplomat~~e~~".
28 8. Title page, line 2, by striking the words
29 "without an examination".
30 9. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

S-5462

1 Amend House File 2438 as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 5 through 28.
- 4 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 RICHARD VARN, Chair

S-5463

1 Amend House File 2482 as passed by the House, as
2 follows:

- 3 1. Page 2, by inserting after line 28, the
- 4 following:

5 "Sec. ____ . APPROPRIATION.

6 There is appropriated from the general fund of the
 7 state to the department of economic development for
 8 the fiscal period beginning July 1, 1990, and ending
 9 January 15, 1991, the following amount, or so much
 10 thereof as is necessary, to be used for the purpose
 11 designated:

12 For the entrepreneurship task force for expenses as
13 necessary:

14 \$ 25,000".

- 15 2. Title, line 1, by inserting after the word "force" the
- 16 following: ", and providing an appropriation".

KENNETH SCOTT

S-5464

1 Amend House File 2503, as amended, passed, and re-
2 printed by the House, as follows:

- 3 1. Page 1, by striking lines 20 through 28 and
- 4 inserting the following:

5 "NEW SUBSECTION. 11. "Significant exposure" means
 6 a penetrating wound from a needle or other sharp
 7 object which is visibly contaminated with another
 8 person's blood, blood components, or blood-containing
 9 fluids."

- 10 2. Page 2, by striking lines 8 through 16 and
- 11 inserting the following: "health facility shall
- 12 notify the exposed person of the need to seek
- 13 appropriate medical attention. The department shall
- 14 pay for the performance of any HIV-related test on the
- 15 exposed person."

- 16 3. Page 2, by striking lines 20 and 21 and
- 17 inserting the following: "performing the actions
- 18 required in paragraph "a"."

- 19 4. Page 2, by inserting after line 31 the
- 20 following:

21 "Sec. ____ . NEW SECTION. 141.22B SURGEON-PATIENT
 22 NOTIFICATION.

23 Prior to the performance of any surgical procedure,
24 a surgeon, who has been tested and has received an
25 HIV-related test result which has been confirmed as
26 positive according to prevailing medical technology,
27 shall inform the patient of the results.
28 Confidentiality provisions in section 141.23 and the
29 remedies and penalties provided for in section 141.24
30 shall apply to any disclosure under this section.”
31 5. Page 4, by striking lines 8 through 10 and
32 inserting the following: “service, to inform
33 employees of possible infection and to protect them
34 from possible infection.”
35 6. Renumber as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chair

S-5465

1 Amend House File 2355, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 4, the
4 following:
5 “Sec. ____ . Section 110.21, Code 1989, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. In addition to other
8 civil and criminal penalties imposed for illegally
9 taking or possessing an elk, antelope, buffalo, or
10 moose, the court shall revoke the hunting license of a
11 violator. The violator shall not be allowed to
12 procure a hunting license for the next two calendar
13 years.”
14 2. Title page, line 1, by inserting after the
15 word “damages” the following: “and license
16 revocation”.

JACK HESTER

S-5466

1 Amend House File 2440, 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 235A.15, subsection 2,
6 paragraph e, Code Supplement 1989, is amended by
7 adding the following new subparagraph:
8 NEW SUBPARAGRAPH. (7) To the board of educational

9 examiners created under chapter 260 for purposes of
10 determining whether a practitioner's license should be
11 denied or revoked."

12 2. Page 1, by inserting after line 19 the
13 following:

14 "Sec. ____ . Section 260.2, Code Supplement 1989, is
15 amended by adding the following new subsection:
16 NEW SUBSECTION. 14. Adopt rules which permit the
17 board to deny a license to or revoke a license of a
18 person upon the board's finding by a preponderance of
19 evidence that either the person has been convicted of
20 a crime or that there has been a founded report of
21 child abuse against the person. Rules adopted shall
22 provide that in determining whether a person should be
23 denied a license or that a practitioner's license
24 should be revoked, the board shall consider the nature
25 and seriousness of the founded abuse or crime in
26 relation to the position sought, the time elapsed
27 since the founded abuse or crime was committed, the
28 degree of rehabilitation which has taken place since
29 the incidence of founded abuse or the commission of
30 the crime, the likelihood that the person will commit
31 the same abuse or crime again, and the number of
32 founded abuses committed or criminal convictions by
33 the person involved."

34 3. Page 10, by inserting after line 13, the
35 following:

36 "Sec. ____ . Section 692.2, subsection 1, Code
37 Supplement 1989, is amended by adding the following
38 new paragraph:

39 NEW PARAGRAPH. i. The board of educational
40 examiners for the purpose of carrying out duties
41 imposed under section 260.2, subsection 14."

42 4. By numbering and renumbering as necessary.

JOY CORNING

S-5467

1 Amend House File 2340, 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. 167.22 DISPOSAL OF
6 ANIMALS BY OWNERS.

7 A person owning or caring for an animal shall
8 dispose of the animal's carcass within twenty-four
9 hours after the person finds the animal dead. The
10 person may dispose of the animal carcass as provided

11 by state law, including by transferring the carcass to
12 a person licensed pursuant to this chapter. If the
13 animal has died on or after November 1, but before
14 April 10, a person holding a legal, equitable, or
15 managerial interest in agricultural land which is not
16 part of a city may dispose of the animal carcass on
17 the land. The carcass may be disposed of in a
18 containment pit located on the agricultural land. The
19 carcass shall be immediately covered with a layer of
20 lime. The carcasses in the containment pit shall by
21 April 30, be covered with at least the amount of earth
22 removed from the pit. The owner of agricultural land
23 may bury the animal carcass other than in a
24 containment pit on the agricultural land. The carcass
25 shall be buried to a depth between two and four feet
26 from the natural surface of the ground and covered
27 with at least the amount of earth removed to bury the
28 animal. However, an animal which has died of a
29 contagious disease shall be subject to disposal
30 according to rules adopted by the department pursuant
31 to section 167.13 and by the department of natural
32 resources. The person may remove the hide or skin of
33 an animal which has not died of a contagious disease
34 before disposing of the carcass.

35 Sec. 2. Section 455B.301, Code 1989, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 21. "Agricultural waste" means
38 solid waste generated by or under the supervision of a
39 person who has a property or managerial interest in or
40 who resides on agricultural land used for farming as
41 defined in section 172C.1.

42 1. Agricultural waste includes but is not limited
43 to the following:

44 a. Inorganic material commonly used for fill,
45 landscaping, excavation, or grading on agricultural
46 land.

47 b. Organic material grown on agricultural land,
48 including trees, stumps, vegetation, or the remains of
49 vegetation.

50 c. A natural wood by-product.

Page 2

1 d. The carcass of a dead animal disposed of under
2 section 167.22.

3 2. Agricultural waste does not include the
4 following:

5 a. An agricultural chemical as defined in section
6 455B.491.

7 b. A household hazardous material as defined in

8 section 455F.1.

9 c. An infectious waste as defined in section
10 455B.501.

11 d. Sewage as defined in section 455B.171.

12 e. Industrial waste as defined in section
13 455B.171.

14 Sec. 3. Section 455B.302, unnumbered paragraph 2,
15 Code Supplement 1989, is amended to read as follows:

16 Cities and counties may execute with public and
17 private agencies contracts, leases, or other necessary
18 instruments, purchase land and do all things necessary
19 not prohibited by law for the implementation of waste
20 management programs, collection of solid waste,
21 establishment and operation of sanitary disposal
22 projects, and general administration of the same. Any
23 agreement executed with a private agency for the
24 operation of a sanitary disposal project shall provide
25 for the posting of a sufficient surety bond by the
26 private agency conditioned upon the faithful
27 performance of the agreement.

28 A sanitary landfill operating under this section
29 may accept for disposal any dead animal which had been
30 raised as livestock on agricultural land, including
31 cattle, swine, sheep, or poultry. The fee charged by
32 a landfill to dispose of the livestock shall be
33 assessed on a basis and at a rate determined by the
34 landfill.

35 PARAGRAPH DIVIDED. A city or county may at any
36 time during regular working hours enter upon the
37 premises of a sanitary disposal project, including the
38 premises of a sanitary landfill, in order to inspect
39 the premises and monitor the operations and general
40 administration of the project to ensure compliance
41 with the agreement and with state and federal laws.
42 This includes the right of the city or county to enter
43 upon the premises of a former sanitary disposal
44 project which has been closed, including the premises
45 of a former sanitary landfill, owned by a private
46 agency, for the purpose of providing required
47 postclosure care.

48 Sec. 4. Section 455B.304, Code Supplement 1989, is
49 amended by adding the following new unnumbered
50 paragraph:

Page 3

1 NEW UNNUMBERED PARAGRAPH. The commission shall
2 adopt rules for the safe disposal at sanitary
3 landfills of livestock carrying diseases which may
4 affect the health of the public or of animals.

5 Sec. 5. Section 455B.307, subsection 1, Code
6 Supplement 1989, is amended to read as follows:

7 1. A private agency or public agency shall not
8 dump or deposit or permit the dumping or depositing of
9 any solid waste at any place other than a sanitary
10 disposal project approved by the director unless the
11 agency has been granted a permit by the department
12 which allows the dumping or depositing of solid waste
13 on land owned or leased by the agency. However, this
14 section does not apply to the dumping or depositing of
15 agricultural waste.

16 PARAGRAPH DIVIDED. The department shall adopt
17 rules regarding the permitting of this activity which
18 shall provide that the public interest is best served,
19 but which may be based upon criteria less stringent
20 than those regulating a public sanitary disposal
21 project provided that the rules adopted meet the
22 groundwater protection goal specified in section
23 455E.4. The comprehensive plans for these facilities
24 may be varied in consideration of the types of
25 sanitary disposal practices, hydrologic and geologic
26 conditions, construction and operations
27 characteristics, and volumes and types of waste
28 handled at the disposal site. The director may issue
29 temporary permits for dumping or disposal of solid
30 waste at disposal sites for which an application for a
31 permit to operate a sanitary disposal project has been
32 made and which have not met all of the requirements of
33 part 1 of this division and the rules adopted by the
34 commission if a compliance schedule has been submitted
35 by the applicant specifying how and when the applicant
36 will meet the requirements for an operational sanitary
37 disposal project and the director determines the
38 public interest will be best served by granting such
39 temporary permit.

40 Sec. 6.
41 The department of agriculture and land stewardship
42 shall with all practical speed adopt rules under
43 section 167.22, relating to the disposal of dead
44 animals with contagious diseases, including animals
45 infected with scrapie. The department of agriculture
46 and land stewardship and the department of natural
47 resources shall share information, each draft rules
48 consistent with the other department's rules, and
49 appear before the administrative rules review
50 committee established pursuant to section 17A.8, as

Page 4

1 provided by the committee. The rules shall be adopted
 2 not later than September 1, 1990, unless objection is
 3 made to the rules or the rules are delayed pursuant to
 4 section 17A.4. This section does require rules to be
 5 adopted pursuant to section 17A.4, subsection 2.
 6 Sec. 7.
 7 The environmental protection commission shall adopt
 8 rules pursuant to section 455B.304 for the disposal of
 9 livestock at sanitary landfills by January 1, 1991.
 10 Sec. 8.
 11 This Act, being deemed of immediate importance,
 12 takes effect upon enactment."

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chair

S-5468

1 Amend the amendment, S-5101, to House File 737, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 16, by striking the word
 5 "engineer." and inserting the following: "engineer.
 6 However, institutions governed pursuant to chapter 262
 7 may, on contracts where a bond is required under
 8 section 573.2, make payments under this section
 9 without retention until ninety-five percent of the
 10 contract amount has been paid and the remaining five
 11 percent of the contract amount shall be paid as
 12 provided under section 573.14."
 13 2. Page 1, line 17, by striking the figure "12"
 14 and inserting the figure "11".

WILLIAM W. DIELEMAN

S-5469

1 Amend House File 2115 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 31 the
 4 following:
 5 "Sec. ____ . Section 455B.172, subsection 5, Code
 6 1989, is amended by adding the following new
 7 unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. The department or a
 9 county board of health shall not prohibit the

10 discharge of wastewater from a septic tank located on
 11 agricultural land used for farming as defined in
 12 section 172C.1, and installed before November 19,
 13 1986.”

RAY TAYLOR
 ALVIN V. MILLER
 BERL E. PRIEBE
 KENNETH D. SCOTT
 C. JOSEPH COLEMAN
 EMIL J. HUSAK
 LEONARD L. BOSWELL
 JACK W. HESTER
 LINN FUHRMAN
 H. KAY HEDGE
 RICHARD VANDE HOEF
 JOHN W. JENSEN
 NORMAN J. GOODWIN
 RICHARD F. DRAKE
 DALE L. TIEDEN
 JACK RIFE
 JOHN E. SOORHOLTZ

S-5470

1 Amend House File 2105, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 5 through 7, and
 4 inserting the following: “are at least seventy-five
 5 years of age and are in the custody of a county
 6 registrar or the state archivist.”
 7 2. Page 1, by inserting after line 7 the
 8 following:
 9 “Sec. 2. Section 144.43, Code 1989, is amended by
 10 adding the following new unnumbered paragraphs:
 11 NEW UNNUMBERED PARAGRAPH. If these records are
 12 less than seventy-five years old, the records may only
 13 be inspected by and certified copies may only be
 14 released to a person who has a verifiable direct and
 15 tangible interest in the record, and who has paid a
 16 reasonable fee for certification.
 17 NEW UNNUMBERED PARAGRAPH. Direct and tangible
 18 interest exists if the person interested in the
 19 records is the registrant, a member of the
 20 registrant’s immediate family, the registrant’s legal
 21 representative, or if a person requires the
 22 information for the determination or protection of the
 23 person’s personal or property interests. A person
 24 conducting family research must substantiate a line of

25 direct lineal consanguinity to demonstrate the exist-
 26 tence of a direct and tangible interest.”
 27 3. Title page, line 2, by inserting after the
 28 word “old” the following: “and under certain
 29 circumstances to certain vital statistics records
 30 which are less than seventy-five years old”.

JULIA GENTLEMAN

S-5471

1 Amend the Committee amendment, S-5381, to House
 2 File 705, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 2, line 22, by striking the words “, the
 5 department,” and inserting the following: “and which
 6 would be available to the administrators and employees
 7 of the department”.
 8 2. Page 3, lines 22 and 23, by striking the words
 9 “A council of governments” and inserting the
 10 following: “Service providers”.
 11 3. Page 3, lines 49 and 50, by striking the words
 12 “the councils of governments or other”.
 13 4. Page 4, lines 2 and 3, by striking the words
 14 “councils of governments or other”.
 15 5. Page 6, line 20, by striking the words
 16 “councils of governments” and inserting the following:
 17 “service providers”.
 18 6. Page 8, line 2, by striking the word “The” and
 19 inserting the following: “Contingent on the
 20 availability of funding for this purpose, the”.
 21 7. Page 8, line 3, by striking the words
 22 “councils of governments or other”.

JOHN P. KIBBIE
 LEONARD L. BOSWELL

S-5472

1 Amend House File 2520, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 “Section 1. NEW SECTION. 479A.50 TIME OF
 6 REVERSION.
 7 Underground storage rights are presumed to be
 8 extinguished upon cessation of operations to inject
 9 and remove natural gas in the naturally occurring

10 subsurface stratum or naturally occurring formation of
11 the earth and are finally divested one year after the
12 pipeline company has received an abandonment order
13 from the federal energy regulatory commission or a
14 predecessor or successor of the commission. The
15 surface or adjacent landowner may acquire ownership of
16 facilities associated with an abandoned underground
17 storage facility pursuant to this subchapter. If
18 ownership of facilities is not obtained, the pipeline
19 company shall remove ancillary surface facilities
20 within one year of the presumed extinguishment of the
21 underground storage rights.

22 Sec. 2. NEW SECTION. 479A.51 REVERSION OF
23 UNDERGROUND STORAGE RIGHTS.

24 1. If underground storage rights are presumed to
25 be extinguished under section 479A.50, the underground
26 storage rights pass to the surface landowner at the
27 time of divestment under section 479A.50.

28 2. Any surface property easement ancillary to the
29 underground storage project pass to the adjacent
30 landowner or landowners at the time of divestment
31 under section 479A.50. If different adjacent
32 landowners are situated on either side of the surface
33 property easement involved, each adjacent landowner
34 takes to the center of the surface property easement
35 of the pipeline company.

36 3. Section 614.24, which requires the filing of a
37 verified claim, does not apply to reversion of
38 property rights under subsection 1 or 2.

39 4. A surface landowner or an adjoining landowner
40 may perfect title under subsection 1 or 2 by filing an
41 affidavit of ownership with the county recorder in the
42 county in which the overlying or ancillary property of
43 an underground storage facility claimed by a landowner
44 is located. The affidavit shall include the name of
45 the surface landowner or the adjoining landowner, a
46 description of the property or rights subject to
47 reversion, the present name of the pipeline company,
48 the jurisdiction, docket number, and date of
49 abandonment order of the federal energy regulatory
50 commission or a predecessor or successor of the

Page 2

1 commission, and if applicable the approximate date the
2 surface facilities ancillary to the project were
3 removed. A copy of the affidavit must be mailed by
4 the landowner by certified mail to the pipeline
5 company. The landowner is liable for taxes on the
6 property interest from the date the affidavit is

7 filed.

8 Sec. 3. NEW SECTION. 479A.52 SALE OF UNDERGROUND
9 STORAGE RIGHTS.

10 Subject to section 479A.51, and except for a
11 transfer to an affiliate or successor of the pipeline
12 company, when a pipeline company, its trustee, or its
13 successor in interest has interests in real property,
14 other than an easement, but including fixtures,
15 ancillary to an underground storage project adjacent
16 to or upon an easement that is abandoned by order of
17 the federal energy regulatory commission or a
18 predecessor or successor of the commission,
19 reorganization court, or bankruptcy court, or when a
20 pipeline company, its trustee, or its successor in
21 interest seeks to sell its interests in that property
22 under any other circumstance, the pipeline company,
23 its trustee, or its successor in interest shall extend
24 a written offer to sell at a fair market value price
25 to the persons holding leases, licenses, or permits
26 upon the property, or the owner of the adjoining or
27 surface property, allowing sixty days from the time of
28 receipt for a written response. If a disagreement
29 arises between the parties concerning the price or
30 other terms of the sale transaction, a party may make
31 written application to the compensation commission
32 created pursuant to chapter 472 to resolve the
33 disagreement. The application shall be made within
34 sixty days from the time an initial written response
35 is mailed to the pipeline company, trustee, or
36 successor in interest by the party wishing to purchase
37 the property. The compensation commission shall
38 notify the department of inspections and appeals which
39 shall hear the controversy and make a final
40 determination of the fair market value of the property
41 and the other terms of the transaction which are in
42 dispute, within ninety days after the application is
43 filed. All correspondence shall be by certified mail.
44 The decision of the department of inspections and
45 appeals is binding on the parties, except that a party
46 who seeks to purchase the real property may withdraw
47 the offer to purchase within thirty days of the
48 decision of the department. If a withdrawal is made,
49 the pipeline company, trustee, or successor in
50 interest may sell or dispose of the real property

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1 without further order of the department of inspections
2 and appeals.
3 This section does not apply when underground

4 storage rights are conveyed for continued underground
5 storage use.

6 Sec. 4. NEW SECTION. 479A.53 VALUING PROPERTY IN
7 CONTROVERSY.

8 The department of inspections and appeals
9 determination and order shall be just and equitable
10 and in the case of the determination of the fair
11 market value of the property, shall be based in part
12 upon at least three independent appraisals prepared by
13 certified appraisers. Each party shall select one
14 appraiser and each appraisal shall be paid for by the
15 party for whom the appraisal is prepared. The two
16 appraisers shall select a third appraiser and the
17 costs of this appraisal shall be divided equally
18 between the parties. If the appraisers selected by
19 the parties cannot agree on selection of a third
20 appraiser, the compensation commission shall appoint a
21 third appraiser and the costs of this appraisal shall
22 be divided equally between the parties.

23 The department's determination and order is final
24 agency action for the purpose of judicial review by
25 the district court as provided in chapter 17A.

26 Sec. 5. NEW SECTION. 479A.54 RELEASE FROM
27 LIABILITY.

28 If underground gas storage rights are extinguished
29 and reverted pursuant to sections 479A.50 and 479A.51,
30 a pipeline company shall not be held liable for any
31 claim of damage or injury in connection with the
32 underground storage operations conducted on or within
33 property returned to surface or adjacent landowners
34 pursuant to section 479A.50, whether or not title is
35 perfected pursuant to section 479A.51. A later
36 release of natural gas from a project closed under an
37 abandonment order shall be treated as if the natural
38 gas were naturally occurring in that underground
39 stratum or formation of the earth, and no causal
40 connection may be attributed to the pipeline company
41 in connection with the extinguished underground
42 storage rights."

43 2. Title page, line 1, by inserting after the
44 word "of" the following: "interests in".

45 3. Title page, lines 1 and 2, by striking the
46 word "mineral" and inserting the following: "minerals
47 in land, including".

48 4. By renumbering as necessary.

RAY TAYLOR

S-5473

1 Amend House File 2329, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. ____ . Section 43.49, Code 1989, is amended to
6 read as follows:

7 43.49 CANVASS BY COUNTY BOARD.

8 ~~On the Monday~~ Within ten working days following the
9 primary election, the board of supervisors shall meet,
10 open and canvass the returns from each voting precinct
11 in the county, and make abstracts thereof, stating in
12 words written at length:

13 1. The number of ballots cast in the county in
14 each precinct by each political party, separately, for
15 each office.

16 2. The name of each person voted for and the
17 number of votes given to each person for each
18 different office.

19 ~~If the day designated by this section for the~~
20 ~~canvass is a public holiday, the provisions of section~~
21 ~~4.1, subsection 22, shall apply."~~

22 2. Page 5, by inserting after line 5 the
23 following:

24 "Sec. ____ . Section 46.24, unnumbered paragraph 1,
25 Code 1989, is amended to read as follows:

26 A judge of the supreme court, court of appeals, or
27 district court including a district associate judge,
28 or a clerk of the district court must receive more
29 affirmative than negative votes to be retained in
30 office. When the poll is closed, the election judges
31 shall publicly canvass the vote forthwith. The board
32 of supervisors shall canvass the returns ~~at its~~
33 ~~meeting on Monday~~ within ten working days after the
34 election, and shall promptly certify the number of
35 affirmative and negative votes on each judge or clerk
36 to the state commissioner of elections."

37 3. Page 9, by inserting after line 4 the
38 following:

39 "Sec. ____ . Section 49.99, unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:

41 The voter may also insert in writing in the proper
42 place the name of any person for whom the voter
43 desires to vote and place a cross or check in the
44 square opposite ~~thereto~~ the name. ~~The~~ If the voter is
45 using a voting system other than an electronic voting
46 system as defined in section 52.1, the writing of such
47 the name shall constitute a valid vote for the person
48 whose name has been written on the ballot without
49 regard to whether the voter has made a cross or check
50 opposite ~~thereto~~ the name. However, the state

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1 commissioner of elections may provide by rule that
2 when a write-in vote is cast using an electronic
3 voting system, the ballot must also be marked in the
4 corresponding space in order to be counted. The
5 making of a cross or check in a square opposite a
6 blank without writing a name ~~therein in the blank,~~
7 shall not affect the validity of the remainder of the
8 ballot."

9 4. Page 9, by inserting after line 26 the
10 following:

11 "Sec. ____ . Section 50.21, unnumbered paragraph 1,
12 Code 1989, is amended to read as follows:

13 The commissioner shall reconvene the election board
14 of the special precinct established by section 53.20
15 not earlier than noon on the second day following each
16 election which is required by law to be canvassed ~~on~~
17 the Monday within ten working days following the
18 election. If the second day following such an
19 election is a legal holiday the special precinct
20 election board may be convened at noon on the day
21 following the election, and if the canvass of the
22 election is ~~required~~ scheduled at any time earlier
23 than the Monday following the election, the special
24 precinct election board shall be reconvened at noon on
25 the day following the election.

26 Sec. ____ . Section 50.24, unnumbered paragraph 1,
27 Code Supplement 1989, is amended to read as follows:

28 The county board of supervisors shall meet to
29 canvass the vote ~~at nine o'clock on the morning of the~~
30 first Monday within ten working days after the day of
31 each election to which this chapter is applicable,
32 unless the law authorizing the election specifies
33 another date for the canvass. ~~If that Monday is a~~
34 public holiday, section 4.1, subsection 22 controls.
35 Upon convening, the board shall open and canvass the
36 tally lists and shall prepare abstracts stating, in
37 words written at length, the number of votes cast in
38 the county, or in that portion of the county in which
39 the election was held, for each office and on each
40 question on the ballot for the election. The board
41 shall contact the chairperson of the special precinct
42 board before adjourning and include in the canvass any
43 absentee ballots which were received after the polls
44 closed in accordance with section 53.17 and which were
45 canvassed by the special precinct board after election
46 day. The abstract shall further indicate the name of
47 each person who received votes for each office on the

48 ballot, and the number of votes each person named
 49 received for that office, and the number of votes for
 50 and against each question submitted to the voters at

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1 the election.

2 Sec. ____ . Section 50.46, Code 1989, is amended to
 3 read as follows:

4 50.46 SPECIAL ELECTIONS -- CANVASS AND
 5 CERTIFICATE.

6 When a special election has been held to fill a
 7 vacancy, pursuant to section 69.14, the board of
 8 county canvassers shall meet at ~~one o'clock in the~~
 9 ~~afternoon of the second day thereafter~~ on the date of
 10 the next regular meeting of the board of supervisors,
 11 or on another date not more than ten working days
 12 after the election, and canvass the votes cast ~~thereat~~
 13 at the election. The commissioner, as soon as the
 14 canvass is completed, shall transmit to the state
 15 commissioner an abstract of the votes so canvassed,
 16 and the state board, within five days after receiving
 17 such abstracts, shall canvass the tally lists. A
 18 certificate of election shall be issued by the county
 19 or state board of canvassers, as in other cases. All
 20 the provisions regulating elections, obtaining tally
 21 lists, and canvass of votes at general elections,
 22 except as to time, shall apply to special elections.”

23 5. By numbering and renumbering as necessary.

DONALD V. DOYLE

S-5474

1 Amend House File 2459, as passed by the House, as
 2 follows:

3 1. Page 1, line 4, by inserting before the word
 4 “Two” the following: “1”.

5 2. Page 1, by inserting after line 23, the
 6 following:

7 “2. When a special education personnel pooling
 8 agreement, which has been entered into between an area
 9 education agency and a public school district pursuant
 10 to section 273.5, is terminated by the public school
 11 district, the area education agency, or by other state
 12 action, the public school district shall assume the
 13 contractual obligations for any teachers assigned to
 14 the district under the agreement. Teachers, for whom
 15 the contractual obligations are assumed by a district,

16 shall retain all leaves, benefits, and seniority
17 rights accumulated under the agreement, consistent
18 with the teacher's education and experience."

LARRY MURPHY
JIM LIND

S-5475

1 Amend House File 2459 as passed by the House, as
2 follows:
3 1. Page 1, line 21, by inserting after the words
4 "unless the" the following: "professional position is
5 an administrator position or the".

LARRY MURPHY

S-5476

1 Amend the amendment, S-5474, to House File 2459, as
2 passed by the House, as follows:
3 1. Page 1, lines 11 and 12, by striking the words
4 "the area education agency, or by other state
5 action.".

LARRY MURPHY
JOHN A. PETERSON

S-5477

1 Amend House File 731, 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. NEW SECTION. 455B.280 RIGHT TO
6 MAINTAIN DRAINAGE DITCH.
7 The department shall not restrict a person,
8 including a board as defined in section 468.3, having
9 jurisdiction over a drainage ditch from maintaining
10 the drainage ditch by removing silt which has
11 accumulated in the ditch. This section does not allow
12 a person to deepen or expand a ditch beyond its
13 deepest or widest measurement when established.
14 Sec. 2. Section 468.27, Code Supplement 1989, is
15 amended by adding the following new unnumbered
16 paragraph:
17 NEW UNNUMBERED PARAGRAPH. Records and files

18 provided in this chapter, including but not limited to
 19 the surveys and reports made in compliance with
 20 sections 468.11 and 468.12; surveys, plats, profiles,
 21 or reports made pursuant to section 468.22; or the
 22 permanent survey, plat, or profile made pursuant to
 23 section 468.30, which are on file with the county
 24 auditor in the county responsible for recording the
 25 records and files, shall constitute constructive
 26 notice to all persons of the rights of the drainage
 27 district conferred in such records and files.

28 Sec. 3. NEW SECTION. 468.149A RIGHT TO MAINTAIN
 29 DRAINAGE IMPROVEMENTS.

30 A person, including a board as defined in section
 31 468.3, having jurisdiction over a drainage ditch or
 32 drainage tile, shall not be restricted from
 33 maintaining the ditch or tile, including by repairing
 34 the tile or removing silt which has accumulated in the
 35 ditch. This section does not allow a person to deepen
 36 or expand a ditch beyond its deepest or widest
 37 measurement when established or to expand tiling
 38 systems beyond established locations."

39 2. Title page, line 1, by striking the words
 40 "constructive notice of".

41 3. Title page, line 1, by striking the word
 42 "upon" and inserting the following: "in".

43 4. Title page, line 2, by striking the word "by"
 44 and inserting the following: "and".

C. JOSEPH COLEMAN
 BERL PRIEBE

S-5478

1 Amend House File 2412, as passed by the House, as
 2 follows:

3 1. Page 1, line 9, by inserting after the word
 4 "violation." the following: "An environmental vio-
 5 lation is a violation of a provision contained in
 6 chapter 455B."

MIKE CONNOLLY

S-5479

1 Amend House File 534, as amended, passed, and
 2 reprinted by the House, as follows:

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

5 "Sec. ____ . Section 198.3, subsection 17, Code
6 1989, is amended to read as follows:

7 17. "Pet food" means any commercial feed prepared
8 and distributed for consumption by ~~pets dogs or cats.~~

9 "Sec. ____ . Section 198.3, Code 1989, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 21. "Broker" means a person,
12 other than a licensed manufacturer, who distributes
13 commercial feed or commercial feed ingredients to a
14 manufacturer."

15 2. Page 1, by striking lines 17 through 35, and
16 inserting the following:

17 "1. A person who manufactures a commercial feed, a
18 customer-formula feed, or whose name appears on the
19 label of a commercial or customer-formula feed, shall
20 not distribute a commercial feed in this state without
21 first obtaining a license from the secretary issued on
22 forms provided by the secretary. The forms must
23 identify the name, place of business, and location of
24 each manufacturing facility in this state.

25 A broker shall not distribute a commercial feed in
26 this state without first obtaining a license from the
27 secretary issued on forms provided by the secretary.
28 The forms must identify the broker's name and place of
29 business.

30 2. A person obtaining a license under this section
31 shall pay to the secretary a license fee of ten
32 dollars. Fees relating to the issuance of licenses
33 shall be paid by July 1 of each year."

34 3. Page 2, by inserting after line 11, the
35 following:

36 "Sec. ____ . Section 198.5, subsection 2, Code 1989,
37 is amended by adding the following new paragraph:
38 NEW PARAGRAPH. g. If a drug containing product is
39 used, information relating to the purpose of the
40 medication in the form of a claim statement, plus the
41 established name of each active drug ingredient and
42 the level of each drug used in the final mixture."

43 4. Page 2, by inserting after line 16, the
44 following:

45 "Sec. ____ . Section 198.7, subsection 1, Code 1989,
46 is amended by adding the following new paragraph:
47 NEW PARAGRAPH. f. If it is, or it bears or
48 contains a new animal drug which is unsafe within the
49 meaning of the federal Food, Drug and Cosmetics Act,
50 21 U.S.C. § 512."

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1 5. Page 2, by striking lines 21 through 29, and
2 inserting the following:

3 "Sec. ____ . Section 198.9, subsection 1, Code 1989,
4 is amended by striking the subsection and inserting in
5 lieu thereof the following:

6 1. An inspection fee to be fixed annually by the
7 secretary at a rate of not more than sixteen cents per
8 ton, shall be paid on commercial feed distributed in
9 this state by the person who first distributes the
10 commercial feed, subject to the following:

11 a. The inspection fee is not required on the first
12 distribution, if made to a qualified buyer who, with
13 approval from the secretary, shall become responsible
14 for the fee.

15 b. A fee shall not be paid on a commercial feed if
16 the payment has been made by a previous distributor.

17 c. A fee shall not be paid on customer-formula
18 feeds if the inspection fee is paid on the commercial
19 feeds which are used as components of the customer-
20 formula feeds.

21 d. A minimum semiannual fee shall be twenty
22 dollars.

23 e. A licensed manufacturer shall pay the
24 inspection fee on commercial feed that is fed to
25 livestock owned by the licensee.

26 In the case of a pet food or specialty pet food,
27 which is distributed in this state in packages of ten
28 pounds or less, each product shall be registered and
29 an annual registration fee of fifty dollars for each
30 product shall be paid by January 1 of each year in
31 lieu of the per ton rate as provided in this
32 subsection. The inspection fee shall apply to those
33 same products distributed in packages of more than ten
34 pounds."

35 6. Page 3, by inserting after line 18, the
36 following:

37 "Sec. ____ . Section 198.9, subsection 3, Code 1989,
38 is amended by adding the following new unnumbered
39 paragraph:

40 NEW UNNUMBERED PARAGRAPH. The secretary shall
41 publish a report not later than September 1 of each
42 year. The report shall provide a detailed accounting
43 of all sources of revenue and all dispositions of
44 funds utilized by the commercial feed trust fund. The
45 report shall detail full-time equivalent positions
46 used in fulfilling the requirements of this chapter.
47 The report shall also indicate to what extent any
48 full-time equivalent positions are shared with other

49 programs. Copies of the report issued by the
50 secretary pursuant to this section shall be delivered

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1 each year to the members of the house of
2 representatives and senate standing committees on
3 agriculture.”
4 7. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 2363

S-5480

1 Amend Senate File 2363, as passed, by the Senate,
2 as follows:
3 1. Page 2, by inserting after line 23, the
4 following:
5 “Sec. ____ .
6 This Act, being deemed of immediate importance,
7 takes effect upon enactment.”
8 2. Title page, line 1, by inserting after the
9 word “measuring” the following: “, and providing an
10 effective date”.

HOUSE AMENDMENT TO
SENATE FILE 2158

S-5481

1 Amend Senate File 2158, as passed by the Senate,
2 as follows:
3 1. Title page, line 3, by inserting after the
4 word “subdivision” the words “and providing for the
5 applicability of the Act”.

HOUSE AMENDMENT TO
SENATE FILE 2323

S-5482

1 Amend Senate File 2323, as passed by the Senate, as
2 follows:

- 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 321.271, unnumbered paragraph
 6 1, Code 1989, is amended to read as follows:
 7 All accident reports filed by a driver of a vehicle
 8 involved in an accident as required under section
 9 321.266 shall be in writing. The report shall be
 10 without prejudice to the individual so reporting and
 11 shall be for the confidential use of the department,
 12 except that upon the request of any person involved in
 13 the accident, the person's insurance company or its
 14 agent, or the attorney for such person, the department
 15 shall disclose the identity and address of the person
 16 involved in the accident. The department, upon
 17 written request of the person making the report, shall
 18 provide the person with a copy of that person's
 19 report. The written report filed with the department
 20 shall not be admissible in or used in evidence in any
 21 civil or criminal case arising out of the facts on
 22 which the report is based."
 23 2. Title page, by striking lines 1 and 2 and
 24 inserting the following: "An Act relating to vehicle
 25 accident reports."
 26 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2084

S-5483

- 1 Amend Senate File 2084, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 34 and 35 and
 4 inserting the following: "this chapter and chapters
 5 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
 6 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
 7 2. Page 3, by striking lines 31 and 32 and
 8 inserting the following: "this chapter and chapters
 9 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
 10 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
 11 3. Page 4, by striking lines 1 and 2 and
 12 inserting the following: "this chapter and chapters
 13 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
 14 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
 15 4. Page 4, by striking lines 8 and 9 and
 16 inserting the following: "the programs authorized by

17 this chapter and chapters 84, 93, 106, 108, 108A, 109,
18 109A, 110, 110A, 110B, 111, 111B, 111D, 112, 305,
19 321G, 455D, and 469.”

20 5. Page 4, by inserting after line 32, the
21 following and relettering:

22 “f. Energy and geological resources division which
23 is responsible for programs relating to energy,
24 geological survey, and oil and gas production.

25 g. Waste management authority.”

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

28 “NEW SECTION. 107.8 BRUSHY CREEK RECREATION AREA
29 TRAILS ADVISORY BOARD.

30 1. The Brushy Creek recreation trails advisory
31 board shall be organized within the parks and
32 preserves division of the department and shall be
33 composed of nine members including the following: the
34 director of the department or the director’s designee
35 who shall serve as a nonvoting ex officio member, the
36 park ranger responsible for the Brushy Creek
37 recreation area, a member of the state advisory board
38 for preserves established under chapter 111B, a person
39 appointed by the governor, and six persons appointed
40 by the legislative council. Each person appointed by
41 the governor or legislative council must actively
42 participate in recreational trail activities such as
43 hiking, an equestrian sport, or a winter sport at the
44 Brushy Creek recreation area. The voting members
45 shall elect a chairperson at the board’s first meeting
46 each year.

47 2. Each member of the board shall serve three
48 years, and shall be eligible for reappointment.
49 However, the park ranger responsible for Brushy Creek
50 shall be replaced by the ranger’s successor. The

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1 person representing the state advisory board for
2 preserves shall serve at the pleasure of the board.
3 The members, other than the director or the director’s
4 designee and the park ranger, are entitled to actual
5 expenses incurred in performance of the duties of the
6 board. A majority of members constitutes a quorum,
7 and the affirmative vote of a majority present is
8 necessary for any action taken by the board, except
9 that a lesser number may adjourn a meeting. A vacancy
10 in the membership of the board does not impair the
11 rights of a quorum to exercise all rights and perform
12 all duties of the board. The board shall meet as
13 required, but at least twice a year. The board shall

14 meet upon call of the chairperson, or upon written
 15 request of three members of the board. Written notice
 16 of the time and place of the meeting shall be given to
 17 each member.

18 3. The board shall advise the department and the
 19 natural resource commission regarding issues and
 20 recommendations relating to the development and
 21 maintenance of trails and related activities at or
 22 adjacent to the Brushy Creek recreation area."

23 7. Page 6, lines 24 and 25, by striking the words
 24 "congressional district" and inserting the following:
 25 "council of governments area".

26 8. By striking page 16, line 3, through page 18,
 27 line 4, and inserting the following:
 28 "Sec. ____ . Section 455A.1, Code Supplement 1989,
 29 is amended by striking the section and inserting in
 30 lieu thereof the following:

31 455A.1 DEFINITIONS.

32 As used in this chapter unless the context
 33 otherwise requires:

34 1. "Agency" means the Iowa environmental
 35 protection agency.

36 2. "Board" means the environmental protection
 37 board.

38 3. "Director" means the chairperson of the Iowa
 39 environmental protection board.

40 Sec. ____ . Section 455A.2, Code 1989, is amended by
 41 striking the section and inserting in lieu thereof the
 42 following:

43 455A.2 IOWA ENVIRONMENTAL PROTECTION AGENCY.

44 An Iowa environmental protection agency is created,
 45 which has the primary responsibility for protecting
 46 the environment in this state.

47 Sec. ____ . Section 455A.4, Code 1989, is amended to
 48 read as follows:

49 455A.4 GENERAL POWERS AND DUTIES OF THE DIRECTOR.

50 1. Except as otherwise provided by law and subject

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1 to rules adopted by the ~~natural resource commission~~
 2 ~~and the environmental protection commission board~~, the
 3 director shall:

4 a. Plan, direct, coordinate, and execute the
 5 functions vested in the ~~department agency~~.

6 b. Provide overall supervision, direction, and
 7 coordination of functions to be administered by the
 8 administrators under chapters ~~84, 98, 106, 107, 108,~~
 9 ~~108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D,~~
 10 ~~112, 205, 221G,~~ 455B, 455C, 455E, 455F, and ~~469~~ 455G.

11 c. Annually compile a comprehensive program budget
12 which reflects all fiscal matters related to the
13 operation of the ~~department~~ agency and each program,
14 subprogram, and activity in the ~~department~~ agency in
15 accordance with section 8.23.

16 d. Submit a biennial or an annual report to the
17 governor and the general assembly, in accordance with
18 chapter 17.

19 e. Employ personnel as necessary to carry out the
20 functions vested in the ~~department~~ agency consistent
21 with chapter 19A unless the positions are exempt from
22 that chapter.

23 f. Devote full time to the duties of the
24 director's office.

25 g. Not be a candidate for nor hold any other
26 public office or trust, nor be a member of a political
27 committee.

28 h. Maintain an office at the state capitol
29 complex, which is open at all reasonable times for the
30 conduct of public business.

31 i. Adopt rules in accordance with chapter 17A as
32 necessary or desirable for the organization or
33 reorganization of the ~~department~~ agency.

34 2. All powers and duties vested in the director
35 may be delegated by the director to an employee of the
36 ~~department~~ agency, but the director retains the
37 responsibility for an employee's acts within the scope
38 of the delegation.

39 3. The director and other officers and employees
40 of the ~~department~~ agency are entitled to receive, in
41 addition to salary, their actual and necessary travel
42 and related expenses incurred in the performance of
43 official business.

44 4. The director shall obtain an adequate public
45 employees fidelity bond to cover those officers and
46 employees of the ~~department~~ agency accountable for
47 property or funds of this state.

48 Sec. ____ . Section 455A.6, Code Supplement 1989, is
49 amended by striking the section and inserting in lieu
50 thereof the following:

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1 455A.6 IOWA ENVIRONMENTAL PROTECTION BOARD.

2 1. The policymaking body for the agency is the
3 Iowa environmental protection board which is created
4 within the agency. The board is composed of three
5 members appointed by the governor and subject to
6 confirmation by the senate, not more than two of whom
7 shall be from the same political party. Members

8 appointed shall be knowledgeable in the area of
9 environmental protection. Each member appointed shall
10 serve for six-year staggered terms beginning and
11 ending as provided by section 69.19. Vacancies shall
12 be filled for the unexpired portion of the term in the
13 same manner as full-term appointments are made.

14 2. Subject to confirmation by the senate, the
15 governor shall appoint a member as the chairperson of
16 the board. The appointment as chairperson shall be
17 for a two-year term which begins and ends as provided
18 in section 69.19. The board may employ personnel as
19 it finds necessary.

20 3. The board may in all cases conduct its
21 proceedings, when not otherwise prescribed by law, in
22 such manner as will best conduce to the proper
23 dispatch of business and the attainment of justice.

24 4. A majority of the board shall constitute a
25 quorum for the transaction of business, but no member
26 shall participate in any hearing or proceeding in
27 which the member has any pecuniary interest.

28 5. The board may from time to time make or amend
29 such general rules or orders as may be necessary for
30 the preservation of order and the regulation of
31 proceedings before it, including forms of notice and
32 the service of notice, which shall conform as nearly
33 as may be to those in use in the courts of the state.

34 6. Any party may appear before the board and be
35 heard in person or by attorney. Every vote and
36 official action thereof shall be entered of record,
37 and, upon the request of either party or person
38 interested, its proceedings shall be public.

39 7. The board shall have a seal, of which courts
40 shall take judicial notice.

41 8. The board shall have an office at the seat of
42 government and each member shall devote the member's
43 whole time to the duties of the office, and the
44 members and secretary and other employees shall
45 receive their actual necessary traveling expenses
46 while in the discharge of their official duties away
47 from the general offices.

48 9. The board shall employ a competent attorney to
49 serve as its general counsel, and assistants to the
50 general counsel as it finds necessary for the full and

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1 efficient discharge of its duties. The general
2 counsel is the attorney for, and legal advisor of, the
3 board and is exempt from the merit system provisions
4 of chapter 19A. Assistants to the general counsel are

5 subject to the merit system provisions of chapter 19A.
6 The general counsel or an assistant to the general
7 counsel shall provide the necessary legal advice to
8 the board in all matters and represent the board in
9 all actions instituted in a state or federal court
10 challenging the validity of a rule or order of the
11 board. The existence of a fact which disqualifies a
12 person from election or from acting as a board member
13 disqualifies the person from employment as general
14 counsel or assistant general counsel. The general
15 counsel shall devote full time to the duties of the
16 office. During employment the counsel shall not be a
17 member of a political committee, contribute to a
18 political campaign fund other than through the income
19 tax checkoff for contributions to the Iowa election
20 campaign fund and the presidential election campaign
21 fund, participate in a political campaign, or be a
22 candidate for a political office.

23 10. Except as otherwise provided by law, the board
24 shall:

25 a. Establish policy for the agency and adopt
26 rules, pursuant to chapter 17A, necessary to provide
27 for the effective administration of chapters 455B,
28 455C, 455E, 455F, and 455G.

29 b. Hear appeals in contested cases pursuant to
30 chapter 17A on matters relating to actions taken by
31 the director under chapters 455C, 455E, 455F, and
32 455G.

33 c. Approve or disapprove the issuance of hazardous
34 waste disposal site licenses under chapter 455B.

35 d. Approve the budget request prepared by the
36 director for the programs authorized by chapters 455B,
37 455C, 455E, 455F, and 455G. The board may increase,
38 decrease, or strike any item within the agency budget
39 request for the specified programs before granting
40 approval.

41 e. Appoint and fix the salary of the director.

42 Sec. ____ . Section 455A.7, Code 1989, is amended by
43 striking the section and inserting in lieu thereof the
44 following:

45 455A.7 DIVISIONS CREATED -- ADMINISTRATORS
46 APPOINTED BY DIRECTOR.

47 1. The following divisions are created within the
48 agency:

49 a. An environmental protection division which is
50 responsible for programs relating to wastewater

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1 treatment, water supply, hazardous wastes, air and
2 land, and field services.

3 b. A waste disposal division which is responsible
4 for programs relating to the safe storage, treatment,
5 and disposal of solid, hazardous, and low-level
6 radioactive wastes.

7 c. Additional divisions deemed necessary for the
8 effective and efficient administration of the agency.

9 2. The director shall appoint a designee who shall
10 be in charge of the agency in the absence of the
11 director. The appointment shall be based on the
12 appointee's training, experience, and capabilities.

13 3. The director shall appoint an administrator for
14 each division created under subsection 1. The
15 administrator shall make the appointment based on the
16 appointee's training, experience, and capabilities.
17 Each administrator has the responsibility of
18 administering the programs assigned the division under
19 subsection 1 and other programs assigned by the
20 director. Each administrator shall carry out the
21 duties and responsibilities of office under the
22 general direction and supervision of the director."

23 9. Page 18, by striking lines 17 and 18, and
24 inserting the following: "and forests, ~~protecting the~~
25 ~~environment~~, and managing energy, fish, wildlife, and
26 land and water resources."

27 10. Page 18, by striking lines 21 through 25, and
28 inserting the following:

29 "NEW PARAGRAPH. v. The Iowa environmental
30 protection agency created in section 455A.2, which has
31 primary responsibility for protecting the environment
32 and disposal of waste."

33 11. Page 19, by striking lines 1 through 7, and
34 inserting the following:

35 "NEW PARAGRAPH. o. Hearings and appeals relative
36 to the administration of the Iowa environmental
37 protection agency. Decisions of the division in this
38 area are subject to review by the environmental
39 protection board. The decision of the board
40 constitutes final agency action for the purposes of
41 judicial review."

42 12. Page 19, by striking lines 10 and 11 and
43 inserting the following:

44 "NEW SUBSECTION. 15. Director of the Iowa
45 environmental protection agency."

46 13. Page 19, lines 22 and 23, by striking the
47 words "department of environmental protection" and in-
48 serting the following: "Iowa environmental protection

49 agency".

50 14. Page 19, by inserting after line 23 the

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1 following:

2 "Sec. ____ . Section 84.2, subsections 16 and 21,
3 Code 1989, are amended to read as follows:

4 16. "Department" means the department of natural
5 resources ~~created under section 455A.2.~~

6 21. "Commission" means the environmental
7 protection natural resource commission of the
8 department.

9 Sec. ____ . Section 93.1, subsections 1 and 5, Code
10 1989, are amended to read as follows:

11 1. "Department" means the department of natural
12 resources ~~created under section 455A.2.~~

13 5. "Commission" means the environmental protection
14 natural resource commission of the department."

15 15. Page 19, by striking lines 29 and 30 and
16 inserting the following: "the environmental
17 protection division of the ~~department of natural~~
18 resources Iowa environmental protection agency
19 certifying that the".

20 16. Page 19, by striking lines 34 and 35 and
21 inserting the following:

22 "The environmental protection ~~commission board~~ of
23 the ~~department of natural resources Iowa environmental~~
24 protection agency shall adopt".

25 17. Page 20, by striking lines 14 and 15 and
26 inserting the following: "environmental protection
27 ~~commission board~~ of the ~~department of natural~~
28 resources Iowa environmental protection agency."

29 18. Page 20, line 27, by striking the words "~~each~~
30 ~~year~~" and inserting the following: "each year".

31 19. Page 20, line 29, by striking the word
32 "~~first~~" and inserting the following: "first".

33 20. Page 20, by striking lines 32 and 33 and
34 inserting the following: "division of the ~~department~~
35 ~~of natural resources Iowa environmental protection~~
36 agency and a copy of the plan for the construction of
37 the".

38 21. Page 21, line 3, by striking the word
39 "~~annually~~" and inserting the following: "annually".

40 22. Page 21, by striking lines 9 through 18 and
41 inserting the following: "to the district court. As
42 used in this".

43 23. Page 21, by inserting after line 25, the
44 following:

45 "Sec. ____ . NEW SECTION. 455H.1 DEFINITIONS.

- 46 For the purposes of this chapter, unless the
 47 context otherwise requires:
 48 1. "Board" means the environmental protection
 49 board established pursuant to section 455A.6.
 50 2. "Environmental assessment worksheet" means a

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- 1 brief document which is designed to set out the basic
 2 facts necessary to determine whether an environmental
 3 impact statement is required for a proposed
 4 governmental action.
 5 3. "Governmental action" means activities,
 6 including projects wholly or partially conducted,
 7 permitted, assisted, financed, regulated, or approved
 8 by a government unit, including the federal
 9 government.
 10 4. "Governmental unit" means a state agency, city,
 11 county, township, or school district.
 12 5. "Pollution, impairment, or destruction" means
 13 any of the following:
 14 a. Conduct by a person which violates or is likely
 15 to violate an environmental quality standard,
 16 limitation, rule, order, license, stipulation
 17 agreement, or permit of the state, a state
 18 instrumentality, or political subdivision which was
 19 issued prior to the date of the alleged or likely
 20 violation.
 21 b. Conduct which naturally and adversely affects
 22 or is likely to naturally and adversely affect the
 23 environment.
 24 6. "Project proposer" means a person who initiates
 25 a governmental action which affects the environment.
 26 7. "Responsible governmental unit" means the local
 27 governmental unit which has jurisdiction over the land
 28 on which the project is proposed, unless the project
 29 proposer is a state agency in which case the
 30 responsible governmental unit is the state agency.
 31 Sec. ____ . NEW SECTION. 455H.2 PURPOSE.
 32 The purposes of this chapter are to establish a
 33 state policy that will promote efforts that prevent or
 34 eliminate damage to the environment and biosphere,
 35 stimulate the health and welfare of human beings, and
 36 enrich the understanding of ecological systems and
 37 natural resources important to the state.
 38 Sec. ____ . NEW SECTION. 455H.3 ESTABLISHMENT OF
 39 THE STATE ENVIRONMENTAL POLICY.
 40 The general assembly, recognizing the profound
 41 impact of human activity on the natural environment
 42 and recognizing further the critical importance of

43 restoring and maintaining environmental quality to the
44 overall welfare and development of human beings,
45 declares that it is the continuing policy of the
46 state, in cooperation with federal and local
47 governments, to protect the environment and encourage
48 wise use of natural resources.
49 In order to carry out the policy set forth in this
50 chapter, it is the continuing responsibility of this

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1 state to use all practicable means, consistent with
2 other essential considerations of state policy, to
3 improve and coordinate state plans, functions,
4 programs, and resources to that end.

5 Sec. — . NEW SECTION. 455H.4 ACTIONS BY
6 GOVERNMENTAL UNITS.

7 1. The general assembly directs that, to the
8 fullest extent practicable, the rules and laws of the
9 state shall be interpreted and administered in
10 accordance with the policies set forth in this
11 chapter.

12 2. All governmental units shall:

13 a. On a continuous basis, seek to strengthen
14 relationships between state, regional, local, and
15 federal-state environmental planning, development, and
16 management programs related to protection of the
17 environment and natural resources.

18 c. Identify and develop methods and procedures
19 that will ensure that environment will be given at
20 least equal consideration in decision making, along
21 with economic and technical considerations.

22 d. Study, develop, and describe appropriate
23 alternatives to recommended courses of action in any
24 proposal which involves unresolved conflicts
25 concerning alternative uses of available resources.

26 e. Recognize the worldwide and long-range
27 character of environmental problems and, when
28 consistent with the policy of this state, lend
29 appropriate support to initiatives, resolutions, and
30 programs designed to maximize interstate, national,
31 and international cooperation in anticipating and
32 preventing a decline in the quality of the world
33 environment.

34 f. Make available to the federal government,
35 counties, municipalities, institutions, and
36 individuals, information useful in restoring,
37 maintaining, and enhancing the quality of the
38 environment, and in meeting the policies of the state
39 as set forth in this chapter.

- 40 g. Initiate the gathering and utilization of
 41 ecological information in the planning and development
 42 of resource-oriented projects.
- 43 h. Undertake, contract for, or fund research as is
 44 needed in order to determine and clarify effects by
 45 known or suspected pollutants which may be detrimental
 46 to human health or to the environment, as well as to
 47 evaluate the feasibility, safety, and environmental
 48 effects of various methods of dealing with pollutants.
- 49 i. Practice thrift in the use of energy and
 50 maximize the use of energy efficient systems for the

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- 1 utilization of energy, and minimize the environmental
 2 impact from energy production and use.
- 3 Sec. — **NEW SECTION. 455H.5 ENVIRONMENTAL**
 4 **ASSESSMENT WORKSHEETS AND ENVIRONMENTAL IMPACT**
 5 **STATEMENTS.**
- 6 A responsible governmental unit shall consider
 7 environmental factors involved in a governmental
 8 action. Each responsible governmental unit may
 9 develop rules and procedures to ensure the environment
 10 will receive consideration in evaluating any
 11 governmental action. The following governmental
 12 actions shall require the preparation of either an
 13 environmental assessment worksheet or an environmental
 14 impact statement:
- 15 1. Governmental actions which are in a flood
 16 plain.
 - 17 2. Governmental actions in a federally designated
 18 wild and scenic rivers district, or a state protected
 19 waters district.
 - 20 3. Governmental actions in a protected wetlands
 21 area.
 - 22 4. Governmental actions within one mile of a state
 23 or county park.
- 24 Environmental assessment worksheets or
 25 environmental impact statements shall not be required
 26 by a responsible governmental unit if the worksheets
 27 or statements are already required under any
 28 applicable federal, state, or local law, rule,
 29 ordinance, or permitting procedures. The worksheets
 30 or statements shall only be required for governmental
 31 actions which have a total cost in excess of one
 32 million dollars.
- 33 Environmental assessment worksheets or
 34 environmental impact statements shall be prepared by,
 35 and at the expense of, a project proposer. Worksheets
 36 or statements shall be reviewed by the responsible

37 governmental unit involved in a governmental action
38 and shall be part of the public record. However, if
39 trade secret, confidential, or proprietary information
40 is included in the worksheet or statement, the
41 information shall be held confidential. A standard
42 format for environmental assessment worksheets and
43 environmental impact statements shall be established
44 by the board and shall be provided to responsible
45 governmental units for the use of a project proposer.
46 Sec. ____ . NEW SECTION. 455H.6 EFFECT OF EXISTING
47 OBLIGATIONS.
48 Nothing in this chapter shall affect the statutory
49 obligations of a governmental unit to comply with
50 criteria or standards of environmental quality.

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1 coordinate or consult with a state or federal agency,
2 or act or refrain from acting contingent upon the
3 recommendations or certification of a state or federal
4 agency.
5 Sec. ____ . NEW SECTION. 455H.7 ANNUAL REPORT
6 REQUIRED.
7 The board in cooperation with other appropriate
8 state agencies shall, annually by January 15, submit
9 an environmental quality report to the general
10 assembly. The report shall include all of the
11 following:
12 1. The status and condition of the environment of
13 the state including but not limited to the air, the
14 aquatic, and the terrestrial environment including but
15 not limited to the forest, dryland, wetland, range,
16 urban, suburban, and rural environment.
17 2. Current and foreseeable trends in the quality,
18 management, and utilization of the environments and
19 the effects of those trends on the social, economic,
20 and other requirements of the state.
21 3. The adequacy of available natural resources for
22 fulfilling human and economic requirements of the
23 state in the light of expected population pressures.
24 4. A review of the programs and activities,
25 including regulatory activities, of the federal
26 government in the state, the state and local
27 governments, and nongovernmental entities or
28 individuals with particular reference to their effect
29 on the environment and on the conservation,
30 development, and utilization of natural resources.
31 5. A program for remedying the deficiencies of
32 existing programs and activities, together with
33 recommendations for legislation.

34 6. A review of identified, potentially feasible
35 programs and projects for solving existing and future
36 natural resources problems.

37 7. Measures which may be necessary to bring state
38 government statutory authority, administrative rules,
39 and current policies into conformity with the intent,
40 purposes, and procedures set forth in this chapter.

41 8. The status of statewide natural resources
42 plans.

43 9. A statewide inventory of natural resources
44 projects consisting of a description of all existing
45 and proposed public natural resources works or
46 improvements to be undertaken in the coming year by
47 governmental units or with state funds; an annual
48 tabulation of initial investment costs and operation
49 and maintenance costs for both existing and proposed
50 projects; an analysis of the relationship of existing

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1 state projects to all existing public natural
2 resources works of improvement undertaken by local,
3 regional, state-federal, and federal agencies with
4 funds other than state funds; and an analysis of the
5 relationship of proposed state projects to local,
6 regional, state-federal, and federal plans.

7 The purpose of this environmental quality report is
8 to provide the information necessary for the general
9 assembly to assess the existing and possible future
10 economic impact on state government of capital
11 investments in and maintenance costs of natural
12 resources works of improvement."

13 24. Page 21, by striking lines 26 through 32, and
14 inserting the following:

15 "Sec. ____ . Sections 15.284, 18.18, 258A.1, 268.4,
16 427.1, 455B.474, 455E.11, 455G.4 through 455G.6,
17 455G.9, 455G.13, and 455G.17, Code Supplement 1989,
18 are amended by striking the words "department of
19 natural resources" where they occur in those sections
20 and inserting the words "Iowa environmental protection
21 agency".

22 Sec. ____ . Section 455B.101, Code 1989, is amended
23 to read as follows:

24 455B.101 DEFINITIONS.

25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Department" means the ~~department of natural~~
28 ~~resources created under section 455A.2 Iowa~~
29 environmental protection agency.

30 2. "Director" means the ~~director of the department~~

31 chairperson of the environmental protection board or a
32 designee.

33 3. "Commission" means the environmental protection
34 commission created under section 455A.6 board.

35 Sec. ____ . Section 455C.1, subsections 7 through 9,
36 Code Supplement 1989, are amended to read as follows:

37 7. "Director" means the director chairperson of
38 the department Iowa environmental protection agency.

39 8. "Department" means the department of natural
40 resources created under section 455A.2 Iowa

41 environmental protection agency.

42 9. "Commission" means the environmental protection
43 commission of the department board.

44 Sec. ____ . Section 455D.1, subsections 1, 2, and 4,
45 Code Supplement 1989, are amended to read as follows:

46 1. "Commission" means the environmental protection
47 commission board.

48 2. "Department" means the department of natural
49 resources created pursuant to section 455A.2 Iowa

50 environmental protection agency.

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1 4. "Director" means the director chairperson of
2 the department environmental protection board.

3 Sec. ____ . Section 455E.2, subsections 2, 5, and 6,
4 Code 1989, are amended to read as follows:

5 2. "Commission" means the environmental protection
6 commission created under section 455A.6 board.

7 5. "Department" means the department of natural
8 resources created under section 455A.2 Iowa

9 environmental protection agency.

10 6. "Director" means the director chairperson of
11 the department Iowa environmental protection agency.

12 Sec. ____ . Section 455F.1, subsections 1 and 2,

13 Code 1989, are amended to read as follows:

14 As used in this chapter unless the context

15 otherwise requires:

16 1. "Commission" means the state environmental
17 protection commission board.

18 2. "Department" means the department of natural
19 resources Iowa environmental protection agency."

20 25. By striking page 21, line 33, through page

21 22, line 7, and inserting the following:

22 "Sec. ____ . Sections 28G.6, 89B.17, 101.10, 123.26,

23 135.105, 159.28, 159.29, 170.10, 170A.8, 170B.9,

24 206.2, 206.12, 206.25, 220.131, 263.17, 266.39,

25 279.44, 307.12, 331.653, 357A.1, 455B.107, 455B.441,

26 455B.473, 455B.482, 455B.483, 455F.11, 467C.5, 467E.1,

27 558.69, and 716B.1, Code 1989, are amended by striking

28 the words "department of natural resources" where they
 29 occur in those sections and inserting the words "Iowa
 30 environmental protection agency".

31 26. Page 22, by inserting after line 7 the
 32 following:

33 "Sec. ____ . Sections 28G.4, 28G.6, and 469.17, Code
 34 1989, are amended by striking the words "environmental
 35 protection commission" where they occur in those
 36 sections and inserting the words "natural resource
 37 commission".

38 Sec. ____ . Section 108.7, 109.15, 111.4, 111.62,
 39 112.3, 308.1, 455B.101, and 455B.486, Code 1989, are
 40 amended by striking the words "environmental
 41 protection commission" where they occur in those
 42 sections and inserting the words "environmental
 43 protection board".

44 Sec. ____ . Chapter 455G, Code Supplement 1989, is
 45 amended by striking the words "department of natural
 46 resources" where they occur in that chapter and
 47 inserting the words "Iowa environmental protection
 48 agency".

49 27. Page 22, by striking lines 8 and 9 and
 50 inserting the following:

Page 14

1 "Sec. ____ . Sections 455A.3, Code 1989, is
 2 repealed. Sections 455A.5, 455A.8, and 455A.15
 3 through 455A.20, Code Supplement 1989, are repealed."

4 28. By striking page 22, line 31, through page
 5 23, line 6, and inserting the following:

6 "2. After May 1, 1990, the governor shall appoint
 7 the members of the environmental protection board and
 8 authorize the board to meet as necessary for the
 9 purposes of planning and preparing for the
 10 organization and operation of the environmental
 11 protection agency, including the appropriate division
 12 of supplies and equipment and the assignment of
 13 personnel, of the new environmental protection agency
 14 as provided in this Act. The chairperson and members
 15 of the board shall take office, subject to senate
 16 confirmation, and the environmental protection agency
 17 shall become operational on July 1, 1990. The term of
 18 office of the members of the board shall be six years
 19 commencing May 1, 1991. The terms of office of the
 20 members of the environmental protection commission who
 21 are serving unexpired terms of office immediately
 22 preceding July 1, 1990, expire on July 1, 1990."

23 29. Page 23, line 13, by striking the words
 24 "protection commission" and inserting the following:

- 25 "protection board".
26 30. Page 23, line 15, by striking the words
27 "department of environmental protection" and inserting
28 the following: "Iowa environmental protection
29 agency".
30 31. Page 23, line 20, by striking the
31 "commission" and inserting the following: "board".
32 32. Title page, line 2, by striking the words
33 "two separate departments" and inserting the
34 following: "a department and an agency".
35 33. Title page, line 3, by striking the words
36 "two departments" and inserting the following:
37 "department and agency".
38 34. By renumbering, relettering, or redesignating
39 and correcting internal references as necessary.

S-5484

- 1 Amend House File 2321 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 719.1, Code 1989, is amended to
6 read as follows:
7 719.1 INTERFERENCE WITH OFFICIAL ACTS.
8 A person who knowingly resists or obstructs anyone
9 known by the person to be a peace officer or fire
10 fighter, whether paid or volunteer, in the performance
11 of any act which is within the scope of the lawful
12 duty or authority of that officer or fire fighter,
13 whether paid or volunteer, or who knowingly resists or
14 obstructs the service or execution by any authorized
15 person of any civil or criminal process or order of
16 any court, commits a simple misdemeanor. However, if
17 a person commits an interference with official acts,
18 as defined in this section, and in so doing inflicts
19 bodily injury other than serious injury, that person
20 commits a serious misdemeanor. If a person commits an
21 interference with official acts, as defined in this
22 section, and in so doing inflicts or attempts to
23 inflict serious injury, or displays a dangerous
24 weapon, as defined in section 702.7, or is armed with
25 a firearm, that person commits ~~an aggravated~~
26 ~~misdemeanor~~ a class "D" felony. The terms "resist"
27 and "obstruct", as used in this section, do not
28 include verbal harassment unless the verbal harassment
29 is accompanied by a present ability and apparent
30 intention to execute a verbal threat physically."
31 2. Page 2, by striking line 29 and inserting the

AMENDMENTS FILED

32 following: "applicant, and the age of the applicant,
 33 and shall include a set of fingerprints. The
 34 applicant shall".

LINN FUHRMAN

S-5485

1 Amend House File 2463 as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 19, the
 4 following:
 5 "Sec. ____ . Section 232.149, Code 1989, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 6. This section does not apply to
 8 records and files of a criminal justice agency
 9 concerning alleged violations by a child of section
 10 123.47."

MICHAEL E. GRONSTAL

S-5486

1 Amend the amendment, S-5372, to House File 2534 as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 1, by inserting after line 20 the
 5 following:
 6 "____ . Page 6, by striking line 15, and inserting
 7 the following: "defined as of January 1, 1990,
 8 pursuant to section 136C.1.""
 9 2. Page 1, by inserting after line 28 the
 10 following:
 11 "Sec. ____ . This Act, being deemed of immediate
 12 importance, takes effect upon enactment."
 13 3. Page 1, by striking lines 29 and 30, and
 14 inserting the following:
 15 "____ . Title page, by striking line 1, and
 16 inserting the following: "An Act relating to certain
 17 sanitary disposal projects, and providing an effective
 18 date.""

PAUL D. PATE

S-5487

1 Amend the Committee amendment, S-5456, to House
 2 File 2468 as amended, passed and reprinted by the

AMENDMENTS FILED

2261

3 House, as follows:

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

6 "___ . Page 1, line 16, by striking the word
7 "twenty-one" and inserting the following: "twenty-
8 two".

9 2. Page 1, by striking lines 15 through 18.

MICHAEL E. GRONSTAL

S-5488

1 Amend House File 2271, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 32, by inserting after the word
4 "criteria." the following: "Notwithstanding section
5 279.19A, a teacher, who has been issued an
6 extracurricular contract for interscholastic athletics
7 and who wishes to participate in a performance-based
8 pay plan instead of continuing the extracurricular
9 contract, may resign from the contract to participate
10 in the performance-based pay plan, and shall not be
11 required to perform duties under the extracurricular
12 contract for more than one additional school year."

LARRY MURPHY
WALLY HORN

S-5489

1 Amend House File 2045, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 14 through 19.

DONALD V. DOYLE

S-5490

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 "Sec. ___ . Section 98.49, Code 1989, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. In order to provide
8 uniform application of this chapter and chapter 98A

9 relating to the regulation of cigarettes, the
 10 imposition of tobacco taxes, and the enforcement of
 11 smoking prohibitions, this chapter and chapter 98A
 12 shall preempt all inconsistent laws and regulations of
 13 political subdivisions of this state relating to the
 14 consumption, sale, distribution, or use of tobacco and
 15 tobacco products. Any laws or regulations of
 16 political subdivisions of this state, whether or not
 17 enacted prior to July 1, 1990, which are inconsistent
 18 with the provisions of this chapter or chapter 98A,
 19 are void."
 20 2. By renumbering as necessary.

CALVIN O. HULTMAN
 GEORGE R. KINLEY
 RICHARD F. DRAKE
 JOE J. WELSH
 DONALD E. GETTINGS
 C. JOSEPH COLEMAN
 DALE L. TIEDEN

S-5491

1 Amend House File 2502, 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 331.301, subsection 10, Code
 6 Supplement 1989, is amended by striking the subsection
 7 and inserting in lieu thereof the following:
 8 10. A county may enter into leases or lease-
 9 purchase contracts for real and personal property in
 10 accordance with the following terms and procedures:
 11 a. A county shall lease or lease-purchase real or
 12 personal property only for a term which does not
 13 exceed the economic life of the property, as
 14 determined by the board.
 15 b. A lease or lease-purchase contract entered into
 16 by a county may contain provisions similar to those
 17 sometimes found in leases between private parties,
 18 including the obligation of the lessee to pay any of
 19 the costs of operation or ownership of the leased
 20 property, and the right to purchase the leased
 21 property.
 22 c. A provision of a lease or lease-purchase
 23 contract which stipulates that a portion of the rent
 24 payments be applied as interest is subject to chapter
 25 74A. Other laws relating to interest rates do not
 26 apply. Chapter 75 shall not be applicable. A county

27 enterprise is a separate entity under the provisions
28 of this section whether it is governed by the board or
29 another governing body.

30 d. The board must follow substantially the same
31 authorization procedure required for the issuance of
32 general obligation bonds issued for the same purpose
33 to authorize a lease or a lease-purchase contract made
34 payable from the debt service fund.

35 e. The board may authorize a lease or lease-
36 purchase contract which is payable from the general
37 fund and which would not cause the total of annual
38 lease and lease-purchase payments of the county due
39 from the general fund of the county in any future year
40 for lease or lease-purchase contracts in force on the
41 date of the authorization, excluding payments to
42 exercise purchase options or to pay the expenses of
43 operation or ownership of the property, to exceed ten
44 percent of the last certified general fund budget
45 amount in accordance with the following procedures:

46 (1) The board must follow substantially the
47 authorization procedures of section 331.443 to
48 authorize a lease or lease-purchase contract for real
49 property which is payable from the general fund if the
50 principal amount of the lease or lease-purchase

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1 contract does not exceed the following limits:

2 (a) Two hundred thousand dollars in a county
3 having a population of twenty-five thousand or less.

4 (b) Two hundred fifty thousand dollars in a county
5 having a population of more than twenty-five thousand
6 but not more than fifty thousand.

7 (c) Three hundred thousand dollars in a county
8 having a population of more than fifty thousand but
9 not more than one hundred thousand.

10 (d) Four hundred thousand dollars in a county
11 having a population of more than one hundred thousand
12 but not more than two hundred thousand.

13 (e) Five hundred thousand dollars in a county
14 having a population of more than two hundred thousand.

15 (2) The board must follow the following procedures
16 to authorize a lease or lease-purchase contract for
17 real property which is payable from the general fund
18 if the principal amount of the lease or lease-purchase
19 contract exceeds the limits set forth in subparagraph
20 (1):

21 (a) The board must institute proceedings for
22 entering into a lease or lease-purchase contract by
23 causing a notice of the proposal to enter such lease

24 or lease-purchase contract, including a statement of
25 the principal amount and purpose of the lease or
26 lease-purchase, and the right to petition for an
27 election, to be published as provided in section
28 331.305 at least ten days prior to the meeting at
29 which it is proposed to take such action.

30 (b) If at any time before the date fixed for
31 taking such action a petition is filed with the
32 auditor in the manner provided by section 331.306
33 asking that the question of entering into such lease
34 or lease-purchase contract be submitted to the
35 qualified electors of the county, the board shall
36 either by resolution declare the proposal to enter
37 into such lease or lease-purchase contract to have
38 been abandoned or shall direct the county commissioner
39 of elections to call a special election upon the
40 question of entering into such lease or lease-purchase
41 contract. However, for purposes of this paragraph the
42 petition need not have signatures in excess of one
43 thousand persons. Notice of the election and its
44 conduct shall be in the manner provided in subsections
45 2, 3, and 4 of section 331.442.

46 (c) If no petition is filed, or if a petition is
47 filed and the proposition of entering into a lease or
48 lease-purchase contract is approved at the election,
49 the board may proceed and enter into such lease or
50 lease-purchase contract.

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1 (d) The governing body may authorize a lease or
2 lease-purchase contract payable from the net revenues
3 of a county enterprise, or combined county enterprise
4 by following the authorization procedures of section
5 331.464.

6 (e) A lease or lease-purchase contract to which a
7 county is a party or in which a county has a
8 participatory interest, is an obligation of a
9 political subdivision of this state for the purposes
10 of chapters 502 and 682, and is a lawful investment
11 for banks, trust companies, building and loan
12 associations, savings and loan associations,
13 investment companies, insurance companies, insurance
14 associations, executors, guardians, trustees, and any
15 other fiduciaries responsible for the investment of
16 funds.

17 (f) Property that is lease-purchased by a county
18 is exempt under section 427.1, subsection 2.

19 (g) A contract for construction by a private party
20 of property to be leased or lease-purchased by a

21 county is not a contract for a public improvement
22 under section 331.341, subsection 1. However, if a
23 lease-purchase contract is funded in advance by means
24 of the lessor depositing moneys to be administered by
25 a county, with the county's obligation to make rent
26 payments commencing with its receipt of moneys, a
27 contract for construction of the property in question
28 awarded by the county is a public improvement and is
29 subject to section 331.341, subsection 1.

30 Sec. 2. section 331.402, subsection 3, Code 1989,
31 is amended by striking the subsection and inserting in
32 lieu thereof the following:

33 3. A county may enter into loan agreements to
34 borrow money for any public purpose in accordance with
35 the following terms and procedures:

36 a. A loan agreement entered into by a county may
37 contain provisions similar to those sometimes found in
38 loan agreements between private parties, including the
39 issuance of notes to evidence its obligations.

40 b. A provision of a loan agreement which
41 stipulates that a portion of the payments be applied
42 as interest is subject to chapter 74A. Other laws
43 relating to interest rates do not apply. Chapter 75
44 is not applicable. A county enterprise is a separate
45 entity under the provisions of this section whether it
46 is governed by the board or another governing body.

47 c. The board shall follow substantially the same
48 authorization procedure required for the issuance of
49 general obligation bonds issued for the same purpose,
50 to authorize a loan agreement made payable from the

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1 debt service fund.

2 d. The board may authorize a loan agreement which
3 is payable from the general fund and which would not
4 cause the total of scheduled annual payments of
5 principal or interest or both principal and interest
6 of the county due from the general fund of the county
7 in any future year with respect to all loan agreements
8 in force on the date of the authorization to exceed
9 ten percent of the last certified general fund budget
10 amount in accordance with the following procedures:

11 (1) The board must follow substantially the
12 authorization procedures of section 331.443 to
13 authorize a loan agreement for real property which is
14 payable from the general fund if the principal amount
15 of the loan agreement does not exceed the following
16 limits:

17 (a) Two hundred thousand dollars in a county

18 having a population of twenty-five thousand or less.
19 (b) Two hundred fifty thousand dollars in a county
20 having a population of more than twenty-five thousand
21 but not more than fifty thousand.
22 (c) Three hundred thousand dollars in a county
23 having a population of more than fifty thousand but
24 not more than one hundred thousand.
25 (d) Four hundred thousand dollars in a county
26 having a population of more than one hundred thousand
27 but not more than two hundred thousand.
28 (e) Five hundred thousand dollars in a county
29 having a population of more than two hundred thousand.
30 (2) The board must follow the following procedures
31 to authorize a loan agreement for real property which
32 is payable from the general fund if the principal
33 amount of the loan agreement exceeds the limits set
34 forth in subparagraph (1):
35 (a) The board must institute proceedings for
36 entering into a loan agreement by causing a notice of
37 the proposal to enter into such loan agreement,
38 including a statement of the principal amount and
39 purpose of the loan agreement, and the right to
40 petition for an election, to be published as provided
41 in section 331.306 at least ten days prior to the
42 meeting at which it is proposed to take such action.
43 (b) If at any time before the date fixed for
44 taking such action a petition is filed with the
45 auditor in the manner provided by section 331.306
46 asking the question of entering into such loan
47 agreement be submitted to the qualified electors of
48 the county, the board shall either by resolution
49 declare the proposal to enter into such loan agreement
50 to have been abandoned or shall direct the county

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1 commissioner of elections to call a special election
2 upon the question of entering into such loan
3 agreement. However, for purposes of this paragraph
4 the petition need not have signatures in excess of one
5 thousand persons. Notice of the election and its
6 conduct shall be in the manner provided in subsections
7 2, 3, and 4 of section 331.442.
8 (c) If no petition is filed, or if a petition is
9 filed and the proposition of entering into the loan
10 agreement is approved at an election, the board may
11 proceed and enter into such loan agreement.
12 (d) The governing body may authorize a loan
13 agreement payable from the net revenues of a county
14 enterprise or combined county enterprise by following

15 the authorization procedures of section 331.464.

16 (e) A loan agreement to which a county is a party
17 or in which a county has a participatory interest, is
18 an obligation of a political subdivision of this state
19 for the purpose of chapters 502 and 682, and is a
20 lawful investment for banks, trust companies, building
21 and loan associations, savings and loan associations,
22 investment companies, insurance companies, insurance
23 associations, executors, guardians, trustees, and any
24 other fiduciaries responsible for the investment of
25 funds.

26 Sec. 3. Section 364.4, subsection 4, Code 1989, is
27 amended by striking the subsection and inserting in
28 lieu thereof the following:

29 4. Enter into leases or lease-purchase contracts
30 for real and personal property in accordance with the
31 following terms and procedures:

32 a. A city shall lease or lease-purchase real or
33 personal property only for a term which does not
34 exceed the economic life of the property, as
35 determined by the governing body.

36 b. A lease or lease-purchase contract entered into
37 by a city may contain provisions similar to those
38 sometimes found in leases between private parties,
39 including the obligation of the lessee to pay any of
40 the costs of operation of ownership of the leased
41 property, and the right to purchase the leased
42 property.

43 c. A provision of a lease or lease-purchase
44 contract which stipulates that a portion of the rent
45 payments be applied as interest is subject to chapter
46 74A. Other laws relating to interest rates do not
47 apply. Chapter 75 shall not be applicable. A city
48 utility or city enterprise is a separate entity under
49 the provisions of this section whether it is governed
50 by the council or another governing body.

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1 d. The governing body must follow substantially
2 the same authorization procedure required for the
3 issuance of general obligation bonds issued for the
4 same purpose to authorize a lease or a lease-purchase
5 contract made payable from the debt service fund.

6 The governing body may authorize a lease or lease-
7 purchase contract which is payable from the general
8 fund and which would not cause the total of annual
9 lease and lease-purchase payments of the city due from
10 the general fund of the city in any future year for
11 lease or lease-purchase contracts in force on the date

12 of the authorization, excluding payments to exercise
13 purchase options or to pay the expenses of operation
14 or ownership of the property, to exceed ten percent of
15 the last certified general fund budget amount in
16 accordance with the following procedures:

17 (1) The governing body must follow substantially
18 the authorization procedures of section 384.25 to
19 authorize a lease or lease-purchase contract for real
20 property which is payable from the general fund if the
21 principal amount of the lease or lease-purchase
22 contract does not exceed the following limits:

23 (a) Twenty-five thousand dollars in a city having
24 a population of five thousand or less.

25 (b) Seventy-five thousand dollars in a city having
26 a population of more than five thousand but not more
27 than seventy-five thousand.

28 (c) One hundred fifty thousand dollars in a city
29 having a population of more than seventy-five
30 thousand.

31 (2) The governing body must follow the following
32 procedures to authorize a lease or lease-purchase
33 contract for real property which is payable from the
34 general fund if the principal amount of the lease or
35 lease-purchase contract exceeds the limits set forth
36 in subparagraph (1):

37 (a) The governing body may institute proceedings
38 to enter into a lease or lease-purchase contract by
39 causing a notice of the proposal to enter into the
40 lease or lease-purchase contract, including a
41 statement of the principal amount and purpose of the
42 lease or lease-purchase contract, and the right to
43 petition for an election, to be published at least
44 once in a newspaper of general circulation within the
45 city at least ten days prior to the meeting at which
46 it is proposed to take action to enter into the lease
47 or lease-purchase contract.

48 (b) If any time before the date fixed for taking
49 action to enter into the lease or lease-purchase
50 contract, a petition is filed with the clerk of the

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1 city in the manner provided by section 362.4, asking
2 that the question of entering into the lease or lease-
3 purchase contract be submitted to the qualified
4 electors of the city, the governing body shall either
5 by resolution declare the proposal to enter into the
6 lease or lease-purchase contract to have been
7 abandoned or shall direct the county commissioner of
8 elections to call a special election upon the question

9 of entering into the lease or lease-purchase contract.
10 However, for purposes of this paragraph, the petition
11 need not have signatures in excess of one thousand
12 persons. Notice of the election and its conduct shall
13 be in the manner provided in subsections 2, 3, and 4
14 of section 384.26.

15 (c) If no petition is filed, or if a petition is
16 filed and the proposition of entering into the lease
17 or lease-purchase contract is approved at an election,
18 the governing body may proceed and enter into, the
19 lease or lease-purchase contract.

20 The governing body may authorize a lease or lease-
21 purchase contract payable from the net revenues of a
22 city utility, combined utility system, city
23 enterprise, or combined city enterprise by following
24 the authorization procedures of section 384.83.

25 (d) A lease or lease-purchase contract to which a
26 city is a party or in which a city has a participatory
27 interest, is an obligation of a political subdivision
28 of this state for the purposes of chapters 502 and
29 682, and is a lawful investment for banks, trust
30 companies, building and loan associations, savings and
31 loan association, investment companies, insurance
32 companies, insurance associations, executors,
33 guardians, trustees, and any other fiduciaries
34 responsible for the investment of funds.

35 (e) Property that is lease-purchased by a city is
36 exempt under section 427.1, subsection 2.

37 (f) A contract for construction by a private party
38 of property to be leased or lease-purchased by a city
39 is not a contract for a public improvement under
40 section 384.95, subsection 1, except for purposes of
41 section 384.102. However, if a lease-purchase
42 contract is funded in advance by means of the lessor
43 depositing moneys to be administered by a city, with
44 the city's obligations to make rent payments
45 commencing with its receipt of moneys, a contract for
46 construction of the property in question awarded by
47 the city is subject to division VI of chapter 384.

48 Sec. 4. Section 384.24A, Code 1989, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

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1 384.24A LOAN AGREEMENTS.

2 A city may enter into loan agreements to borrow
3 money for any public purpose in accordance with the
4 following terms and procedures:

5 1. A loan agreement entered into by a city may

6 contain provisions similar to those sometimes found in
7 loan agreements between private parties, including the
8 issuance of notes to evidence its obligations.

9 2. A provision of a loan agreement which
10 stipulates that a portion of the payments be applied
11 as interest is subject to chapter 74A. Other laws
12 relating to interest rates do not apply. Chapter 75
13 is not applicable. A city utility or city enterprise
14 is a separate entity under this section whether it is
15 governed by the council or another governing body.

16 3. The governing body shall following
17 substantially the same authorization procedure
18 required for the issuance of general obligation bonds
19 issued for the same purpose, to authorize a loan
20 agreement made payable from the debt service fund.

21 The governing body may authorize a loan agreement
22 which is payable from its general fund and which would
23 not cause the total of scheduled annual payments of
24 principal or interest or principal and interest of the
25 city due from the general fund of the city in any
26 future year with respect to all loan agreements in
27 force on the date of the authorization, to exceed ten
28 percent of the last certified general fund budget
29 amount in accordance with the following procedures:

30 (a) The governing body must follow substantially
31 the authorization procedures of section 384.25 to
32 authorize a loan agreement for real property which is
33 payable from the general fund if the principal amount
34 of the loan agreement does not exceed the following
35 limits:

36 (1) Twenty-five thousand dollars in a city having
37 a population of five thousand or less.

38 (2) Seventy-five thousand dollars in a city having
39 a population of more than five thousand but not more
40 than seventy-five thousand.

41 (3) One hundred fifty thousand dollars in a city
42 having a population of more than seventy-five
43 thousand.

44 (b) The governing body must follow the following
45 procedures to authorize a loan agreement for real
46 property which is payable from the general fund if the
47 principal amount of the loan agreement exceeds the
48 limits set forth in subparagraph (a):

49 (1) The governing body may institute proceedings
50 to enter into a loan agreement payable from its

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1 general fund by causing a notice of the proposal to
2 enter into the loan agreement, including a statement

3 of the principal amount and purpose of the loan
4 agreement, and the right to petition for an election,
5 to be published at least once in a newspaper of
6 general circulation within the city at least ten days
7 prior to the meeting at which it is proposed to take
8 action to enter into the loan agreement.

9 (2) If any time before the date fixed for taking
10 action to enter into the loan agreement, a petition is
11 filed with the clerk of the city in the manner
12 provided by section 362.4, asking that the question of
13 entering into the loan agreement be submitted to the
14 qualified electors of the city, the governing body
15 shall either by resolution declare the proposal to
16 enter into the loan agreement to have been abandoned
17 or shall direct the county commissioner of elections
18 to call a special election upon the question of
19 entering into the loan agreement. However, for
20 purposes of this paragraph, the petition need not have
21 signatures in excess of one thousand persons. Notice
22 of the election and its conduct shall be in the manner
23 provided in subsections 2, 3, and 4 of section 384.26.

24 (3) If no petition is filed, or if a petition is
25 filed and the proposition of entering into the loan
26 agreement is approved at an election, the governing
27 body may proceed and enter into the loan agreement.
28 The governing body may authorize a loan agreement
29 payable from the net revenues of a city utility,
30 combined utility system, city enterprise, or combined
31 city enterprise by following the authorization
32 procedures of section 384.83.

33 (c) A loan agreement to which a city is a party,
34 or in which the city has a participatory interest, is
35 an obligation of a political subdivision of this state
36 for the purposes of chapters 502 and 682, and is a
37 lawful investment for banks, trust companies, building
38 and loan associations, savings and loan associations,
39 investment companies, insurance companies, insurance
40 associations, executors, guardians, trustees, and any
41 other fiduciaries responsible for the investment of
42 funds.

43 Sec. 5.

44 This Act is applicable to a lease, lease-purchase,
45 or loan agreement entered into on or after July 1,
46 1990."

47 2. Title page, by striking lines 1 and 2 and
48 inserting the following: "An Act relating to the
49 right of cities and counties to enter into lease,
50 lease-purchase, or loan agreements by requiring

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1 election under certain conditions for real property
2 and providing an applicability date.”

JOHN W. JENSEN
RICHARD VANDE HOEF

S-5492

1 Amend House File 2516, as passed by the House, as
2 follows:

3 1. Page 9, by inserting after line 4 the fol-
4 lowing:

5 “Sec. ____ . Section 537B.2, subsection 2, as
6 enacted by 1990 Iowa Acts, Senate File 81, is amended
7 to read as follows:

8 2. “Motor vehicle” means a motor vehicle as
9 defined in section 321.1 which is subject to
10 registration. However, “motor vehicle” does not
11 include a motor vehicle, as defined in section 321.1,
12 with a registered gross vehicle weight rating of more
13 than twelve thousand pounds.

14 Sec. ____ . Section 537B.4, subsection 1, paragraph
15 b, as enacted by 1990 Iowa Acts, Senate File 81, is
16 amended to read as follows:

17 b. “Motor vehicle” means a motor vehicle as
18 defined in section 321.1 which is subject to
19 registration.”

20 2. Title page, line 1, by inserting after the
21 word “regulating” the following: “motor vehicle
22 service and repair and”.

23 3. By renumbering as necessary.

WILLIAM D. PALMER

S-5493

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 29, by striking the word “five”
4 and inserting the following: “one”.

RICHARD F. DRAKE
EMIL HUSAK
CALVIN O. HULTMAN
C. JOSEPH COLEMAN
JOHN P. KIBBIE

DONALD V. DOYLE
ALVIN V. MILLER

S-5494

1 Amend House File 2365, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 15 through 18 and
4 inserting the following:
5 "A person shall not initiate the unsolicited
6 transmission of telefacsimile messages promoting goods
7 or services for purchase by the recipient of such
8 messages, nor shall a person initiate any
9 telefacsimile message to a recipient who has
10 previously sent a written or telefacsimile message to
11 the person clearly indicating that the recipient does
12 not want to receive such transmissions from the
13 person. For purposes of this section, "telefacsimile"
14 shall mean every process in which electronic signals
15 are transmitted by telephone lines for conversion into
16 written text or other print. This section does not
17 apply to telefacsimile messages sent to a recipient
18 with whom the initiator has had a prior contractual or
19 business relationship nor shall it apply to
20 transmissions not exceeding five pages received by a
21 recipient between the hours of 9:00 p.m. and 6:00 a.m.
22 local time."
23 2. Page 1, line 23, by striking the word "two"
24 and inserting the following: "one".
25 3. Page 1, line 29, by inserting after the word
26 "harm." the following: "This paragraph includes the
27 transmission by facsimile of obscene material as
28 defined in section 728.1."

MARK R. HAGERLA

S-5495

1 Amend House File 2062 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, line 10, by inserting after the word
4 "policy" the following: ", delivered in this state,".

RAY TAYLOR

S-5496

- 1 Amend the amendment, S-5436, to House File 2431, as
2 passed by the House, as follows:
- 3 1. Page 1, line 13, by striking the words "is
4 anticipated to be or which".
- 5 2. Page 1, lines 15 and 16, by striking the words
6 "prior to an anticipated involuntary termination or".
- 7 3. Page 1, line 17, by inserting after the word
8 "termination." the following: "For purposes of this
9 subsection, involuntary termination includes, but is
10 not limited to, termination of coverage when a
11 conversion policy is not available or where benefits
12 under a state or federal law providing for
13 continuation of coverage upon termination of
14 employment will cease or have ceased."
- 15 4. Page 1, by striking lines 24 through 34.

CALVIN O. HULTMAN

S-5497

- 1 Amend House File 2502, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting before line 1 the
4 following:
- 5 "Section 1. Section 331.301, subsection 10, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:
- 8 10. A county may enter into leases or lease-
9 purchase contracts for real and personal property in
10 accordance with the following terms and procedures:
- 11 a. A county shall lease or lease-purchase real or
12 personal property only for a term which does not
13 exceed the economic life of the property, as
14 determined by the board.
- 15 b. A lease or lease-purchase contract entered into
16 by a county may contain provisions similar to those
17 sometimes found in leases between private parties,
18 including the obligation of the lessee to pay any of
19 the costs of operation or ownership of the leased
20 property, and the right to purchase the leased
21 property.
- 22 c. A provision of a lease or lease-purchase
23 contract which stipulates that a portion of the rent
24 payments be applied as interest is subject to chapter
25 74A. Other laws relating to interest rates do not
26 apply. Chapter 75 shall not be applicable. A county
27 enterprise is a separate entity under the provisions
28 of this section whether it is governed by the board or
29 another governing body.

30 d. The board must follow substantially the same
31 authorization procedure required for the issuance of
32 general obligation bonds issued for the same purpose
33 to authorize a lease or a lease-purchase contract made
34 payable from the debt service fund.

35 e. The board may authorize a lease or lease-
36 purchase contract which is payable from the general
37 fund and which would not cause the total of annual
38 lease and lease-purchase payments of the county due
39 from the general fund of the county in any future year
40 for lease or lease-purchase contracts in force on the
41 date of the authorization, excluding payments to
42 exercise purchase options or to pay the expenses of
43 operation or ownership of the property, to exceed ten
44 percent of the last certified general fund budget
45 amount in accordance with the following procedures:

46 (1) The board must follow substantially the
47 authorization procedures of section 331.443 to
48 authorize a lease or lease-purchase contract for real
49 property which is payable from the general fund if the
50 principal amount of the lease or lease-purchase

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1 contract does not exceed the following limits:

2 (a) Two hundred thousand dollars in a county
3 having a population of twenty-five thousand or less.

4 (b) Two hundred fifty thousand dollars in a county
5 having a population of more than twenty-five thousand
6 but not more than fifty thousand.

7 (c) Three hundred thousand dollars in a county
8 having a population of more than fifty thousand but
9 not more than one hundred thousand.

10 (d) Four hundred thousand dollars in a county
11 having a population of more than one hundred thousand
12 but not more than two hundred thousand.

13 (e) Five hundred thousand dollars in a county
14 having a population of more than two hundred thousand.

15 (2) The board must follow the following procedures
16 to authorize a lease or lease-purchase contract for
17 real property which is payable from the general fund
18 if the principal amount of the lease or lease-purchase
19 contract exceeds the limits set forth in subparagraph
20 (1):

21 (a) The board must institute proceedings for
22 entering into a lease or lease-purchase contract by
23 causing a notice of the proposal to enter such lease
24 or lease-purchase contract, including a statement of
25 the principal amount and purpose of the lease or
26 lease-purchase, and the right to petition for an

27 election, to be published as provided in section
28 331.305 at least ten days prior to the meeting at
29 which it is proposed to take such action.
30 (b) If at any time before the date fixed for
31 taking such action a petition is filed with the
32 auditor in the manner provided by section 331.306
33 asking that the question of entering into such lease
34 or lease-purchase contract be submitted to the
35 qualified electors of the county, the board shall
36 either by resolution declare the proposal to enter
37 into such lease or lease-purchase contract to have
38 been abandoned or shall direct the county commissioner
39 of elections to call a special election upon the
40 question of entering into such lease or lease-purchase
41 contract. However, for purposes of this paragraph the
42 petition need not have signatures in excess of one
43 thousand persons. Notice of the election and its
44 conduct shall be in the manner provided in subsections
45 2, 3, and 4 of section 331.442.
46 (c) If no petition is filed, or if a petition is
47 filed and the proposition of entering into a lease or
48 lease-purchase contract is approved at the election,
49 the board may proceed and enter into such lease or
50 lease-purchase contract.

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1 (d) The governing body may authorize a lease or
2 lease-purchase contract payable from the net revenues
3 of a county enterprise, or combined county enterprise
4 by following the authorization procedures of section
5 331.464.
6 (e) A lease or lease-purchase contract to which a
7 county is a party or in which a county has a
8 participatory interest, is an obligation of a
9 political subdivision of this state for the purposes
10 of chapters 502 and 682, and is a lawful investment
11 for banks, trust companies, building and loan
12 associations, savings and loan associations,
13 investment companies, insurance companies, insurance
14 associations, executors, guardians, trustees, and any
15 other fiduciaries responsible for the investment of
16 funds.
17 (f) Property that is lease-purchased by a county
18 is exempt under section 427.1, subsection 2.
19 (g) A contract for construction by a private party
20 of property to be leased or lease-purchased by a
21 county is not a contract for a public improvement
22 under section 331.341, subsection 1. However, if a
23 lease-purchase contract is funded in advance by means

24 of the lessor depositing moneys to be administered by
25 a county, with the county's obligation to make rent
26 payments commencing with its receipt of moneys, a
27 contract for construction of the property in question
28 awarded by the county is a public improvement and is
29 subject to section 331.341, subsection 1.

30 Sec. 2. section 331.402, subsection 3, Code 1989,
31 is amended by striking the subsection and inserting in
32 lieu thereof the following:

33 3. A county may enter into loan agreements to
34 borrow money for any public purpose in accordance with
35 the following terms and procedures:

36 a. A loan agreement entered into by a county may
37 contain provisions similar to those sometimes found in
38 loan agreements between private parties, including the
39 issuance of notes to evidence its obligations.

40 b. A provision of a loan agreement which
41 stipulates that a portion of the payments be applied
42 as interest is subject to chapter 74A. Other laws
43 relating to interest rates do not apply. Chapter 75
44 is not applicable. A county enterprise is a separate
45 entity under the provisions of this section whether it
46 is governed by the board or another governing body.

47 c. The board shall follow substantially the same
48 authorization procedure required for the issuance of
49 general obligation bonds issued for the same purpose,
50 to authorize a loan agreement made payable from the

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1 debt service fund.

2 d. The board may authorize a loan agreement which
3 is payable from the general fund and which would not
4 cause the total of scheduled annual payments of
5 principal or interest or both principal and interest
6 of the county due from the general fund of the county
7 in any future year with respect to all loan agreements
8 in force on the date of the authorization to exceed
9 ten percent of the last certified general fund budget
10 amount in accordance with the following procedures:

11 (1) The board must follow substantially the
12 authorization procedures of section 331.443 to
13 authorize a loan agreement for real property which is
14 payable from the general fund if the principal amount
15 of the loan agreement does not exceed the following
16 limits:

17 (a) Two hundred thousand dollars in a county
18 having a population of twenty-five thousand or less.

19 (b) Two hundred fifty thousand dollars in a county
20 having a population of more than twenty-five thousand

21 but not more than fifty thousand.

22 (c) Three hundred thousand dollars in a county
23 having a population of more than fifty thousand but
24 not more than one hundred thousand.

25 (d) Four hundred thousand dollars in a county
26 having a population of more than one hundred thousand
27 but not more than two hundred thousand.

28 (e) Five hundred thousand dollars in a county
29 having a population of more than two hundred thousand.

30 (2) The board must follow the following procedures
31 to authorize a loan agreement for real property which
32 is payable from the general fund if the principal
33 amount of the loan agreement exceeds the limits set
34 forth in subparagraph (1):

35 (a) The board must institute proceedings for
36 entering into a loan agreement by causing a notice of
37 the proposal to enter into such loan agreement,
38 including a statement of the principal amount and
39 purpose of the loan agreement, and the right to
40 petition for an election, to be published as provided
41 in section 331.305 at least ten days prior to the
42 meeting at which it is proposed to take such action.

43 (b) If at any time before the date fixed for
44 taking such action a petition is filed with the
45 auditor in the manner provided by section 331.306
46 asking the question of entering into such loan
47 agreement be submitted to the qualified electors of
48 the county, the board shall either by resolution
49 declare the proposal to enter into such loan agreement
50 to have been abandoned or shall direct the county

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1 commissioner of elections to call a special election
2 upon the question of entering into such loan
3 agreement. However, for purposes of this paragraph
4 the petition need not have signatures in excess of one
5 thousand persons. Notice of the election and its
6 conduct shall be in the manner provided in subsections
7 2, 3, and 4 of section 331.442.

8 (c) If no petition is filed, or if a petition is
9 filed and the proposition of entering into the loan
10 agreement is approved at an election, the board may
11 proceed and enter into such loan agreement.

12 (d) The governing body may authorize a loan
13 agreement payable from the net revenues of a county
14 enterprise or combined county enterprise by following
15 the authorization procedures of section 331.464.

16 (e) A loan agreement to which a county is a party
17 or in which a county has a participatory interest, is

18 an obligation of a political subdivision of this state
19 for the purpose of chapters 502 and 682, and is a
20 lawful investment for banks, trust companies, building
21 and loan associations, savings and loan associations,
22 investment companies, insurance companies, insurance
23 associations, executors, guardians, trustees, and any
24 other fiduciaries responsible for the investment of
25 funds.

26 Sec. 3. Section 364.4, subsection 4, Code 1989, is
27 amended by striking the subsection and inserting in
28 lieu thereof the following:

29 4. Enter into leases or lease-purchase contracts
30 for real and personal property in accordance with the
31 following terms and procedures:

32 a. A city shall lease or lease-purchase real or
33 personal property only for a term which does not
34 exceed the economic life of the property, as
35 determined by the governing body.

36 b. A lease or lease-purchase contract entered into
37 by a city may contain provisions similar to those
38 sometimes found in leases between private parties,
39 including the obligation of the lessee to pay any of
40 the costs of operation of ownership of the leased
41 property, and the right to purchase the leased
42 property.

43 c. A provision of a lease or lease-purchase
44 contract which stipulates that a portion of the rent
45 payments be applied as interest is subject to chapter
46 74A. Other laws relating to interest rates do not
47 apply. Chapter 75 shall not be applicable. A city
48 utility or city enterprise is a separate entity under
49 the provisions of this section whether it is governed
50 by the council or another governing body.

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1 d. The governing body must follow substantially
2 the same authorization procedure required for the
3 issuance of general obligation bonds issued for the
4 same purpose to authorize a lease or a lease-purchase
5 contract made payable from the debt service fund.

6 The governing body may authorize a lease or lease-
7 purchase contract which is payable from the general
8 fund and which would not cause the total of annual
9 lease and lease-purchase payments of the city due from
10 the general fund of the city in any future year for
11 lease or lease-purchase contracts in force on the date
12 of the authorization, excluding payments to exercise
13 purchase options or to pay the expenses of operation
14 or ownership of the property, to exceed ten percent of

15 the last certified general fund budget amount in
16 accordance with the following procedures:

17 (1) The governing body must follow substantially
18 the authorization procedures of section 384.25 to
19 authorize a lease or lease-purchase contract for real
20 property which is payable from the general fund if the
21 principal amount of the lease or lease-purchase
22 contract does not exceed the following limits:

23 (a) Twenty-five thousand dollars in a city having
24 a population of five thousand or less.

25 (b) Seventy-five thousand dollars in a city having
26 a population of more than five thousand but not more
27 than seventy-five thousand.

28 (c) One hundred fifty thousand dollars in a city
29 having a population of more than seventy-five
30 thousand.

31 (2) The governing body must follow the following
32 procedures to authorize a lease or lease-purchase
33 contract for real property which is payable from the
34 general fund if the principal amount of the lease or
35 lease-purchase contract exceeds the limits set forth
36 in subparagraph (1):

37 (a) The governing body may institute proceedings
38 to enter into a lease or lease-purchase contract by
39 causing a notice of the proposal to enter into the
40 lease or lease-purchase contract, including a
41 statement of the principal amount and purpose of the
42 lease or lease-purchase contract, and the right to
43 petition for an election, to be published at least
44 once in a newspaper of general circulation within the
45 city at least ten days prior to the meeting at which
46 it is proposed to take action to enter into the lease
47 or lease-purchase contract.

48 (b) If any time before the date fixed for taking
49 action to enter into the lease or lease-purchase
50 contract, a petition is filed with the clerk of the

Page 7

1 city in the manner provided by section 362.4, asking
2 that the question of entering into the lease or lease-
3 purchase contract be submitted to the qualified
4 electors of the city, the governing body shall either
5 by resolution declare the proposal to enter into the
6 lease or lease-purchase contract to have been
7 abandoned or shall direct the county commissioner of
8 elections to call a special election upon the question
9 of entering into the lease or lease-purchase contract.
10 However, for purposes of this paragraph, the petition
11 need not have signatures in excess of one thousand

12 persons. Notice of the election and its conduct shall
13 be in the manner provided in subsections 2, 3, and 4
14 of section 384.26.

15 (c) If no petition is filed, or if a petition is
16 filed and the proposition of entering into the lease
17 or lease-purchase contract is approved at an election,
18 the governing body may proceed and enter into the
19 lease or lease-purchase contract.

20 The governing body may authorize a lease or lease-
21 purchase contract payable from the net revenues of a
22 city utility, combined utility system, city
23 enterprise, or combined city enterprise by following
24 the authorization procedures of section 384.83.

25 (d) A lease or lease-purchase contract to which a
26 city is a party or in which a city has a participatory
27 interest, is an obligation of a political subdivision
28 of this state for the purposes of chapters 502 and
29 682, and is a lawful investment for banks, trust
30 companies, building and loan associations, savings and
31 loan association, investment companies, insurance
32 companies, insurance associations, executors,
33 guardians, trustees, and any other fiduciaries
34 responsible for the investment of funds.

35 (e) Property that is lease-purchased by a city is
36 exempt under section 427.1, subsection 2.

37 (f) A contract for construction by a private party
38 of property to be leased or lease-purchased by a city
39 is not a contract for a public improvement under
40 section 384.95, subsection 1, except for purposes of
41 section 384.102. However, if a lease-purchase
42 contract is funded in advance by means of the lessor
43 depositing moneys to be administered by a city, with
44 the city's obligations to make rent payments
45 commencing with its receipt of moneys, a contract for
46 construction of the property in question awarded by
47 the city is subject to division VI of chapter 384.

48 Sec. 4. Section 384.24A, Code 1989, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

Page 8

1 **384.24A LOAN AGREEMENTS.**

2 A city may enter into loan agreements to borrow
3 money for any public purpose in accordance with the
4 following terms and procedures:

5 1. A loan agreement entered into by a city may
6 contain provisions similar to those sometimes found in
7 loan agreements between private parties, including the
8 issuance of notes to evidence its obligations.

9 2. A provision of a loan agreement which
10 stipulates that a portion of the payments be applied
11 as interest is subject to chapter 74A. Other laws
12 relating to interest rates do not apply. Chapter 75
13 is not applicable. A city utility or city enterprise
14 is a separate entity under this section whether it is
15 governed by the council or another governing body.

16 3. The governing body shall following
17 substantially the same authorization procedure
18 required for the issuance of general obligation bonds
19 issued for the same purpose, to authorize a loan
20 agreement made payable from the debt service fund.

21 The governing body may authorize a loan agreement
22 which is payable from its general fund and which would
23 not cause the total of scheduled annual payments of
24 principal or interest or principal and interest of the
25 city due from the general fund of the city in any
26 future year with respect to all loan agreements in
27 force on the date of the authorization, to exceed ten
28 percent of the last certified general fund budget
29 amount in accordance with the following procedures:

30 (a) The governing body must follow substantially
31 the authorization procedures of section 384.25 to
32 authorize a loan agreement for real property which is
33 payable from the general fund if the principal amount
34 of the loan agreement does not exceed the following
35 limits:

36 (1) Twenty-five thousand dollars in a city having
37 a population of five thousand or less.

38 (2) Seventy-five thousand dollars in a city having
39 a population of more than five thousand but not more
40 than seventy-five thousand.

41 (3) One hundred fifty thousand dollars in a city
42 having a population of more than seventy-five
43 thousand.

44 (b) The governing body must follow the following
45 procedures to authorize a loan agreement for real
46 property which is payable from the general fund if the
47 principal amount of the loan agreement exceeds the
48 limits set forth in subparagraph (a):

49 (1) The governing body may institute proceedings
50 to enter into a loan agreement payable from its

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1 general fund by causing a notice of the proposal to
2 enter into the loan agreement, including a statement
3 of the principal amount and purpose of the loan
4 agreement, and the right to petition for an election,
5 to be published at least once in a newspaper of

6 general circulation within the city at least ten days
7 prior to the meeting at which it is proposed to take
8 action to enter into the loan agreement.

9 (2) If any time before the date fixed for taking
10 action to enter into the loan agreement, a petition is
11 filed with the clerk of the city in the manner
12 provided by section 362.4, asking that the question of
13 entering into the loan agreement be submitted to the
14 qualified electors of the city, the governing body
15 shall either by resolution declare the proposal to
16 enter into the loan agreement to have been abandoned
17 or shall direct the county commissioner of elections
18 to call a special election upon the question of
19 entering into the loan agreement. However, for
20 purposes of this paragraph, the petition need not have
21 signatures in excess of one thousand persons. Notice
22 of the election and its conduct shall be in the manner
23 provided in subsections 2, 3, and 4 of section 384.26.

24 (3) If no petition is filed, or if a petition is
25 filed and the proposition of entering into the loan
26 agreement is approved at an election, the governing
27 body may proceed and enter into the loan agreement.
28 The governing body may authorize a loan agreement
29 payable from the net revenues of a city utility,
30 combined utility system, city enterprise, or combined
31 city enterprise by following the authorization
32 procedures of section 384.83.

33 (c) A loan agreement to which a city is a party,
34 or in which the city has a participatory interest, is
35 an obligation of a political subdivision of this state
36 for the purposes of chapters 502 and 682, and is a
37 lawful investment for banks, trust companies, building
38 and loan associations, savings and loan associations,
39 investment companies, insurance companies, insurance
40 associations, executors, guardians, trustees, and any
41 other fiduciaries responsible for the investment of
42 funds."

43 2. Page 2, by inserting after line 3, the following:

44 "Sec. ____ . Sections 1 through 4 of this Act are
45 applicable to a lease, lease-purchase, or loan
46 agreement entered into on or after July 1, 1990."

47 3. Title page, line 1, by inserting after the
48 word "to" the following: "the right of cities and
49 counties to enter into lease, lease-purchase, or loan
50 agreements by requiring election under certain

Page 10

1 conditions for real property, to"

2 4. Title page, line 2, by inserting after the

3 word "date" the following: "and providing an
4 applicability date".

JOHN W. JENSEN
RICHARD VANDE HOEF
JULIA GENTLEMAN

S-5498

1 Amend House File 209, 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 2.42, subsection 8, Code 1989,
6 is amended to read as follows:
7 8. To recommend changes or revisions in the senate
8 and house rules and the joint rules for more efficient
9 operation of the general assembly and draft proposed
10 rule amendments, resolutions, and bills as may be
11 required to carry out such recommendations, for
12 consideration by the general assembly. The council
13 shall recommend that the senate and house rules
14 provide for a prohibition of smoking in the chambers
15 and committee rooms of the senate and house."
16 2. By renumbering as necessary.

JULIA GENTLEMAN

S-5499

1 Amend House File 2062 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 19, by inserting after the word
4 "child" the following: ", subject to the general
5 terms, conditions, and limitations which may exist
6 within the policy, contract, or plan, including, but
7 not limited to, the continued payment of the premiums,
8 dues, or charges".

LINN FUHRMAN

S-5500

1 Amend House File 2371, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 5, by striking the word "For" and
4 inserting the following: "a. For".

5 2. Page 2, line 8, by striking the figure
6 "351,000" and inserting the following: "211,000".

7 3. Page 2, by striking lines 10 and 11 and
8 inserting the following:

9 "b. For the displaced homemaker program:
10 \$ 140,000".

11 4. Page 3, line 25, by striking the figure "1.50"
12 and inserting the following: "1.00".

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

15 "(3) Grants awarded under this paragraph shall be
16 awarded on a competitive basis to fund low-income
17 youth programs in both urban and rural areas
18 throughout the state."

19 6. Page 4, by striking line 14, and inserting the
20 following:

21 "b. Of the amount appropriated under this
22 subsection, \$100,000".

23 7. Page 4, line 17, by inserting after the word
24 "state." the following: "Grants awarded under this
25 paragraph shall be awarded on a competitive basis."

26 8. Page 4, by striking line 18, and inserting the
27 following:

28 "c. Of the funds appropriated under this
29 subsection, 8".

30 9. Page 4, by inserting after line 20, the
31 following:

32 "d. Notwithstanding section 8.33, moneys
33 appropriated under this subsection for the fiscal year
34 beginning July 1, 1990, shall not revert to the
35 general fund of the state at the end of the fiscal
36 year but shall be available for expenditure during the
37 fiscal year beginning July 1, 1991, for the purposes
38 designated.

39 Sec. 200.

40 Notwithstanding section 8.33, moneys appropriated
41 from the jobs now account for the fiscal year
42 beginning July 1, 1989, pursuant to section 99E.32,
43 subsection 5, paragraph "w", which remain unexpended
44 on June 30, 1990, shall not revert to any fund but
45 shall be available for expenditure for the purposes
46 designated during the fiscal year beginning July 1,
47 1990, and shall be in addition to any other moneys
48 available for those purposes."

49 10. Page 5, by inserting after line 11, the
50 following:

Page 2

1 "As a condition, limitation, and qualification of
2 the appropriation under this section prior to the
3 transferal of funds to a designated area agency on
4 aging pursuant to chapter 249D, the agency shall seek
5 and receive the approval of the commission of elder
6 affairs for an existing or proposed entrepreneurial
7 activity which is in competition with private
8 enterprise if the activity results in a cash flow to
9 the agency in excess of \$5,000."

10 11. Page 5, line 24, by striking the words "A
11 local" and inserting the following: "As a condition,
12 qualification, and limitation of the funds
13 appropriated by this subsection, a local".

14 12. By striking page 5, line 31, through page 6,
15 line 6, and inserting the following:

- 16 "6. a. For existing retired senior volunteer
- 17 program projects:
- 18 \$ 58,000
- 19 b. For two additional retired senior volunteer
- 20 program projects:
- 21 \$ 25,000".

22 13. Page 15, line 16, by striking the words "the
23 areas surrounding" and inserting the following: "and
24 surrounding the areas of".

25 14. Page 23, by striking lines 11 through 13, and
26 inserting the following: "each state dollar provided
27 in the amount of \$2.00, in the fiscal year beginning
28 July 1, 1990."

29 15. By striking page 24, line 28, through page
30 25, line 2.

31 16. Page 25, by inserting after line 24, the
32 following:

33 "Sec. ____
34 Section 200 of this Act, being deemed of immediate
35 importance, takes effect upon enactment."

36 17. Title page, line 4, by inserting after the
37 word "health" the following: ", and providing an
38 effective date".

39 18. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chair

AMENDMENTS FILED

2287

HOUSE AMENDMENT TO
SENATE FILE 2186

S-5501

- 1 Amend Senate File 2186, 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. 28.171 PUBLIC ECONOMIC
- 6 DEVELOPMENT ASSISTANCE -- VIOLATIONS -- CRIMINAL
- 7 PENALTIES.
- 8 A person who engages in deception and knowingly
- 9 makes or causes to be made, directly or indirectly, a
- 10 false statement in writing, for the purpose of
- 11 procuring economic development assistance from a state
- 12 agency or political subdivision, for the benefit of
- 13 the person or for whom the person is acting, is guilty
- 14 of a fraudulent practice in the first degree as
- 15 defined in section 714.9. For purposes of this
- 16 section, "deception" means deception as defined in
- 17 section 702.9."
- 18 2. Title page, line 2, by striking the word
- 19 "civil" and inserting the following: "criminal".

HOUSE AMENDMENT TO
SENATE FILE 57

S-5502

- 1 Amend Senate File 57, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 1, by striking lines 4 through 13 and
- 6 inserting the following: "rule permitting a crossbow
- 7 to be used only by handicapped individuals physically
- 8 incapable of using a bow and arrow under the
- 9 conditions in which a bow and arrow is permitted. The
- 10 commission shall prepare an application to be used by
- 11 an individual requesting the status. The application
- 12 shall require the individual's physician to sign a
- 13 statement declaring that the individual is not
- 14 physically able to use a bow and arrow."

S-5503

- 1 Amend the amendment, S-5372, to House File 2534, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:

4 1. Page 1, line 20, by inserting after the word
 5 "request." the following: "The requirements of this
 6 section do not apply to a sanitary landfill or waste
 7 incineration facility for which local approval has
 8 been sought or obtained, or for which a departmental
 9 permit has been issued prior to July 1, 1990."

MICHAEL E. GRONSTAL

S-5504

1 Amend the amendment, S-5183, to House File 209, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 12, by striking the word "five"
 5 and inserting the following: "one".

RICHARD F. DRAKE
 EMIL J. HUSAK
 CALVIN O. HULTMAN
 C. JOSEPH COLEMAN
 JOHN P. KIBBIE
 DONALD V. DOYLE
 ALVIN V. MILLER

S-5505

1 Amend House File 2320, 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. 102. Section 296.7, Code Supplement 1989, is
 6 amended by striking the section and inserting in lieu
 7 thereof the following:
 8 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED -- TAX
 9 LEVY.
 10 1. A school district or merged area school
 11 corporation may contract indebtedness and issue
 12 general obligation bonds or enter into insurance
 13 agreements obligating the school district or
 14 corporation to make payments beyond its current budget
 15 year for one or more of the following mechanisms to
 16 protect the school district or corporation from tort
 17 liability, loss of property, environmental hazards, or
 18 any other risk associated with the operation of the
 19 school district or corporation:
 20 a. To procure or provide for a policy of
 21 insurance.

- 22 b. To provide a self-insurance program.
- 23 c. To establish and maintain a local government
24 risk pool.
- 25 However, this subsection does not apply to an
26 insurance program described in subsection 3.
- 27 2. For purposes of subsection 1, an employee
28 benefit plan which includes a specific or aggregate
29 excess loss coverage or a program that self-insures
30 only a per-employee or per-family deductible for each
31 year and which transfers the risk remaining beyond
32 this deductible is not a self-insurance program, but
33 is instead an insurance program. As used in this
34 section, an "employee benefit plan" includes, but is
35 not limited to benefits for hospital and surgical,
36 medical expense, major medical, dental, prescription
37 drug, disability, or life insurance costs or benefits.
- 38 3. A school district, providing an insurance
39 program as described in subsection 2, shall not
40 contract indebtedness and issue general obligation
41 bonds or enter into insurance agreements obligating
42 the school district or corporation to make payments
43 beyond its current budget year for that employee
44 benefit plan. A school district may, however, apply
45 to the school budget review committee for relief if
46 necessitated by the expenses in the school district's
47 insurance program as described in subsection 2.
- 48 4. Taxes may be levied in excess of any limitation
49 imposed by statute for payment of one or more of the
50 following authorized by subsection 1:

Page 2

- 1 a. Principal, premium, or interest on bonds.
- 2 b. Premium on an insurance policy, including a
3 stop loss or reinsurance policy, except as limited by
4 subsection 3.
- 5 c. Costs of a self-insurance program.
- 6 d. Costs of a local government risk pool.
- 7 e. Amounts payable under an insurance agreement.
- 8 However, for a school district, a tax levied under
9 this section shall be included in the district
10 management levy under section 298.4.
- 11 5. A self-insurance program or local government
12 risk pool authorized by subsection 1 is not insurance
13 and is not subject to regulation under chapters 505
14 through 523C. However, those self-insurance plans
15 regulated pursuant to section 509A.14 shall remain
16 subject to the requirements of section 509A.14 and
17 rules adopted pursuant to that section.
- 18 6. Notwithstanding the other provisions of this

19 section or any other statute, the tax levy authorized
20 by this section shall not be used to pay the costs of
21 employee benefits, including, but not limited to costs
22 for hospital and surgical, medical expense, major
23 medical, dental, prescription drug, disability, or
24 life insurance benefits.

25 7. If the board by resolution restricts the use of
26 money in a fund as a reserve for uninsured liability
27 or a self-insurance program, the use shall be
28 restricted and unavailable for any other purpose until
29 the board removes the restriction. The removal is not
30 effective until all obligations of the restricted fund
31 have been satisfied, or the next fiscal year,
32 whichever occurs later.

33 Sec. 103. Section 505.8, subsection 2, Code 1989,
34 is amended to read as follows:

35 2. The commissioner shall, subject to ~~the~~
36 ~~provisions of chapter 17A,~~ establish, publish, and
37 enforce rules not inconsistent with ~~the law for the~~
38 ~~enforcement of the provisions of this title and for~~
39 ~~the enforcement of the laws, the administration and~~
40 ~~supervision of which are imposed on the division,~~
41 including rules to establish fees sufficient to
42 administer the laws, where appropriate fees are not
43 otherwise provided for in rule or statute, and as
44 necessary to obtain from persons authorized to do
45 business in the state or regulated by the division
46 that data required pursuant to section 145.3 by the
47 state health data commission.

48 Sec. 104. Section 507.14, Code 1989, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

Page 3

1 507.14 CONFIDENTIAL DOCUMENTS -- EXCEPTIONS.

2 A report, preliminary or final, of an examination
3 of a domestic or foreign insurer, and all notes, work
4 papers, or other documents related to an examination
5 of an insurer are not public records under chapter 22
6 except when sought by the insurer to whom they relate
7 or an insurance regulator of another state, and shall
8 be privileged and confidential in any judicial or
9 administrative proceeding except any of the following:

10 1. An action commenced by the commissioner under
11 chapter 507C.

12 2. An administrative proceeding brought by the
13 insurance division under chapter 17A.

14 3. A judicial review proceeding under chapter 17A
15 brought by an insurer to whom the records relate.

16 4. An action or proceeding which arises out of the
17 criminal provisions of the laws of this state or the
18 United States.

19 5. An action brought in a shareholders' derivative
20 suit against an insurer.

21 6. An action brought to recover moneys or to
22 recover upon an indemnity bond for embezzlement,
23 misappropriation, or misuse of insurer funds.

24 Sec. 106. Section 507C.6, subsection 1, paragraph
25 b, Code 1989, is amended to read as follows:

26 b. To make available to the commissioner any
27 books, accounts, documents, or other records, ~~or~~
28 information, or property of or pertaining to the
29 insurer and in the ~~commissioner's~~ person's possession,
30 custody, or control.

31 Sec. 107. Section 508.5, Code 1989, is amended to
32 read as follows:

33 508.5 CAPITAL AND SURPLUS REQUIRED.

34 A stock life insurance company shall not be
35 authorized to transact business under ~~the provisions~~
36 ~~of this chapter with less than one two million five~~
37 hundred thousand dollars capital stock fully paid for
38 in cash and ~~one two million five hundred thousand~~
39 dollars of surplus paid in ~~in~~ cash or invested as
40 provided by law. A stock life insurance company shall
41 not increase its capital stock unless the amount of
42 the increase is fully paid in cash. The stock shall
43 be divided into shares of not less than one dollar par
44 value each.

45 Sec. 108. Section 508.9, Code 1989, is amended to
46 read as follows:

47 508.9 MUTUAL COMPANIES -- CONDITIONS.

48 Level premium and natural premium life insurance
49 companies organized under the laws of this state upon
50 the mutual plan shall, before issuing policies, have

Page 4

1 actual applications on at least two hundred and fifty
2 lives for an average amount of one thousand dollars
3 each. A list of the applications giving the name,
4 age, residence, amount of insurance, and annual
5 premium of each applicant shall be filed with the
6 commissioner of insurance, and a deposit made with the
7 commissioner of an amount equal to three-fifths of the
8 whole annual premium on the applications, in cash or
9 the securities required by section 508.5. In
10 addition, a deposit of cash or securities of the
11 character provided by law for the investment of funds
12 for life insurance companies in the sum of ~~two~~ five

13 million dollars shall be made with the commissioner,
14 which shall constitute a guaranty fund for the
15 protection of policyholders. ~~In no event shall the~~
16 The contribution to the guaranty fund shall not give
17 to contributors to the fund or to other persons any
18 voting or other power in the management of the affairs
19 of the company. The guaranty fund may be repaid to
20 the contributors ~~thereto~~ to the guarantee fund with
21 interest at six percent from the date of contribution,
22 at any time, in whole or in part, ~~provided if the~~
23 repayment does not reduce the surplus of the company
24 below the amount of two million dollars and then only
25 ~~provided if~~ provided if consent in writing for the repayment is
26 obtained from the commissioner of insurance. Upon
27 compliance with ~~the provisions~~ of this section, the
28 commissioner shall issue to the mutual company the
29 certificate prescribed in this chapter.

30 Sec. 109. Section 508B.1, subsection 4, paragraph
31 a, Code 1989, is amended to read as follows:

32 a. "Plan of conversion" or "conversion plan" means
33 a plan authorized by section 508B.3 and, in the case
34 of plans authorized by section 508B.3, subsections 1
35 and 3, includes a procedure by which the mutual
36 company's participating policies and contracts in
37 force on the effective date of the conversion plan are
38 operated by the reorganized company as a closed block
39 of participating business for the exclusive benefit of
40 the policies and contracts included, for dividend
41 purposes only; to which are allocated assets of the
42 mutual company in an amount which together with
43 anticipated revenue from the business is reasonably
44 expected to be sufficient to support the business;
45 and which includes, but is not limited to, provisions
46 for payment of claims and reasonable expenses, and
47 provisions for continuation of current payable
48 dividend scales if the experience underlying the
49 scales continues, and a procedure for appropriate
50 adjustments in the scales if the experience changes.

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1 However, at the option of the mutual company, some or
2 all classes of group policies and contracts shall not
3 be placed in the closed block but shall continue to be
4 eligible to receive dividends based on the experience
5 of ~~such~~ the class or classes.

6 Sec. 110. Section 508B.2, unnumbered paragraph 3,
7 Code 1989, is amended to read as follows:

8 In lieu of selecting a plan of conversion provided
9 for in this chapter, a mutual company may convert to a

10 stock company pursuant to a plan approved by the
11 commissioner. The commissioner or the mutual company
12 may use any provisions or combination of provisions
13 provided for a plan in this chapter and may adopt any
14 other provisions which are not unfair or inequitable
15 to the policyholders of the mutual company. If a
16 mutual company selects this procedure for conversion
17 purposes, the mutual company shall reimburse the state
18 for expenses incurred by the division in connection
19 with the conversion plan except for expenses that are
20 normal operating expenses of the division.

21 Sec. 111. Section 508B.3, subsection 2, paragraph
22 a, Code 1989, is amended to read as follows:

23 a. The mutual company's participating business,
24 comprised of its participating policies and contracts
25 in force on the effective date of the conversion,
26 shall be operated by the reorganized insurer as a
27 closed block of participating business. However, at
28 the option of the mutual company, group policies and
29 group contracts may be omitted from the closed block.

30 Sec. 112. Section 508B.3, subsection 2, paragraph
31 e, Code 1989, is amended to read as follows:

32 e. The reorganized company or its parent
33 corporation shall issue and sell shares of one or more
34 classes having a total price equal to the estimated
35 value in the market on the initial offering date of
36 such the shares.

37 Sec. 113. Section 508B.3, subsection 2, paragraph
38 g, Code 1989, is amended to read as follows:

39 g. If a purchaser or a group of purchasers acting
40 in concert is to attain such control in the initial
41 offering, the mutual company shall not, directly or
42 indirectly, pay for any of the costs or expenses of
43 the proposed conversion of the mutual company, whether
44 or not the conversion is effected.

45 Sec. 114. Section 508B.3, subsection 3, paragraph
46 b, Code 1989, is amended to read as follows:

47 b. The participating policyholders' consideration
48 shall be based on the latest annual statement, updated
49 to the effective date of the conversion plan, and
50 filed prior to the effective date of the adoption by

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1 the board of directors of the plan of conversion and,
2 The policyholders' consideration shall be equal to the
3 excess of both of the following:

4 (1) The total amount of the mutual company's
5 assets accumulated from the operations of
6 participating policies and contracts in force on the

7 date of the statement over the sum of the total amount
8 of assets allocated to the participating business:
9 (2) An amount equal to reserves and other
10 liabilities attributable to any group participating
11 policies and contracts not included in the closed
12 block of participating business sum of the total
13 amount of assets allocated to the participating
14 business and an amount equal to reserves and other
15 liabilities attributable to any group participating
16 policies and contracts not included in the closed
17 block of participating business.

18 Sec. 115. Section 508B.3, subsection 3, paragraph
19 j, Code 1989, is amended to read as follows:

20 j. The liquidation account referred to in
21 paragraph "c" must be equal to the excess of the total
22 amount of the assets of the mutual company as of the
23 effective date of the conversion over the sum of the
24 total amount of assets allocated to the closed block
25 of participating business and the policyholders'
26 consideration and other reserves and liabilities
27 attributed to policies and contracts not included in
28 the amount attributable to policies and contracts in
29 force on that effective date. The determinations
30 shall be based on the latest annual statement of the
31 mutual company, updated to the effective date, and
32 filed before the effective date of the conversion
33 plan. The function of the liquidation account shall
34 be is solely to establish a priority on liquidation
35 and its existence shall does not operate to restrict
36 the use or application of the surplus of the
37 reorganized company except as specified in paragraph
38 "i". The liquidation account shall be allocated
39 equally as of the effective date of conversion among
40 the then participating policyholders. The amount
41 allocated to any a policy or contract shall not
42 increase and shall be reduced to zero when the policy
43 or contract terminates. In the event of a complete
44 liquidation of the reorganized company, the
45 policyholders among which the liquidation account is
46 allocated shall be are entitled to receive a
47 liquidation distribution in the then amount of the
48 liquidation account before any liquidation
49 distribution is made with respect to shares.

50 Sec. 116. Section 508B.3, subsection 3, paragraph

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1 k, Code 1989, is amended to read as follows:

2 k. At the option of the mutual company, the
3 consideration to be given in exchange for the

4 policyholders' membership interest or into which the
5 membership is to be converted interests may consist of
6 cash, securities of the reorganized company,
7 securities of another institution, a certificate of
8 contribution, additional life insurance, annuity
9 benefits, increased dividends, or other consideration
10 or any combination of forms of consideration. The
11 consideration, if any, given to any a class or
12 category of ~~policyholder~~ policyholders may differ from
13 the consideration given to another class or category
14 of policyholders. The certificate of contribution
15 shall be repayable in ten years, equal to one hundred
16 percent of the value of the policyholders' membership
17 interest, and bear interest at the highest rate
18 charged by the reorganized company for policy loans on
19 the effective date of the conversion.

20 Sec. 117. Section 508B.5, unnumbered paragraph 2,
21 Code 1989, is amended to read as follows:

22 The consultant may assist in determining the equity
23 ~~or value~~ of the policyholders ~~and or value of~~ the
24 mutual company. The consultant may consider the value
25 of the consideration to be given to the participating
26 policyholders in exchange for their membership
27 interests or into which the membership interest is to
28 be converted and may consider the valuations necessary
29 to carry out the plans provided for in section 508B.3.
30 Valuations shall be made taking into account the
31 latest filed annual statement of the mutual company,
32 updated to the effective date of the conversion plan,
33 and any significant developments occurring subsequent
34 to the date of the statement.

35 Sec. 118. Section 508B.7, Code 1989, is amended to
36 read as follows:

37 508B.7 REVIEW OF PLAN BY COMMISSIONER -- HEARING
38 AUTHORIZED -- APPROVAL.

39 The commissioner of insurance shall review the
40 plan. The commissioner shall approve the plan if the
41 commissioner finds the plan complies with all
42 provisions of law, is not unfair or inequitable to the
43 mutual company and its policyholders, and that the
44 reorganized company will have the amount of capital
45 and surplus deemed by the commissioner to be
46 reasonably necessary for its future solvency. The
47 commissioner may order a hearing on the fairness and
48 equity of the terms of the plan after giving written
49 notice of the hearing to the mutual company, its
50 policyholders, and other interested persons, all of

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1 whom have the right to appear at the hearing. Costs
2 incurred in connection with the notice shall be paid
3 by the company.

4 Sec. 119. Section 508B.13, Code 1989, is amended
5 to read as follows:

6 508B.13 PROHIBITIONS ON CERTAIN OFFERS TO ACQUIRE
7 SHARES.

8 Prior to and for a period of five years following
9 the effective date of the conversion, and in the case
10 of the plans of conversion specified in subsections 1
11 and 3 of section 508B.3, five years following the date
12 of distribution of consideration to the policyholders
13 in exchange for their membership interests, ~~an officer~~
14 ~~or director, including family members and their~~
15 ~~spouses, of the mutual company or the reorganized~~
16 ~~company~~ a person, shall not directly or indirectly
17 acquire or offer to acquire or acquire the beneficial
18 ownership of the reorganized company unless the
19 acquisition is made pursuant to a stock option plan
20 approved by the commissioner, made pursuant to the
21 plan of conversion, or made after the initial public
22 offering from a broker or dealer of registered
23 securities with the securities and exchange commission
24 at the quoted price on the date of purchase. An
25 approved plan may include a stock option plan. As
26 used in this section, "beneficial ownership" means,
27 with respect to ~~any~~ a security, the sole or shared
28 power to vote or direct the voting of the security or
29 the sole power to dispose or direct the disposition of
30 the security; and ~~"family member" includes a brother,~~
31 ~~sister, spouse, parent, grandparent, ancestor, or~~
32 ~~descendant of the officer or director.~~

33 Sec. 120. Section 508B.14, unnumbered paragraph 2,
34 Code 1989, is amended to read as follows:

35 The reorganized company or ~~any~~ a defendant may
36 require the plaintiff petition the court in such an
37 action to give security for the reasonable attorney
38 fees which may be incurred by any party to the action.
39 The amount of the security may be increased or
40 decreased in the discretion of the court having
41 jurisdiction if a showing is made that the security
42 provided is or may become inadequate or excessive.

43 Sec. 121. Section 508C.5, subsection 6, unnumbered
44 paragraph 1, Code 1989, is amended to read as follows:

45 "Impaired insurer" means a member insurer ~~domiciled~~
46 ~~in this state~~ which, after July 1, 1987, is either of
47 the following:

48 Sec. 122. Section 508C.5, subsection 7, Code 1989,

49 is amended to read as follows:

50 7. "Insolvent insurer" means a member insurer

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1 which, after July 1, 1987, becomes insolvent and is
2 placed under a final order of liquidation;
3 ~~rehabilitation, or conservation~~ by a court of
4 competent jurisdiction:

5 Sec. 123. Section 508C.8, subsection 1, unnumbered
6 paragraph 1, Code 1989, is amended to read as follows:

7 If a domestic, foreign, or alien insurer is an
8 impaired insurer, the association, subject to
9 conditions imposed by the association and approved by
10 the impaired insurer and the commissioner, may:

11 Sec. 124. Section 508C.8, subsection 2, Code 1989,
12 is amended by striking the subsection and inserting in
13 lieu thereof the following:

14 2. a. If a domestic, foreign, or alien insurer is
15 an impaired insurer and the insurer is not paying
16 claims timely, then, subject to the approval of the
17 commissioner and to the preconditions specified in
18 this subsection, the association may do either or both
19 of the following:

20 (1) Take any of the actions specified in
21 subsection 1, subject to the conditions in that
22 subsection.

23 (2) Provide substitute benefits in lieu of the
24 contractual obligations of the impaired insurer solely
25 for health claims, periodic annuity benefits, death
26 benefits, supplemental benefits, and cash withdrawals
27 for policy or contract owners who petition for the
28 benefits under claims of emergency or hardship in
29 accordance with standards proposed by the association
30 and approved by the commissioner.

31 b. The association is subject to this subsection
32 only if all of the following conditions are met:

33 (1) The laws of the state of domicile provide that
34 until all payments of or on account of the impaired
35 insurer's contractual obligations by all guaranty
36 associations, along with all interest on the payments
37 and expenses have been repaid to the guaranty
38 associations or a plan of repayment by the impaired
39 insurer has been approved by the guaranty associations
40 all of the following apply:

41 (a) The delinquency proceeding shall not be
42 dismissed.

43 (b) Neither the impaired insurer nor its assets
44 shall be returned to the control of its shareholders
45 or private management.

46 (c) The impaired insurer shall not be permitted to
47 solicit or accept new business or have any suspended
48 or revoked license restored.

49 (2) If the impaired insurer is a domestic insurer
50 it has been placed under an order of rehabilitation by

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1 a court of competent jurisdiction in this state; or,
2 if the impaired insurer is a foreign or alien insurer
3 it has been prohibited from soliciting or accepting
4 new business in this state, its certificate of
5 authority has been suspended or revoked in this state,
6 and a petition for rehabilitation or liquidation has
7 been filed in a court of competent jurisdiction in its
8 state or nation of domicile by the commissioner of
9 that state or similar authority in an alien nation.

10 Sec. 125. Section 508C.9, subsection 3, paragraph
11 a, Code 1989, is amended to read as follows:

12 a. The amount of a class A assessment shall be
13 determined by the board and to the extent that class A
14 assessments do not exceed one hundred dollars per
15 company in any one calendar year may be made on a per
16 capita basis. ~~The assessment shall be credited~~
17 ~~against future insolvency assessments.~~ The amount of
18 a class B assessment shall be allocated for assessment
19 purposes among the accounts as the liabilities and
20 expenses of the association, either experienced or
21 reasonably expected, are attributable to those
22 accounts, all as determined by the association and on
23 as equitable a basis as is reasonably practical.

24 Sec. 126. Section 508C.9, subsection 3, paragraph
25 b, Code 1989, is amended to read as follows:

26 b. Class A assessments in excess of one hundred
27 dollars per company per calendar year and class B
28 assessments against member insurers for each account
29 shall be in the proportion that the aggregate premiums
30 received on business in this state by each assessed
31 member insurer on policies or contracts related to
32 that account for the three most recent calendar years
33 for which information is available, preceding the year
34 of impairment or insolvency in which the insurer
35 became impaired or insolvent, bear to is to the
36 aggregate premiums received on business in this state
37 by all assessed member insurers on policies related to
38 that account for the three most recent calendar years
39 for which information is available preceding the
40 assessment.

41 Sec. 127. Section 508C.9, subsection 5, paragraph
42 a, Code 1989, is amended to read as follows:

43 a. The total of all assessments upon a member
44 insurer for each account shall not in any one calendar
45 year exceed two percent of the insurer's premiums
46 received in this state during the ~~calendar year~~
47 ~~preceding the assessment~~ three most recent calendar
48 years for which information is available, preceding
49 the year in which the insurer becomes impaired or
50 insolvent, on the policies related to that account.

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1 If the maximum assessment for ~~any an~~ account, together
2 with the other assets of the association in the
3 account, does not provide in any one year in the
4 account an amount sufficient to carry out the
5 responsibilities of the association, the necessary
6 additional funds shall be assessed for the account ~~as~~
7 ~~soon thereafter~~ in succeeding years as soon as
8 permitted by this chapter.

9 Sec. 128. Section 508C.13, subsection 5, paragraph
10 b, Code 1989, is amended to read as follows:

11 b. ~~Stock dividends~~ Distributions are not
12 recoverable if the insurer shows that when paid the
13 ~~distribution was distributions~~ were lawful and
14 reasonable and that the insurer did not know and could
15 not reasonably have known that the ~~distribution~~
16 distributions might adversely affect the ability of
17 the insurer to fulfill its contractual obligations.

18 Sec. 129. Section 509.16, Code 1989, is amended to
19 read as follows:

20 509.16 PREMIUM RATES APPROVED.

21 ~~No An~~ individual policy of credit life or credit
22 accident and health insurance or certificate under a
23 policy of group credit life or credit accident and
24 health insurance shall not be issued for delivery or
25 delivered in this state unless the premium rates
26 charged for the insurance are approved by the
27 commissioner of insurance.

28 The commissioner of insurance, after notice and
29 hearing, may adopt rules as are necessary to identify
30 specific methods of competition or acts or practices
31 within the business of credit life and credit accident
32 and health insurance which are unfair or deceptive.

33 Sec. 130. Section 509.17, subsection 2, Code 1989,
34 is amended to read as follows:

35 2. Due consideration shall be given to past and
36 prospective loss experience within and outside this
37 state, to a reasonable margin for underwriting profit
38 and contingencies, to past and prospective expenses
39 both countrywide and those especially applicable to

40 this state, and to all other relevant factors within
41 and outside this state, but rates shall be deemed
42 reasonable under this section and section 509.16 if
43 they reasonably may be expected to produce a ratio of
44 fifty percent by dividing claims incurred by premiums
45 earned.

46 Sec. 131. Section 509.17, subsection 3, Code 1989,
47 is amended to read as follows:

48 3. The commissioner shall, after a public hearing,
49 approve a reasonable charge or premium for credit
50 accident and health insurance and for credit life

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1 insurance as the commissioner deems appropriate and
2 necessary for the implementation of this section. A
3 charge or premium of not more than sixty-five cents
4 per annum per one hundred dollars of the initial
5 amount of decreasing term credit life insurance, or
6 its actuarial equivalent for credit life insurance
7 written on other than the decreasing term basis, shall
8 be conclusively presumed to meet the requirements of
9 this section.

10 Sec. 132. NEW SECTION. 509.17A SMALL GROUP
11 RATING.

12 1. The commissioner shall with all due diligence
13 adopt by rule the recommendations of the national
14 association of insurance commissioners concerning life
15 and accident or health insurance rating practices for
16 small employer groups, provided that the final
17 recommendations are generally consistent with the
18 following principles:

19 a. Better disclosure to the group of the insurer's
20 group rating practices.

21 b. Limits on the amount of rate increase that can
22 be based upon the group's own claim experience in the
23 small group market.

24 c. Actuarial certification that the insurer's
25 rating practices meet the requirements of the national
26 association of insurance commissioners and meet
27 generally accepted actuarial practice.

28 2. Specific limitations which may be contained in
29 the rules adopted pursuant to subsection 1 include,
30 but are not limited to, the following:

31 a. The annual rate increase for a group cannot
32 exceed the change in the block's new business rate
33 level plus a fixed percentage of the average rate
34 level for the block.

35 b. The maximum renewal rate within a block of

36 business cannot exceed the average rate for that block
37 of business by more than a fixed percentage.

38 c. The maximum renewal rate in any block of
39 business of an insurer cannot exceed the lowest new
40 business rate for any block of business for that
41 insurer by more than a fixed percentage.

42 d. Other limits on tier and duration rating
43 practices.

44 3. Within six months of adopting any rule pursuant
45 to subsection 1, the commissioner shall prepare a
46 report to the general assembly regarding the success,
47 if any, of the rules, and make such recommendations as
48 necessary, including offering proposed legislation, to
49 effectuate the general assembly's goals of reducing
50 the potential for abuse in charging higher than

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1 actuarially justified rates for some small groups and
2 in underpricing for new small group business.

3 Sec. 133. Section 514A.3, subsection 1, paragraph
4 m, unnumbered paragraph 3, Code 1989, is amended to
5 read as follows:

6 ~~(In addition to incorporating the~~ The foregoing
7 ~~provision into the policy, the insurer shall deliver~~
8 ~~to the insured at the time of delivery of the policy a~~
9 ~~duplicate statement of the foregoing provision which~~
10 ~~shall be contained in conspicuous print on a separate~~
11 ~~and otherwise blank sheet of paper.)~~ shall be
12 prominently printed on the first page of the policy or
13 attached to the policy.

14 Sec. 134. NEW SECTION. 514D.9 REGULATIONS
15 REGARDING LIMITATION ON COMPENSATION.

16 The commissioner shall issue rules to establish
17 minimum standards to assure fair and reasonable
18 benefits, claim payment, marketing practices, and
19 compensation arrangements and reporting practices for
20 the following classes of policies:

- 21 1. Medicare supplement insurance.
- 22 2. Nursing home insurance.
- 23 3. Long-term care insurance.

24 Sec. 135. Section 515.8, Code 1989, is amended to
25 read as follows:

26 515.8 PAID-UP CAPITAL REQUIRED.

27 An insurance company other than a life insurance
28 company shall not be incorporated to transact business
29 upon the stock plan with less than one two million
30 five hundred thousand dollars capital, the entire
31 amount of which shall be fully paid up in cash and
32 invested as provided by law. An insurance company

33 other than a life insurance company shall not increase
34 its capital stock unless the amount of the increase is
35 fully paid up in cash. The stock shall be divided
36 into shares of not less than one dollar each.

37 Sec. 136. Section 515.10, Code 1989, is amended to
38 read as follows:

39 515.10 SURPLUS REQUIRED.

40 An insurance company other than a life insurance
41 company shall have, in addition to the required paid-
42 up capital, a surplus in cash or invested in
43 securities authorized by law of not less than one two
44 million five hundred thousand dollars. ~~If the~~
45 ~~commissioner of insurance finds that a company offers~~
46 ~~or plans to offer only one kind of insurance the~~
47 ~~commissioner may reduce the amount of surplus~~
48 ~~required, but in no event shall it be reduced to less~~
49 ~~than three hundred thousand dollars.~~

50 Sec. 137. Section 515.11, Code 1989, is amended to

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1 read as follows:

2 515.11 PROHIBITED LOANS.

3 ~~No part of the capital referred to Capital,~~
4 ~~surplus, funds, or other assets, or any part of any or~~
5 ~~all of the foregoing,~~ shall ~~not~~ be directly or
6 indirectly loaned to ~~any an~~ officer, director,
7 stockholder, or employee of ~~the a~~ company or to a
8 relative of ~~any an~~ officer or director of ~~the a~~
9 company.

10 Sec. 138. Section 515.12, subsection 5, Code 1989,
11 is amended to read as follows:

12 5. The mutual company shall have in cash or in
13 securities in which insurance companies are authorized
14 to invest, surplus in an amount not less than two five
15 million dollars. The surplus so required may be
16 advanced in accordance with ~~the provisions~~ of section
17 515.19.

18 ~~Provided, however, that such~~ However, the surplus
19 requirements ~~shall do~~ not apply to a company which
20 establishes and maintains a guaranty fund as provided
21 by section 515.20.

22 Sec. 139. Section 515.70, Code 1989, is amended by
23 adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. An alien insurer, with
25 the approval of the commissioner, may be treated as a
26 domestic insurer of this state in whole or in part.

27 The approval of the commissioner may be based upon
28 such factors as:

29 1. Maintenance of an appropriate trust account,

30 surplus account, or other financial mechanism in this
31 state.

32 2. Maintenance of all books and records of United
33 States operations in this state.

34 3. Maintenance of a separate financial reporting
35 system for its United States operations.

36 4. Any other provisions deemed necessary by the
37 commissioner.

38 Sec. 140. Section 515.80, Code 1989, is amended by
39 striking the section and inserting in lieu thereof the
40 following:

41 515.80 FORFEITURE OF POLICIES -- NOTICE.

42 A policy or contract of insurance, unless otherwise
43 provided in section 515.81A or 515.81B, provided for
44 in this chapter shall not be forfeited, suspended, or
45 canceled except by notice to the insured as provided
46 in this chapter. A notice of cancellation is not
47 effective unless mailed or delivered by the insurer to
48 the named insured at least twenty days before the
49 effective date of cancellation, or, where cancellation
50 is for nonpayment of a premium, assessment, or

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1 installment provided for in the policy, or in a note
2 or contract for the payment thereof, at least ten days
3 prior to the date of cancellation. The notice may be
4 made in person, or by sending by mail a letter
5 addressed to the insured at the insured's address as
6 given in or upon the policy, anything in the policy,
7 application, or a separate agreement to the contrary
8 notwithstanding.

9 An insurer shall not fail to renew a policy except
10 by notice to the insured as provided in this chapter.
11 A notice of intention not to renew is not effective
12 unless mailed or delivered by the insurer to the named
13 insured at least thirty days prior to the expiration
14 date of the policy.

15 If the reason does not accompany the notice of
16 cancellation or nonrenewal, the insurer shall, upon
17 receipt of a timely request by the named insured,
18 state in writing the reason for cancellation or
19 nonrenewal.

20 Sec. 141. Section 515.81, Code 1989, is amended to
21 read as follows:

22 515.81 CANCELLATION OF POLICY -- NOTICE TO INSURED
23 OR MORTGAGEE.

24 Unless otherwise provided in section 515.81A or
25 515.81B, at any time after the maturity of a premium,
26 assessment, or installment provided for in the policy,

27 or ~~any a~~ note or contract for the payment thereof, or
 28 after the suspension, forfeiture, or cancellation of
 29 ~~any a~~ policy or contract of insurance, the insured may
 30 pay to the company the customary short rates and costs
 31 of action, if one has been commenced or judgment
 32 rendered thereon, and may, if the insured so elects,
 33 have the policy and all contracts or obligations
 34 connected ~~therewith~~ with the policy, whether in
 35 judgment or otherwise, canceled, and all such policy
 36 and contracts shall be void; and in case of
 37 suspension, forfeiture, or cancellation of ~~any a~~
 38 policy or contract of insurance, the insured ~~shall is~~
 39 not be liable for ~~any a~~ greater amount than the short
 40 rates earned at the date of ~~such the~~ suspension,
 41 forfeiture, or cancellation and the costs of action
 42 provided for in this section. ~~The policy may be~~
 43 ~~canceled by the insurance company by service of notice~~
 44 ~~in writing upon the insured which notice shall fix the~~
 45 ~~date of cancellation which shall be not less than ten~~
 46 ~~days after service of the notice. The service of~~
 47 ~~notice may be made in person, or by mailing the notice~~
 48 ~~to the insured at the insured's post office address as~~
 49 ~~given in or upon the policy, or to another address~~
 50 ~~given to the company in writing by the insured. A~~

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1 post office department receipt of certified or
 2 registered mailing shall be deemed proof of receipt of
 3 the notice. If the policy is canceled by the
 4 insurance company, the insurer may retain only the pro
 5 rata premium, and if the initial cash premium, or any
 6 part thereof of the premium, has not been paid, the
 7 policy may be canceled by the insurance company by
 8 giving notice to the insured as provided in section
 9 515.80 and ten days' notice to the mortgagee, or other
 10 person to whom the policy is made payable, if any,
 11 without tendering any part ~~or portion~~ of the premium,
 12 anything to the contrary in the policy
 13 notwithstanding.

14 Sec. 142. Section 515.147, Code 1989, is amended
 15 to read as follows:

16 515.147 BUSINESS WITH UNAUTHORIZED INSURERS.

17 ~~Nothing contained in this~~ This chapter shall be
 18 ~~construed to does not~~ prevent a licensed resident
 19 agent of this state from procuring insurance in
 20 certain ~~unauthorized nonadmitted~~ insurers ~~providing~~
 21 ~~that if~~ such insurance is restricted to the type and
 22 kind of insurance authorized by this chapter and the

23 agent makes oath to the commissioner of insurance in
24 ~~such the~~ form ~~as is~~ prescribed by the commissioner
25 that the agent has made diligent effort to place ~~said~~
26 ~~the~~ insurance in authorized insurers and has either
27 exhausted the capacity of all authorized insurers or
28 has been unable to obtain the desired insurance in
29 insurers licensed to transact business in this state.
30 The procuring of ~~any such contracts a~~ contract of
31 insurance in ~~unauthorized insurers a~~ nonadmitted
32 insurer makes ~~such insurers the insurer~~ liable for,
33 and the agent shall pay, the taxes on ~~such the~~
34 premiums as if ~~such the~~ insurer were duly authorized
35 to transact business in the state. A sworn report of
36 all business transacted by agents of this state in
37 ~~such unauthorized nonadmitted~~ insurers shall be made
38 to the commissioner of insurance on or before March 1
39 of each year for the preceding calendar year, on ~~such~~
40 the form as required by the commissioner of insurance
41 ~~may require; such. The~~ report shall be accompanied by
42 a remittance to cover the taxes ~~thereon on the~~
43 premiums. Any An agent who makes the oath ~~as above~~
44 provided, pays the taxes on the premiums, and files
45 the report ~~above provided, shall has~~ not be deemed to
46 ~~in no event shall an agent not~~ place or renew ~~any~~
47 and ~~such agent shall is~~ not be personally liable for
48 ~~such the~~ contracts.
49 Sec. 143. Section 515.148, Code 1989, is amended
50 to read as follows:

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1 515.148 BANNED COMPANIES.
2 ~~No An~~ agent shall ~~not~~ knowingly place insurance,
3 either directly or through an intermediary broker, in
4 insurers who are insolvent or unsound financially; and
5 ~~in no event shall an agent not~~ place or renew ~~any~~
6 insurance with ~~unauthorized nonadmitted~~ insurers found
7 by the commissioner of insurance to have failed or
8 refused to furnish, in ~~such the~~ manner ~~as is~~ provided
9 in section 515.149, information reasonably showing the
10 ability or willingness of ~~such the~~ insurers to satisfy
11 obligations undertaken with respect to insurance
12 issued by them.”
13 2. Page 1, after line 19, by inserting the
14 following:
15 “Sec. 144. Section 515E.9, Code 1989, is amended
16 by striking the section and inserting in lieu thereof
17 the following:
18 515E.9 PURCHASING GROUP RESTRICTIONS.
19 A purchasing group shall not purchase insurance

20 from an insurer not admitted in this state unless the
 21 purchase is effected through a duly licensed agent or
 22 broker acting pursuant to sections 515.147 through
 23 515.149.”

24 3. Page 20, by inserting after line 12, the
 25 following:

26 “Sec. 145. Section 518.10, Code 1989, is amended
 27 by adding the following new unnumbered paragraph:
 28 NEW UNNUMBERED PARAGRAPH. An alien insurer, with
 29 the approval of the commissioner, may be treated as a
 30 domestic insurer of this state in whole or in part.
 31 The approval of the commissioner may be based upon
 32 such factors as:

33 1. Maintenance of an appropriate trust account,
 34 surplus account, or other financial mechanism in this
 35 state.

36 2. Maintenance of all books and records of United
 37 States operations in this state.

38 3. Maintenance of a separate financial reporting
 39 system for its United States operations.

40 4. Any other provisions deemed necessary by the
 41 commissioner.

42 Sec. 146. NEW SECTION. 518.25 SURPLUS.

43 An association organized under this chapter shall
 44 at all times maintain a surplus of not less than fifty
 45 thousand dollars or one-tenth of one percent of the
 46 gross property risk in force, whichever is greater.
 47 Reinsurance sufficient to protect the financial
 48 stability of the company is also required. The
 49 insurance commissioner may require additional
 50 reinsurance if necessary to protect the policyholders

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1 of the company. An association authorized to transact
 2 business in this state before July 1, 1990, shall meet
 3 this requirement not later than July 1, 1993.

4 Sec. 147. NEW SECTION. 518A.37 SURPLUS.

5 An association organized under this chapter shall
 6 at all times maintain a surplus of not less than one
 7 hundred thousand dollars. Reinsurance sufficient to
 8 protect the financial stability of the company is also
 9 required. The insurance commissioner may require
 10 additional reinsurance if necessary to protect the
 11 policyholders of the company. An association
 12 authorized to transact business in this state before
 13 July 1, 1990, shall meet this requirement not later
 14 than July 1, 1992.

15 Sec. 148. Section 521A.1, subsection 6, unnumbered
 16 paragraph 1, Code 1989, is amended to read as follows:

17 Insurer ~~shall mean~~ means a company qualified and
18 licensed by the insurance division to transact the
19 business of insurance in this state by certificate
20 issued pursuant to chapters 508, 514B, 515, 518A, and
21 520, except that it shall not include:

22 Sec. 149.

23 Sections 107, 108, 135, 136, and 138 of this Act do
24 not affect insurance companies which, on or before the
25 effective date of this Act, were authorized to
26 transact business in this state."

27 4. Title page, line 1, by inserting after the
28 word "to" the following: "the regulation of insurers,
29 insurance, and annuity contracts, including".

30 5. By renumbering as necessary.

WILLIAM D. PALMER

S-5506

1 Amend House File 2372, as passed by the House as
2 follows:

3 1. Page 1, by inserting after line 29 the
4 following:

5 "Sec. ____ . This Act shall not apply to anabolic
6 steroids that are expressly intended for
7 administration through implants to livestock or other
8 nonhuman species, that are approved by the federal
9 food and drug administration for such use."

JOHN W. JENSEN

S-5507

1 Amend House File 2065, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 4, by inserting after line 14 the fol-
4 lowing:

5 "Sec. ____ . NEW SECTION. 321N.1 DEFINITIONS.

6 As used in this chapter unless the context
7 otherwise requires:

8 1. "Alcohol concentration" means the number of
9 grams of alcohol per any of the following:

10 a. One hundred milliliters of blood.

11 b. Two hundred ten liters of breath.

12 c. Sixty-seven milliliters of urine.

13 2. "Alcoholic beverage" includes alcohol, wine,
14 spirits, beer, or any other beverage which contains
15 ethyl alcohol and is fit for human consumption.

16 3. "Arrest" includes but is not limited to taking
17 into custody pursuant to section 232.19.

18 4. "Department" means the state department of
19 transportation.

20 5. "Director" means the director of transportation
21 or the director's designee.

22 6. "Motor vehicle license" means any license or
23 permit issued to a person to operate a motor vehicle
24 in this state.

25 7. "Peace officer" means:

26 a. A member of the highway patrol.

27 b. A police officer under civil service as
28 provided in chapter 400.

29 c. A sheriff.

30 d. A regular deputy sheriff who has had formal
31 police training.

32 e. Any other law enforcement officer who has
33 satisfactorily completed an approved course relating
34 to motor vehicle operators under the influence of
35 alcoholic beverages at the Iowa law enforcement
36 academy or a law enforcement training program approved
37 by the department of public safety.

38 Sec. ____ . NEW SECTION. 321N.2 PRELIMINARY
39 SCREENING TEST.

40 When a peace officer has reasonable grounds to
41 believe that a motor vehicle operator under the age of
42 twenty-one may be or has been operating a motor
43 vehicle while having an alcohol concentration as
44 defined in section 321N.1 of more than .00, the peace
45 officer may request the operator to provide a sample
46 of the operator's breath for a preliminary screening
47 test using a device approved by the commissioner of
48 public safety for that purpose. The results of this
49 preliminary screening test may be used for the purpose
50 of deciding whether an arrest should be made and

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1 whether to request a chemical test authorized in this
2 chapter or chapter 321J, as evidence of the presence
3 of alcohol in the operator, and to prove that a
4 chemical test was properly requested of a person
5 pursuant to this chapter or chapter 321J.

6 Sec. ____ . NEW SECTION. 321N.3 IMPLIED CONSENT TO
7 TEST.

8 1. A person under the age of twenty-one who
9 operates a motor vehicle in this state under
10 circumstances which give reasonable grounds to believe
11 that the person has been operating a motor vehicle
12 while having an alcohol concentration of more than .00

13 is deemed to have given consent to the withdrawal of
14 specimens of the person's blood, breath, or urine and
15 to a chemical test or tests of the specimens for the
16 purpose of determining the alcohol concentration,
17 subject to this section. The withdrawal of the body
18 substances and the test or tests shall be administered
19 at the written request of a peace officer having
20 reasonable grounds to believe that the person was
21 operating a motor vehicle while having an alcohol
22 concentration of more than .00.

23 2. The peace officer shall determine which of the
24 three substances, breath, blood, or urine, shall be
25 tested. Refusal to submit to a chemical test of urine
26 or breath is deemed a refusal to submit, and section
27 321N.6 applies. A refusal to submit to a chemical
28 test of blood is not deemed a refusal to submit, but
29 in that case, the peace officer shall then determine
30 which one of the other two substances shall be tested
31 and shall offer the test. If the peace officer fails
32 to offer a test within two hours after the preliminary
33 screening test is administered or refused or the
34 arrest is made, whichever occurs first, a test is not
35 required, and there shall be no revocation under
36 section 321N.6.

37 Sec. ____ . NEW SECTION. 321N.4 DEAD OR
38 UNCONSCIOUS PERSONS.

39 A person who is dead, unconscious, or otherwise in
40 a condition rendering the person incapable of consent
41 or refusal is deemed not to have withdrawn the consent
42 provided by section 321N.3, and the test may be given
43 if a licensed physician certifies in advance of the
44 test that the person is dead, unconscious, or
45 otherwise in a condition rendering that person
46 incapable of consent or refusal.

47 Sec. ____ . NEW SECTION. 321N.5 STATEMENT OF
48 OFFICER.

49 A person who has been requested to submit to a
50 chemical test shall be advised by a peace officer of

Page 3

1 the following:

2 1. If the person refuses to submit to the test and
3 is less than eighteen years of age, the person's
4 license or operating privilege will be revoked by the
5 department for one year or until the person's
6 eighteenth birthday, whichever is longer, without
7 eligibility for a temporary restricted license. If
8 the person refuses to submit to the test and is at
9 least eighteen years of age but less than twenty-one

10 years of age, the person's motor vehicle license or
11 operating privilege will be revoked by the department
12 for ninety days without eligibility for a temporary
13 restricted license.

14 2. If the person submits to the test and the
15 results indicate an alcohol concentration as defined
16 in section 321N.1 of more than .00, and the person is
17 under eighteen years of age, the person's license or
18 operating privilege will be revoked by the department
19 for a period of two hundred seventy days, without
20 eligibility for a temporary restricted license.

21 If the person submits to the test and the results
22 indicate an alcohol concentration as defined in
23 section 321N.1 of more than .00, and the person is at
24 least eighteen years of age but less than twenty-one
25 years of age, the person's motor vehicle license or
26 operating privilege will be revoked by the department
27 for thirty days without eligibility for a temporary
28 restricted license.

29 This section does not apply in any case involving a
30 person described in section 321N.4.

31 Sec. ____ NEW SECTION. 321N.6 REFUSAL TO SUBMIT
32 -- REVOCATION.

33 If a person who is under eighteen years of age
34 refuses to submit to the chemical testing, a test
35 shall not be given, but the department, upon the
36 receipt of the peace officer's certification, subject
37 to penalty for perjury, that the officer had
38 reasonable grounds to believe the person to have been
39 operating a motor vehicle while having an alcohol
40 concentration of more than .00, and that the person
41 refused to submit to the chemical testing, shall
42 revoke the person's motor vehicle license and any
43 nonresident operating privilege for a period of one
44 year or until the person's eighteenth birthday,
45 whichever is longer.

46 If a person who is at least eighteen years of age
47 but less than twenty-one years of age refuses to
48 submit to the chemical testing, a test shall not be
49 given, but the department, upon the receipt of the
50 peace officer's certification, subject to penalty for

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1 perjury, that the officer had reasonable grounds to
2 believe the person to have been operating a motor
3 vehicle while having an alcohol concentration of more
4 than .00, and that the person refused to submit to the
5 chemical testing, shall revoke the person's motor
6 vehicle license and any nonresident operating

7 privilege for a period of ninety days.

8 The effective date of revocation shall be twenty
9 days after receipt of notice of revocation to the
10 person by certified mail or, on behalf of the
11 department, a peace officer offering or directing the
12 administration of a chemical test may serve immediate
13 notice of intention to revoke and of revocation on a
14 person who refuses to permit chemical testing. If the
15 peace officer serves that immediate notice, the peace
16 officer shall take the Iowa license or permit of the
17 driver, if any, and issue a temporary license
18 effective for only twenty days. The peace officer
19 shall immediately send the person's license to the
20 department along with the officer's certificate
21 indicating the person's refusal to submit to chemical
22 testing.

23 Sec. ____ . NEW SECTION. 321N.7 TAKING SAMPLE FOR
24 TEST.

25 Only a licensed physician, licensed physician
26 assistant as defined in section 148C.1, medical
27 technologist, or registered nurse, acting at the
28 request of a peace officer, may withdraw a specimen of
29 blood for the purpose of determining the alcohol
30 concentration. However, any peace officer, using
31 devices and methods approved by the commissioner of
32 public safety, may take a specimen of a person's
33 breath or urine for the purpose of determining the
34 alcohol concentration. Only new equipment kept under
35 strictly sanitary and sterile conditions shall be used
36 for drawing blood.

37 The person may have an independent chemical test or
38 tests administered at the person's own expense in
39 addition to any administered at the direction of a
40 peace officer. The failure or inability of the person
41 to obtain an independent chemical test or tests does
42 not preclude the admission of evidence of the results
43 of the test or tests administered at the direction of
44 the peace officer. Upon the request of the person who
45 is tested, the results of the test or tests
46 administered at the direction of the peace officer
47 shall be made available to the person.

48 Sec. ____ . NEW SECTION. 321N.8 REVOCATION BASED
49 ON TEST RESULTS.

50 Upon certification, subject to penalty for perjury,

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1 by the peace officer that there existed reasonable
2 grounds to believe that the person had been operating
3 a motor vehicle while having an alcohol concentration

4 of more than .00, and that the person submitted to
5 chemical testing and the test results indicated an
6 alcohol concentration of more than .00, the department
7 shall revoke the person's motor vehicle license or
8 nonresident operating privilege for a period of two
9 hundred seventy days if the person is less than
10 eighteen years of age, or for a period of thirty days
11 if the person is at least eighteen years of age but
12 less than twenty-one years of age.

13 The effective date of the revocation shall be
14 twenty days after the receipt of notice of revocation
15 to the person by certified mail. The peace officer
16 who requested or directed the administration of the
17 chemical test may, on behalf of the department, serve
18 immediate notice of revocation on a person whose test
19 results indicated an alcohol concentration of more
20 than .00. If the peace officer serves that immediate
21 notice, the peace officer shall take the person's Iowa
22 license or permit, if any, and issue a temporary
23 license valid only for twenty days. The peace officer
24 shall immediately send the person's motor vehicle
25 license to the department along with the officer's
26 certificate indicating that the test results indicated
27 an alcohol concentration of more than .00.

28 The results of a chemical test shall not be used as
29 the basis for a revocation of a person's motor vehicle
30 license or nonresident operating privilege if the
31 alcohol concentration indicated by the chemical test
32 minus the established margin of error inherent in the
33 device or method used to conduct the chemical test
34 does not equal an alcohol concentration of more than
35 .00.

36 Sec. ____ . NEW SECTION. 321N.9 HEARING ON
37 REVOCATION -- APPEAL.

38 1. Notice of revocation of a person's motor
39 vehicle license or operating privilege served pursuant
40 to section 321N.6 or 321N.8 shall include a form
41 accompanied by a preaddressed envelope on which the
42 person served may indicate by a checkmark if the
43 person wishes to contest the revocation. The form
44 shall clearly state on its face that the form must be
45 completed and returned within thirty days of receipt
46 or the person's right to a hearing to contest the
47 revocation is foreclosed. The form shall also be
48 accompanied by a statement of the operation of and the
49 person's rights under this chapter.

50 2. The department shall grant the person an

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1 opportunity to be heard within forty-five days of
2 receipt of a request for a hearing if the request is
3 made not later than thirty days after receipt of
4 notice of revocation served pursuant to section 321N.6
5 or 321N.8. The hearing shall be before the department
6 in the county where the alleged events occurred,
7 unless the director and the person agree that the
8 hearing may be held in some other county, or the
9 hearing may be held by telephone conference at the
10 discretion of the agency conducting the hearing. The
11 hearing may be recorded and its scope shall be limited
12 to the issues of whether a peace officer had
13 reasonable grounds to believe that the person was
14 operating a motor vehicle while having an alcohol
15 concentration of more than .00 and either of the
16 following:

17 a. Whether the person refused to submit to the
18 test or tests.

19 b. Whether a test was administered and the test
20 results indicated an alcohol concentration of more
21 than .00.

22 3. After the hearing the department shall order
23 that the revocation be either rescinded or sustained.
24 Upon receipt of the decision of the department to
25 sustain a revocation, the person contesting the
26 revocation has ten days to file a request for review
27 of the decision by the director. The director or the
28 director's designee shall review the decision within
29 fifteen days and shall either rescind or sustain the
30 revocation or order a new hearing. If the director
31 orders a new hearing, the department shall grant the
32 person a new hearing within thirty days of the
33 director's order.

34 Sec. ____ . NEW SECTION. 321N.10 JUDICIAL REVIEW.

35 Judicial review of an action of the department may
36 be sought in accordance with chapter 17A.
37 Notwithstanding the terms of the Iowa administrative
38 procedure Act, chapter 17A, a petition for judicial
39 review may be filed in the district court in the
40 county where the alleged events occurred or in the
41 county in which the administrative hearing was held.

42 Sec. ____ . NEW SECTION. 321N.11 EVIDENCE IN ANY
43 ACTION.

44 Upon the trial of a civil or criminal action or
45 proceeding arising out of acts alleged to have been
46 committed by a person while operating a motor vehicle
47 while having an alcohol concentration of more than
48 .00, evidence of the alcohol concentration in the

49 person's body substances at the time of the act
50 alleged as shown by a chemical analysis of the

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1 person's blood, breath, or urine is admissible. If it
2 is established at trial that an analysis of a breath
3 specimen was performed by a certified operator using a
4 device and methods approved by the commissioner of
5 public safety, no further foundation is necessary for
6 introduction of the evidence.

7 Sec. ____ . NEW SECTION. 321N.12 PROOF OF REFUSAL
8 ADMISSIBLE.

9 If a person refuses to submit to a chemical test,
10 proof of refusal is admissible in any civil or
11 criminal action or proceeding arising out of acts
12 alleged to have been committed while the person was
13 operating a motor vehicle while having an alcohol
14 concentration of more than .00.

15 Sec. ____ . NEW SECTION. 321N.13 CIVIL PENALTY --
16 SEPARATE FUND -- REINSTATEMENT.

17 When the department revokes a person's motor
18 vehicle license or nonresident operating privilege
19 under this chapter, the department shall assess the
20 person a civil penalty of one hundred dollars. The
21 money collected by the department under this section
22 shall be transmitted to the treasurer of state who
23 shall deposit the money in a separate fund dedicated
24 to and used for the purposes of chapter 912 and
25 section 709.10. A motor vehicle license or
26 nonresident operating privilege shall not be
27 reinstated until the civil penalty has been paid.

28 Sec. ____ . NEW SECTION. 321N.14 OTHER EVIDENCE.

29 This chapter does not limit the introduction of any
30 competent evidence bearing on the question of whether
31 a person was under the influence of an alcoholic
32 beverage, including the results of chemical tests of
33 specimens of blood, breath or urine obtained more than
34 two hours after the person was operating a motor
35 vehicle.

36 Sec. ____ . NEW SECTION. 321N.15 INFORMATION
37 RELAYED TO OTHER STATES.

38 When it has been finally determined under this
39 chapter that a nonresident's privilege to operate a
40 motor vehicle in this state has been revoked or
41 denied, the department shall give information in
42 writing of the action taken to the official in charge
43 of traffic control or public safety of the state of
44 the person's residence and of any state in which the
45 person has a license.

46 Sec. ____ . NEW SECTION. 321N.16 TEMPORARY
47 RESTRICTED LICENSE PROHIBITED.
48 A person whose motor vehicle license has been
49 revoked under this chapter is not eligible for a
50 temporary restricted license during the period of

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1 revocation.

2 Sec. ____ . NEW SECTION. 321N.17 DRIVING WHILE
3 LICENSE DENIED OR REVOKED.

4 A person whose motor vehicle license or nonresident
5 operating privilege has been denied or revoked as
6 provided in this chapter and who drives a motor
7 vehicle upon the highways of this state while the
8 license or privilege is denied or revoked commits a
9 serious misdemeanor. The department, upon receiving
10 the record of the conviction of a person under this
11 section upon a charge of driving a motor vehicle while
12 the license of the person was revoked or denied, shall
13 extend the period of revocation or denial for an
14 additional like period, and the department shall not
15 issue a new license during the additional period.

16 Sec. ____ . NEW SECTION. 321J.23 PERSONS UNDER AGE
17 TWENTY-ONE.

18 If a person under the age of twenty-one consents to
19 a chemical test under this chapter and the test
20 results indicate an alcohol concentration of more than
21 .00 but less than the level established in section
22 321J.2, subsection 1, the person's motor vehicle
23 license or nonresident operating privilege shall be
24 revoked for a period of one year or until the person
25 reaches eighteen years of age, whichever is longer, if
26 the person is less than eighteen years of age, or for
27 thirty days as provided in section 321N.8 if the
28 person is at least eighteen years of age but less than
29 twenty-one years of age, and sections 321N.8 through
30 321N.17 apply."

31 2. Renumber as necessary.

MARK R. HAGERLA
PAUL D. PATE
RAY TAYLOR
CALVIN O. HULTMAN
JULIA GENTLEMAN
RICHARD VANDE HOEF
H. KAY HEDGE
JOHN JENSEN
JOY CORNING

S-5508

1 Amend House File 2512, 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. ____ . Section 477B.7, subsection 5, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:

8 5. USE OF MONEYS IN FUND -- PRIORITY AND
9 LIMITATIONS ON EXPENDITURE.

10 a. Moneys deposited in the E911 service fund shall
11 be used for the repayment of any bonds issued for the
12 benefit of or loan made to the joint E911 service
13 board pursuant to sections 477B.20 through 477B.22,
14 and as long as any such bond or loan remains unpaid
15 the surcharge shall not be reduced or eliminated.
16 Moneys deposited in the fund shall be subject to such
17 terms and conditions as may be contained in the
18 relevant bond documents, trust indenture, resolution,
19 loan agreement, or other instrument pursuant to which
20 bonds are issued or a loan is made, without regard to
21 any limitation otherwise provided by law. The
22 surcharge may be increased, but shall not exceed the
23 maximum allowed in subsection 1, upon approval of the
24 authority upon such terms and conditions as may be
25 contained in the relevant bond documents, trust
26 indenture, resolution, loan agreement, or other
27 instrument pursuant to which bonds are issued or a
28 loan is made, as deemed necessary or prudent by the
29 authority to secure repayment and assure marketability
30 or a reasonable interest rate.

31 b. Moneys deposited in the E911 service fund shall
32 be used for the following, in order of priority if
33 paragraph "a" does not apply:

34 (1) Money shall first be spent for actual
35 recurring costs of operating the E911 service plan.

36 (2) If money remains in the fund after fully
37 paying for recurring costs incurred in the preceding
38 year, the remainder may be spent to pay for
39 nonrecurring costs, not to exceed actual nonrecurring
40 costs as approved by the administrator.

41 (3) If money remains in the fund after fully
42 paying obligations under subsections 1 and 2, the
43 remainder may be accumulated in the fund as a
44 carryover operating surplus. If the surplus is
45 greater than twenty-five percent of the approved
46 annual operating budget for the next year, the
47 administrator shall reduce the surcharge by an amount

48 calculated to result in a surplus of no more than
49 twenty-five percent of the planned annual operating
50 budget. After nonrecurring costs have been paid, if

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1 the surcharge is less than the maximum allowed and the
2 fund surplus is less than twenty-five percent of the
3 approved annual operating budget, the administrator
4 shall, upon application of the joint E911 service
5 board, increase the surcharge in an amount calculated
6 to result in a surplus of twenty-five percent of the
7 approved annual operating budget. The surcharge may
8 only be adjusted once in a single year, upon one
9 hundred days' prior notice to the provider."
10 2. Page 4, by striking lines 16 through 18, and
11 inserting the following:
12 "d. The amounts payable to the authority by
13 jurisdictions within service areas pursuant to loan".
14 3. Page 5, by striking lines 9 through 29.
15 4. By renumbering as necessary.

EUGENE FRAISE

S-5509

1 Amend House File 2065, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking lines 14 through 18.

DONALD V. DOYLE

S-5310

1 Amend House File 2440 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 32, by striking the word "Rules"
4 and inserting the following: "Except as otherwise
5 provided in section 256.11, subsection 1, rules".

LARRY MURPHY
MAGGIE TINSMAN

S-5511

1 Amend amendment, S-5101, to House File 737, as
2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, line 19, by striking the word "county"
 5 and inserting the following: "school corporation,
 6 county.".

LARRY MURPHY
 WALLY HORN
 ELAINE SZYMONIAK
 JOY CORNING

S-5512

1 Amend House File 2518, 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 118.8, unnumbered paragraph 2,
 6 Code 1989, is amended to read as follows:

7 The board shall adopt rules governing practical
 8 training and education and may adopt as its rules
 9 criteria published by a national certification body
 10 recognized by the board, subject to exceptions as
 11 otherwise required by this section. The board may
 12 accept the accreditation decisions of a national
 13 accreditation body recognized by the board.

14 The board shall waive the professional education
 15 requirements for eligibility to take the examination
 16 if the applicant has been a continuous participant in
 17 a practical training program under the direction of a
 18 registered architect since January 1, 1970."

19 2. By numbering and renumbering as necessary.

PAUL D. PATE

S-5513

1 Amend House File 2062 as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 20, by inserting after the word
 4 "notice" the following: ", sent by registered mail,".

JOHN W. JENSEN

S-5514

1 Amend House File 2463, 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 123.47, Code 1989, is amended
6 to read as follows:

7 123.47 PERSONS UNDER LEGAL AGE.

8 A person shall not sell, give, or otherwise supply
9 alcoholic liquor, wine, or beer to any person knowing
10 or having reasonable cause to believe that person to
11 be under legal age, and a person or persons under
12 legal age shall not individually or jointly have
13 alcoholic liquor, wine, or beer in their possession or
14 control; except in the case of liquor, wine, or beer
15 given or dispensed to a person under legal age by the
16 person's parent or guardian for consumption within a
17 the private home of the person's parent or guardian
18 and with the knowledge, and consent, and direct
19 supervision of the person's parent or guardian for
20 beverage or medicinal purposes or as administered to
21 the person by either a physician or dentist for
22 medicinal purposes and except to the extent that a
23 person under legal age may handle alcoholic beverages,
24 wine, and beer during the regular course of the
25 person's employment by a liquor control licensee, or
26 wine or beer permittee under this chapter.

27 Sec. 2. Section 123.47A, Code 1989, is amended to
28 read as follows:

29 123.47A PERSONS AGE NINETEEN AND TWENTY --
30 PENALTY.

31 A person shall not sell, give, or otherwise supply
32 alcoholic liquor, wine, or beer to any person knowing
33 or having reasonable cause to believe that the person
34 is age nineteen or twenty. A person age nineteen or
35 twenty shall not purchase or possess alcoholic liquor,
36 wine, or beer. However, a person age nineteen or
37 twenty may possess alcoholic liquor, wine, or beer
38 given to the person by the person's parent or guardian
39 for consumption within a the private home of the
40 person's parent or guardian with the knowledge, and
41 consent, and direct supervision of the person's parent
42 or guardian, and a person age nineteen or twenty may
43 handle alcoholic liquor, wine, and beer during the
44 course of the person's employment by a liquor control
45 licensee, or wine or beer permittee. A person, other
46 than a licensee or permittee, who violates this
47 section commits a scheduled violation of section
48 805.8, subsection 10. A licensee or permittee who
49 violates this section is guilty of a simple
50 misdemeanor punishable by a fine of not more than

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1 fifty dollars. The penalty provided under this
 2 section against a licensee or permittee who violates
 3 this section is the only penalty which shall be
 4 imposed against a licensee or permittee who violates
 5 this section."

6 2. Title page, by striking lines 1 and 2 and
 7 inserting the following: "An Act relating to the
 8 possession and delivery of alcoholic liquor, wine, or
 9 beer by a person under legal age."

RAY TAYLOR

S-5515

1 Amend House File 2065, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 3, by inserting after line 18 the fol-
 4 lowing:

5 "4A. If personnel and facilities under subsection
 6 4 are not available for a supervised visitation by a
 7 defendant or delinquent child, the court may order the
 8 defendant or delinquent child to view a videotape con-
 9 taining depictions of situations similar to what the
 10 defendant or delinquent child would encounter in an
 11 ordered visitation. Such viewing shall also be under
 12 appropriate supervision as ordered by the court."

13 2. By renumbering as necessary.

MARK R. HAGERLA

S-5516

1 Amend the amendment, S-5467, to House File 2340, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking line 28 and inserting the
 5 following: "animal. This section does not require
 6 disposal within the twenty-four hour period if a
 7 proclamation of disaster emergency is issued pursuant
 8 to section 29C.6, the disaster affects the county
 9 where the agricultural land is located, and the
 10 disaster frustrates proper disposal.

11 An animal which has died of a"

LINN FUHRMAN

S-5517

- 1 Amend House File 2065, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 10, by inserting after the word
- 4 "technician." the following: "However, the person
- 5 supervising such visitation pursuant to this paragraph
- 6 shall first obtain the consent of a victim to be
- 7 observed, or a member of the victim's immediate
- 8 family, if the victim is unable to give consent."

DONALD V. DOYLE

S-5518

- 1 Amend House File 121, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 34, by striking the word "paid"
- 4 and inserting the following: "vacation".
- 5 2. Page 2, line 2, by striking the words "ten
- 6 days of accrued sick leave and".
- 7 3. Page 2, by striking lines 15 through 25.

LINN FUHRMAN

S-5519

- 1 Amend House File 2188, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 8, by striking the word
- 4 "ordinance" and inserting the following: "motion of
- 5 the local authority".

PAT DELUHERY

S-5520

- 1 Amend House File 2487, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 16, by striking the word "or" and
- 4 inserting the following: "and".
- 5 2. Page 2, line 20, by striking the word "or" and
- 6 inserting the following: "and".

PAT DELUHERY

S-5521

1 Amend House File 2062, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 9, by inserting after the word
4 "after" the following: "the hospital or attending
5 physician has certified".

LINN FUHRMAN

S-5522

1 Amend House File 156, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 3 through 10, and
4 inserting the following:
5 "1. To encourage loss control and increase
6 workplace safety for construction risk
7 classifications, a workers' compensation rating
8 organization licensed under chapter 515A shall file
9 with the insurance division, a construction
10 contracting classification premium adjustment program.
11 The program shall define eligible construction
12 contracting classifications, prescribe the experience
13 rating necessary for participation in the program,
14 establish a credit from manual rates for selected
15 categories of average hourly wages, and initiate a
16 required procedure and approved form by which insurers
17 shall notify all insureds, who have one or more
18 construction contracting classifications on their
19 policy, that they may be eligible for a premium
20 adjustment credit.
21 2. If the rating organization fails to file a
22 premium adjustment program within thirty days
23 following the effective date of this Act, the
24 commissioner of insurance shall adopt administrative
25 rules which, at a minimum, prescribe the construction
26 contracting classifications eligible for premium
27 adjustment."
28 2. Title page, by striking lines 1 and 2, and
29 inserting the following: "An Act relating to workers'
30 compensation insurance premiums for construction
31 contractors."

EMIL HUSAK
ALVIN V. MILLER
WILLIAM W. DIELEMAN
BERL E. PRIEBE

RICHARD F. DRAKE
 CALVIN O. HULTMAN
 JOHN P. KIBBIE
 LEONARD L. BOSWELL
 JEAN LLOYD-JONES

S-5523

- 1 Amend House File 209, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 1 through 33.

CALVIN O. HULTMAN
 C. JOSEPH COLEMAN

S-5524

- 1 Amend Senate File 2410 as follows:
 2 1. Page 44, line 24, by striking the figure
 3 "1991" and inserting the following: "1992".
 4 2. Page 44, line 28, by striking the figure
 5 "1991" and inserting the following: "1992".
 6 3. Page 44, line 31, by striking the figure
 7 "1991" and inserting the following: "1992".
 8 4. Page 45, line 5, by striking the figure "1992"
 9 and inserting the following: "1993".

RICHARD J. VARN

S-5525

- 1 Amend House File 2201, 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. ____ . NEW SECTION. 314.15 DISADVANTAGED
 6 BUSINESS ENTERPRISES -- RULES. The department of
 7 transportation shall promulgate rules establishing
 8 affirmative action requirements to encourage and
 9 increase participation of disadvantaged individuals in
 10 business enterprises in all federal aid projects made
 11 available by and through the department.

BERL E. PRIEBE
 DALE L. TIEDEN
 RICHARD F. DRAKE
 DONALD V. DOYLE

S-5526

- 1 Amend the amendment, S-5087, to House File 2166, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 13 and
- 4 inserting the following:
- 5 " ____ . Page 1, by inserting after line 13, the
- 6 following:
- 7 "Sec. ____ . Section 317.4, Code 1989, is amended
- 8 to"."
- 9 2. By renumbering as necessary.

RICHARD VANDE HOEF

S-5527

- 1 Amend House File 2062, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 9, by striking the word "thirty-
- 4 one" and inserting the following: "thirty".

RICHARD VANDE HOEF

S-5528

- 1 Amend House File 2062, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 17, by inserting before the word
- 4 "birth" the following: "a live".

RICHARD VANDE HOEF

S-5529

- 1 Amend House File 2062, 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 100. Section 514C.1, subsections 1 and 2,
- 6 Code 1989, are amended to read as follows:
- 7 1. Any policy of individual or group accident and
- 8 sickness insurance providing coverage on an expense
- 9 incurred basis, and any individual or group hospital
- 10 or medical service contracts issued pursuant to
- 11 chapters 509, 514, and 514A, which provide coverage
- 12 for a family member of the insured or subscriber shall
- 13 also provide that the health insurance benefits

14 applicable for children shall be payable with respect
15 to a newly born or adopted child of the insured or
16 subscriber from the moment of birth or the date of
17 placement for adoption.

18 2. The coverage for newly born or adopted children
19 shall consist of coverage for injury or sickness
20 including the necessary care and treatment of
21 medically diagnosed congenital defects and birth
22 abnormalities.”

23 2. Page 1, line 6, by inserting after the word
24 “born” the following: “or adopted”.

25 3. Page 1, by inserting after line 9, the
26 following:

27 “(2) Notification of the adoption of a child
28 within thirty-one days after the date of placement for
29 adoption.”

30 4. Page 1, line 14, by inserting after the word
31 “birth” the following: “or adoption”.

32 5. Page 1, line 27, by inserting after the word
33 “born” the following: “or adopted”.

34 6. Page 1, line 31, by inserting after the word
35 “born” the following: “or adopted”.

36 7. Page 2, line 17, by inserting after the word
37 “birth” the following: “or date of placement for
38 adoption”.

39 8. Title page, by striking lines 1 and 2, and
40 inserting the following: “An Act relating to accident
41 and sickness insurance, nonprofit health service
42 plans, and prepaid plans of”.

43 9. Title page, line 4, by inserting after the
44 word “newborn” the following: “or adopted”.

45 10. By renumbering as necessary.

AL STURGEON

HOUSE AMENDMENT TO
SENATE FILE 2263

S-5530

1 Amend Senate File 2263, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 10 the
4 following:

5 “Sec. 2. Section 347A.3, Code 1989, is amended to
6 read as follows:

7 347A.3 TAX FOR MAINTENANCE AND OPERATION.

8 If in any year, after payment of the accruing

9 interest on and principal due of revenue bonds issued
 10 under chapter 331, division IV, part 4, and payable
 11 from the revenues derived from the operation of the
 12 county hospital, there is a balance of such revenues
 13 insufficient to pay the expenses of operation, and
 14 maintenance, and funded depreciation of the hospital,
 15 the board of hospital trustees shall certify that fact
 16 as soon as ascertained to the board of supervisors of
 17 the county, and the board of supervisors shall make
 18 the amount of the deficiency for paying the expenses
 19 of operation, and maintenance, and funded depreciation
 20 of the hospital available from other county funds or
 21 shall levy a tax not to exceed one dollar and eight
 22 cents per thousand dollars of assessed value in any
 23 one year on all the taxable property in the county in
 24 an amount sufficient for that purpose. However,
 25 general county funds or the proceeds of taxes shall
 26 not be used or applied to the payment of the interest
 27 on or principal of revenue bonds issued under chapter
 28 331, division IV, part 4, but general county funds or
 29 proceeds of taxes may only be used and applied to pay
 30 expenses of operation, and maintenance, and funded
 31 depreciation of the hospital which cannot be paid from
 32 available revenue derived from its operation.
 33 A tax levied under this section for paying the
 34 expenses of operation, and maintenance, and funded
 35 depreciation of a merged area hospital pursuant to the
 36 authority granted a merged area under section 145A.20,
 37 shall only be levied on the assessed value of property
 38 in that portion of a county which is part of the
 39 merged area, in accordance with the plan or merger
 40 established, approved, and implemented under sections
 41 145A.3, 145A.4, 145A.5, and 145A.14.”
 42 2. Title page, line 2, by inserting after the
 43 word “depreciation” the following: “and providing
 44 properly related matters”.

HOUSE AMENDMENT TO
 SENATE FILE 2018

S-5531

- 1 Amend Senate File 2018, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 9, by inserting after the word
 4 “officials” the following: “or their designees”.
 5 2. Page 1, line 13, by inserting after the word
 6 “agreement.” the following: “The membership of the”

7 commission shall be gender balanced in accordance with
8 section 69.16A."

HOUSE AMENDMENT TO
SENATE FILE 2159

S-5532

1 Amend Senate File 2159, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 13 through 27.

4 2. Page 4, by striking lines 30 and 31 and

5 inserting the following: "registration, which fee
6 shall not exceed ~~twelve~~ twenty-five dollars ~~and fifty~~
7 ~~cents every two years~~. All fees collected shall be
8 deposited".

9 3. By renumbering, relettering, or redesignating
10 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2349

S-5533

1 Amend Senate File 2349, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 26, by striking the words

4 "However, the".

5 2. Page 5, by striking lines 27 through 30.

HOUSE AMENDMENT TO
SENATE FILE 2306

S-5534

1 Amend Senate File 2306, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by inserting after the figure

4 "2," the following: "3,".

5 2. Page 1, line 28, by striking the words and

6 figure "November 1 deadline" and inserting the follow-
7 ing: "deadline of October 30 of the previous year".

8 3. Page 1, line 34, by inserting after the word

9 "year" the following: "and shall transmit any
10 approved request within five days after board action

11 on the request".

12 4. Page 1, line 35, by inserting after the word
13 "year" the following: "unless the board of the
14 receiving district has acted on the request".

15 5. Page 2, line 15, by striking the words "ten
16 fifteen" and inserting the following: "ten".

17 6. Page 3, by striking lines 11 through 21 and
18 inserting the following: "section 290.1."

19 7. Page 3, by inserting before line 22, the
20 following:

21 "Each district shall provide notification to the
22 parent or guardian relating to the transmission or
23 denial of the request. A district of residence shall
24 provide for notification of transmission or denial to
25 a parent or guardian within three days of board action
26 on the request. A receiving district shall provide
27 notification to a parent or guardian, within fifteen
28 days of receipt of board action on the request, of
29 whether the child will be enrolled in that district or
30 whether the request is to be denied."

31 8. Page 3, by striking lines 33 through 35 and
32 inserting the following: "district within five days
33 of the receipt of the request. The new receiving
34 district shall".

35 9. By striking page 6, line 33 through page 7,
36 line 2, and inserting the following:

37 "If a child, for which a request to transfer has
38 been filed with a district, has been suspended or
39 expelled in the district, the resident district shall
40 notify the receiving district and the receiving
41 district named in the request may refuse the request
42 to transfer until the child has been reinstated in the
43 sending district."

44 10. Page 8, line 9, by inserting before the word
45 "participation" the following: "or".

46 11. Page 8, lines 10 and 11, by striking the
47 words ", or a similar set of circumstances".

48 12. Page 8, by striking lines 15 and 16 and
49 inserting the following: "reorganization plan. If
50 the good cause relates to a change in a child's

Page 2

1 residence due to a change in family residence, a
2 change in the state in which the family residence is
3 located, a change in a child's parents' marital
4 status, a guardianship proceeding, placement in foster
5 care, adoption, participation in a foreign exchange
6 program, or participation in a substance abuse or
7 mental health treatment program, and the child, who is

8 the subject of the request, is not currently using any
9 provision of open enrollment, the parent or guardian
10 of the child shall have the option to have their child
11 remain in the child's original district of residence
12 under open enrollment with no interruption in the
13 child's educational program. If a parent or guardian
14 exercises this option, the child's new district of
15 residence is not required to pay the lower of the two
16 district costs per pupil or other costs to the
17 receiving district until the start of the first full
18 year of enrollment of the child. If the good cause
19 relates to a change".

20 13. Page 8, line 29, by inserting after the word
21 "notwithstanding" the following: "the enrollment loss
22 provisions of".

23 14. Page 8, line 32, by inserting after the
24 figure "1990" the following: "and the board of the
25 district of residence shall grant the request.
26 Children who are the subject of requests, which are
27 filed prior to August 1, 1990, and which meet the good
28 cause requirements for a change in the status of the
29 children's resident district due to rejection of a
30 whole grade sharing agreement, are not subject to the
31 restrictions on athletic participation contained in
32 section 282.18 if the district to which the child is
33 to transfer under the request is or was a participant
34 in a whole grade sharing agreement".

35 15. Page 8, by inserting after line 32, the
36 following: "If a pupil transfers for the balance of
37 the 1989-1990 school year, or for succeeding years, as
38 a result of the filing of a request prior to August 1,
39 1990, the sending district shall pay to the receiving
40 district for the balance of the 1989-1990 school year,
41 if that year is covered by the request, and for the
42 1990-1991 school year, only the state aid portion of
43 the lower district cost per pupil of the two
44 districts."

45 16. Page 8, by inserting before line 33, the
46 following:

47 "Sec. ____ . CODIFICATION.

48 The Code editor shall divide section 282.18 into
49 appropriate subsections and paragraphs."

50 17. By renumbering, relettering, or redesignating

S-5535

- 1 Amend House File 2486, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 30, by striking the word
- 4 "devices" and inserting the following: "facilities".
- 5 2. Page 2, line 31, by striking the words "the
- 6 tanning device" and inserting the following: "tanning
- 7 devices".

JIM RIORDAN
LINN FUHRMAN

S-5536

- 1 Amend amendment, S-5372, to House File 2534, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 6, the
- 5 following:
- 6 "Sec. ____ . Section 455B.301, Code 1989, is amended
- 7 by adding the following new subsection:
- 8 NEW SUBSECTION. 3A. "Coal combustion residue"
- 9 means any solid waste produced by the burning of coal
- 10 itself or in conjunction with natural gas or other
- 11 fossil fuels. "Coal combustion residue" includes, but
- 12 is not limited to, bottom ash, fly ash, slag, and flue
- 13 gas desulfurization sludge generated by coal
- 14 combustion and associated air pollution control
- 15 equipment.
- 16 Sec. ____ . Section 455B.304, Code Supplement 1989,
- 17 is amended by adding the following new unnumbered
- 18 paragraph:
- 19 NEW UNNUMBERED PARAGRAPH. The commission shall
- 20 adopt rules authorizing the reuse or beneficial use of
- 21 certain solid waste materials without a sanitary
- 22 disposal project permit. Coal combustion residue,
- 23 when used for the remediation or reclamation of an
- 24 abandoned coal strip mine area is a reuse or
- 25 beneficial use of solid waste material which shall be
- 26 authorized without a sanitary disposal project
- 27 permit."
- 28 2. By renumbering as necessary.

PAT DELUHERY

S-5537

1 Amend House File 2511, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 10 through 15.

4 2. Title page, lines 2 and 3, by striking the
5 words “, and serious injury constituting willful
6 injury”.

DON GETTINGS

S-5538

1 Amend the amendment, S-5534, to Senate File 2306,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 22, by inserting after the word
5 “provisions” the following: “and, if a district has a
6 minority enrollment of less than ten percent of the
7 total district student population, the desegregation
8 provisions”.

C. JOSEPH COLEMAN

S-5539

1 Amend House File 2201, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 3, by striking the word
4 “procurement” and inserting the following:
5 “construction”.

6 2. Page 1, line 8, by striking the word
7 “procurement” and inserting the following:
8 “construction”.

9 3. Page 1, line 25, by inserting after the word
10 “bid” the following: “or who the bidder anticipates
11 will work on the project being bid”.

12 4. Page 1, by inserting after line 29, the
13 following: “If a subcontractor is added by a bidder
14 awarded a contract, the bidder shall disclose the name
15 of the new subcontractor.”

16 5. Title page, line 3, by striking the word
17 “procurement” and inserting the following:
18 “construction”.

AL STURGEON

S-5540

1 Amend House File 2188, as amended, passed, and re-
2 printed by the House, as follows:

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

5 "Section 1. Section 99B.6, subsection 1,
6 unnumbered paragraph 1, Code Supplement 1989, is
7 amended to read as follows:

8 Except as provided in subsections 5, 6, 7, ~~and 8,~~
9 ~~and 9~~ gambling is unlawful on premises for which a
10 class "A", class "B", class "C", or class "D" liquor
11 control license, or class "B" beer permit has been
12 issued pursuant to chapter 123 unless all of the
13 following are complied with:

14 Sec. ____ . Section 99B.6, Code Supplement 1989, is
15 amended by adding the following new subsection:

16 NEW SUBSECTION. 9. Pari-mutuel wagering
17 authorized under chapter 99D may be conducted within a
18 racetrack enclosure which is licensed as an
19 establishment that serves or sells alcoholic beverages
20 as defined in section 123.3 if the pari-mutuel
21 wagering is conducted pursuant to chapter 99D and
22 rules adopted under chapter 99D."

23 2. Page 2, by inserting after line 24 the fol-
24 lowing:

25 "Sec. ____ . Section 123.49, subsection 2, paragraph
26 a, Code Supplement 1989, is amended to read as
27 follows:

28 a. Knowingly permit any gambling, except in
29 accordance with chapter 99B, 99D, 99E, or 99F, or
30 knowingly permit solicitation for immoral purposes, or
31 immoral or disorderly conduct on the premises covered
32 by the license or permit.

33 Sec. ____ . EFFECTIVE DATE.

34 This Act, being deemed of immediate importance,
35 takes effect upon enactment."

36 3. Title page, line 3, by inserting after the
37 word "fees" the following: ", and providing an
38 effective date".

MICHAEL GRONSTAL
CALVIN O. HULTMAN

S-5541

1 Amend House File 2522, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 17 the
4 following:

5 "Sec. — . NEW SECTION. 110.30 RECIPROCAL
6 FISHING PRIVILEGES AUTHORIZED.

7 1. Reciprocal fishing privileges are contingent
8 upon a grant of similar privileges by another state to
9 residents of this state.

10 2. The commission may negotiate fishing
11 reciprocity agreements with other states.

12 3. When another state confers upon fishing
13 licensees of this state reciprocal rights, privileges,
14 and immunities, a fishing license issued by that state
15 entitles the licensee to all rights, privileges, and
16 immunities in the public waters of this state enjoyed
17 by the holders of equivalent licenses issued by this
18 state, subject to duties, responsibilities, and
19 liabilities imposed on its own licensees by the laws
20 of this state."

21 2. Title page, line 2, by inserting after the
22 word "personnel" the following: "and authorizing
23 reciprocal fishing agreements".

GEORGE KINLEY
DALE L. TIEDEN
KENNETH D. SCOTT

S-5542

1 Amend House File 2271, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 1, by inserting after the word
4 "year." the following: "A performance-based pay plan
5 shall not be designed to cause the exclusion of the
6 participation of a teacher due to the teacher's bona
7 fide religious belief, physical disability, or
8 membership or nonmembership in a labor organization."

9 2. Page 3, line 8, by inserting after the word
10 "relationships." the following: "A comprehensive
11 school transformation plan shall not exclude the
12 participation of a teacher due to the teacher's bona
13 fide religious belief, physical disability, or
14 membership or nonmembership in a labor organization."

RAY TAYLOR

S-5543

1 Amend House File 2500, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking line 11 and inserting the
4 following: "a simple misdemeanor."

5 2. Page 1, line 22, by striking the words "is im-
6 mediately" and inserting the following: "shall be".

7 3. Page 1, line 25, by inserting after the word
8 "schedule." the following: "Failure to make a payment
9 shall cause the suspension to be renewed."

10 4. By striking page 1, line 26, through page 2,
11 line 1.

12 5. Page 2, line 2, by striking the figure
13 "109.135" and inserting the following: "109.134".

14 6. Page 2, line 24, by striking the word
15 "commits" and inserting the following: "is guilty
16 of".

17 7. Page 2, lines 24 and 25, by striking the words
18 "if the person has two or more violations" and insert-
19 ing the following: "when the person has had two or
20 more convictions".

21 8. Page 2, by inserting after line 27 the fol-
22 lowing:

23 "Sec. ____ . PLAN FOR SUSPENSION OR REVOCATION OF
24 LICENSES.

25 The director of the department of natural resources
26 shall prepare and submit a plan for suspension and
27 revocation of licenses issued by the department for
28 violations of chapter 109, 109A, 109B, 110, 110A, or
29 110B. The suspension and revocation plan shall be
30 submitted to the president or presiding officer of the
31 senate and the speaker of the house of representatives
32 of this state no later than January 15, 1991."

DONALD V. DOYLE

S-5544

1 Amend House File 2062, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 28, the
4 following:

5 "a. "Insured, subscriber, or enrollee" means an
6 employee who is eligible to participate in, and has
7 enrolled under, an employer-sponsored group accident

8 and sickness insurance plan issued pursuant to chapter
9 509, a group nonprofit hospital or medical service
10 contract issued pursuant to chapter 514, or a group
11 plan of a health maintenance organization provided
12 pursuant to chapter 514B.”
13 2. By renumbering, relettering, and redesignating
14 as necessary.

JIM LIND

S-5545

1 Amend House File 2062, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 11, the
4 following:
5 “Sec. ____ . NEW SECTION. 514C.6 DISCLOSURE OF
6 NEWBORN SCOPE OF COVERAGE REQUIRED.
7 A policy of individual accident and sickness
8 insurance issued pursuant to chapter 514A, an
9 individual nonprofit hospital or medical service
10 contract issued pursuant to chapter 514, or a prepaid
11 individual plan of a health maintenance organization
12 provided pursuant to chapter 514B, shall clearly and
13 plainly disclose an exclusion or limitation upon
14 coverage for newborn infants of the insured,
15 subscriber, or enrollee, or of covered dependents of
16 the insured, subscriber, or enrollee. The
17 commissioner of insurance may adopt by rule, uniform
18 disclosure language or otherwise assure compliance
19 with this section.”
20 2. Title page, by striking lines 1 and 2 and
21 inserting the following: “An Act relating to accident
22 and sickness insurance, nonprofit health service
23 plans, and prepaid plans of”.
24 3. By renumbering as necessary.

JIM LIND

S-5546

1 Amend House File 2062, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 33, the
4 following:
5 “____. This section does not prohibit the nonprofit
6 hospital or medical service plan issuing the group
7 subscriber contract from imposing limitations

8 necessary to contain the cost of coverage or to ensure
9 the quality of health care services.”
10 2. By renumbering, relettering, and redesignating
11 as necessary.

JIM LIND

S-5547

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 10, by inserting after the word
4 “violations” the following: “, Filing fees”.

5 2. Page 1, by inserting after line 13 the
6 following:

7 “Sec. ____ . Section 321.236, subsection 1, para-
8 graph a, Code 1989, is amended to read as follows:
9 a. May be charged and collected upon a simple
10 notice of a fine not exceeding five dollars payable to
11 the city clerk or clerk of the district court, if
12 authorized by ordinance. The fine may be increased up
13 to ten dollars if the parking violation is not paid
14 within thirty days of the date upon which the
15 violation occurred, if authorized by ordinance. No
16 costs or other charges shall be assessed. All fines
17 collected by a city pursuant to this paragraph shall
18 be retained by the city and all fines collected by a
19 county pursuant to this paragraph shall be retained by
20 the county.”

21 3. Page 1, by striking lines 22 and 23 and
22 inserting the following: “information shall not be
23 collected in cases of overtime or uniform citation and
24 complaint for parking violations under sections
25 321.236, 321.239, 321.358, 321.360, and 321.361 is one
26 dollar, effective January 1, 1991. The court costs in
27 cases of parking meter and overtime parking violations
28 which are denied, and charged and collected pursuant
29 to section 321.236, subsection 1, or pursuant to a
30 uniform citation and complaint are eight dollars per
31 information or complaint or per uniform citation and
32 complaint, effective January 1, 1991.”

33 4. By striking page 1, line 33, through page 2,
34 line 3, and inserting the following: “805.8 to be
35 scheduled violations. The filing fees and court costs
36 in cases of parking meter and overtime parking
37 violations which are denied, and charged and collected
38 pursuant to section 321.236, subsection 1, are eight
39 dollars per court appearance, regardless of the number
40 of parking violations considered at that court

41 appearance are as stated in section 602.8106,
42 subsection 1. The court costs in scheduled”.
43 5. Page 2, by striking lines 22 through 24 and
44 inserting the following: “dollars: The scheduled
45 fine for a parking violation of section 321.236
46 increases in an amount up to ten dollars, as
47 authorized by ordinance pursuant to section 321.236,
48 subsection 1, paragraph “a”, if the parking violation
49 is not paid within thirty days of the date upon which
50 the violation occurred. For”.

MICHAEL E. GRONSTAL

S-5548

1 Amend Senate File 2410 as follows:
2 1. Page 14, line 4, by inserting after the word
3 “district” the following: “or the authorities in
4 charge of an accredited nonpublic school”.
5 2. Page 14, line 6, by inserting after the word
6 “chapter.” the following: “A pupil attending an
7 accredited nonpublic school shall be counted as a
8 shared-time student in the pupil’s school district of
9 residence for state foundation aid purposes.”
10 3. Page 14, line 14, by inserting after the word
11 “district” the following: “or accredited nonpublic
12 school”.
13 4. Page 14, line 17, by inserting after the word
14 “district” the following: “or accredited nonpublic
15 school”.
16 5. Page 14, line 27, by inserting after the word
17 “district” the following: “or accredited nonpublic
18 school”.
19 6. Page 14, line 31, by inserting after the word
20 “district” the following: “or authorities in charge
21 of an accredited nonpublic school”.
22 7. Page 15, line 3, by inserting after the word
23 “residence” the following: “or accredited nonpublic
24 school”.
25 8. Page 15, by inserting after line 10, the
26 following:
27 “Sec. ____ . Section 261C.9, Code 1989, is amended
28 to read as follows:
29 261C.9 PUPIL ENROLLMENT.
30 Payments shall not be made under section 261C.6 if
31 the eligible pupil is enrolled on a full-time basis in
32 the pupil’s school district of residence or in an
33 accredited nonpublic school as well as enrolling in a
34 course or program in an eligible postsecondary

35 institution.”

36 9. By renumbering as necessary.

WILLIAM W. DIELEMAN
JOE WELSH

HOUSE AMENDMENT TO
SENATE FILE 2169

S-5549

1 Amend Senate File 2169, 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 91A.5, subsection 2, Code
6 1989, is amended by adding the following new
7 paragraphs:
8 NEW PARAGRAPH. e. Costs of personal protective
9 equipment, other than items of clothing or footwear
10 which may be used by an employee during nonworking
11 hours, needed to protect an employee from employ-
12 ment-related hazards, unless provided otherwise in a
13 collective bargaining agreement.
14 NEW PARAGRAPH. f. Costs of more than twenty
15 dollars for an employee’s relocation to the place of
16 employment. This paragraph shall apply only to an
17 employer as defined in section 91E.1.
18 Sec. 2. NEW SECTION. 91E.1 DEFINITIONS.
19 As used in this chapter:
20 1. “Commissioner” means the commissioner of the
21 division of labor services of the department of
22 employment services.
23 2. “Employee” means a natural person who is
24 employed in this state for wages paid on an hourly
25 basis by an employer. An employee does not include a
26 person engaged in agriculture as defined in section
27 91A.2 or a person engaged in agriculture on a seasonal
28 basis. However, this exemption shall not apply to
29 farm owners who hire workers to work on cropland other
30 than their own.
31 3. “Employer” means a person, as defined in
32 chapter 4, who in this state employs for wages, paid
33 on an hourly basis, one hundred or more natural
34 persons. An employer does not include a client,
35 patient, customer, or other person who obtains
36 professional services from a licensed person who
37 provides the services on a fee service basis or as an

38 independent contractor, or the state, or an agency
39 or governmental subdivision of the state.

40 4. "Non-English speaking employee" means an
41 employee who does not speak, read, write, or
42 understand English to the degree necessary for
43 comprehension of the terms, conditions, and daily
44 responsibilities of employment.

45 Sec. 3. NEW SECTION. 91E.2 NON-ENGLISH SPEAKING
46 EMPLOYEES -- EMPLOYER OBLIGATIONS.

47 If more than ten percent of an employer's employees
48 are non-English speaking and speak the same non-
49 English language, the employer shall provide all of
50 the following:

Page 2

1 1. An interpreter available at the work site for
2 each shift during which non-English speaking employees
3 are employed.

4 If a Spanish-speaking interpreter is needed, the
5 employer shall select an interpreter from a list of
6 interpreters developed by the department of employment
7 services, drawn from the Spanish-speaking peoples
8 commission's statewide list of interpreters qualified
9 to serve Iowa courts and administrative agencies.

10 2. A person employed by the employer whose primary
11 responsibility is to serve as a referral agent to
12 community services.

13 Sec. 4. NEW SECTION. 91E.3 EMPLOYER RECRUITING
14 PRACTICES.

15 1. An employer or a representative of an employer
16 who actively recruits non-English speaking residents
17 of other states more than five hundred miles from the
18 place of employment, for employment as employees for
19 wages paid on an hourly basis in this state, must have
20 on file, a copy of which must be provided to the
21 employee, a written statement signed by the employer
22 and the employee which provides relevant information
23 regarding the position of employment, including but
24 not limited to the following information:

25 a. The minimum number of hours the employee can
26 expect to work on a weekly basis.

27 b. The hourly wages of the position of employment
28 including the starting hourly wage.

29 c. A description of the responsibilities and tasks
30 of the position of employment.

31 d. The health risks, known to the employer, to the
32 employee involved in the position of employment.

33 2. If an employee who resigns from employment with
34 an employer within four weeks of the employee's

35 initial date of employment requests, within three
 36 business days of termination, transportation to return
 37 to the location from which the employee was recruited
 38 and the location from which the employee was recruited
 39 is five hundred or more miles from the place of
 40 employment, the employer shall provide the employee
 41 with transportation at no cost to the employee.

42 **Sec. 5. NEW SECTION. 91E.4 PENALTIES FOR**
 43 **VIOLATION OF RECRUITMENT PRACTICE REQUIREMENTS.**

44 1. An employer who violates section 91E.3 is
 45 subject to a civil penalty of up to one thousand
 46 dollars.

47 2. A corporate officer of an employer who, through
 48 repeated violation of section 91E.3, demonstrates a
 49 pattern of abusive recruitment practices commits a
 50 serious misdemeanor.

Page 3

1 3. An employer who, through repeated violation of
 2 section 91E.3, demonstrates a pattern of abusive
 3 recruitment practices may be ordered to pay punitive
 4 damages.

5 **Sec. 6. NEW SECTION. 91E.5 DUTIES AND AUTHORITY**
 6 **OF THE COMMISSIONER.**

7 1. The commissioner shall adopt rules to implement
 8 and enforce this chapter and shall provide further
 9 exemptions from the provisions of this chapter where
 10 reasonable.

11 2. In order to carry out the purposes of this
 12 chapter, the commissioner or the commissioner's
 13 representative, upon presenting appropriate
 14 credentials to the owner, operator, or agent in
 15 charge, may:

16 a. Inspect employment records relating to the
 17 total number of employees and non-English speaking
 18 employees, and the services provided to non-English
 19 speaking employees.

20 b. Interview an employer, owner, operator, agent,
 21 or employee, during working hours or at other
 22 reasonable times.

23 **Sec. 7. NEW SECTION. 91E.6 COLLECTIVE BARGAINING**
 24 **AGREEMENTS.**

25 Compliance with the minimum standards required in
 26 this chapter shall not be subject to or considered in
 27 collective bargaining."

HOUSE AMENDMENT TO
SENATE FILE 2365

S-5550

1 Amend Senate File 2365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by striking the figure
4 "3,300,000" and inserting the following: "2,480,000".

5 2. Page 1, line 8, by striking the figure
6 "1,800,000" and inserting the following: "1,350,000".

7 3. Page 1, line 14, by striking the figure
8 "1,400,000" and inserting the following: "1,050,000".

9 4. Page 1, line 18, by striking the figure
10 "80,000" and inserting the following: "60,000".

11 5. Page 1, line 23, by inserting after the word
12 "develop" the following: "or to contract for the
13 development of".

14 6. Page 1, line 35, by inserting after the word
15 "force" the following: ", in consultation with the
16 Iowa medical society and the Iowa association of area
17 agencies on aging,".

18 7. Page 2, line 1, by striking the word
19 "federal".

20 8. Page 2, line 2, by inserting after the word
21 "program" the following: "sponsored by the Iowa
22 medical society and the Iowa association of area
23 agencies on aging".

24 9. Page 2, line 29, by striking the figure
25 "200,000" and inserting the following: "150,000".

26 10. Page 3, line 29, by striking the word "July"
27 and inserting the following: "October".

28 11. Page 4, by inserting after line 1 the
29 following:

30 "Sec. 7. RULES.

31 The department of human services may adopt
32 administrative rules under section 17A.4, subsection
33 2, and section 17A.5, subsection 2, paragraph "b", to
34 implement the sections of this Act enumerated in this
35 section. Rules adopted pursuant to sections 2, 4, and
36 6 of this Act shall become effective immediately upon
37 filing, unless a later effective date is specified in
38 the rules. The rules shall also be published as
39 notice of intended action as provided in section
40 17A.4.

41 Sec. 8. TRANSFER OF FUNDS.

42 For accounting purposes, funds appropriated in this
43 Act to the Iowa department of public health shall be
44 considered to be part of the appropriations to the

45 department for grants to county boards of supervisors
 46 for the homemaker-home health aide program contained
 47 in House File 2371, if House File 2371 is enacted by
 48 the Seventy-third General Assembly, 1990 Session."

49 12. Page 4, by inserting after line 1 the
 50 following:

Page 2

1 "Sec. 9. EFFECTIVE DATE.

2 This act takes effect October 1, 1990."

3 13. Title page, line 3, by inserting after the
 4 word "matters" the following: "and providing an
 5 effective date".

6 14. By renumbering, relettering, or redesignating
 7 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2245

S-5551

1 Amend Senate File 2245, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 4 and 5 and
 4 inserting the following: "work for beam
 5 straightening, beam replacement, and beam repair on
 6 bridges, without advertising for bids as required".

7 2. Title page, line 1, by striking the words
 8 "highway or".

HOUSE AMENDMENT TO
 SENATE FILE 2197

S-5552

1 Amend Senate File 2197, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 1, by striking line 16 and inserting the
 4 following:

5 "2. A person, who acts alone, or who conspires
 6 with another person or persons,"

7 2. Page 2, by striking lines 5 through 10 and
 8 inserting the following:

9 "3. A person who maliciously and intentionally
 10 intimidates or interferes with another person because
 11 of that person's race, color, religion, ancestry,
 12 national origin, political affiliation, sex, sexual
 13 orientation, age, or disability and while doing so
 14 commits any of the following acts, is guilty of an
 15 aggravated misdemeanor:

- 16 a. Commits an assault, as defined in section
 17 708.1, upon that person or a third person.
 18 b. Commits an act of criminal mischief, as defined
 19 in section 716.1, upon that person or a third person.”
 20 3. Page 2, line 30, by striking the words “and
 21 judicial”.
 22 4. Page 2, by striking lines 31 through 33, and
 23 inserting the following: “provided for under 601A.”
 24 5. Renumber as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2057

S-5553

- 1 Amend Senate File 2057, as passed by the Senate as
 2 follows:
 3 1. Page 1, by striking lines 17 through 29 and
 4 inserting the following: “are subject to the approval
 5 of the commission; ~~and the commission shall limit a.~~
 6 Each licensee is limited to ten days of races a during
 7 each calendar year, which days and races are chosen by
 8 the ~~commission licensee and which are the same for all~~
 9 ~~licensees approved by the commission to televise races~~
 10 for telecast or televising for the purpose of
 11 conducting pari-mutuel wagering. A licensee may
 12 telecast or televise, with approval of the commission,
 13 a complete day of racing at another racetrack. The
 14 commission shall not authorize the simultaneous
 15 telecast or televising of and a licensee shall not
 16 simultaneously telecast or televise any horse or dog
 17 race for the purpose of conducting pari-mutuel
 18 wagering unless the simultaneous telecast or
 19 televising is done at the racetrack of the licensee ~~on~~
 20 ~~a day and during the time, when there is a days~~
 21 authorized by the commission for horse or dog racing
 22 ~~meet being held~~ at the racetrack. A licensee shall
 23 telecast or televise a race for pari-mutuel wagering
 24 purposes only when live racing is being conducted at
 25 the racetrack. For”.

HOUSE AMENDMENT TO
 SENATE FILE 332

S-5554

- 1 Amend Senate File 332, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 2, line 18, by striking the words
4 "employment or occupation" and inserting the
5 following: "simple legal matters on an informal
6 basis".

S-5555

1 Amend House File 2404, as passed by the House, as
2 follows:

3 1. Page 2, line 31, by striking the word "thirty-
4 five" and inserting the following: "twenty-five".

5 2. Page 3, line 1, by striking the word "thirty-
6 five" and inserting the following: "twenty-five".

7 3. Title page, lines 3 and 4, by striking the
8 words "increasing certain fees,".

JIM RIORDAN

S-5556

1 Amend House File 2404, as passed by the House, as
2 follows:

3 1. Page 4, line 2, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 4, by inserting after line 4, the
7 following:

8 "NEW SUBSECTION. ----- "Participate" or
9 "participation" means attending a mediation meeting,
10 and discussing issues, stating a position regarding
11 restructuring, and exchanging information, relating to
12 any of the following: a debt against agricultural
13 property which is real estate under chapter 654; a
14 forfeiture of a contract to purchase agricultural
15 property under chapter 656; a secured interest in
16 agricultural property under chapter 554; or a
17 garnishment, levy, execution, seizure, or attachment
18 of agricultural property; all as referenced in section
19 654A.6."

20 3. Page 4, by striking lines 5 through 20.

21 4. Page 4, by striking lines 23 through 32, and
22 inserting the following:

23 "3. a. If the borrower waives mediation, or if a
24 mediation agreement is not reached, the borrower and
25 the creditors may sign a statement prepared by the
26 mediator that mediation was waived or that the parties
27 did not reach an agreement. If any party does not

28 sign the statement, the mediator shall sign the
29 statement. The statement constitutes a mediation
30 release. ~~Unless the borrower waives mediation, a~~
31 ~~creditor shall not receive a mediation release until~~
32 ~~the creditor has participated in at least one~~
33 ~~mediation meeting.~~

34 b. The mediator shall issue a mediation release
35 unless the creditor fails to participate in at least
36 one mediation meeting. The mediator shall issue a
37 mediation release if the borrower waives or fails to
38 participate in at least one mediation meeting,
39 regardless of participation by the creditor. The
40 creditor or borrower may be represented by another
41 person, if the person participates in mediation and
42 has authority to discuss the debt on behalf of the
43 creditor or borrower. This section does not require
44 the creditor or borrower to reach an agreement,
45 including restructuring a debt in order to receive a
46 mediation release."

47 5. Page 5, by striking lines 1 through 5, and
48 inserting the following:

49 "4. The mediator shall promptly notify a creditor
50 by certified mail of a denial to issue a mediation

Page 2

1 release and the reasons for the denial. The notice
2 shall state that the".

3 6. Page 6, by inserting after line 24 the
4 following:

5 "____. "Participate" or "participation" means
6 attending a mediation meeting, and having knowledge
7 about and discussing issues concerning a subject
8 relating to a dispute."

9 7. Page 6, line 35, by striking the word
10 "resident" and inserting the following: "resident,".

11 8. Page 7, line 1, by striking the word "dispute"
12 and inserting the following: "dispute,".

13 9. By striking page 8, line 19 through page 9,
14 line 8.

15 10. Page 9, by inserting after line 19, the
16 following:

17 "____. a. The mediator shall issue a mediation
18 release unless the other party desiring to initiate a
19 civil proceeding to resolve the dispute fails to
20 participate in at least one mediation meeting. The
21 mediator shall issue a mediation release if the farm
22 resident waives or fails to participate in at least
23 one mediation meeting, regardless of participation by
24 the other party. A party to a dispute may be

25 represented by another person, if the person
 26 participates in mediation and has authority to discuss
 27 the dispute on behalf of the party being represented.
 28 This section does not require a party to reach an
 29 agreement. This section does not require a person to
 30 change a position, alter an activity which is a
 31 subject of the dispute, or restructure a contract in
 32 order to receive a mediation release.
 33 b. The mediator shall promptly notify a party by
 34 certified mail of a denial to issue a mediation
 35 release and the reasons for the denial. The notice
 36 shall state that the party has seven days from the
 37 date that the notice is delivered to appeal the
 38 mediator's decision, pursuant to procedures adopted by
 39 the service. After a final decision by the farm
 40 mediation service, the party may seek an action for
 41 judicial review pursuant to section 654B.10."
 42 11. Page 10, line 24, by inserting after the word
 43 "person" the following: ", required under chapter
 44 654B to participate in mediation,".
 45 12. By renumbering as necessary.

JIM RIORDAN

S-5557

1 Amend House File 209 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 2, by inserting after the word
 4 "state." the following: "For the purpose of equitable
 5 and uniform implementation, application, and
 6 enforcement of state and local laws and regulations,
 7 the provisions of this chapter shall supersede any
 8 local law or regulation which is inconsistent with or
 9 conflicts with the provisions of this chapter."

JOE WELSH
 CALVIN O. HULTMAN
 GEORGE R. KINLEY
 DALE L. TIEDEN
 RICHARD F. DRAKE
 C. JOSEPH COLEMAN

S-5558

1 Amend House File 2540, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 6, by striking the word "board"

- 4 and inserting the following: "assessor".
5 2. Page 1, line 13, by striking the word "board"
6 and inserting the following: "assessor".
7 3. Page 1, line 14, by inserting after the word
8 "exemption" the following: "and shall forward the
9 application to the board".
10 4. Page 1, line 27, by inserting after the word
11 "receipt" the following: "from the assessor".

JIM RIORDAN
DONALD V. DOYLE

S-5559

- 1 Amend House File 2540, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 6, by striking the word and
4 figure "April 15" and inserting the following: "March
5 1".
6 2. Page 1, line 35, by striking the word and
7 figure "May 15" and inserting the following: "April
8 15".

JIM RIORDAN

S-5560

- 1 Amend House File 366, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting before line 15 the
4 following:
5 "Sec. 100. Section 331.301, subsection 10, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:
8 10. A county may enter into leases or lease-
9 purchase contracts for real and personal property in
10 accordance with the following terms and procedures:
11 a. A county shall lease or lease-purchase real or
12 personal property only for a term which does not
13 exceed the economic life of the property, as
14 determined by the board.
15 b. A lease or lease-purchase contract entered into
16 by a county may contain provisions similar to those
17 sometimes found in leases between private parties,
18 including the obligation of the lessee to pay any of
19 the costs of operation or ownership of the leased
20 property, and the right to purchase the leased
21 property.

22 c. A provision of a lease or lease-purchase
23 contract which stipulates that a portion of the rent
24 payments be applied as interest is subject to chapter
25 74A. Other laws relating to interest rates do not
26 apply. Chapter 75 shall not be applicable. A county
27 enterprise is a separate entity under the provisions
28 of this section whether it is governed by the board or
29 another governing body.

30 d. The board must follow substantially the same
31 authorization procedure required for the issuance of
32 general obligation bonds issued for the same purpose
33 to authorize a lease or a lease-purchase contract made
34 payable from the debt service fund.

35 e. The board may authorize a lease or lease-
36 purchase contract which is payable from the general
37 fund and which would not cause the total of annual
38 lease and lease-purchase payments of the county due
39 from the general fund of the county in any future year
40 for lease or lease-purchase contracts in force on the
41 date of the authorization, excluding payments to
42 exercise purchase options or to pay the expenses of
43 operation or ownership of the property, to exceed ten
44 percent of the last certified general fund budget
45 amount in accordance with the following procedures:

46 (1) The board must follow substantially the
47 authorization procedures of section 331.443 to
48 authorize a lease or lease-purchase contract for real
49 property which is payable from the general fund if the
50 principal amount of the lease or lease-purchase

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1 contract does not exceed the following limits:

2 (a) Two hundred thousand dollars in a county
3 having a population of twenty-five thousand or less.

4 (b) Two hundred fifty thousand dollars in a county
5 having a population of more than twenty-five thousand
6 but not more than fifty thousand.

7 (c) Three hundred thousand dollars in a county
8 having a population of more than fifty thousand but
9 not more than one hundred thousand.

10 (d) Four hundred thousand dollars in a county
11 having a population of more than one hundred thousand
12 but not more than two hundred thousand.

13 (e) Five hundred thousand dollars in a county
14 having a population of more than two hundred thousand.

15 (2) The board must follow the following procedures
16 to authorize a lease or lease-purchase contract for
17 real property which is payable from the general fund
18 if the principal amount of the lease or lease-purchase

19 contract exceeds the limits set forth in subparagraph
20 (1):

21 (a) The board must institute proceedings for
22 entering into a lease or lease-purchase contract by
23 causing a notice of the proposal to enter such lease
24 or lease-purchase contract, including a statement of
25 the principal amount and purpose of the lease or
26 lease-purchase, and the right to petition for an
27 election, to be published as provided in section
28 331.305 at least ten days prior to the meeting at
29 which it is proposed to take such action.

30 (b) If at any time before the date fixed for
31 taking such action a petition is filed with the
32 auditor in the manner provided by section 331.306
33 asking that the question of entering into such lease
34 or lease-purchase contract be submitted to the
35 qualified electors of the county, the board shall
36 either by resolution declare the proposal to enter
37 into such lease or lease-purchase contract to have
38 been abandoned or shall direct the county commissioner
39 of elections to call a special election upon the
40 question of entering into such lease or lease-purchase
41 contract. However, for purposes of this paragraph the
42 petition need not have signatures in excess of one
43 thousand persons. Notice of the election and its
44 conduct shall be in the manner provided in subsections
45 2, 3, and 4 of section 331.442.

46 (c) If no petition is filed, or if a petition is
47 filed and the proposition of entering into a lease or
48 lease-purchase contract is approved at the election,
49 the board may proceed and enter into such lease or
50 lease-purchase contract.

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1 (d) The governing body may authorize a lease or
2 lease-purchase contract payable from the net revenues
3 of a county enterprise, or combined county enterprise
4 by following the authorization procedures of section
5 331.464.

6 (e) A lease or lease-purchase contract to which a
7 county is a party or in which a county has a
8 participatory interest, is an obligation of a
9 political subdivision of this state for the purposes
10 of chapters 502 and 682, and is a lawful investment
11 for banks, trust companies, building and loan
12 associations, savings and loan associations,
13 investment companies, insurance companies, insurance
14 associations, executors, guardians, trustees, and any
15 other fiduciaries responsible for the investment of

16 funds.

17 (f) Property that is lease-purchased by a county
18 is exempt under section 427.1, subsection 2.

19 (g) A contract for construction by a private party
20 of property to be leased or lease-purchased by a
21 county is not a contract for a public improvement
22 under section 331.341, subsection 1. However, if a
23 lease-purchase contract is funded in advance by means
24 of the lessor depositing moneys to be administered by
25 a county, with the county's obligation to make rent
26 payments commencing with its receipt of moneys, a
27 contract for construction of the property in question
28 awarded by the county is a public improvement and is
29 subject to section 331.341, subsection 1.

30 Sec. 101. section 331.402, subsection 3, Code
31 1989, is amended by striking the subsection and
32 inserting in lieu thereof the following:

33 3. A county may enter into loan agreements to
34 borrow money for any public purpose in accordance with
35 the following terms and procedures:

36 a. A loan agreement entered into by a county may
37 contain provisions similar to those sometimes found in
38 loan agreements between private parties, including the
39 issuance of notes to evidence its obligations.

40 b. A provision of a loan agreement which
41 stipulates that a portion of the payments be applied
42 as interest is subject to chapter 74A. Other laws
43 relating to interest rates do not apply. Chapter 75
44 is not applicable. A county enterprise is a separate
45 entity under the provisions of this section whether it
46 is governed by the board or another governing body.

47 c. The board shall follow substantially the same
48 authorization procedure required for the issuance of
49 general obligation bonds issued for the same purpose,
50 to authorize a loan agreement made payable from the

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1 debt service fund.

2 d. The board may authorize a loan agreement which
3 is payable from the general fund and which would not
4 cause the total of scheduled annual payments of
5 principal or interest or both principal and interest
6 of the county due from the general fund of the county
7 in any future year with respect to all loan agreements
8 in force on the date of the authorization to exceed
9 ten percent of the last certified general fund budget
10 amount in accordance with the following procedures:

11 (1) The board must follow substantially the
12 authorization procedures of section 331.443 to

13 authorize a loan agreement for real property which is
14 payable from the general fund if the principal amount
15 of the loan agreement does not exceed the following
16 limits:

17 (a) Two hundred thousand dollars in a county
18 having a population of twenty-five thousand or less.
19 (b) Two hundred fifty thousand dollars in a county
20 having a population of more than twenty-five thousand
21 but not more than fifty thousand.
22 (c) Three hundred thousand dollars in a county
23 having a population of more than fifty thousand but
24 not more than one hundred thousand.
25 (d) Four hundred thousand dollars in a county
26 having a population of more than one hundred thousand
27 but not more than two hundred thousand.
28 (e) Five hundred thousand dollars in a county
29 having a population of more than two hundred thousand.

30 (2) The board must follow the following procedures
31 to authorize a loan agreement for real property which
32 is payable from the general fund if the principal
33 amount of the loan agreement exceeds the limits set
34 forth in subparagraph (1):

35 (a) The board must institute proceedings for
36 entering into a loan agreement by causing a notice of
37 the proposal to enter into such loan agreement,
38 including a statement of the principal amount and
39 purpose of the loan agreement, and the right to
40 petition for an election, to be published as provided
41 in section 331.305 at least ten days prior to the
42 meeting at which it is proposed to take such action.

43 (b) If at any time before the date fixed for
44 taking such action a petition is filed with the
45 auditor in the manner provided by section 331.306
46 asking the question of entering into such loan
47 agreement be submitted to the qualified electors of
48 the county, the board shall either by resolution
49 declare the proposal to enter into such loan agreement
50 to have been abandoned or shall direct the county

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1 commissioner of elections to call a special election
2 upon the question of entering into such loan
3 agreement. However, for purposes of this paragraph
4 the petition need not have signatures in excess of one
5 thousand persons. Notice of the election and its
6 conduct shall be in the manner provided in subsections
7 2, 3, and 4 of section 331.442.

8 (c) If no petition is filed, or if a petition is
9 filed and the proposition of entering into the loan

10 agreement is approved at an election, the board may
11 proceed and enter into such loan agreement.

12 (d) The governing body may authorize a loan
13 agreement payable from the net revenues of a county
14 enterprise or combined county enterprise by following
15 the authorization procedures of section 331.464.

16 (e) A loan agreement to which a county is a party
17 or in which a county has a participatory interest, is
18 an obligation of a political subdivision of this state
19 for the purpose of chapters 502 and 682, and is a
20 lawful investment for banks, trust companies, building
21 and loan associations, savings and loan associations,
22 investment companies, insurance companies, insurance
23 associations, executors, guardians, trustees, and any
24 other fiduciaries responsible for the investment of
25 funds.

26 Sec. 102. Section 364.4, subsection 4, Code 1989,
27 is amended by striking the subsection and inserting in
28 lieu thereof the following:

29 4. Enter into leases or lease-purchase contracts
30 for real and personal property in accordance with the
31 following terms and procedures:

32 a. A city shall lease or lease-purchase real or
33 personal property only for a term which does not
34 exceed the economic life of the property, as
35 determined by the governing body.

36 b. A lease or lease-purchase contract entered into
37 by a city may contain provisions similar to those
38 sometimes found in leases between private parties,
39 including the obligation of the lessee to pay any of
40 the costs of operation of ownership of the leased
41 property, and the right to purchase the leased
42 property.

43 c. A provision of a lease or lease-purchase
44 contract which stipulates that a portion of the rent
45 payments be applied as interest is subject to chapter
46 74A. Other laws relating to interest rates do not
47 apply. Chapter 75 shall not be applicable. A city
48 utility or city enterprise is a separate entity under
49 the provisions of this section whether it is governed
50 by the council or another governing body.

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1 d. The governing body must follow substantially
2 the same authorization procedure required for the
3 issuance of general obligation bonds issued for the
4 same purpose to authorize a lease or a lease-purchase
5 contract made payable from the debt service fund.

6 The governing body may authorize a lease or lease-

7 purchase contract which is payable from the general
8 fund and which would not cause the total of annual
9 lease and lease-purchase payments of the city due from
10 the general fund of the city in any future year for
11 lease or lease-purchase contracts in force on the date
12 of the authorization, excluding payments to exercise
13 purchase options or to pay the expenses of operation
14 or ownership of the property, to exceed ten percent of
15 the last certified general fund budget amount in
16 accordance with the following procedures:

17 (1) The governing body must follow substantially
18 the authorization procedures of section 384.25 to
19 authorize a lease or lease-purchase contract for real
20 property which is payable from the general fund if the
21 principal amount of the lease or lease-purchase
22 contract does not exceed the following limits:

23 (a) Twenty-five thousand dollars in a city having
24 a population of five thousand or less.

25 (b) Seventy-five thousand dollars in a city having
26 a population of more than five thousand but not more
27 than seventy-five thousand.

28 (c) One hundred fifty thousand dollars in a city
29 having a population of more than seventy-five
30 thousand.

31 (2) The governing body must follow the following
32 procedures to authorize a lease or lease-purchase
33 contract for real property which is payable from the
34 general fund if the principal amount of the lease or
35 lease-purchase contract exceeds the limits set forth
36 in subparagraph (1):

37 (a) The governing body may institute proceedings
38 to enter into a lease or lease-purchase contract by
39 causing a notice of the proposal to enter into the
40 lease or lease-purchase contract, including a
41 statement of the principal amount and purpose of the
42 lease or lease-purchase contract, and the right to
43 petition for an election, to be published at least
44 once in a newspaper of general circulation within the
45 city at least ten days prior to the meeting at which
46 it is proposed to take action to enter into the lease
47 or lease-purchase contract.

48 (b) If any time before the date fixed for taking
49 action to enter into the lease or lease-purchase
50 contract, a petition is filed with the clerk of the

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1 city in the manner provided by section 362.4, asking
2 that the question of entering into the lease or lease-
3 purchase contract be submitted to the qualified

4 electors of the city, the governing body shall either
5 by resolution declare the proposal to enter into the
6 lease or lease-purchase contract to have been
7 abandoned or shall direct the county commissioner of
8 elections to call a special election upon the question
9 of entering into the lease or lease-purchase contract.
10 However, for purposes of this paragraph, the petition
11 need not have signatures in excess of one thousand
12 persons. Notice of the election and its conduct shall
13 be in the manner provided in subsections 2, 3, and 4
14 of section 384.26.

15 (c) If no petition is filed, or if a petition is
16 filed and the proposition of entering into the lease
17 or lease-purchase contract is approved at an election,
18 the governing body may proceed and enter into the
19 lease or lease-purchase contract.

20 The governing body may authorize a lease or lease-
21 purchase contract payable from the net revenues of a
22 city utility, combined utility system, city
23 enterprise, or combined city enterprise by following
24 the authorization procedures of section 384.83.

25 (d) A lease or lease-purchase contract to which a
26 city is a party or in which a city has a participatory
27 interest, is an obligation of a political subdivision
28 of this state for the purposes of chapters 502 and
29 682, and is a lawful investment for banks, trust
30 companies, building and loan associations, savings and
31 loan association, investment companies, insurance
32 companies, insurance associations, executors,
33 guardians, trustees, and any other fiduciaries
34 responsible for the investment of funds.

35 (e) Property that is lease-purchased by a city is
36 exempt under section 427.1, subsection 2.

37 (f) A contract for construction by a private party
38 of property to be leased or lease-purchased by a city
39 is not a contract for a public improvement under
40 section 384.95, subsection 1, except for purposes of
41 section 384.102. However, if a lease-purchase
42 contract is funded in advance by means of the lessor
43 depositing moneys to be administered by a city, with
44 the city's obligations to make rent payments
45 commencing with its receipt of moneys, a contract for
46 construction of the property in question awarded by
47 the city is subject to division VI of chapter 384.

48 Sec. 103. Section 384.24A, Code 1989, is amended
49 by striking the section and inserting in lieu thereof
50 the following:

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1 384.24A LOAN AGREEMENTS.

2 A city may enter into loan agreements to borrow
3 money for any public purpose in accordance with the
4 following terms and procedures:

5 1. A loan agreement entered into by a city may
6 contain provisions similar to those sometimes found in
7 loan agreements between private parties, including the
8 issuance of notes to evidence its obligations.

9 2. A provision of a loan agreement which
10 stipulates that a portion of the payments be applied
11 as interest is subject to chapter 74A. Other laws
12 relating to interest rates do not apply. Chapter 75
13 is not applicable. A city utility or city enterprise
14 is a separate entity under this section whether it is
15 governed by the council or another governing body.

16 3. The governing body shall following
17 substantially the same authorization procedure
18 required for the issuance of general obligation bonds
19 issued for the same purpose, to authorize a loan
20 agreement made payable from the debt service fund.

21 The governing body may authorize a loan agreement
22 which is payable from its general fund and which would
23 not cause the total of scheduled annual payments of
24 principal or interest or principal and interest of the
25 city due from the general fund of the city in any
26 future year with respect to all loan agreements in
27 force on the date of the authorization, to exceed ten
28 percent of the last certified general fund budget
29 amount in accordance with the following procedures:

30 (a) The governing body must follow substantially
31 the authorization procedures of section 384.25 to
32 authorize a loan agreement for real property which is
33 payable from the general fund if the principal amount
34 of the loan agreement does not exceed the following
35 limits:

36 (1) Twenty-five thousand dollars in a city having
37 a population of five thousand or less.

38 (2) Seventy-five thousand dollars in a city having
39 a population of more than five thousand but not more
40 than seventy-five thousand.

41 (3) One hundred fifty thousand dollars in a city
42 having a population of more than seventy-five
43 thousand.

44 (b) The governing body must follow the following
45 procedures to authorize a loan agreement for real
46 property which is payable from the general fund if the
47 principal amount of the loan agreement exceeds the
48 limits set forth in subparagraph (a):

49 (1) The governing body may institute proceedings
50 to enter into a loan agreement payable from its

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1 general fund by causing a notice of the proposal to
2 enter into the loan agreement, including a statement
3 of the principal amount and purpose of the loan
4 agreement, and the right to petition for an election,
5 to be published at least once in a newspaper of
6 general circulation within the city at least ten days
7 prior to the meeting at which it is proposed to take
8 action to enter into the loan agreement.

9 (2) If any time before the date fixed for taking
10 action to enter into the loan agreement, a petition is
11 filed with the clerk of the city in the manner
12 provided by section 362.4, asking that the question of
13 entering into the loan agreement be submitted to the
14 qualified electors of the city, the governing body
15 shall either by resolution declare the proposal to
16 enter into the loan agreement to have been abandoned
17 or shall direct the county commissioner of elections
18 to call a special election upon the question of
19 entering into the loan agreement. However, for
20 purposes of this paragraph, the petition need not have
21 signatures in excess of one thousand persons. Notice
22 of the election and its conduct shall be in the manner
23 provided in subsections 2, 3, and 4 of section 384.26.

24 (3) If no petition is filed, or if a petition is
25 filed and the proposition of entering into the loan
26 agreement is approved at an election, the governing
27 body may proceed and enter into the loan agreement.
28 The governing body may authorize a loan agreement
29 payable from the net revenues of a city utility,
30 combined utility system, city enterprise, or combined
31 city enterprise by following the authorization
32 procedures of section 384.83.

33 (c) A loan agreement to which a city is a party,
34 or in which the city has a participatory interest, is
35 an obligation of a political subdivision of this state
36 for the purposes of chapters 502 and 682, and is a
37 lawful investment for banks, trust companies, building
38 and loan associations, savings and loan associations,
39 investment companies, insurance companies, insurance
40 associations, executors, guardians, trustees, and any
41 other fiduciaries responsible for the investment of
42 funds.

43 Sec. 104.

44 Sections 100 through 103 of this Act are applicable
45 to a lease, lease-purchase, or loan agreement entered

AMENDMENTS FILED

2357

46 into on or after July 1, 1990.”

47 2. Title page, line 2, by inserting after the
48 word “welfare” the following: “the right of cities
49 and counties to enter into lease, lease-purchase, or
50 loan agreements”.

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1 3. Title page, line 3, by inserting after the
2 word “property” the following: “, and providing an
3 applicability date”.

JOHN W. JENSEN

S-5561

1 Amend the amendment, S-5500, to House File 2371, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 49, through page 2,
5 line 9.
6 2. By renumbering as necessary.

JOHN P. KIBBIE

BEVERLY A. HANNON

S-5562

1 Amend the House amendment, S-5549, to Senate File
2 2169, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 44 the
5 following:
6 “5. “Farm owner” does not include a person who
7 uses cropland for research or experimental purposes,
8 testing, developing, or producing seeds or plants for
9 sale or resale.”

BERL E. PRIEBE
EMIL J. HUSAK
DONALD V. DOYLE
KENNETH D. SCOTT

S-5563

1 Amend the amendment, S-5214, to House File 2048, as
2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 2, by inserting after line 24 the

5 following:

6 "____. Page 9, by inserting after line 23 the

7 following:

8 "Sec. ____ . INSPECTIONS -- AUTHORIZATION OF
9 INVESTIGATOR.

10 The department of inspections and appeals shall

11 assign an additional investigator to conduct

12 investigations under the purview of the boards within

13 the division of professional licensure of the Iowa

14 department of public health.""

15 2. By renumbering as necessary.

ELAINE SZYMONIAK
RAY TAYLOR

S-5564

1 Amend House File 2281, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 1, by striking the word "ETHANOL"
4 and inserting the following: "ALTERNATIVE ENERGY".

5 2. Page 1, line 3, by striking the word "ethanol"
6 and inserting the following: "alternative energy".

7 3. Page 1, by striking lines 5 through 7, and
8 inserting the following: "university of science and
9 technology".

10 4. Page 1, line 9, by striking the word "ethanol"
11 and inserting the following: "alternative energy".

12 5. Page 1, by striking line 10, and inserting the
13 following: "including alternative fuels, equipment
14 operating on alternative fuels, solar wind, and other
15 alternative energy sources."

16 6. Page 1, line 11, by striking the words
17 "operating with such fuels."

18 7. Page 1, line 13, by striking the word
19 "ethanol" and inserting the following: "alternative
20 energy".

21 8. Page 1, line 15, by striking the word
22 "ethanol" and inserting the following: "alternative
23 energy".

24 9. Page 1, line 23, by striking the word
25 "ethanol" and inserting the following: "alternative
26 energy".

27 10. Page 1, line 24, by striking the word
28 "ethanol" and inserting the following: "alternative
29 energy".

30 11. Page 1, line 26, by striking the word
31 "ethanol" and inserting the following: "alternative
32 energy".

33 12. Page 1, line 29, by striking the word
34 "ethanol" and inserting the following: "alternative
35 energy".

36 13. Page 2, line 8, by striking the word
37 "ethanol" and inserting the following: "alternative
38 energy".

39 14. Page 2, line 10, by striking the word
40 "ethanol" and inserting the following: "alternative
41 energy".

42 15. Page 2, line 16, by striking the word
43 "ethanol" and inserting the following: "alternative
44 energy".

45 16. Page 2, line 17, by striking the word
46 "ethanol" and inserting the following: "alternative
47 energy".

48 17. Page 2, line 20, by striking the word
49 "ethanol" and inserting the following: "alternative
50 energy".

Page 2

1 18. Page 2, line 21, by striking the word
2 "ethanol" and inserting the following: "alternative
3 fuels".

4 19. Page 2, line 22, by striking the word
5 "ethanol" and inserting the following: "alternative".

6 20. Page 2, line 24, by striking the word
7 "ethanol" and inserting the following: "alternative".

8 21. Page 2, line 29, by striking the word
9 "ethanol" and inserting the following: "alternative".

10 22. Page 2, line 30, by striking the words
11 "ETHANOL FUEL" and inserting the following:
12 "ALTERNATIVE FUELS".

13 23. Page 2, line 31, by striking the words
14 "center for ethanol" and inserting the following:
15 "consortium for alternative research and".

16 24. Page 2, line 34, by striking the words
17 "ethanol fuel" and inserting the following:
18 "alternative fuels".

19 25. Page 3, line 4, by striking the words
20 "ethanol fuel" and inserting the following:
21 "alternative fuels".

22 26. Page 3, line 5, by striking the word
23 "ethanol" and inserting the following: "alternative".

24 27. Title page, line 1, by striking the word
25 "ethanol" and inserting the following: "alternative".

26 28. Title page, line 2, by striking the word
 27 "ethanol" and inserting the following: "alternative".

PAUL PATE

S-5565

1 Amend House File 2384, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 2, by inserting after line 12 the fol-
 4 lowing:

5 "Sec. ____ . Section 174.2, Code 1989, is amended by
 6 adding the following new unnumbered paragraph after
 7 unnumbered paragraph.1:

8 NEW UNNUMBERED PARAGRAPH. Each society shall
 9 administer a fair challenge grant foundation as
 10 established under section 174.17. The society shall
 11 administer funds of the foundation in accordance with
 12 procedures of the treasurer of state, and maintain a
 13 correct account of receipts and disbursements of
 14 assets of the foundation. In administering the
 15 foundation, the board shall authorize all payments
 16 from its account in the foundation fund. The society,
 17 on behalf of the foundation, may contract, sue and be
 18 sued, and adopt rules necessary to carry out the
 19 provisions of this paragraph, but the society shall
 20 not in any manner, directly or indirectly, pledge the
 21 credit of the state.

22 Sec. ____ . NEW SECTION. 174.17 FAIR CHALLENGE
 23 GRANT FOUNDATION.

24 Each society may establish a fair challenge grant
 25 foundation. The society shall notify the treasurer of
 26 state of the foundation in a manner and according to
 27 procedures directed by the treasurer. A foundation
 28 fund is created within the state treasury including
 29 accounts for each fair challenge grant foundation
 30 established. Each account shall be composed of moneys
 31 available to and obtained or accepted by a foundation.

32 A foundation may solicit or accept gifts, including
 33 donations and bequests. A gift, to the greatest
 34 extent possible, shall be used according to the
 35 expressed desires of the person providing the gift.
 36 Assets of a foundation shall be used to support
 37 foundation activities, including foundation
 38 administration or major maintenance improvements at a
 39 fairgrounds or to property under the control of the
 40 society. The name of a private contributor shall not
 41 be associated with any project or improvement,
 42 including but not limited to a structure. However,

43 the society may place a plaque on or near the project
 44 or improvement recognizing contributors. Foundation
 45 moneys shall be expended only on a matching basis with
 46 moneys appropriated for matching purposes from the
 47 state or a county or provided on a matching basis by
 48 the society from society receipts. All interest
 49 earned on moneys in a foundation account or through
 50 other foundation assets shall be credited to and

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1 remain in the account.
 2 The auditor of state shall conduct regular audits
 3 and make a certified report relating to the condition
 4 of each foundation account to the treasurer of the
 5 state."

PAUL D. PATE

S-5566

1 Amend Senate File 2410, as follows:

DIVISION S—5566A

2 1. Page 55, line 27, by striking the figure "3."
 3 2. Page 56, by striking lines 3 through 18.

DIVISION S—5566B

4 3. By striking page 56, line 35, through page 58,
 5 line 22.
 6 4. By renumbering as necessary.

JOHN P. KIBBIE
 CALVIN O. HULTMAN
 C. JOSEPH COLEMAN
 RICHARD V. RUNNING
 LEONARD L. BOSWELL
 PAUL D. PATE
 JIM LIND
 MARK R. HAGERLA

S-5567

1 Amend House File 209, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 2, lines 4 and 5, by striking the words

4 "all restaurants with a seating capacity greater than
5 fifty."

6 2. Page 2, line 15, by striking the words "a
7 restaurant" and inserting the following: "a
8 restaurant".

RICHARD RUNNING

S-5568

1 Amend Senate File 2412 as follows:

2 1. Page 3, by inserting after line 27, the
3 following:

4 "Sec. ____ . NEW SECTION. 122.2A USE OF ANOTHER
5 ORGANIZATION'S NAME IN SOLICITATION -- PENALTY.

6 A charitable organization shall not solicit
7 contributions for a charitable purpose in this state,
8 where the charitable organization claims that a
9 portion or all of the contributions received will be
10 given to another charitable organization in this
11 state, without first placing on file with the attorney
12 general written permission from the other charitable
13 organization that its name may be referred to as part
14 of the solicitation. Violation of this section is a
15 fraudulent practice pursuant to chapter 714, and is
16 subject to the penalties of chapter 714."

17 2. Page 4, by inserting after line 3, the
18 following:

19 "Sec. ____ . Section 714.8, Code 1989, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 6A. For the purpose of soliciting
22 contributions, if the solicitor is a charitable
23 organization which claims that a portion or all of the
24 contributions received will be given to another
25 charitable organization, solicits without first
26 placing on file with the attorney general written
27 permission from the other charitable organization
28 pursuant to section 122.2A. The definitions of
29 chapter 122 apply to this subsection."

30 3. By renumbering as necessary.

BEVERLY HANNON
JAMES R. RIORDAN

S-5569

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 3, by striking the words "two
4 hundred fifty" and inserting the following: "three
5 hundred".

RICHARD RUNNING

S-5570

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 6, by striking the words "~~ten~~
4 twenty-five" and inserting the following: "ten".

RICHARD RUNNING

S-5571

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 5, by striking the word "fifty"
4 and inserting the following: "seventy-five".

RICHARD RUNNING

S-5572

1 Amend the House amendment, S-5532, to Senate File
2 2159, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking line 3.

RICHARD RUNNING

S-5573

1 Amend Senate File 2411 as follows:
2 1. Page 1, line 3, by striking the word and
3 figure "and 422.12" and inserting the following:
4 "422.12, and 422.12B".
5 2. Page 1, line 4, by inserting after the word
6 "credit." the following: "An individual may claim the
7 seed capital credit allowed a partnership, subchapter
8 S corporation, or estate or trust electing to have the
9 income taxed directly to the individual. The amount
10 claimed by the individual shall be based upon the pro
11 rata share of the individual's earnings of a
12 partnership, subchapter S corporation, or estate or

13 trust.”

14 3. Page 2, by striking lines 26 through 29, and
15 inserting the following:

16 “7. An investment in securities offered by a seed
17 capital fund or qualified business qualifies for a tax
18 credit only if the investment is in an unaffiliated
19 and nonrelated person, partnership, or corporation.”

20 4. Page 5, by striking lines 6 through 9, and
21 inserting the following:

22 “f. An investment in securities offered by a seed
23 capital fund or qualified business qualifies for a tax
24 credit only if the investment is in an unaffiliated
25 and nonrelated person, partnership, or corporation.”

26 5. By renumbering as necessary.

ELAINE SZYMONIAK

S-5574

1 Amend House File 2494, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 23 the
4 following:

5 “Sec. 100. Section 331.301, subsection 10, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:

8 10. A county may enter into leases or lease-
9 purchase contracts for land and buildings in
10 accordance with the following terms and procedures:

11 a. A county shall lease or lease-purchase land or
12 buildings only for a term which does not exceed the
13 economic life of the property, as determined by the
14 board.

15 b. A lease or lease-purchase contract entered into
16 by a county may contain provisions similar to those
17 sometimes found in leases between private parties,
18 including the obligation of the lessee to pay any of
19 the costs of operation or ownership of the leased
20 property, and the right to purchase the leased
21 property.

22 c. A provision of a lease or lease-purchase
23 contract which stipulates that a portion of the rent
24 payments be applied as interest is subject to chapter
25 74A. Other laws relating to interest rates do not
26 apply. Chapter 75 shall not be applicable. A county
27 enterprise is a separate entity under the provisions
28 of this section whether it is governed by the board or
29 another governing body.

30 d. The board must follow substantially the same

31 authorization procedure required for the issuance of
32 general obligation bonds issued for the same purpose
33 to authorize a lease or a lease-purchase contract made
34 payable from the debt service fund.

35 e. The board may authorize a lease or lease-
36 purchase contract which is payable from the general
37 fund and which would not cause the total of annual
38 lease and lease-purchase payments of the county due
39 from the general fund of the county in any future year
40 for lease or lease-purchase contracts in force on the
41 date of the authorization, excluding payments to
42 exercise purchase options or to pay the expenses of
43 operation or ownership of the property, to exceed ten
44 percent of the last certified general fund budget
45 amount in accordance with the following procedures:

46 (1) The board must follow substantially the
47 authorization procedures of section 331.443 to
48 authorize a lease or lease-purchase contract for land
49 or buildings which is payable from the general fund if
50 the principal amount of the lease or lease-purchase

Page 2

1 contract does not exceed the following limits:

2 (a) Two hundred thousand dollars in a county
3 having a population of twenty-five thousand or less.

4 (b) Two hundred fifty thousand dollars in a county
5 having a population of more than twenty-five thousand
6 but not more than fifty thousand.

7 (c) Three hundred thousand dollars in a county
8 having a population of more than fifty thousand but
9 not more than one hundred thousand.

10 (d) Four hundred thousand dollars in a county
11 having a population of more than one hundred thousand
12 but not more than two hundred thousand.

13 (e) Five hundred thousand dollars in a county
14 having a population of more than two hundred thousand.

15 (2) The board must follow the following procedures
16 to authorize a lease or lease-purchase contract for
17 land or buildings which is payable from the general
18 fund if the principal amount of the lease or lease-
19 purchase contract exceeds the limits set forth in
20 subparagraph (1):

21 (a) The board must institute proceedings for
22 entering into a lease or lease-purchase contract by
23 causing a notice of the proposal to enter such lease
24 or lease-purchase contract, including a statement of
25 the principal amount and purpose of the lease or
26 lease-purchase, and the right to petition for an
27 election, to be published as provided in section

28 331.305 at least ten days prior to the meeting at
29 which it is proposed to take such action.

30 (b) If at any time before the date fixed for
31 taking such action a petition is filed with the
32 auditor in the manner provided by section 331.306
33 asking that the question of entering into such lease
34 or lease-purchase contract be submitted to the
35 qualified electors of the county, the board shall
36 either by resolution declare the proposal to enter
37 into such lease or lease-purchase contract to have
38 been abandoned or shall direct the county commissioner
39 of elections to call a special election upon the
40 question of entering into such lease or lease-purchase
41 contract. However, for purposes of this paragraph the
42 petition need not have signatures in excess of one
43 thousand persons. Notice of the election and its
44 conduct shall be in the manner provided in subsections
45 2, 3, and 4 of section 331.442.

46 (c) If no petition is filed, or if a petition is
47 filed and the proposition of entering into a lease or
48 lease-purchase contract is approved at the election,
49 the board may proceed and enter into such lease or
50 lease-purchase contract.

Page 3

1 (d) The governing body may authorize a lease or
2 lease-purchase contract payable from the net revenues
3 of a county enterprise, or combined county enterprise
4 by following the authorization procedures of section
5 331.464.

6 (e) A lease or lease-purchase contract to which a
7 county is a party or in which a county has a
8 participatory interest, is an obligation of a
9 political subdivision of this state for the purposes
10 of chapters 502 and 682, and is a lawful investment
11 for banks, trust companies, building and loan
12 associations, savings and loan associations,
13 investment companies, insurance companies, insurance
14 associations, executors, guardians, trustees, and any
15 other fiduciaries responsible for the investment of
16 funds.

17 (f) Property that is lease-purchased by a county
18 is exempt under section 427.1, subsection 2.

19 (g) A contract for construction by a private party
20 of property to be leased or lease-purchased by a
21 county is not a contract for a public improvement
22 under section 331.341, subsection 1. However, if a
23 lease-purchase contract is funded in advance by means
24 of the lessor depositing moneys to be administered by

25 a county, with the county's obligation to make rent
26 payments commencing with its receipt of moneys, a
27 contract for construction of the property in question
28 awarded by the county is a public improvement and is
29 subject to section 331.341, subsection 1.

30 Sec. 101. Section 331.402, subsection 3, Code
31 1989, is amended by striking the subsection and
32 inserting in lieu thereof the following:

33 3. A county may enter into loan agreements to
34 borrow money for any public purpose in accordance with
35 the following terms and procedures:

36 a. A loan agreement entered into by a county may
37 contain provisions similar to those sometimes found in
38 loan agreements between private parties, including the
39 issuance of notes to evidence its obligations.

40 b. A provision of a loan agreement which
41 stipulates that a portion of the payments be applied
42 as interest is subject to chapter 74A. Other laws
43 relating to interest rates do not apply. Chapter 75
44 is not applicable. A county enterprise is a separate
45 entity under the provisions of this section whether it
46 is governed by the board or another governing body.

47 c. The board shall follow substantially the same
48 authorization procedure required for the issuance of
49 general obligation bonds issued for the same purpose,
50 to authorize a loan agreement made payable from the

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1 debt service fund.

2 d. The board may authorize a loan agreement which
3 is payable from the general fund and which would not
4 cause the total of scheduled annual payments of
5 principal or interest or both principal and interest
6 of the county due from the general fund of the county
7 in any future year with respect to all loan agreements
8 in force on the date of the authorization to exceed
9 ten percent of the last certified general fund budget
10 amount in accordance with the following procedures:

11 (1) The board must follow substantially the
12 authorization procedures of section 331.443 to
13 authorize a loan agreement for land or buildings which
14 is payable from the general fund if the principal
15 amount of the loan agreement does not exceed the
16 following limits:

17 (a) Two hundred thousand dollars in a county
18 having a population of twenty-five thousand or less.

19 (b) Two hundred fifty thousand dollars in a county
20 having a population of more than twenty-five thousand
21 but not more than fifty thousand.

22 (c) Three hundred thousand dollars in a county
 23 having a population of more than fifty thousand but
 24 not more than one hundred thousand.

25 (d) Four hundred thousand dollars in a county
 26 having a population of more than one hundred thousand
 27 but not more than two hundred thousand.

28 (e) Five hundred thousand dollars in a county
 29 having a population of more than two hundred thousand.

30 (2) The board must follow the following procedures
 31 to authorize a loan agreement for land or buildings
 32 which is payable from the general fund if the
 33 principal amount of the loan agreement exceeds the
 34 limits set forth in subparagraph (1):

35 (a) The board must institute proceedings for
 36 entering into a loan agreement by causing a notice of
 37 the proposal to enter into such loan agreement,
 38 including a statement of the principal amount and
 39 purpose of the loan agreement, and the right to
 40 petition for an election, to be published as provided
 41 in section 331.305 at least ten days prior to the
 42 meeting at which it is proposed to take such action.

43 (b) If at any time before the date fixed for
 44 taking such action a petition is filed with the
 45 auditor in the manner provided by section 331.306
 46 asking the question of entering into such loan
 47 agreement be submitted to the qualified electors of
 48 the county, the board shall either by resolution
 49 declare the proposal to enter into such loan agreement
 50 to have been abandoned or shall direct the county

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1 commissioner of elections to call a special election
 2 upon the question of entering into such loan
 3 agreement. However, for purposes of this paragraph
 4 the petition need not have signatures in excess of one
 5 thousand persons. Notice of the election and its
 6 conduct shall be in the manner provided in subsections
 7 2, 3, and 4 of section 331.442.

8 (c) If no petition is filed, or if a petition is
 9 filed and the proposition of entering into the loan
 10 agreement is approved at an election, the board may
 11 proceed and enter into such loan agreement.

12 (d) The governing body may authorize a loan
 13 agreement payable from the net revenues of a county
 14 enterprise or combined county enterprise by following
 15 the authorization procedures of section 331.464.

16 (e) A loan agreement to which a county is a party
 17 or in which a county has a participatory interest, is
 18 an obligation of a political subdivision of this state

19 for the purpose of chapters 502 and 682, and is a
20 lawful investment for banks, trust companies, building
21 and loan associations, savings and loan associations,
22 investment companies, insurance companies, insurance
23 associations, executors, guardians, trustees, and any
24 other fiduciaries responsible for the investment of
25 funds.

26 Sec. 102. Section 364.4, subsection 4, Code 1989,
27 is amended by striking the subsection and inserting in
28 lieu thereof the following:

29 4. Enter into leases or lease-purchase contracts
30 for land and buildings in accordance with the
31 following terms and procedures:

32 a. A city shall lease or lease-purchase land or
33 buildings only for a term which does not exceed the
34 economic life of the property, as determined by the
35 governing body.

36 b. A lease or lease-purchase contract entered into
37 by a city may contain provisions similar to those
38 sometimes found in leases between private parties,
39 including the obligation of the lessee to pay any of
40 the costs of operation of ownership of the leased
41 property, and the right to purchase the leased
42 property.

43 c. A provision of a lease or lease-purchase
44 contract which stipulates that a portion of the rent
45 payments be applied as interest is subject to chapter
46 74A. Other laws relating to interest rates do not
47 apply. Chapter 75 shall not be applicable. A city
48 utility or city enterprise is a separate entity under
49 the provisions of this section whether it is governed
50 by the council or another governing body.

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1 d. The governing body must follow substantially
2 the same authorization procedure required for the
3 issuance of general obligation bonds issued for the
4 same purpose to authorize a lease or a lease-purchase
5 contract made payable from the debt service fund.

6 The governing body may authorize a lease or lease-
7 purchase contract which is payable from the general
8 fund and which would not cause the total of annual
9 lease and lease-purchase payments of the city due from
10 the general fund of the city in any future year for
11 lease or lease-purchase contracts in force on the date
12 of the authorization, excluding payments to exercise
13 purchase options or to pay the expenses of operation
14 or ownership of the property, to exceed ten percent of
15 the last certified general fund budget amount in

16 accordance with the following procedures:

17 (1) The governing body must follow substantially
18 the authorization procedures of section 384.25 to
19 authorize a lease or lease-purchase contract for land
20 or buildings which is payable from the general fund if
21 the principal amount of the lease or lease-purchase
22 contract does not exceed the following limits:

23 (a) Twenty-five thousand dollars in a city having
24 a population of five thousand or less.

25 (b) Seventy-five thousand dollars in a city having
26 a population of more than five thousand but not more
27 than seventy-five thousand.

28 (c) One hundred fifty thousand dollars in a city
29 having a population of more than seventy-five
30 thousand.

31 (2) The governing body must follow the following
32 procedures to authorize a lease or lease-purchase
33 contract for land or buildings which is payable from
34 the general fund if the principal amount of the lease
35 or lease-purchase contract exceeds the limits set
36 forth in subparagraph (1):

37 (a) The governing body may institute proceedings
38 to enter into a lease or lease-purchase contract by
39 causing a notice of the proposal to enter into the
40 lease or lease-purchase contract, including a
41 statement of the principal amount and purpose of the
42 lease or lease-purchase contract, and the right to
43 petition for an election, to be published at least
44 once in a newspaper of general circulation within the
45 city at least ten days prior to the meeting at which
46 it is proposed to take action to enter into the lease
47 or lease-purchase contract.

48 (b) If any time before the date fixed for taking
49 action to enter into the lease or lease-purchase
50 contract, a petition is filed with the clerk of the

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1 city in the manner provided by section 362.4, asking
2 that the question of entering into the lease or lease-
3 purchase contract be submitted to the qualified
4 electors of the city, the governing body shall either
5 by resolution declare the proposal to enter into the
6 lease or lease-purchase contract to have been
7 abandoned or shall direct the county commissioner of
8 elections to call a special election upon the question
9 of entering into the lease or lease-purchase contract.
10 However, for purposes of this paragraph, the petition
11 need not have signatures in excess of one thousand
12 persons. Notice of the election and its conduct shall

13 be in the manner provided in subsections 2, 3, and 4
14 of section 384.26.

15 (c) If no petition is filed, or if a petition is
16 filed and the proposition of entering into the lease
17 or lease-purchase contract is approved at an election,
18 the governing body may proceed and enter into the
19 lease or lease-purchase contract.

20 The governing body may authorize a lease or lease-
21 purchase contract payable from the net revenues of a
22 city utility, combined utility system, city
23 enterprise, or combined city enterprise by following
24 the authorization procedures of section 384.83.

25 (d) A lease or lease-purchase contract to which a
26 city is a party or in which a city has a participatory
27 interest, is an obligation of a political subdivision
28 of this state for the purposes of chapters 502 and
29 682, and is a lawful investment for banks, trust
30 companies, building and loan associations, savings and
31 loan association, investment companies, insurance
32 companies, insurance associations, executors,
33 guardians, trustees, and any other fiduciaries
34 responsible for the investment of funds.

35 (e) Property that is lease-purchased by a city is
36 exempt under section 427.1, subsection 2.

37 (f) A contract for construction by a private party
38 of property to be leased or lease-purchased by a city
39 is not a contract for a public improvement under
40 section 384.95, subsection 1, except for purposes of
41 section 384.102. However, if a lease-purchase
42 contract is funded in advance by means of the lessor
43 depositing moneys to be administered by a city, with
44 the city's obligations to make rent payments
45 commencing with its receipt of moneys, a contract for
46 construction of the property in question awarded by
47 the city is subject to division VI of chapter 384.
48 Sec. 103. Section 384.24A, Code 1989, is amended
49 by striking the section and inserting in lieu thereof
50 the following:

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1 384.24A LOAN AGREEMENTS.

2 A city may enter into loan agreements to borrow
3 money for any public purpose in accordance with the
4 following terms and procedures:

5 1. A loan agreement entered into by a city may
6 contain provisions similar to those sometimes found in
7 loan agreements between private parties, including the
8 issuance of notes to evidence its obligations.

9 2. A provision of a loan agreement which

10 stipulates that a portion of the payments be applied
11 as interest is subject to chapter 74A. Other laws
12 relating to interest rates do not apply. Chapter 75
13 is not applicable. A city utility or city enterprise
14 is a separate entity under this section whether it is
15 governed by the council or another governing body.
16 3. The governing body shall following
17 substantially the same authorization procedure
18 required for the issuance of general obligation bonds
19 issued for the same purpose, to authorize a loan
20 agreement made payable from the debt service fund.
21 The governing body may authorize a loan agreement
22 which is payable from its general fund and which would
23 not cause the total of scheduled annual payments of
24 principal or interest or principal and interest of the
25 city due from the general fund of the city in any
26 future year with respect to all loan agreements in
27 force on the date of the authorization, to exceed ten
28 percent of the last certified general fund budget
29 amount in accordance with the following procedures:
30 (a) The governing body must follow substantially
31 the authorization procedures of section 384.25 to
32 authorize a loan agreement for real property which is
33 payable from the general fund if the principal amount
34 of the loan agreement does not exceed the following
35 limits:
36 (1) Twenty-five thousand dollars in a city having
37 a population of five thousand or less.
38 (2) Seventy-five thousand dollars in a city having
39 a population of more than five thousand but not more
40 than seventy-five thousand.
41 (3) One hundred fifty thousand dollars in a city
42 having a population of more than seventy-five
43 thousand.
44 (b) The governing body must follow the following
45 procedures to authorize a loan agreement for land or
46 buildings which is payable from the general fund if
47 the principal amount of the loan agreement exceeds the
48 limits set forth in subparagraph (a):
49 (1) The governing body may institute proceedings
50 to enter into a loan agreement payable from its

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1 general fund by causing a notice of the proposal to
2 enter into the loan agreement, including a statement
3 of the principal amount and purpose of the loan
4 agreement, and the right to petition for an election,
5 to be published at least once in a newspaper of
6 general circulation within the city at least ten days

7 prior to the meeting at which it is proposed to take
8 action to enter into the loan agreement.

9 (2) If any time before the date fixed for taking
10 action to enter into the loan agreement, a petition is
11 filed with the clerk of the city in the manner
12 provided by section 362.4, asking that the question of
13 entering into the loan agreement be submitted to the
14 qualified electors of the city, the governing body
15 shall either by resolution declare the proposal to
16 enter into the loan agreement to have been abandoned
17 or shall direct the county commissioner of elections
18 to call a special election upon the question of
19 entering into the loan agreement. However, for
20 purposes of this paragraph, the petition need not have
21 signatures in excess of one thousand persons. Notice
22 of the election and its conduct shall be in the manner
23 provided in subsections 2, 3, and 4 of section 384.26.

24 (3) If no petition is filed, or if a petition is
25 filed and the proposition of entering into the loan
26 agreement is approved at an election, the governing
27 body may proceed and enter into the loan agreement.
28 The governing body may authorize a loan agreement
29 payable from the net revenues of a city utility,
30 combined utility system, city enterprise, or combined
31 city enterprise by following the authorization
32 procedures of section 384.83.

33 (c) A loan agreement to which a city is a party,
34 or in which the city has a participatory interest, is
35 an obligation of a political subdivision of this state
36 for the purposes of chapters 502 and 682, and is a
37 lawful investment for banks, trust companies, building
38 and loan associations, savings and loan associations,
39 investment companies, insurance companies, insurance
40 associations, executors, guardians, trustees, and any
41 other fiduciaries responsible for the investment of
42 funds."

43 2. Page 5, by inserting after line 1, the following:

44 "Sec. 104. Sections 100 through 103 of this Act
45 are applicable to a lease, lease-purchase, or loan
46 agreement entered into on or after July 1, 1990."

47 3. Title page, line 1, by inserting after the
48 word "to" the following: "the right of cities and
49 counties to enter into lease, lease-purchase, or loan
50 agreements, to".

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1 4. Title page, line 2, by inserting after the
2 word "projects" the following: "and to provide an
3 applicability date".

RICHARD VANDE HOEF

S-5575

1 Amend Senate File 2413 as follows:

2 1. Page 25, by inserting after line 31, the
3 following:

4 "Sec. ____ . NEW SECTION. 901.4A SUBSTANCE ABUSE
5 EVALUATION.

6 Upon a plea of guilty, a verdict of guilty, or a
7 special verdict upon which a judgment of conviction
8 may be rendered, the court may order the defendant to
9 submit to and complete a substance abuse evaluation,
10 if the court determines that there is reason to
11 believe that the defendant regularly abuses alcohol or
12 other controlled substances and may be in need of
13 treatment. An order made pursuant to this section may
14 be made in addition to any other sentence or order of
15 the court.

16 Sec. ____ . Section 901.5, Code 1989, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 8. The court may order the
19 defendant to complete any treatment indicated by a
20 substance abuse evaluation ordered pursuant to section
21 901.4A or any other section."

22 2. Renumber as necessary.

COMMITTEE ON JUDICIARY
RICHARD VARN, Chairperson

S-5576

1 Amend the House amendment, S-5531, to Senate File
2 2018, as passed by the Senate as follows:

3 1. Page 1, line 8, by inserting after the figure
4 "69.16A" the following: "subject to the
5 availability of a sufficient number of males and
6 females from among the elected officials who qualify
7 for commission membership to comply with the gender
8 balanced requirement".

RICHARD VANDE HOEF

S-5577

1 Amend Senate File 2378 as follows:

2 1. By striking page 8, line 32 through page 9,
3 line 5.

4 2. By renumbering as necessary.

EUGENE FRAISE

S-5578

- 1 Amend Senate File 2378 as follows:
2 1. Page 1, lines 17 through 19, by striking the
3 words and figures "Issuance of such stock in an amount
4 exceeding twenty-five thousand dollars shall be
5 governed by the law as found in sections 492.6 and
6 492.7." and inserting the following: "Issuance of
7 such stock in an amount exceeding twenty-five thousand
8 dollars shall be governed by the law as found in
9 sections 492.6 and 492.7."
10 2. Page 1, lines 19 and 20, by striking the words
11 "in amounts smaller than twenty-five thousand dollars"
12 and inserting the following: "in amounts smaller
13 than twenty-five thousand dollars".
14 3. Page 1, line 22, by striking the word
15 "director" and inserting the following: "director
16 directors".
17 4. Page 1, by striking lines 23 through 28, and
18 inserting the following: "competent appraiser
19 employed by the directors. Within thirty days after
20 such issue, the association shall file with the
21 secretary of state a verified report containing an
22 accurate detailed description of the thing purchased,
23 the valuation thereof by the directors, and the amount
24 of preferred stock thus issued. Such preferred stock
25 shall be".
26 5. Page 3, line 19, by striking the word "must"
27 and inserting the following: "may".
28 6. Page 3, line 25, by striking the words "and
29 explain the cause for".
30 7. Page 3, line 25, by striking the word
31 "defective" and inserting the following: "incorrect".
32 8. Page 3, line 26, by striking the word
33 "incorrect" and inserting the following: "defective".
34 9. Page 3, line 26, by striking the words "the
35 defective" and inserting the following: "the
36 incorrect".

EUGENE FRAISE

S-5579

- 1 Amend House File 2346, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 9 and 10 and insert-

4 ing the following: "amounts totaling at least ~~three~~
 5 ~~four and five-tenths one-half~~ percent and two and one-
 6 fourth percent, respectively, of".

WILLIAM W. DIELEMAN
 ELAINE SZYMONIAK
 LEONARD L. BOSWELL
 LINN FUHRMAN
 RICHARD VANDE HOEF

HOUSE AMENDMENT TO
 SENATE FILE 2003

S-5580

1 Amend Senate File 2003, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking everything after the
 4 enacting clause and inserting the following:
 5 "Section 1. Section 321.46, subsection 3,
 6 unnumbered paragraph 1, Code 1989, is amended to read
 7 as follows:
 8 The applicant shall be entitled to a credit for
 9 that portion of the registration fee of the vehicle
 10 sold, traded, or junked ~~within the state~~ which had not
 11 expired prior to the transfer of ownership of the
 12 vehicle. The registration fee for the new
 13 registration for the vehicle acquired shall be reduced
 14 by the amount of the credit. The credit shall be
 15 computed on the basis of the number of months
 16 remaining in the registration year, rounded to the
 17 nearest whole dollar. The credit shall be subject to
 18 the following limitations:
 19 Sec. 2. Section 321.46, subsection 3, paragraph c,
 20 Code 1989, is amended to read as follows:
 21 c. When the amount of the credit is computed to be
 22 an amount of less than ~~five~~ ten dollars, a credit
 23 shall be disallowed.
 24 Sec. 3. Section 321.46, subsection 3, paragraph e,
 25 Code 1989, is amended to read as follows:
 26 e. A credit shall not be allowed to any person who
 27 is eligible ~~has made claim~~ to receive a refund, ~~upon~~
 28 ~~proper application~~, under section 321.126.
 29 Sec. 4. Section 321.46, subsection 3, paragraph g,
 30 Code 1989, is amended by striking the paragraph and
 31 inserting the following:
 32 g. If the credit allowed exceeds the amount of the
 33 registration fee for the vehicle acquired, the owner

34 may claim a refund under section 321.126, subsection
35 6, for the balance of the credit.

36 Sec. 5. Section 321.46, subsection 6, Code 1989,
37 is amended to read as follows:

38 6. An applicant for a new registration for a
39 vehicle transferred to the applicant by a spouse,
40 parent or child of the applicant, or by operation of
41 law upon inheritance, devise or bequest, from the
42 applicant's spouse, parent or child, or by a former
43 spouse pursuant to a decree of dissolution of
44 marriage, is entitled to a credit to be applied to the
45 registration fee for the transferred vehicle. A
46 credit shall not be allowed unless the vehicle to
47 which the credit applies is registered within the time
48 specified under subsection 1. The credit shall be
49 computed on the basis of the number of unexpired
50 months remaining in the registration year of the

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1 former owner computed from the date the vehicle was
2 transferred, computed to the nearest whole dollar.
3 The credit shall not may exceed the amount of the
4 registration fee for the transferred vehicle. When
5 the amount of the credit is computed to be an amount
6 of less than five ten dollars, the credit shall be
7 disallowed. The credit shall not be sold,
8 transferred, or assigned to any other person.

9 Sec. 6. Section 321.126, unnumbered paragraph 1,
10 Code 1989, is amended to read as follows:

11 Refunds of unexpired vehicle registration fees
12 shall be allowed in accordance with this section,
13 except that no refund shall be allowed and paid if the
14 unused portion of the fee is less than five ten
15 dollars. Subsections 1 and 2 do not apply to motor
16 vehicles registered by the county treasurer. The
17 refunds shall be made as follows:

18 Sec. 7. Section 321.126, subsection 6, unnumbered
19 paragraph 1, Code 1989, is amended to read as follows:

20 If a vehicle is sold or junked and a replacement
21 vehicle is not purchased within the thirty days after
22 a replacement vehicle has been purchased and the title
23 and registration for the replacement vehicle issued
24 following the date of sale or junking, the owner in
25 whose name the vehicle was registered, after the
26 expiration of the thirty-day period, may within thirty
27 days after the date of sale or junking make claim to
28 the department for a refund of the sold or junked
29 vehicle's registration fee. Also if the owner of a
30 vehicle receives a vehicle registration fee credit

31 under section 321.46, subsection 3, and the credit
 32 allowed exceeds the amount of the registration fee for
 33 the vehicle acquired, the owner may claim a refund for
 34 the balance of the credit. The refund is subject to
 35 the following limitations:
 36 Sec. 8. Section 321.126, subsection 6, paragraph
 37 a, Code 1989, is amended to read as follows:
 38 a. The If a vehicle registration fee credit has
 39 not been received by the owner of the vehicle under
 40 section 321.46, subsection 3, the refund shall be
 41 computed on the basis of the number of unexpired
 42 months remaining in the registration year at the time
 43 the vehicle was sold or junked ~~and~~. The refund shall
 44 be rounded to the nearest whole dollar. Section
 45 321.127, subsection 1, does not apply.
 46 Sec. 9. Section 321.126, subsection 6, paragraph
 47 b, Code 1989, is amended by striking the paragraph.
 48 Sec. 10. Section 321.126, subsection 6, paragraph
 49 c, Code 1989, is amended to read as follows:
 50 c. The refund shall only be allowed if the owner

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1 provides ~~the credit~~ a copy of the registration receipt
 2 for the vehicle sold or junked ~~and a photocopy of the~~
 3 ~~registration receipt for the replacement vehicle.~~
 4 Sec. 11. Section 321.126, subsection 6, Code 1989,
 5 is amended by adding the following new paragraph
 6 immediately following paragraph c and relettering the
 7 subsequent paragraph:
 8 NEW PARAGRAPH. d. The refund shall only be
 9 allowed if the owner makes claim for the refund within
 10 six months after the date of the vehicle's sale,
 11 trade, or junking.
 12 Sec. 12.
 13 This Act takes effect January 1, 1991."
 14 2. Title page, line 1, by inserting after the
 15 word "refund" the following: "or credit".
 16 3. Title page, by striking lines 2 and 3 and
 17 inserting the following: "registration fees to
 18 persons who sell, trade, or junk their motor vehicles
 19 and providing an effective date."

S-5581

1 Amend the amendment, S-5543, to House File 2500, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 13 the

5 following:

6 " — . Page 2, line 10, by striking the word
7 "commits" and inserting the following: "is guilty
8 of".

9 — . Page 2, line 17, by striking the word
10 "commits" and inserting the following: "is guilty
11 of"."

12 2. By renumbering sections as necessary.

DONALD V. DOYLE

HOUSE AMENDMENT TO
SENATE JOINT RESOLUTION 2003

S-5582

1 Amend Senate Joint Resolution 2003 as passed by the
2 Senate as follows:

3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:

5 "The governor's planning council for developmental
6 disabilities shall convene representatives of the
7 department of human rights, Iowa department of public
8 health, department".

9 2. Page 1, line 6, by striking the word "shall"
10 and inserting the following: "to".

11 3. Page 1, line 8, by striking the word
12 "Designate" and inserting the following: "Identify".

13 4. Page 1, by striking lines 19 through 25 and
14 inserting the following:

15 "5. Jointly, and in consultation with
16 representatives of the senate and house of
17 representatives, prepare a report of findings and
18 recommendations concerning a coordinated approach to
19 planning, implementing, and evaluating disability
20 prevention activities and submit the report to the
21 governor and the general assembly on or before October
22 1, 1990."

23 5. Title page, page 1, by striking lines 1
24 through 5 and inserting the following: "A Joint
25 Resolution proposing the establishment of disability
26 prevention activities coordination by certain state
27 agencies, and requiring preparation of a report
28 relating to coordination of disability prevention
29 programs."

30 6. Title page, by striking page 2, line 23
31 through page 3, line 40 and inserting the following:
32 "WHEREAS, a coordinated approach to disability

33 prevention activities should be established within
34 state government in order to assist with the
35 prevention of disabilities, and the following
36 activities should be performed:
37 1. Development of strategies to reduce
38 disabilities which begin prior to conception and
39 continue through adolescence.
40 2. Coordination of disability prevention efforts
41 of the following state agencies: department of human
42 rights, Iowa department of public health, department
43 of human services, department of education, department
44 of natural resources, state department of
45 transportation, and department of public safety by
46 using the Iowa state plan for the prevention of
47 developmental disabilities.
48 3. Development of a mechanism to assure ongoing
49 coordination in the planning, implementation, and
50 evaluation of disability prevention activities. NOW

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1 THEREFORE.”

HOUSE AMENDMENT TO
SENATE FILE 2240

S-5583

1 Amend Senate File 2240, 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 99D.27, Code Supplement 1989,
6 is amended by striking the section and inserting in
7 lieu thereof the following:
8 99D.27 RACING DOG ADOPTION PROGRAM.
9 A track licensed to race dogs under this chapter
10 shall maintain a racing dog adoption program. The
11 track shall contract with a person approved by the
12 department of agriculture and land stewardship to
13 place racing dogs eligible for adoption under this
14 section. The track shall advertise the availability
15 of adoptable dogs in the media, including but not
16 limited to racing programs. The track shall compile a
17 list of persons applying to adopt a dog. A dog’s
18 owner or dog’s trainer acting with the consent of the
19 owner may participate in the program by placing the
20 dog for adoption. The ownership of the dog shall be

21 transferred from the owner of the dog to the person
 22 who is adopting the dog. A dog shall not be
 23 transferred to a person for purposes related to
 24 racing, breeding, hunting, laboratory research, or
 25 scientific experimentation. A dog shall not be
 26 transferred unless the dog has been examined by a
 27 veterinarian and found to be free of disease requiring
 28 extensive medical treatment. A dog shall not be
 29 transferred, until a veterinarian has certified that
 30 the dog has been sterilized. The track may transfer a
 31 dog to a governmental agency or nonprofit organization
 32 without examination or certification. However, other
 33 requirements relating to the transfer of a dog to a
 34 person by a track under this section apply to the
 35 transfer of a dog to a person by the agency or
 36 organization. A person violating this section is
 37 guilty of a simple misdemeanor.”
 38 2. Title page, line 1, by inserting after the
 39 word “dogs” the following: “, and providing
 40 penalties”.

HOUSE AMENDMENT TO
 SENATE FILE 2080

S-5584

1 Amend Senate File 2080, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 15, by striking the word
 4 “virgantum” and inserting the following: “virgatum”.

S-5585

1 Amend Senate File 2412 as follows:
 2 1. Page 3, by striking line 26, and inserting the
 3 following: “twelve months following the”.

DONALD V. DOYLE
 JIM RIORDAN

S-5586

1 Amend the committee amendment, S-5321, to House
 2 File 724, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 3, by striking lines 25 through 32.
 5 2. Page 13, line 2, by inserting after the figure

6 "3" the following: "or where either of the parts
7 after being divided is ten acres or less and the
8 county auditor determines that the metes and bounds
9 description is adequate or a survey and plat of survey
10 are not necessary".

11 3. Page 15, lines 33 and 34, by striking the
12 words "when required by ordinance of the governing
13 body or".

14 4. Page 17, by striking lines 5 through 10 and
15 inserting the following: "shall apply reasonable
16 standards and conditions in accordance with applicable
17 statutes for the review and approval of subdivisions.
18 The governing body, within sixty days of submission of
19 the proposed subdivision plat, shall determine whether
20 the subdivision".

21 5. Page 18, by striking lines 32 through 43 and
22 inserting the following:

23 "4. Failure of the governing body to either
24 approve or reject a subdivision plat within sixty days
25 from the date of application. In such case, the
26 person proposing the plat has the right to file the
27 plat with the county recorder, assessor, and auditor.
28 If the plat is disapproved by the governing body, such
29 disapproval shall state how the proposed plat is
30 objectionable. The applicant has the right to appeal
31 the action of the council refusing to approve the plat
32 as provided in this section.

33 The applicant or the aggrieved governing body has
34 the right to appeal to the district court within
35 twenty days after the date of the denial of the
36 application or the date of the receipt by the
37 applicant of the requirements or the date of approval
38 of the subdivision. Notice of appeal shall be served
39 on the governing body in the manner provided for the
40 service of original notices pursuant to the rules of
41 civil procedure. The appeal shall be triable de novo
42 as an equitable proceeding and accorded such
43 preference and assignment as to assure its prompt
44 disposition."

45 6. Page 26, line 2, by striking the word "court"
46 and inserting the following: "governing body".

47 7. Page 26, line 8, by striking the words
48 "district court" and inserting the following:
49 "governing body".

50 8. Page 26, line 15, by striking the words

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1 "district court" and inserting the following:
2 "governing body".

- 3 9. By striking page 28, line 44, through page 29,
4 line 17.
5 10. Renumber as necessary.

C. JOSEPH COLEMAN

S-5587

- 1 Amend House File 656 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 1, by inserting after the word
4 "Code" the following: "Supplement".
5 2. Page 2, line 12, by inserting after the word
6 "Code" the following: "Supplement".
7 3. Page 3, line 21, by inserting after the word
8 "Code" the following: "Supplement".
9 4. Page 4, line 4, by inserting after the word
10 "Code" the following: "Supplement".
11 5. Page 4, by striking lines 6 through 13, and
12 inserting the following:
13 "4. a. Provide centralized purchasing services
14 for the department, in co-operation with the
15 department of general services. The administrator
16 shall, ~~whenever the price is reasonably competitive~~
17 ~~and the quality intended,~~ purchase soybean-based or
18 refrain from purchasing inks and starch-based
19 plastics, including but not limited to starch-based
20 plastic garbage can liners, and shall purchase these
21 items in accordance with the schedule established in
22 section 18.18.
23 b. The administrator shall ~~also, in conjunction~~
24 ~~with recommendations made by the department of natural~~
25 ~~resources, purchase~~ do all of the following:
26 (1) Purchase and use recycled printing and writing
27 paper in accordance with the schedule established in
28 section 18.18; ~~shall establish and in conjunction with~~
29 recommendations made by the department of natural
30 resources.
31 (2) Establish a wastepaper recycling program by
32 January 1, 1990, in accordance with recommendations
33 made by the department of natural resources and the
34 requirements of section 18.20; ~~shall comply.~~
35 (3) Comply with the recycling goal, recycling
36 schedule, and ultimate termination of purchase and use
37 of polystyrene products for the purpose of storing,
38 packaging, or serving food for immediate consumption
39 pursuant to section 455D.16; ~~and shall, in accordance~~
40 ~~with section 18.6, require.~~
41 (4) Require in accordance with section 18.6

42 product content statements, the provision of
43 information regarding on-site review of waste
44 management in product bidding and contract procedures,
45 and compliance with requirements regarding procurement
46 specifications.”

47 6. Page 4, line 14, by striking the letter “b”
48 and inserting the following: “c”.

49 7. Page 4, line 28, by inserting after the word
50 “Code” the following: “Supplement”.

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1 8. Page 5, line 34, by inserting after the word
2 “Code” the following: “Supplement”.

C. JOSEPH COLEMAN

S-5588

1 Amend the amendment S-5505, to House File 2320, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 47, the
5 following:

6 “Sec. — . NEW SECTION. 505.17 INSURANCE RATE
7 INFORMATION FOR CONSUMERS' USE.

8 The commissioner shall compile and cause to be
9 disseminated every six months a rate information
10 report for all competitive lines of insurance. The
11 report shall facilitate cost comparisons between
12 carriers for equivalent insurance coverage by
13 similarly situated consumers. The report shall be
14 structured to permit the average insurance consumer to
15 understand and use the information. The report shall
16 carry an appropriate disclaimer that publication of
17 information concerning a carrier within the report
18 does not constitute an endorsement of the carrier by
19 the division or the state. The division shall dis-
20 seminate the report to libraries and media outlets in
21 order to facilitate access to, and knowledge of, the
22 existence of the report and the information contained
23 in the report. The division shall also make the
24 report available upon request.”

25 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5589

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 7, line 16, by striking the words "Iowa
- 3 association" and inserting the following:
- 4 "association which represents the largest number"

RICHARD VARN

S-5590

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 46, line 3, by striking the word
- 3 "trustees" and inserting the following: "directors".
- 4 2. Page 47, line 23, by striking the words
- 5 "previously specified" and inserting the following:
- 6 "specified for the selling of certificates under
- 7 section 280B.6".
- 8 3. Page 48, line 15, by striking the word
- 9 "solely".
- 10 4. Page 48, line 16, by inserting after the word
- 11 "irrevocable" the following: "first lien".
- 12 5. Page 48, line 26, by inserting after the word
- 13 "institution." the following: "In addition, the board
- 14 may secure any bonds or notes issued by borrowing
- 15 money, by mortgaging any real estate or improvements
- 16 erected on real estate, or by pledging rents, profits,
- 17 and income received from property for the discharge of
- 18 mortgages."
- 19 6. Page 49, line 9, by inserting after the word
- 20 "adviser," the following: "any underwriter
- 21 discount,".

RICHARD VARN

S-5591

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 8, by inserting after line 8, the
- 3 following:
- 4 "Sec. ____ . Section 261.12, subsection 1, Code
- 5 Supplement 1989, is amended to read as follows:
- 6 1. The amount of a tuition grant to a qualified
- 7 full-time student for the fall and spring semesters,
- 8 or the trimester equivalent, shall be the amount of
- 9 the student's financial need for that period. ~~However,~~
- 10 ~~a tuition grant shall not exceed the lesser of:~~
- 11 ~~a. The total tuition and mandatory fees for that~~
- 12 ~~student for two semesters or the trimester or quarter~~
- 13 ~~equivalent; less the base amount determined annually~~

14 by the college aid commission, which base amount shall
 15 be within ten dollars of the average tuition for two
 16 semesters or the trimester equivalent of undergraduate
 17 study at the state universities under the board of
 18 regents, but in any event the base amount shall not be
 19 less than four hundred dollars; or

20 b. For the fiscal year beginning July 1, 1989
 21 1990, and for each following fiscal year, two thousand
 22 five hundred dollars the maximum grant amount shall be
 23 two thousand six hundred fifty dollars. In succeeding
 24 years, the maximum grant amount shall increase by two
 25 hundred fifty dollars until the maximum grant amount
 26 reaches an amount which equals the difference between
 27 resident and nonresident tuition rates at the state
 28 universities under the control of the board of
 29 regents.

30 Sec. ____ . Section 261.25, subsection 1, Code
 31 Supplement 1989, is amended to read as follows:

32 1. There is appropriated from the general fund of
 33 the state to the commission for each fiscal year the
 34 sum of thirty million six hundred eighty-two thousand
 35 five hundred five dollars for tuition grants an amount
 36 which equals the greater of the following amounts:
 37 a. Thirty-two million five hundred twelve thousand
 38 eight hundred dollars.

39 b. An amount which equals the product of the
 40 maximum allowable grant to a qualified student under
 41 section 261.12 times a number which represents
 42 seventy-five percent of the number of qualified
 43 tuition grant applicants.

44 However, if the amount contained in paragraph "a"
 45 is less than the amount in paragraph "b", the amount
 46 contained in paragraph "a" shall be increased each
 47 fiscal year by ten percent until the amount contained
 48 in paragraph "a" at least equals the amount in
 49 paragraph "b". After the amount in paragraph "a"
 50 equals the amount in paragraph "b", the amount in

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1 paragraph "b" shall be appropriated each fiscal year."

WILLIAM DIELEMAN

S-5592

1 Amend Senate File 2410 as follows:
 2 1. Page 76, by inserting after line 8, the

3. following:

4 "Sec. ____.

5 The department of education in cooperation with the
6 boards of trustees of each community college shall
7 conduct a study of the child care needs of students,
8 faculty, and staff at each of the community colleges.
9 The department shall submit its findings, along with
10 any recommendations, in a report to the general
11 assembly by December 1, 1991."

12 2. By numbering and renumbering as necessary.

JIM LIND

S-5593

1 Amend Senate File 2410 as follows:

2 1. Page 22, line 1, by inserting after the word
3 "courses." the following: "If the community college's
4 curriculum does not include support services to
5 provide educational access to programs for students
6 with special education needs, the board shall make an
7 assessment of the need for special support services in
8 the college and expand the college's curriculum to
9 meet identified needs."

10 2. Page 22, line 16, by inserting after the word
11 "area." the following: "In determining whether a
12 course or program is needed, the board of directors
13 shall assess both the needs of the population of the
14 area served and any special needs of the student
15 population of the particular community college."

16 3. Page 30, line 27, by inserting after the word
17 "counseling," the following: "support services for
18 students with special education needs."

19 4. Page 41, line 33, by inserting after the words
20 "developmental education," the following: "breadth of
21 supporting services for students with special needs
22 such as curriculum and instructional modification,".

23 5. Page 42, line 5, by inserting after the word
24 "constituencies." the following: "This shall include
25 an annual report on the number of students with
26 disabilities who apply, who are enrolled, and who
27 complete programs offered at each community college."

28 6. Page 42, line 9, by inserting after the word
29 "counseling," the following: "support services for
30 students with special education needs,".

31 7. Page 42, by inserting after line 22, the
32 following:

33 "Standards developed shall include provisions
34 requiring equal access in recruitment, enrollment, and

35 placement activities for students with special
 36 education needs. The provisions shall include a
 37 requirement that students with special education needs
 38 shall receive instruction in the least restrictive
 39 environment with access to program offerings at a
 40 college, through, but not limited to, adaptation of
 41 curriculum, instruction, equipment, facilities, career
 42 guidance, and counseling services."

43 8. Page 42, line 33, by inserting after the word
 44 "performance," the following: "development of methods
 45 and strategies for meeting the needs of students with
 46 special needs and integrating those students into
 47 regular instructional programs."

48 9. Page 44, by inserting after line 14 the
 49 following:

50 "3. A description of the assessment mechanism to

Page 2

1 be used to determine whether staff development
 2 activities have resulted in measurable improvement in
 3 the quality, effectiveness, and performance of
 4 community college staff."

5 10. Page 55, by inserting after line 5, the
 6 following:

7 "5. Students whose disabilities require special
 8 housing adaptations."

JOY CORNING
 RICHARD J. VARN
 ELAINE SZYMONIAK
 CALVIN O. HULTMAN

S-5594

1 Amend the amendment S-5593, to Senate File 2410 as
 2 follows:

3 1. Page 1, line 6, by inserting after the word
 4 "board" the following: ", in compliance with state
 5 board policies for providing services to special needs
 6 students,".

7 2. Page 1, line 15, by inserting after the word
 8 "college." the following: "The state board shall
 9 monitor the process and outcomes of services for
 10 special populations."

11 3. Page 1, line 18, by striking the word
 12 "education".

13 4. Page 1, line 39, by inserting after the word
 14 "to" the following: "the full range of".

JOY CORNING

S-5595

1 Amend House File 656, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. NEW SECTION. 2.34 PURCHASE OF
6 RECYCLED PRODUCTS.

7 It shall be the policy of the general assembly to
8 procure and purchase recycled products and to recycle
9 products used in the operation of the general assembly
10 under the following guidelines:

11 1. "Recycled paper product" means a paper product
12 containing at least the minimum percentage of waste
13 paper or post consumer recovered material as
14 recommended by the United States environmental
15 protection agency guideline for recovered materials
16 content in paper products procured by the federal
17 government in effect as of January 1, 1988.

18 2. Recycled paper products shall include, but are
19 not limited to the following:

20 a. All grades and types of xerographic or copy
21 paper.

22 b. Newsprint.

23 c. All grades and types of printing and writing
24 paper.

25 d. Corrugated boxes and fiberboard boxes.

26 e. Folding boxboard and cartons.

27 f. Stationary, office papers, including but not
28 limited to memo pads and scratch pads.

29 g. Envelopes.

30 h. Manifold business forms, including computer
31 paper.

32 i. Toilet tissue, paper towels, facial tissue,
33 paper napkins, doilies, and industrial wipes.

34 j. Brown papers and coarse papers.

35 3. To the extent permitted by state law,
36 preference shall be given to purchase of recycled
37 products provided those products are available through
38 reasonable, good faith efforts to procure such
39 products.

40 4. The general assembly shall require the supplier
41 of any recycled paper product purchased to provide a
42 letter of assurance from the mill manufacturing such
43 paper which verifies that the paper products sold to
44 the general assembly comply with the content standards
45 of subsection 1.

46 5. With respect to products other than paper
47 products, the general assembly shall give preference
48 to purchase of recyclable products and products made
49 in whole or in part from recycled products whenever
50 such products can be obtained at prices equal to

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1 nonrecycled or nonrecyclable products.
2 6. The general assembly shall also implement
3 reasonable means to recycle those products that are
4 recyclable after their use in legislative operations.
5 7. The legislative council shall implement these
6 policies for central agencies within the legislative
7 branch that acquire products serving both houses of
8 the general assembly, and the presiding officers shall
9 implement similar policies in each house.”
10 2. Page 6, by inserting after line 17, the
11 following:
12 “Sec. ____
13 Supplies of paper products currently in the general
14 assembly inventory, or any items on order or
15 contracted for, may be used until they are exhausted,
16 and any additional supplies required to complete the
17 business of the Seventy-third General Assembly where
18 uniformity of style and format are necessary may be
19 procured regardless of the products’ material content
20 or recyclability.”
21 3. Title page, line 3, by inserting before the
22 word “department” the following: “general assembly,
23 the”.
24 4. By renumbering as necessary.

PAUL D. PATE

S-5596

1 Amend the amendment, S-5534, to Senate File 2306,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 7, the
5 following:
6 “____. Page 1, line 29, by inserting after the
7 word “deadline” the following: “or if the request is
8 to enroll a child in kindergarten in a public school
9 in another district.””

LARRY MURPHY

S-5597

- 1 Amend Senate File 2410 as follows:
- 2 1. By striking page 46, line 1 through page 55,
- 3 line 26.
- 4 2. By renumbering as necessary.

GEORGE KINLEY
JACK RIFE

S-5598

- 1 Amend the amendment, S-5505, to House File 2320, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 18, by inserting after line 21, the
- 5 following:
- 6 "Sec. ____ . Section 702.11, Code Supplement 1989,
- 7 is amended to read as follows:
- 8 702.11 FORCIBLE FELONY.
- 9 A "forcible felony" is any felonious child
- 10 endangerment, assault, murder, sexual abuse other than
- 11 sexual abuse in the third degree committed between
- 12 spouses or in violation of section 709.4, subsection
- 13 2, paragraph "c", subparagraph (4), kidnapping,
- 14 robbery, arson in the first or second degree, or
- 15 burglary in the first degree.
- 16 Sec. ____ . NEW SECTION. 712.1A ARSON IN THE FIRST
- 17 DEGREE.
- 18 Arson in the first degree is arson which results in
- 19 the death of a person, including the death of a paid
- 20 or volunteer firefighter. Arson in the first degree
- 21 is a class "A" felony.
- 22 Sec. ____ . Section 712.2, Code 1989, is amended to
- 23 read as follows:
- 24 712.2 ARSON IN THE FIRST SECOND DEGREE.
- 25 Arson is arson in the first second degree when the
- 26 property which the defendant intends to destroy or
- 27 damage, or which the defendant knowingly endangers, is
- 28 property in which the presence of one or more persons
- 29 can be reasonably anticipated, or the arson results in
- 30 the death of a fire fighter, whether paid or
- 31 volunteer.
- 32 Arson in the first second degree is a class "B"
- 33 felony.
- 34 Sec. ____ . Section 712.3, Code 1989, is amended to

35 read as follows:

36 712.3 ARSON IN THE ~~SECOND~~ THIRD DEGREE.

37 Arson which is not arson in the first ~~or second~~
38 degree is arson in the ~~second~~ third degree when the
39 property which the defendant intends to destroy or
40 damage, or which the defendant knowingly endangers, is
41 a building or a structure, or real property of any
42 kind, or standing crops, or is personal property the
43 value of which exceeds five hundred dollars. Arson in
44 the ~~second~~ third degree is a class "C" felony.

45 Sec. ____ . Section 712.4, Code 1989, is amended to
46 read as follows:

47 712.4 ARSON IN THE ~~THIRD~~ FOURTH DEGREE.

48 Arson which is not arson in the first, ~~second, or~~
49 third degree ~~or arson in the second degree~~ is arson in
50 the ~~third~~ fourth degree. Arson in the ~~third~~ fourth

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1 degree is an aggravated misdemeanor."

2 2. Page 18, line 29, by inserting after the word
3 "insurance," the following: "insurable casualties
4 including arson,".

5 3. By renumbering as necessary.

MARK R. HAGERLA

S-5599

1 Amend House File 2371 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 25, by inserting after line 24 the
4 following:

5 "Sec. 100. CERTIFICATES OF NEED -- OCCUPANCY
6 RATES.

7 All certificate of need applications which propose
8 a change in bed capacity and which are approved by the
9 council shall be granted a one-year grace period from
10 the time of initial utilization of additional bed
11 capacity to attain the required occupancy rate.

12 Sec. ____ . Section 100 of this Act applies
13 retroactively to January 1, 1989."

14 2. Title page, line 4, by inserting after the
15 word "health" the following: ", and providing a
16 retroactive applicability date for certain

17 provisions”.

18 3. By renumbering as necessary.

WILLIAM W. DIELEMAN
CHARLES BRUNER

S-5600

1 Amend Senate File 2410 as follows:

2 1. Page 23, by striking lines 1 through 6 and
3 inserting the following: “Tuition for nonresidents of
4 Iowa shall not be less than one hundred fifty percent
5 and not more than two hundred percent of the tuition
6 established for residents of Iowa. Tuition for
7 resident or nonresident students may be set at a
8 higher figure with the approval of the state board. A
9 lower”.

JULIA GENTLEMAN

S-5601

1 Amend the amendment S-5505, to House File 2320, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 47, the
5 following:

6 “Sec. ____ . **NEW SECTION. 505.17 INSURANCE RATE**
7 **INFORMATION FOR CONSUMERS' USE.**

8 The commissioner shall compile and cause to be
9 disseminated, to the extent practicable, every six
10 months a rate information report for all lines of
11 insurance determined to be in a competitive market
12 pursuant to section 515A.22. The report shall
13 facilitate cost comparisons between carriers for
14 equivalent insurance coverage by similarly situated
15 consumers. The report shall be structured to permit
16 the average insurance consumer to understand and use
17 the information. The report shall carry an
18 appropriate disclaimer that publication of information
19 concerning a carrier within the report does not
20 constitute an endorsement of the carrier by the
21 division or the state. The division shall disseminate
22 the report to libraries and media outlets in order to
23 facilitate access to, and knowledge of, the existence
24 of the report and the information contained in the
25 report. The division shall also make the report

26 available upon request.”

27 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5602

1 Amend Senate File 2410 as follows:

2 1. Page 74, by inserting after line 15 the
3 following:

4 “Sec. ____ . Section 298.20, Code 1989, is amended
5 to read as follows:

6 298.20 FUNDING OR REFUNDING BONDS.

7 For the purpose of providing for the payment of a
8 indebtedness of any school corporation represented by
9 judgments or bonds, the board of directors of such
10 school corporation, at any time or times, may provide
11 by resolution for the issuance of bonds of such school
12 corporation, to be known as funding or refunding
13 bonds. The proceeds derived from the ~~negotiation of~~
14 ~~such~~ funding or refunding bonds shall be applied in
15 payment of such indebtedness; or ~~said~~ the funding
16 bonds or refunding bonds may be issued in exchange for
17 the evidences of such indebtedness, par for par.”

18 2. By numbering, renumbering, and changing
19 internal references as necessary.

LARRY MURPHY

S-5603

1 Amend Senate File 2410 as follows:

2 1. Page 61, by inserting after line 17, the
3 following:

4 “Sec. ____ . NEW SECTION. 280B.8 REPORTS.

5 The board of directors of each community college
6 shall annually by January 1, submit to the governor
7 and the general assembly a report which evaluates each
8 program in operation under chapter 280B at the
9 community college under the board's control in
10 accordance with the following criteria:

11 1. The impact of the proposed project on other
12 businesses in competition with the business being
13 considered for assistance. The community college
14 shall make a good faith effort to identify existing
15 Iowa businesses within an industry in competition with
16 the business being considered for assistance. The
17 community college shall make a good faith effort in

18 consultation with identified competitors, to determine
19 the probability that the proposed financial assistance
20 will displace employees of the existing businesses.
21 In determining the impact on businesses in competition
22 with the business being considered for assistance,
23 jobs created as a result of other jobs being displaced
24 elsewhere in the state shall not be considered direct
25 jobs created.

26 2. The quality of jobs to be provided. Jobs that
27 have a higher wage scale, have a lower turnover rate,
28 are full-time, or are career-type positions are
29 considered higher in quality. Businesses that have
30 wage scales substantially below the wage scale of
31 existing Iowa businesses in the same business area
32 should be viewed as providing the lowest quality of
33 jobs.

34 3. If the business has a record of violations of
35 environmental, health, or safety law over a period of
36 time that tends to show a consistent pattern.

37 4. If a business has, within three years of the
38 date of the agreement, acquired or merged with an Iowa
39 corporation or company, and made a good faith effort
40 to hire the workers of the merged or acquired company.

41 5. If the business provides a preference for
42 hiring residents of the state or the area, except for
43 out-of-state employees offered a transfer to Iowa or
44 the area.

45 6. If required environmental permits must be
46 granted and regulations must be met.

47 7. If training provided through an agreement under
48 this chapter is only for occupations for which there
49 is a demand in the area served.

50 8. If program services are to be used to assist a

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1 firm or industry that is in violation of local, state,
2 or federal labor laws, or involved in a labor strike,
3 lockout, or similar labor dispute.

4 9. If program services impair existing contracts
5 for services or collective bargaining agreements.

6 10. If a labor organization is provided with an
7 opportunity to comment on proposed program services
8 when the labor organization represents a substantial
9 number of employees engaged in similar work or
10 training in the area.

11 Each report shall describe each criterion which is
12 or is not met under the program and, if the program
13 does not meet a criterion, why the community college

14 has chosen to undertake the program.”

15 2. By renumbering as necessary.

CHARLES BRUNER

S-5604

1 Amend Senate File 2412 as follows:

2 1. Page 3, line 31, by striking the word

3 “CRIMINAL”.

JAMES R. RIORDAN

S-5605

1 Amend House File 2455 as amended, passed, and

2 reprinted by the House, as follows:

3 1. By striking page 8, line 31 through page 9,

4 line 4.

5 2. By renumbering as necessary.

EUGENE FRAISE

S-5606

1 Amend the amendment, S-5519, to House File 2188, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by inserting after line 2 the follow-

5 ing:

6 “___ . Page 1, line 4, by striking the word

7 “ordinance” and inserting the following: “motion of

8 the local authority.”

9 2. By renumbering sections.

PAT DELUHERY

S-5607

1 Amend Senate File 2410 as follows:

2 1. Page 74, by inserting after line 15 the

3 following:

4 “Sec. ___ . Section 298.20, Code 1989, is amended

5 to read as follows:

6 298.20 FUNDING OR REFUNDING BONDS.

7 For the purpose of providing for the payment of any

8 indebtedness of any school corporation represented by

9 judgments or bonds, the board of directors of such
 10 school corporation, at any time or times, may provide
 11 by resolution for the issuance of bonds of such school
 12 corporation, to be known as funding or refunding
 13 bonds. The proceeds derived from the ~~negotiation~~
 14 public or private sale of such funding or refunding
 15 bonds shall be applied in payment of such
 16 indebtedness; or ~~said the~~ funding bonds or refunding
 17 bonds may be issued in exchange for the evidences of
 18 such indebtedness, par for par."

19 2. By numbering, renumbering, and changing
 20 internal references as necessary.

LARRY MURPHY

S-5608

1 Amend Senate File 2410 as follows:

2 1. Page 15, line 20, by inserting after the word
 3 "board." the following: "The policy shall include a
 4 student evaluation mechanism which requires student
 5 evaluation of persons providing instruction at the end
 6 of each academic period."

7 2. Page 26, line 27, by inserting after the word
 8 "board." the following: "The policy shall include a
 9 student evaluation mechanism which requires student
 10 evaluation of persons providing instruction at the end
 11 of each academic period."

BEVERLY A. HANNON
 MIKE CONNOLLY

S-5609

1 Amend House File 2371 as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 25, by inserting after line 24 the
 4 following:

5 "Sec. 100. BED CAPACITY OCCUPANCY RATE -- GRACE
 6 PERIOD.

7 All persons submitting applications for a change in
 8 bed capacity which are approved under chapter 135,
 9 division VI, shall be granted a one-year grace period
 10 from the time of initial utilization of additional bed
 11 capacity to attain the required occupancy rate.

12 Sec. ____.

13 Section 100 of this Act applies retroactively to
 14 January 1, 1989."

- 15 2. Title page, line 4, by inserting after the
 16 word "health" the following: ", and providing a
 17 retroactive applicability date for certain
 18 provisions".
 19 3. By renumbering as necessary.

WILLIAM W. DIELEMAN
 CHARLES BRUNER

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2170

S-5610

- 1 Amend the Senate amendment, H-5668, to House File
 2 2170, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the fol-
 5 lowing:
 6 " ____ . Page 1, by striking lines 12 through 14,
 7 and inserting the following:
 8 "2. A pesticide."
 9 2. Page 1, lines 7 and 8, by striking the words
 10 "given written notice to the director" and inserting
 11 the following: "received a permit from the depart-
 12 ment".
 13 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2277

S-5611

- 1 Amend Senate File 2277, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 15 through 17, and
 4 inserting the following: "placement of a sign, the
 5 department shall attempt to reach an agreement with
 6 the landowner for relocating the sign. If possible,
 7 the sign shall be relocated from the place of
 8 objection. If the sign must be located on an
 9 objectionable place, it shall be located on the least
 10 objectionable place possible."
 11 2. Page 2, by inserting after line 24, the
 12 following:
 13 "Sec. ____ . Section 306C.11, subsection 5,

14 unnumbered paragraph 3, Code 1989, is amended by
15 striking the paragraph."

16 3. Page 3, line 15, by inserting after the word
17 "stewardship," the following: "natural resources,
18 cultural affairs,".

19 4. Page 3, line 17, by striking the word "agency"
20 and inserting the following: "association".

21 5. Page 3, line 26, by inserting after the word
22 "signing," the following: "The rules shall not be
23 applicable to directional signs relating to historic
24 sites on land owned or managed by state agencies, as
25 provided in section 321.253A."

26 6. Page 4, line 3, by inserting after the word
27 "sites," the following: "Tourist-oriented directional
28 signs may be placed on highways within the maximum
29 travel distance that have the greatest traffic count
30 per day, if sufficient space is available."

31 7. Page 4, line 5, by inserting after the word
32 "crossroad," the following: "Appropriate trailblazing
33 shall be installed over the most desirable routes on
34 lesser traveled primary highways, secondary roads, and
35 city streets leading to the tourist attraction."

36 8. Page 4, by inserting after line 21, the
37 following:

38 "Sec. ____ . NEW SECTION. 321.253A DIRECTIONAL
39 SIGNS RELATING TO HISTORIC SITES ON LAND OWNED OR
40 MANAGED BY STATE AGENCIES.

41 1. The department shall place and maintain
42 directional signs upon primary highways which provide
43 information about historic sites which are located on
44 land owned or managed by an agency as defined in
45 section 17A.2. The signs shall conform to the manual
46 of uniform traffic devices. However, the directional
47 signs are not subject to requirements applicable to
48 tourist-oriented directional signs.

49 2. Upon request by a city or county in which a
50 historic site is located on land owned or managed by

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1 an agency, the department shall distribute a
2 directional sign as provided in this section to the
3 city or county for erection upon roads or streets
4 within their jurisdictions.

5 3. The location of the historic site shall be
6 memorialized on transportation maps of the state
7 published under the direction of the department and
8 generally made available to the public.

9 4. The department shall not erect, maintain, or
10 distribute a directional sign or include on a

11 transportation map information about a historic site
 12 located on land owned or managed by an agency if the
 13 department receives an objection by the agency."
 14 9. By renumbering, relettering, or redesignating,
 15 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 148

S-5612

1 Amend Senate File 148, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 17, by inserting after the word
 4 "suffering" the following: ", or to a person who
 5 justifiably acts in defense of self or another".

S-5613

1 Amend Senate File 2233, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 542.1, subsections 3 and 9,
 6 Code Supplement 1989, are amended to read as follows:
 7 3. "Grain dealer" means a person who buys during
 8 any calendar month ~~five hundred one thousand~~ bushels
 9 of grain or more from the producers of the grain for
 10 purposes of resale, milling, or processing. However,
 11 "grain dealer" does not include a producer of grain
 12 who is buying grain for the producer's own use as seed
 13 or feed; a person solely engaged in buying grain
 14 future contracts on the board of trade; a person who
 15 purchases grain only for sale in a registered feed; a
 16 person who purchases grain for sale in a nonregistered
 17 customer-formula feed regulated by chapter 198; and
 18 who purchases less than a total of fifty thousand
 19 bushels of grain annually from producers; ~~and who is~~
 20 ~~also exempt as an incidental warehouse operator under~~
 21 ~~chapter 543~~; a person engaged in the business of
 22 selling agricultural seeds regulated by chapter 199; a
 23 person buying grain only as a farm manager; an
 24 executor, administrator, trustee, guardian, or
 25 conservator of an estate; a bargaining agent as
 26 defined in section 542A.1; or a custom livestock
 27 feeder.
 28 9. "Financial institution" means a bank or savings

29 and loan association authorized by the state of Iowa
30 or by the laws of the United States, which is a member
31 of the federal deposit insurance corporation or the
32 federal savings and loan insurance corporation,
33 respectively; the cooperative finance association; or
34 the national bank for cooperatives established in the
35 Agricultural Credit Act, Pub. L. No. 100-233.
36 Sec. 2. Section 542.1, Code Supplement 1989, is
37 amended by adding the following new subsections:
38 NEW SUBSECTION. 10. "Board" means the Iowa grain
39 indemnity fund board created in section 543A.4.
40 NEW SUBSECTION. 11. "Good cause" means grounds
41 for concluding that the net worth or current asset to
42 current liability ratio of a person licensed under
43 this chapter presents a danger to producers or sellers
44 with whom the licensee deals, and which includes
45 evidence of any of the following:
46 a. The issuance of checks on insufficient funds.
47 b. A quality or quantity shortage where the
48 licensee is also a warehouse operator as defined in
49 section 543.1.
50 c. Violations of recordkeeping requirements.

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1 d. Payment for grain which is delayed by the
2 dealer without consent by the payee, subject to the
3 provisions of sections 542.8 and 542.15.
4 e. Use of credit sale contracts in violation of
5 section 542.15.
6 NEW SUBSECTION. 12. "Person" means an individual,
7 corporation, partnership, or two or more persons
8 having a joint or common interest in the same venture,
9 and, except with respect to the privilege of operating
10 a grain dealer operation under this chapter, shall
11 include the United States or this state, or any
12 subdivision or agency of the United States or this
13 state.
14 Sec. 3. Section 542.3, subsection 4, paragraph b,
15 Code Supplement 1989, is amended to read as follows:
16 b. The grain dealer shall submit, as required by
17 the department, a financial statement that is
18 accompanied by an unqualified opinion based upon an
19 audit performed by a certified public accountant
20 licensed in this state. However, the department may
21 accept a qualification in an opinion that is
22 unavoidable by any audit procedure that is permitted
23 under generally accepted accounting principles. An
24 opinion that is qualified because of a limited audit
25 procedure or because the scope of an audit is limited

26 shall not be accepted by the department. The
27 department shall not require that a grain dealer
28 submit more than one such unqualified opinion per
29 year. The grain dealer may elect, ~~however,~~ to submit
30 a financial statement that is accompanied by the
31 report of a certified public accountant licensed in
32 this state that is based upon a review performed by
33 the certified public accountant in lieu of the audited
34 financial statement specified in this paragraph.
35 However, at any time the department may require a
36 financial statement that is accompanied by the report
37 of a certified public accountant licensed in this
38 state that is based upon a review performed by a
39 certified public accountant if the department has good
40 cause to believe that the net worth or current asset
41 to current liability ratio of a licensee presents a
42 danger to producers or sellers with whom the licensee
43 deals. "Good cause" means that the department has
44 evidence that the licensee issued checks on
45 insufficient funds, evidence of a quality or quantity
46 shortage in a warehouse facility, or evidence of
47 violations of recordkeeping requirements. If a grain
48 dealer making the election engages in credit sale
49 contracts, the grain dealer shall also comply with the
50 provisions of section 542.15, subsection 8.

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1 Sec. 4. Section 542.3, subsection 5, paragraph b,
2 Code Supplement 1989, is amended to read as follows:
3 b. The grain dealer shall submit, as required by
4 the department, a financial statement that is
5 accompanied by an unqualified opinion based upon an
6 audit performed by a certified public accountant
7 licensed in this state. However, the department may
8 accept a qualification in an opinion that is
9 unavoidable by any audit procedure that is permitted
10 under generally accepted accounting principles. An
11 opinion that is qualified because of a limited audit
12 procedure or because the scope of an audit is limited
13 shall not be accepted by the department. The
14 department shall not require that a grain dealer
15 submit more than one such unqualified opinion per
16 year. The grain dealer may elect, ~~however,~~ to submit
17 a financial statement that is accompanied by the
18 report of a certified public accountant licensed in
19 this state that is based upon a review performed by
20 the certified public accountant in lieu of the audited
21 financial statement specified in this paragraph.
22 However, at any time the department may require a

23 financial statement that is accompanied by the report
24 of a certified public accountant licensed in this
25 state that is based upon a review performed by a
26 certified public accountant if the department has good
27 cause to believe that the net worth or current asset
28 to current liability ratio of a licensee presents a
29 danger to producers or sellers with whom the licensee
30 deals. "Good cause" means that the department has
31 evidence that the licensee issued checks on
32 insufficient funds, evidence of a quality or quantity
33 shortage in a warehouse facility, or evidence of
34 violations of recordkeeping requirements. If a grain
35 dealer making the election engages in credit sale
36 contracts, the grain dealer shall also comply with the
37 provisions of section 542.15, subsection 8.

38 Sec. 5. Section 542.5, unnumbered paragraph 1,
39 Code Supplement 1989, is amended to read as follows:
40 Upon the filing of the application and compliance
41 with the terms and conditions of this chapter and
42 rules of the department, the department shall issue a
43 license to the applicant. The license shall terminate
44 on at the thirtieth of June of each year end of the
45 third calendar month from the close of the grain
46 dealer's fiscal or tax year. A grain dealer's license
47 may be renewed annually by the filing of a renewal fee
48 and a renewal application on a form prescribed by the
49 department. An application for renewal shall be
50 received by the department on or before the thirtieth

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1 of June end of the third calendar month from the close
2 of the grain dealer's fiscal or tax year. A grain
3 dealer license which has terminated may be reinstated
4 by the department upon receipt of a proper renewal
5 application, the renewal fee, and the reinstatement
6 fee as provided in section 542.6 if filed within
7 thirty days from the date of termination of the grain
8 dealer license. The department may cancel a license
9 upon request of the licensee unless a complaint or
10 information is filed against the licensee alleging a
11 violation of a provision of this chapter. Licenses
12 issued for less than a full year shall be prorated
13 from the date of the application.

14 Sec. 6. Section 542.6, subsection 1, unnumbered
15 paragraph 1, Code 1989, is amended to read as follows:
16 For the issuance or renewal of a license for a
17 grain dealer and for any an inspection of a grain
18 dealer, the fee shall be determined on the basis of

19 dollar volume of all grain purchased during the grain
 20 dealer's previous calendar fiscal year as follows:
 21 Sec. 7. Section 542.6, subsection 1, paragraph g,
 22 unnumbered paragraph 2, Code 1989, is amended to read
 23 as follows:
 24 If the applicant did not purchase grain the
 25 previous calendar fiscal year, the applicant will
 26 shall pay the fee specified in paragraph "a". If
 27 during the license period licensee's fiscal year the
 28 total grain actually purchased exceeds one hundred
 29 thousand dollars, the licensee shall notify the
 30 department and the license and inspection fee shall be
 31 adjusted accordingly. Subsequent adjustments shall be
 32 made as necessary. An applicant may elect licensing
 33 in any category of this subsection. New licenses
 34 issued for less than a full year shall be prorated
 35 from the date of application."

36 2. Page 1, by inserting after line 11, the
 37 following:

38 "Sec. ____ NEW SECTION. 542.12A LIEN ON GRAIN
 39 DEALER ASSETS.

40 1. A statutory lien is imposed on all grain dealer
 41 assets in favor of sellers who have surrendered
 42 warehouse receipts or other written evidence of
 43 ownership as part of a grain sale transaction or who
 44 possess written evidence of the sale of grain to a
 45 grain dealer, without receiving full payment for the
 46 grain.

47 2. "Grain dealer assets" includes proceeds
 48 received or due a grain dealer upon the sale,
 49 including exchange, collection, or other disposition,
 50 of grain sold by the grain dealer. As used in this

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1 section, "proceeds" means noncash and cash proceeds as
 2 provided in section 554.9306. "Grain dealer assets"
 3 also includes any other funds or property of the grain
 4 dealer which can be directly traced as being from the
 5 sale of grain by the grain dealer, or which were
 6 utilized in the business operation of the grain
 7 dealer. A court, upon petition by an affected party,
 8 may order that claimed grain dealer assets are not
 9 grain dealer assets as defined in this section. The
 10 burden of proof shall be upon the petitioner to
 11 establish that the assets are not grain dealer assets
 12 as defined in this section.

13 3. The lien shall arise at the time of surrender
 14 of warehouse receipts or other written evidence of
 15 ownership as part of a grain sale transaction or the

16 time of delivery of the grain for sale, and shall
17 terminate when the liability of the grain dealer to
18 the seller has been discharged. The lien of all
19 sellers is hereby assigned to the board, on behalf of
20 the fund.

21 4. To perfect the lien, the board must file a lien
22 statement with the office of the secretary of state.
23 The lien statement is valid only if filed on or after
24 the date of suspension but not later than ten days
25 after the incurrence date as provided in section
26 543A.6. The lien statement shall disclose the name of
27 the grain dealer, the address of the dealer's
28 principal place of business, a description of
29 identifiable grain dealer assets, and the amount of
30 the lien. The lien amount shall be the board's
31 estimate of the final cost of reimbursing the grain
32 depositors and sellers indemnity fund for the payment
33 of claims against the fund resulting from the breach
34 of the grain dealer's obligations. The board shall
35 correct the amount not later than one hundred eighty
36 days following the incurrence date. A court, upon
37 petition by an affected person, may correct the
38 amount. The board shall have the burden of proving
39 that the amount is an accurate estimate.

40 5. The board shall upon written demand of the
41 grain dealer file a termination statement with the
42 secretary of state, if the license of the grain dealer
43 is not revoked, terminated, or canceled, or if the
44 grain dealer does not file a petition in bankruptcy,
45 after thirty days from the date that the lien is
46 perfected. Upon filing the termination statement, the
47 lien becomes unperfected. The board shall also
48 deliver a copy of the termination statement to the
49 grain dealer.

50 6. The secretary of state shall note the filing of

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1 a lien statement under this section in a manner
2 provided by chapter 554, the uniform commercial code.
3 The secretary shall note the filing of a termination
4 statement with the lien statement.

5 7. A lien perfected under this section is superior
6 to a lien or security interest which attaches
7 subsequent to the time the lien statement is filed
8 with the secretary of state, except liens arising
9 under chapters 570 through 571.

10 8. If the grain dealer is also licensed under
11 chapter 543, and in the event the department is
12 appointed as a receiver under section 543.3, assets

13 under the authority of the receiver are free from this
14 statutory lien. However, if there are receivership
15 assets in excess of those necessary to fully reimburse
16 depositors, the perfected lien will attach to those
17 excess assets.

18 9. The board may enforce the lien in the manner
19 provided in chapter 554, article 9, part 5, for the
20 enforcement of security interests. If, upon
21 enforcement of the lien, the lien amount is satisfied
22 in full without exhaustion of the grain dealer assets,
23 the remaining assets shall be returned to the grain
24 dealer or, if there are competing claims to those
25 remaining assets by other creditors, shall place those
26 assets in the custody of the district court and
27 implead the known creditors.

28 For purposes of enforcement of the lien, the board
29 is deemed to be the secured party and the grain dealer
30 is deemed to be the debtor, and each has the
31 respective rights and duties of a secured party and a
32 debtor as provided in chapter 554, article 9, part 5.
33 If a right or duty under chapter 554, article 9, part
34 5, is contingent upon the existence of express
35 language in a security agreement, or may be waived by
36 express language in a security agreement, the
37 requisite language is deemed not to exist for purposes
38 of enforcement of the lien created by this section.

39 10. Actions relating to this section shall be
40 brought in the district court in the county in which
41 the grain dealer's primary place of business is
42 located or in Polk county.

43 Sec. ____ . Section 542.15, subsection 7, Code
44 Supplement 1989, is amended to read as follows:

45 7. A grain dealer shall not purchase grain on
46 credit during any time period in which the grain
47 dealer's current assets are less than fifty one
48 hundred percent of current liabilities, or in which a
49 grain dealer holding a federal or state warehouse
50 license does not have grain sufficient to satisfy the

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1 warehouse operator's obligations based on an
2 examination by the department or the United States
3 department of agriculture.

4 Sec. ____ . Section 542.15, Code Supplement 1989, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 9. A person who is a grain dealer
7 but not licensed as a warehouse operator under chapter
8 543 or U.S.C. tit. 7, purchasing grain by credit-sale

9 contract shall submit, as required by the department,
10 a financial statement that is accompanied by an
11 unqualified opinion based upon an audit performed by a
12 certified public accountant licensed in this state.
13 However, the department may accept a qualification in
14 an opinion that is unavoidable by any audit procedure
15 that is permitted under generally accepted accounting
16 principles. An opinion that is qualified because of a
17 limited audit procedure or because the scope of an
18 audit is limited shall not be accepted by the
19 department. The department shall not require that a
20 grain dealer submit more than one unqualified opinion
21 per year.

22 Sec. ____ . NEW SECTION. 542.18 SUPERVISION OF
23 LICENSEE.

24 If upon inspection, good cause is found, the
25 department may require that an employee of the
26 department remain on the business premises of the
27 grain dealer to monitor day-to-day operations. The
28 employee shall remain on the premises until the
29 department is satisfied that conditions creating good
30 cause no longer exist. The department shall assess
31 the grain dealer a charge for maintaining the employee
32 on the grain dealer's premises. The charge shall not
33 exceed one hundred fifty dollars for each day that the
34 employee remains on the premises.

35 Sec. ____ . NEW SECTION. 542.22 CIVIL PENALTIES.

36 A person habitually violating a provision of this
37 chapter, including a rule adopted or an order issued
38 by the department, is subject to a civil penalty. A
39 habitual violation means a violation which has
40 occurred at least three times in a five-year period.
41 If a person is cited as a habitual violator, the
42 department shall provide written notice to the person
43 by hand delivery or certified mail. The notice shall
44 cite each violation subject to a penalty. The notice
45 shall state that the person has ten days within which
46 to remit the penalty or seek a hearing under chapter
47 17A. The penalty shall not exceed two hundred fifty
48 dollars for each offense. Each day a person is in
49 violation shall be considered a separate violation.
50 The department shall transmit moneys collected

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1 pursuant to this section to the treasurer of state, as
2 provided by the treasurer, for deposit in the general
3 fund.

4 Sec. ____ . Section 543.1, subsection 7, Code
5 Supplement 1989, is amended to read as follows:

6 7. "Financial institution" means a bank or savings
 7 and loan association authorized by the state of Iowa
 8 or by the laws of the United States, which is a member
 9 of the federal deposit insurance corporation or the
 10 federal savings and loan insurance corporation,
 11 respectively; the cooperative finance association; or
 12 the national bank for cooperatives established in the
 13 Agricultural Credit Act, Pub. L. No. 100-233.

14 Sec. ____ . Section 543.1, subsection 11, Code
 15 Supplement 1989, is amended by striking the
 16 subsection.

17 Sec. ____ . Section 543.1, subsection 23, Code
 18 Supplement 1989, is amended to read as follows:

19 23. "Warehouse operator" means a person engaged in
 20 the business of operating or controlling a warehouse
 21 for the storing, shipping, handling, or processing of
 22 agricultural products; ~~but does not include an~~
 23 ~~incidental warehouse operator.~~

24 Sec. ____ . Section 543.1, Code Supplement 1989, is
 25 amended by adding the following new subsection:

26 NEW SUBSECTION. 26. "Good cause" means grounds
 27 for concluding that the net worth of a person licensed
 28 under this chapter presents a danger to depositors,
 29 and which includes evidence of any of the following:

- 30 a. The issuance of checks on insufficient funds.
- 31 b. A quality or quantity shortage.
- 32 c. Violations of section 543.23 or 543.35.
- 33 d. Failure of the warehouse operator to issue
 34 warehouse receipts or failure to submit the
 35 department's copy of the warehouse receipts.
- 36 e. Use of credit sale contracts in violation of
 37 section 542.15.

38 Sec. ____ . NEW SECTION. 543.12A LIEN ON WAREHOUSE
 39 OPERATOR ASSETS.

40 1. A statutory lien is imposed on all warehouse
 41 operator assets in favor of depositors possessing
 42 warehouse receipts covering grain stored by the
 43 warehouse operator and depositors with written
 44 evidence of ownership other than warehouse receipts
 45 disclosing a storage obligation of a warehouse
 46 operator.

47 2. "Warehouse operator assets" includes proceeds
 48 received or due a warehouse operator upon the sale,
 49 including exchange, collection, or other disposition,
 50 of grain sold by the warehouse operator. As used in

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- 1 this section, "proceeds" means noncash and cash
- 2 proceeds as provided in section 554.9306. "Warehouse

3 operator assets" also includes storage payments
4 received or due to a warehouse operator, grain owned
5 by the warehouse operator, and any other funds or
6 property of the warehouse operator which can be
7 directly traced as being from the sale of grain by the
8 warehouse operator, or which were utilized in the
9 business operation of the warehouse operator. A
10 court, upon petition by an affected party, may order
11 that claimed warehouse operator assets are not
12 warehouse operator assets as defined in this section.
13 The burden of proof shall be upon the petitioner to
14 establish that the assets are not warehouse operator
15 assets as defined in this section.

16 3. The lien shall arise at the commencement of the
17 storage obligation, and shall terminate when the
18 liability of the warehouse operator to the depositor
19 has been discharged. The lien of all depositors is
20 hereby assigned to the board, on behalf of the grain
21 depositors and sellers indemnity fund.

22 4. To perfect the lien, the board must file a lien
23 statement with the office of the secretary of state.
24 The lien statement is valid only if filed on or after
25 the date of suspension but not later than ten days
26 after the incurrence date as provided in section
27 543A.6. The lien statement shall disclose the name of
28 the warehouse operator, the address of the warehouse
29 operator's principal place of business, a description
30 of identifiable warehouse operator assets, and the
31 amount of the lien. The lien amount shall be the
32 board's estimate of the final cost of reimbursing the
33 grain depositors and sellers indemnity fund for the
34 payment of claims made against the fund resulting from
35 the breach of the warehouse operator's obligations.
36 The board shall correct the amount not later than one
37 hundred eighty days following the incurrence date. A
38 court, upon petition by an affected person, may
39 correct the amount. The board shall have the burden
40 of proving that the amount is an accurate estimate.

41 5. The board shall upon written demand of the
42 warehouse operator file a termination statement with
43 the secretary of state, if the license of the
44 warehouse operator is not revoked, terminated, or
45 canceled, or if the warehouse operator does not file a
46 petition in bankruptcy, after thirty days from the
47 date that the lien is perfected. Upon filing the
48 termination statement, the lien becomes unperfected.
49 The board shall also deliver a copy of the termination
50 statement to the warehouse operator.

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1 6. The secretary of state shall note the filing of
2 a lien statement under this section in a manner
3 provided by chapter 554, the uniform commercial code.
4 The secretary shall note the filing of a termination
5 statement with the lien statement.

6 7. A lien perfected under this section is superior
7 to a lien or security interest which attaches
8 subsequent to the time the lien statement is filed
9 with the secretary of state, except liens arising
10 under chapters 570 through 571.

11 8. In the event the department is appointed as a
12 receiver under section 543.3, assets under the
13 authority of the receiver are free from this statutory
14 lien. However, if there are receivership assets in
15 excess of those necessary to fully reimburse
16 depositors, the perfected lien will attach to those
17 excess assets.

18 9. The board may enforce the lien in the manner
19 provided in chapter 554, article 9, part 5, for the
20 enforcement of security interests. If, upon
21 enforcement of the lien, the lien amount is satisfied
22 in full without exhaustion of the warehouse operator
23 assets, the remaining assets shall be returned to the
24 warehouse operator or, if there are competing claims
25 to those remaining assets by other creditors, those
26 assets shall be placed in the custody of the district
27 court and the known creditors impleaded.

28 For purposes of enforcement of the lien, the board
29 is deemed to be the secured party and the warehouse
30 operator is deemed to be the debtor, and each has the
31 respective rights and duties of a secured party and a
32 debtor as provided in chapter 554, article 9, part 5.
33 If a right or duty under chapter 554, article 9, part
34 5, is contingent upon the existence of express
35 language in a security agreement, or may be waived by
36 express language in a security agreement, the
37 requisite language is deemed not to exist for purposes
38 of enforcement of the lien created by this section.

39 10. Actions relating to this section shall be
40 brought in the district court in the county in which
41 the warehouse operator's primary place of business is
42 located or in Polk county.

43 Sec. ____ . Section 543.6, subsection 4, paragraph
44 b, Code Supplement 1989, is amended to read as
45 follows:

46 b. The warehouse operator shall submit, as
47 required by the department, a financial statement that
48 is accompanied by an unqualified opinion based upon an

49 audit performed by a certified public accountant
50 licensed in this state. However, the department may

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1 accept a qualification in an opinion that is
2 unavoidable by any audit procedure that is permitted
3 under generally accepted accounting principles. An
4 opinion that is qualified because of a limited audit
5 procedure or because the scope of an audit is limited
6 shall not be accepted by the department. The
7 department shall not require that a warehouse operator
8 submit more than one such unqualified opinion per
9 year. The warehouse operator may elect, however, to
10 submit a financial statement that is accompanied by
11 the report of a certified public accountant licensed
12 in this state that is based upon a review performed by
13 the certified public accountant in lieu of the audited
14 financial statement specified in this paragraph.
15 However, at any time the department may require a
16 financial statement that is accompanied by the report
17 of a certified public accountant licensed in this
18 state that is based upon a review performed by a
19 certified public accountant if the department has good
20 cause to believe that the net worth or current asset
21 to current liability ratio of a licensee presents a
22 danger to producers or sellers with whom the licensee
23 deals. "Good cause" means that the department has
24 evidence that the licensee issued checks on
25 insufficient funds, evidence of a quality or quantity
26 shortage in a warehouse facility, or evidence of
27 violations of recordkeeping requirements."

28 3. Page 1, by inserting after line 22, the
29 following:

30 "Sec. ____ . Section 543.36, Code 1989, is amended
31 by adding the following new subsection:
32 NEW SUBSECTION. 5. A person habitually violating
33 a provision of this chapter, including a rule adopted
34 or an order issued by the department, is subject to a
35 civil penalty. A habitual violation means a violation
36 which has occurred at least three times in a five-year
37 period. If a person is cited as a habitual violator,
38 the department shall provide written notice to the
39 person by hand delivery or certified mail. The notice
40 shall cite each violation subject to a penalty. The
41 notice shall state that the person has ten days within
42 which to remit the penalty or seek a hearing under
43 chapter 17A. The penalty shall not exceed two hundred
44 fifty dollars for each offense. Each day the person
45 is in violation shall be considered a separate

46 violation. The department shall transmit moneys
 47 collected pursuant to this section to the treasurer of
 48 state, as provided by the treasurer, for deposit in
 49 the general fund.
 50 Sec. ____ . Section 543.37, Code 1989, is amended to

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1 read as follows:
 2 543.37 FAILURE TO PAY FEE.
 3 Failure to pay the ~~annual~~ license fee provided for
 4 in section 543.33 on or before ~~June 30 of the year for~~
 5 which due the end of the third calendar month from the
 6 close of the licensee's fiscal or tax year shall cause
 7 a license to terminate. A warehouse license which has
 8 terminated may be reinstated by the department upon
 9 receipt of a proper renewal application, the renewal
 10 fee, and the reinstatement fee as provided for in
 11 section 543.33, if filed within thirty days from the
 12 date of termination of the warehouse license. The
 13 department may cancel the license upon request of the
 14 licensee unless a complaint or information is filed
 15 against the licensee alleging a violation of a
 16 provision of this chapter.
 17 Sec. ____ . Section 543A.3, subsection 3, paragraph
 18 a, subparagraph (3), unnumbered paragraph 1, Code
 19 Supplement 1989, is amended to read as follows:
 20 For warehouse operators ~~or participating federally~~
 21 ~~licensed grain warehouses:~~
 22 Sec. 100. Section 543A.3, subsection 4, Code
 23 Supplement 1989, is amended to read as follows:
 24 4. Payment of the full annual fee shall be made
 25 before a grain dealer's or warehouse operator's
 26 license is issued or renewed. If a licensee amends
 27 its license during the ~~fiscal~~ license year for ~~which~~
 28 ~~an annual fee was paid,~~ and the licensing entity
 29 remains the same, the licensee is required to pay a
 30 further fee only if the amendment changes the
 31 licensee's class from a class 2 to a class 1 grain
 32 dealer or increases the quantity of intended storage
 33 in an amount which shifts the licensee from one level
 34 of storage to a higher level of storage, as defined in
 35 subsection 3. This subsection applies to new
 36 licensees and to license amendments regardless of
 37 whether there has been a waiver of the fees pursuant
 38 to section 543A.5.
 39 Sec. ____ . NEW SECTION. 543A.5A LIEN ON
 40 LICENSEE'S ASSETS.
 41 The board may enforce a lien attached to assets
 42 held by a licensee under chapter 542 or 543. The lien

43 shall be perfected and enforced pursuant to section
44 542.12A or 543.12A.
45 Sec. ____ . Section 543A.6, subsections 2 and 7,
46 Code Supplement 1989, are amended to read as follows:
47 2. NOTICE. The department shall cause notice of
48 the opening of the claim period to be published once
49 each week for two consecutive weeks in a newspaper of
50 general circulation in each of the counties in which

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1 the licensee maintains a business location and in a
2 newspaper of general circulation within the state.
3 The notice shall state the name and address of the
4 licensee and the claim incurrance date. The notice
5 shall also state that any claims against the fund on
6 account of the licensee shall be sent by ordinary
7 certified mail to the department within one hundred
8 twenty days after the incurrance date, and that the
9 failure to make a timely claim relieves the fund from
10 liability to the claimant. This notice may be
11 incorporated by the department with a notice required
12 by section 542.12 or 543.14.
13 7. PAYMENT OF CLAIMS. Upon a determination that
14 the claim is eligible for payment, the board shall
15 provide for payment of ninety percent of the loss, as
16 determined under ~~subsection~~ subsections 4 and 5, but
17 not more than one hundred fifty thousand dollars per
18 claimant. If at any time the board determines that
19 there are insufficient funds to make payment of all
20 claims, the board may order that payment be deferred
21 on specified claims. The department, upon the board's
22 instruction, shall hold those claims for payment until
23 the board determines that the fund again contains
24 sufficient assets.

25 If judgment is entered against the board upon
26 judicial review of the board's denial of a claim, the
27 board shall provide for payment, including interest at
28 the rate of ten percent per year, accruing from the
29 date of final action by the board denying the claim.
30 Interest shall not accrue if payment is deferred due
31 to insufficient assets in the fund.

32 Sec. ____ . Section 554.9407, subsection 3, Code
33 1989, is amended by adding the following new
34 unnumbered paragraph:
35 **NEW UNNUMBERED PARAGRAPH.** Upon written request,
36 the filing officer shall issue a certificate showing
37 whether there is on file on the date and hour stated,
38 an effective financing statement, lien statement, or
39 termination statement under chapter 542 or 543 naming

40 a grain dealer or warehouse operator as a debtor, the
41 address of the grain dealer's or warehouse operator's
42 principal place of business, and the grain indemnity
43 fund board as secured creditor, identifiable grain
44 proceeds subject to the lien, and the amount of the
45 lien. The uniform fee for a certificate is five
46 dollars if the request for the certificate is on a
47 form conforming to standards prescribed by the
48 secretary of state, or the fee is six dollars if the
49 request is not on a form conforming to the standards.
50 Sec. ____.

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1 There shall be a transition period for implementing
2 and enforcing provisions of this Act relating to any
3 license period as provided in sections 542.5 and
4 543.37 as amended by this Act. Within the transition
5 period, the department of agriculture and land
6 stewardship may issue or renew licenses under chapter
7 542 or 543 for a period less than twelve consecutive
8 months. The department shall prorate the fees charged
9 for issuing or renewing the licenses for a period of
10 less than twelve consecutive months. A person
11 required to be licensed under chapter 542 or 543 shall
12 not pay more in twelve consecutive months than the
13 total amount of fees required to be paid if the person
14 were similarly licensed during 1989. The transition
15 period shall terminate on June 30, 1991.

16 Sec. ____.

17 The liens established in sections 542.12A and
18 543.12A are applicable and enforceable against all
19 grain dealer and warehouse operator licensees with an
20 incurrence date on or after July 1, 1990.

21 Sec. ____.

22 Section 100 of this Act, amending section 543A.3,
23 subsection 4, Code Supplement 1989, applies
24 retroactively to July 1, 1989."

25 4. Title page, lines 1 and 2, by striking the
26 words "relating to the prosecution of persons
27 violating provisions".

28 5. Title page, line 2, by inserting after the
29 word "operators" the following: ", providing for
30 penalties, and providing for the retroactive
31 applicability of a certain provision".

32 6. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2371

S-5614

1 Amend the amendment, S-5500, to House File 2371, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 49, through page 2,
5 line 9, and inserting the following:
6 "____. Page 5, by inserting after line 11 the
7 following:
8 "As a condition, limitation, and qualification of
9 the appropriation under this section, prior to the
10 transfer of funds to a designated area agency on aging
11 pursuant to chapter 249D, the agency shall seek
12 authority from the commission of elder affairs to
13 continue an existing nonmission related activity or
14 initiate a proposed nonmission related activity which
15 is in competition with private business if the
16 activity is expected to generate a profit in excess of
17 \$5,000 in cash flow in the agency budget for the
18 fiscal year."

LARRY MURPHY

S-5615

1 Amend Senate File 2413 as follows:
2 1. By striking page 14, line 29, through page 15,
3 line 28, and inserting the following:
4 "Sec. ____ . NEW SECTION. 321L.1 DEFINITIONS.
5 As used in this chapter unless the context
6 otherwise requires:
7 1. "Alcohol concentration" means the number of
8 grams of alcohol per any of the following:
9 a. One hundred milliliters of blood.
10 b. Two hundred ten liters of breath.
11 c. Sixty-seven milliliters of urine.
12 2. "Alcoholic beverage" includes alcohol, wine,
13 spirits, beer, or any other beverage which contains
14 ethyl alcohol and is fit for human consumption.
15 3. "Arrest" includes but is not limited to taking
16 into custody pursuant to section 232.19.
17 4. "Department" means the state department of
18 transportation.

19 5. "Director" means the director of transportation
20 or the director's designee.

21 6. "Motor vehicle license" means any license or
22 permit issued to a person to operate a motor vehicle
23 in this state, including but not limited to an
24 operator, chauffeur, or motorized bicycle license and
25 an instruction or temporary permit.

26 7. "Peace officer" means:

27 a. A member of the highway patrol.

28 b. A police officer under civil service as
29 provided in chapter 400.

30 c. A sheriff.

31 d. A regular deputy sheriff who has had formal
32 police training.

33 e. Any other law enforcement officer who has
34 satisfactorily completed an approved course relating
35 to motor vehicle operators under the influence of
36 alcoholic beverages at the Iowa law enforcement
37 academy or a law enforcement training program approved
38 by the department of public safety.

39 8. "Serious injury" means a bodily injury which
40 creates a substantial risk of death, or which causes
41 serious permanent disfigurement, or which causes
42 protracted loss or impairment of the function of any
43 bodily organ or major bodily member, or which causes
44 the loss of any bodily member.

45 Sec. — . NEW SECTION. 321L.2 OPERATING WHILE
46 UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE
47 HAVING AN ALCOHOL CONCENTRATION OF .10 OR MORE. (OWI)

48 1. A person commits the offense of operating while
49 intoxicated if the person operates a motor vehicle in
50 this state in either of the following conditions:

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1 a. While under the influence of an alcoholic
2 beverage or other drug or a combination of such
3 substances.

4 b. While having an alcohol concentration as
5 defined in section 321L.1 of .10 or more.

6 2. A person who violates this section commits:

7 a. A serious misdemeanor for the first offense and
8 shall be imprisoned in the county jail for not less
9 than forty-eight hours to be served as ordered by the
10 court, less credit for any time the person was
11 confined in a jail or detention facility following
12 arrest, and assessed a fine of not less than five
13 hundred dollars nor more than one thousand dollars.
14 As an alternative to a portion or all of the fine, the
15 court may order the person to perform not more than

16 two hundred hours of unpaid community service. The
17 court may accommodate the sentence to the work
18 schedule of the defendant.

19 b. An aggravated misdemeanor for a second offense
20 and shall be imprisoned in the county jail or
21 community-based correctional facility not less than
22 seven days, which minimum term cannot be suspended
23 notwithstanding section 901.5, subsection 3 and
24 section 907.3, subsection 3, and assessed a fine of
25 not less than seven hundred fifty dollars.

26 c. A class "D" felony for a third offense and each
27 subsequent offense and shall be imprisoned in the
28 county jail for a determinate sentence of not more
29 than one year but not less than thirty days, or
30 committed to the custody of the director of the
31 department of corrections, and assessed a fine of not
32 less than seven hundred fifty dollars. The minimum
33 jail term of thirty days cannot be suspended
34 notwithstanding section 901.5, subsection 3, and
35 section 907.3, subsection 3, however, the person
36 sentenced shall receive credit for any time the person
37 was confined in a jail or detention facility following
38 arrest. If a person is committed to the custody of
39 the director of the department of corrections pursuant
40 to this paragraph and the sentence is suspended, the
41 sentencing court shall order that the offender serve
42 the thirty-day minimum term in the county jail. If
43 the sentence which commits the person to the custody
44 of the director of the department of corrections is
45 later imposed by the court, all time served in a
46 county jail toward the thirty-day minimum term shall
47 count as time served toward the sentence which
48 committed the person to the custody of the director of
49 the department of corrections. A person convicted of
50 a second or subsequent offense shall be ordered to

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1 undergo a substance abuse evaluation prior to
2 sentencing. If a person is convicted of a third or
3 subsequent offense or if the evaluation recommends
4 treatment, the offender may be committed to the
5 custody of the director of the department of
6 corrections, who, if the sentence is not suspended,
7 shall assign the person to a facility pursuant to
8 section 246.513 or the offender may be committed to
9 treatment in the community under the provisions of
10 section 907.6.

11 3. No conviction for, deferred judgment for, or
12 plea of guilty to, a violation of this section which

13 occurred more than six years prior to the date of the
14 violation charged shall be considered in determining
15 that the violation charged is a second, third, or
16 subsequent offense. For the purpose of determining if
17 a violation charged is a second, third, or subsequent
18 offense, deferred judgments pursuant to section 907.3
19 for violations of this section and convictions or the
20 equivalent of deferred judgments for violations in any
21 other states under statutes substantially
22 corresponding to this section shall be counted as
23 previous offenses. The courts shall judicially notice
24 the statutes of other states which define offenses
25 substantially equivalent to the one defined in this
26 section and can therefore be considered corresponding
27 statutes. Each previous violation shall be considered
28 a separate previous offense without regard to whether
29 each was complete as to commission and conviction or
30 deferral of judgment following or prior to any other
31 previous violation.

32 4. A person shall not be convicted and sentenced
33 for more than one violation of this section if the
34 violation is shown to have been committed by either or
35 both of the means described in subsection 1 in the
36 same occurrence.

37 5. The clerk of court shall immediately certify to
38 the department a true copy of each order entered with
39 respect to deferral of judgment, deferral of sentence
40 or pronouncement of judgment and sentence for a
41 defendant under this section.

42 6. This section does not apply to a person
43 operating a motor vehicle while under the influence of
44 a drug if the substance was prescribed for the person
45 and was taken under the prescription and in accordance
46 with the directions of a medical practitioner as
47 defined in chapter 155A, if there is no evidence of
48 the consumption of alcohol and the medical
49 practitioner had not directed the person to refrain
50 from operating a motor vehicle.

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1 7. In any prosecution under this section, evidence
2 of the results of analysis of a specimen of the
3 defendant's blood, breath, or urine is admissible upon
4 proof of a proper foundation. The alcohol
5 concentration established by the results of an
6 analysis of a specimen of the defendant's blood,
7 breath, or urine withdrawn within two hours after the
8 driver was driving or in physical control of a
9 motor vehicle is presumed to be the alcohol

10 concentration at the time of driving or being in
11 physical control of the motor vehicle.

12 8. The court shall order a defendant convicted of
13 or receiving a deferred judgment for a violation of
14 this section to make restitution, in an amount not to
15 exceed two thousand dollars, for damages resulting
16 directly from the violation. An amount paid pursuant
17 to this restitution order shall be credited toward any
18 adverse judgment in a subsequent civil proceeding
19 arising from the same occurrence. However, other than
20 establishing a credit, a restitution proceeding
21 pursuant to this section shall not be given
22 evidentiary or preclusive effect in a subsequent civil
23 proceeding arising from the same occurrence.

24 9. In any prosecution under this section, the
25 results of a chemical test may not be used to prove a
26 violation of paragraph "b" of subsection 1 if the
27 alcohol concentration indicated by the chemical test
28 minus the established margin of error inherent in the
29 device or method used to conduct the chemical test
30 does not equal an alcohol concentration of .10 or
31 more.

32 Sec. ____ . NEW SECTION. 321L.3 COURT ORDERED
33 SUBSTANCE ABUSE EVALUATION OR TREATMENT.

34 1. On a conviction for a violation of section
35 321L.2, the court may order the defendant to attend a
36 course for drinking drivers under section 321L.22. If
37 the defendant submitted to a chemical test on arrest
38 for the violation of section 321L.2 and the test
39 indicated an alcohol concentration of .20 or higher,
40 or if the defendant is charged with a second or
41 subsequent offense, the court shall order the
42 defendant, on conviction, to undergo a substance abuse
43 evaluation and the court may order the defendant to
44 follow the recommendations proposed in the substance
45 abuse evaluation for appropriate substance abuse
46 treatment for the defendant. Court-ordered substance
47 abuse treatment is subject to the periodic reporting
48 requirements of section 125.86. If a defendant is
49 committed by the court to a substance abuse treatment
50 facility, the administrator of the facility shall

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1 report to the court when it is determined that the
2 defendant has received the maximum benefit of
3 treatment at the facility and the defendant shall be
4 released from the facility. The time for which the
5 defendant is committed for treatment shall be credited
6 against the defendant's sentence. The court may

7 prescribe the length of time for the evaluation and
 8 treatment or it may request that the area school
 9 conducting the course for drinking drivers which the
 10 person is ordered to attend or the treatment program
 11 to which the person is committed immediately report to
 12 the court when the person has received maximum benefit
 13 from the course for drinking drivers or treatment
 14 program or has recovered from the person's addiction,
 15 dependency, or tendency to chronically abuse alcohol
 16 or drugs. A person committed under this section who
 17 does not possess sufficient income or estate to make
 18 payment of the costs of the treatment in whole or in
 19 part shall be considered a state patient and the costs
 20 of treatment shall be paid as provided in section
 21 125.44. A defendant who fails to carry out the order
 22 of the court or who fails to successfully complete or
 23 attend a course for drinking drivers or an ordered
 24 substance abuse treatment program shall be confined in
 25 the county jail for twenty days in addition to any
 26 other imprisonment ordered by the court or may be
 27 ordered to perform unpaid community service work, and
 28 shall be placed on probation for one year with a
 29 violation of this probation punishable as contempt of
 30 court.

31 2. As a condition of a suspended sentence or
 32 portion of sentence for a second, third, or subsequent
 33 offense in violation of section 321L.2, the court upon
 34 hearing may commit the defendant for inpatient
 35 treatment of alcoholism or drug addiction or
 36 dependency to any hospital, institution, or community
 37 correctional facility in Iowa providing such
 38 treatment. The time for which the defendant is
 39 committed for treatment shall be credited against the
 40 defendant's sentence. The court may prescribe the
 41 length of time for the evaluation and treatment or it
 42 may request that the hospital to which the person is
 43 committed immediately report to the court when the
 44 person has received maximum benefit from the program
 45 of the hospital or institution or has recovered from
 46 the person's addiction, dependency, or tendency to
 47 chronically abuse alcohol or drugs. A person
 48 committed under this section who does not possess
 49 sufficient income or estate to make payment of the
 50 costs of the treatment in whole or in part shall be

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1 considered a state patient and the costs of treatment
 2 shall be paid as provided in section 125.44.
 3 Sec. ____ . NEW SECTION. 321L.4 REVOCATION OF

4 LICENSE -- IGNITION INTERLOCK DEVICES -- CONDITIONAL
5 TEMPORARY RESTRICTED LICENSE.

6 1. If a defendant is convicted of a violation of
7 section 321L.2 and the defendant's motor vehicle
8 license or nonresident operating privilege has not
9 been revoked under section 321L.9 or 321L.12 for the
10 occurrence from which the arrest arose, the department
11 shall revoke the defendant's motor vehicle license or
12 nonresident operating privilege for one hundred eighty
13 days if the defendant has had no previous conviction
14 under section 321L.2 or revocation under section
15 321L.9 or 321L.12 within the previous six years and
16 for one year if the defendant has had one or more
17 previous convictions or revocations under those
18 sections within the previous six years.

19 2. If the court defers judgment pursuant to
20 section 907.3 for a violation of section 321L.2, the
21 court shall order the department to revoke the
22 defendant's motor vehicle license or nonresident
23 operating privilege for a period of not less than
24 thirty days nor more than ninety days if the
25 defendant's motor vehicle license or nonresident
26 operating privilege has not been revoked under section
27 321L.9 or 321L.12 for the occurrence from which the
28 arrest arose. The court shall immediately require the
29 defendant to surrender to it all Iowa licenses or
30 permits held by the defendant, which the court shall
31 forward to the department with a copy of the order
32 deferring judgment.

33 3. a. Upon a plea or verdict of guilty of a third
34 or subsequent violation of section 321L.2, the court
35 shall order the department to revoke the defendant's
36 motor vehicle license or nonresident operating
37 privilege for a period of six years. The court shall
38 require the defendant to surrender to it all Iowa
39 licenses or permits held by the defendant, which the
40 court shall forward to the department with a copy of
41 the order for revocation.

42 b. After two years from the date of the order for
43 revocation, the defendant may apply to the court for
44 restoration of the defendant's eligibility for a motor
45 vehicle license. The application may be granted only
46 if all of the following are shown by the defendant by
47 a preponderance of the evidence:

48 (1) The defendant has completed an evaluation and,
49 if recommended by the evaluation, a program of
50 treatment for chemical dependency and is recovering,

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1 or has substantially recovered, from that dependency
2 on or tendency to abuse alcohol or drugs.
3 (2) The defendant has not been convicted, since
4 the date of the revocation order, of any subsequent
5 violations of section 321L.2 or 123.46, or any
6 comparable city or county ordinance, and the defendant
7 has not, since the date of the revocation order,
8 submitted to a chemical test under this chapter that
9 indicated an alcohol concentration as defined in
10 section 321L.1 of .10 or more, or refused to submit to
11 chemical testing under this chapter.

12 (3) The defendant has abstained from the excessive
13 consumption of alcoholic beverages and the consumption
14 of controlled substances, except at the direction of a
15 licensed physician or pursuant to a valid
16 prescription.

17 (4) The defendant's motor vehicle license is not
18 currently subject to suspension or revocation for any
19 other reason.

20 c. The court shall forward to the department a
21 record of any application submitted under paragraph
22 "b" and the results of the court's disposition of the
23 application.

24 4. Upon a plea or verdict of guilty of a violation
25 of section 321L.2 which involved a personal injury,
26 the court shall determine in open court, from
27 consideration of the information in the file and any
28 other evidence the parties may submit, whether a
29 serious injury was sustained by any person other than
30 the defendant and, if so, whether the defendant's
31 conduct in violation of section 321L.2 caused the
32 serious injury. If the court so determines, the court
33 shall order the department to revoke the defendant's
34 motor vehicle license or nonresident operating
35 privilege for a period of one year in addition to any
36 other period of suspension or revocation. The
37 defendant shall surrender to the court any Iowa
38 license or permit and the court shall forward it to
39 the department with a copy of the order for
40 revocation.

41 5. Upon a plea or verdict of guilty of a violation
42 of section 321L.2 which involved a death, the court
43 shall determine in open court, from consideration of
44 the information in the file and any other evidence the
45 parties may submit, whether a death occurred and, if
46 so, whether the defendant's conduct in violation of
47 section 321L.2 caused the death. If the court so
48 determines, the court shall order the department to

49 revoke the defendant's motor vehicle license or
50 nonresident operating privilege for a period of six

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1 years. The defendant shall surrender to the court any
2 Iowa license or permit and the court shall forward it
3 to the department with a copy of the order for
4 revocation.

5 6. If a license or permit to operate a motor
6 vehicle is revoked or denied under this section or
7 section 321L.9 or 321L.12, the period of revocation or
8 denial shall be the period provided for such a
9 revocation or until the defendant reaches the age of
10 eighteen whichever period is longer.

11 7. On a conviction for or as a condition of a
12 deferred judgment for a violation of section 321L.2,
13 the court may order the defendant to install ignition
14 interlock devices of a type approved by the
15 commissioner of public safety on all motor vehicles
16 owned or operated by the defendant which, without
17 tampering or the intervention of another person, would
18 prevent the defendant from operating the motor vehicle
19 with an alcohol concentration greater than a level set
20 by rule of the commissioner of public safety. The
21 commissioner of public safety shall adopt rules to
22 approve certain ignition interlock devices and the
23 means of installation of the devices, and shall
24 establish the level of alcohol concentration beyond
25 which an ignition interlock device will not allow
26 operation of the motor vehicle in which it is
27 installed. The order shall remain in effect for a
28 period of time as determined by the court which shall
29 not exceed the maximum term of imprisonment which the
30 court could have imposed according to the nature of
31 the violation. While the order is in effect, the
32 defendant shall not operate a motor vehicle which does
33 not have an approved ignition interlock device
34 installed. If the defendant's motor vehicle license
35 or nonresident operating privilege has been revoked,
36 the department shall not issue a temporary permit or a
37 motor vehicle license to the person without
38 certification that approved ignition interlock devices
39 have been installed in all motor vehicles owned or
40 operated by the defendant while the order is in
41 effect. A defendant who fails within a reasonable
42 time to comply with an order to install an approved
43 ignition interlock device may be declared in contempt
44 of court and punished accordingly. A person who
45 tampers with or circumvents an ignition interlock

46 device installed under a court order while an order is
47 in effect commits a serious misdemeanor.

48 8. A person whose motor vehicle license has been
49 revoked under this chapter and who is not eligible for
50 a temporary restricted license under this chapter may

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1 petition the court for an order to the department to
2 require the department to issue a temporary restricted
3 license to the person. The court shall determine if
4 the temporary restricted license is necessary for the
5 person to maintain the person's present employment.
6 If the court determines that the temporary restricted
7 license is necessary for the person to maintain the
8 person's present employment, the court shall order the
9 department to issue to the person a temporary
10 restricted license conditioned upon the person's
11 certification to the court of the installation of
12 approved ignition interlock devices in all motor
13 vehicles that it is necessary for the person to
14 operate to maintain the person's present employment.
15 If the person operates a motor vehicle which does not
16 have an approved ignition interlock device or if the
17 person tampers with or circumvents an ignition
18 interlock device, in addition to other penalties
19 provided, the person's temporary restricted license
20 shall be revoked.

21 Sec. ____ NEW SECTION. 321L.5 PRELIMINARY
22 SCREENING TEST.

23 When a peace officer has reasonable grounds to
24 believe that a motor vehicle operator may be violating
25 or has violated section 321L.2, or the operator has
26 been involved in a motor vehicle collision resulting
27 in injury or death, the peace officer may request the
28 operator to provide a sample of the operator's breath
29 for a preliminary screening test using a device
30 approved by the commissioner of public safety for that
31 purpose. The results of this preliminary screening
32 test may be used for the purpose of deciding whether
33 an arrest should be made and whether to request a
34 chemical test authorized in this chapter, but shall
35 not be used in any court action except to prove that a
36 chemical test was properly requested of a person
37 pursuant to this chapter.

38 Sec. ____ NEW SECTION. 321L.6 IMPLIED CONSENT TO
39 TEST.

40 1. A person who operates a motor vehicle in this
41 state under circumstances which give reasonable
42 grounds to believe that the person has been operating

43 a motor vehicle in violation of section 321L.2 is
44 deemed to have given consent to the withdrawal of
45 specimens of the person's blood, breath, or urine and
46 to a chemical test or tests of the specimens for the
47 purpose of determining the alcohol concentration or
48 presence of drugs, subject to this section. The
49 withdrawal of the body substances and the test or
50 tests shall be administered at the written request of

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1 a peace officer having reasonable grounds to believe
2 that the person was operating a motor vehicle in
3 violation of section 321L.2, and if any of the
4 following conditions exist:
5 a. A peace officer has lawfully placed the person
6 under arrest for violation of section 321L.2.
7 b. The person has been involved in a motor vehicle
8 accident or collision resulting in personal injury or
9 death.
10 c. The person has refused to take a preliminary
11 breath screening test provided by this chapter.
12 d. The preliminary breath screening test was
13 administered and it indicated an alcohol concentration
14 as defined in section 321L.1 of .10 or more.
15 e. The preliminary breath screening test was
16 administered and it indicated an alcohol concentration
17 of less than .10 and the peace officer has reasonable
18 grounds to believe that the person was under the
19 influence of a drug other than alcohol or a
20 combination of alcohol and another drug.
21 2. The peace officer shall determine which of the
22 three substances, breath, blood, or urine, shall be
23 tested. Refusal to submit to a chemical test of urine
24 or breath is deemed a refusal to submit, and section
25 321L.9 applies. A refusal to submit to a chemical
26 test of blood is not deemed a refusal to submit, but
27 in that case, the peace officer shall then determine
28 which one of the other two substances shall be tested
29 and shall offer the test. If the peace officer fails
30 to offer a test within two hours after the preliminary
31 screening test is administered or refused or the
32 arrest is made, whichever occurs first, a test is not
33 required, and there shall be no revocation under
34 section 321L.9.
35 3. Notwithstanding subsection 2, if the peace
36 officer has reasonable grounds to believe that the
37 person was under the influence of a drug other than
38 alcohol or a combination of alcohol and another drug,
39 a urine test may be required even after a blood or

40 breath test has been administered. Section 321L.9
41 applies to a refusal to submit to a chemical test of
42 urine requested under this subsection.

43 Sec. ____ . NEW SECTION. 321L.7 DEAD OR
44 UNCONSCIOUS PERSONS.

45 A person who is dead, unconscious, or otherwise in
46 a condition rendering the person incapable of consent
47 or refusal is deemed not to have withdrawn the consent
48 provided by section 321L.6, and the test may be given
49 if a licensed physician certifies in advance of the
50 test that the person is dead, unconscious, or

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1 otherwise in a condition rendering that person
2 incapable of consent or refusal.

3 Sec. ____ . NEW SECTION. 321L.8 STATEMENT OF
4 OFFICER.

5 A person who has been requested to submit to a
6 chemical test shall be advised by a peace officer of
7 the following:

8 1. If the person refuses to submit to the test,
9 the person's license or operating privilege will be
10 revoked by the department for the applicable period
11 under section 321L.9.

12 2. If the person submits to the test and the
13 results indicate an alcohol concentration as defined
14 in section 321L.1 of .10 or more, the person's license
15 or operating privilege will be revoked by the
16 department for the applicable period under section
17 321L.12.

18 This section does not apply in any case involving a
19 person described in section 321L.7.

20 Sec. ____ . NEW SECTION. 321L.9 REFUSAL TO SUBMIT
21 -- REVOCATION.

22 If a person refuses to submit to the chemical
23 testing, a test shall not be given, but the
24 department, upon the receipt of the peace officer's
25 certification, subject to penalty for perjury, that
26 the officer had reasonable grounds to believe the
27 person to have been operating a motor vehicle in
28 violation of section 321L.2, that specified conditions
29 existed for chemical testing pursuant to section
30 321L.6, and that the person refused to submit to the
31 chemical testing, shall revoke the person's motor
32 vehicle license and any nonresident operating
33 privilege for a period of two hundred forty days if
34 the person has no previous revocation within the
35 previous six years under this chapter; and five
36 hundred forty days if the person has one or more

37 previous revocations within the previous six years
38 under this chapter; or if the person is a resident
39 without a license or permit to operate a motor vehicle
40 in this state, the department shall deny to the person
41 the issuance of a license or permit for the same
42 period a license or permit would be revoked, subject
43 to review as provided in this chapter. The effective
44 date of revocation shall be twenty days after the
45 department has mailed notice of revocation to the
46 person by certified mail or, on behalf of the
47 department, a peace officer offering or directing the
48 administration of a chemical test may serve immediate
49 notice of intention to revoke and of revocation on a
50 person who refuses to permit chemical testing. If the

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1 peace officer serves that immediate notice, the peace
2 officer shall take the Iowa license or permit of the
3 driver, if any, and issue a temporary license
4 effective for only twenty days. The peace officer
5 shall immediately send the person's license to the
6 department along with the officer's certificate
7 indicating the person's refusal to submit to chemical
8 testing.

9 Sec. ____ . NEW SECTION. 321L.10 TESTS PURSUANT TO
10 WARRANTS.

11 1. Refusal to consent to a test under section
12 321L.6 does not prohibit the withdrawal of a specimen
13 for chemical testing pursuant to a search warrant
14 issued in the investigation of a suspected violation
15 of section 707.5 if all of the following grounds
16 exist:

17 a. A traffic accident has resulted in a death or
18 personal injury reasonably likely to cause death.
19 b. There are reasonable grounds to believe that
20 one or more of the persons whose driving may have been
21 the proximate cause of the accident was violating
22 section 321L.2 at the time of the accident.

23 2. Search warrants may be issued under this
24 section in full compliance with chapter 808 or they
25 may be issued under subsection 3.

26 3. Notwithstanding section 808.3, the issuance of
27 a search warrant under this section may be based upon
28 sworn oral testimony communicated by telephone if the
29 magistrate who is asked to issue the warrant is
30 satisfied that the circumstances make it reasonable to
31 dispense with a written affidavit. The following
32 shall then apply:

33 a. When a caller applies for the issuance of a

34 warrant under this section and the magistrate becomes
35 aware of the purpose of the call, the magistrate shall
36 place under oath the person applying for the warrant.

37 b. The person applying for the warrant shall
38 prepare a duplicate warrant and read the duplicate
39 warrant, verbatim, to the magistrate who shall enter,
40 verbatim, what is read to the magistrate on a form
41 that will be considered the original warrant. The
42 magistrate may direct that the warrant be modified.

43 c. The oral application testimony shall set forth
44 facts and information tending to establish the
45 existence of the grounds for the warrant and shall
46 describe with a reasonable degree of specificity the
47 person or persons whose driving is believed to have
48 been the proximate cause of the accident and from whom
49 a specimen is to be withdrawn and the location where
50 the withdrawal of the specimen or specimens is to take

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1 place.

2 d. If a voice recording device is available, the
3 magistrate may record by means of that device all of
4 the call after the magistrate becomes aware of the
5 purpose of the call. Otherwise, the magistrate shall
6 cause a stenographic or longhand memorandum to be made
7 of the oral testimony of the person applying for the
8 warrant.

9 e. If the magistrate is satisfied from the oral
10 testimony that the grounds for the warrant exist or
11 that there is probable cause to believe that they
12 exist, the magistrate shall order the issuance of the
13 warrant by directing the person applying for the
14 warrant to sign the magistrate's name on the duplicate
15 warrant. The magistrate shall immediately sign the
16 original warrant and enter on its face the exact time
17 when the issuance was ordered.

18 f. The person who executes the warrant shall enter
19 the time of execution on the face of the duplicate
20 warrant.

21 g. The magistrate shall cause any record of the
22 call made by means of a voice recording device to be
23 transcribed, shall certify the accuracy of the
24 transcript, and shall file the transcript and the
25 original record with the clerk. If a stenographic or
26 longhand memorandum was made of the oral testimony of
27 the person who applied for the warrant, the magistrate
28 shall file a signed copy with the clerk.

29 h. The clerk of court shall maintain the original
30 and duplicate warrants along with the record of the

31 telephone call and any transcript or memorandum made
32 of the call in a confidential file until a charge, if
33 any, is filed.

34 4. Search warrants issued under this section shall
35 authorize and direct peace officers to secure the
36 withdrawal of blood specimens by medical personnel
37 under section 321L.11. Reasonable care shall be
38 exercised to ensure the health and safety of the
39 persons from whom specimens are withdrawn in execution
40 of the warrants. If a person from whom a specimen is
41 to be withdrawn objects to the withdrawal of blood,
42 and the person is capable of giving a specimen of
43 breath, and a direct breath testing instrument is
44 readily available, the warrant may be executed by the
45 withdrawal of a specimen of breath for chemical
46 testing.

47 5. The act of any person knowingly resisting or
48 obstructing the withdrawal of a specimen pursuant to a
49 search warrant issued under this section constitutes a
50 contempt punishable by a fine not exceeding one

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1 thousand dollars or imprisonment in a county jail not
2 exceeding one year or by both such fine and
3 imprisonment. Also, if the withdrawal of a specimen
4 is so resisted or obstructed, sections 321L.9 and
5 321L.16 apply.

6 6. Nonsubstantive variances between the contents
7 of the original and duplicate warrants shall not cause
8 a warrant issued under subsection 3 of this section to
9 be considered invalid.

10 7. Specimens obtained pursuant to warrants issued
11 under this section are not subject to disposition
12 under section 808.9 or chapter 809.

13 8. Subsections 1 to 7 of this section do not apply
14 where a test may be administered under section 321L.7.

15 9. Medical personnel who use reasonable care and
16 accepted medical practices in withdrawing blood
17 specimens are immune from liability for their actions
18 in complying with requests made of them pursuant to
19 search warrants or pursuant to section 321L.11.

20 Sec. ____ NEW SECTION. 321L.11 TAKING SAMPLE FOR
21 TEST.

22 Only a licensed physician, licensed physician
23 assistant as defined in section 148C.1, medical
24 technologist, or registered nurse, acting at the
25 request of a peace officer, may withdraw a specimen of
26 blood for the purpose of determining the alcohol
27 concentration or the presence of drugs. However, any

28 peace officer, using devices and methods approved by
29 the commissioner of public safety, may take a specimen
30 of a person's breath or urine for the purpose of
31 determining the alcohol concentration or the presence
32 of drugs. Only new equipment kept under strictly
33 sanitary and sterile conditions shall be used for
34 drawing blood.

35 The person may have an independent chemical test or
36 tests administered at the person's own expense in
37 addition to any administered at the direction of a
38 peace officer. The failure or inability of the person
39 to obtain an independent chemical test or tests does
40 not preclude the admission of evidence of the results
41 of the test or tests administered at the direction of
42 the peace officer. Upon the request of the person who
43 is tested, the results of the test or tests
44 administered at the direction of the peace officer
45 shall be made available to the person.

46 Sec. ____ . NEW SECTION. 321L.12 TEST RESULT
47 REVOCATION.

48 Upon certification, subject to penalty for perjury,
49 by the peace officer that there existed reasonable
50 grounds to believe that the person had been operating

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1 a motor vehicle in violation of section 321L.2, that
2 there existed one or more of the necessary conditions
3 for chemical testing described in section 321L.6,
4 subsection 1, and that the person submitted to
5 chemical testing and the test results indicated an
6 alcohol concentration as defined in section 321L.1 of
7 .10 or more, the department shall revoke the person's
8 motor vehicle license or nonresident operating
9 privilege for a period of one hundred eighty days if
10 the person has had no revocation within the previous
11 six years under this chapter, and one year if the
12 person has had one or more previous revocations within
13 the previous six years under this chapter.

14 The effective date of the revocation shall be
15 twenty days after the department has mailed notice of
16 revocation to the person by certified mail. The peace
17 officer who requested or directed the administration
18 of the chemical test may, on behalf of the department,
19 serve immediate notice of revocation on a person whose
20 test results indicated an alcohol concentration of .10
21 or more.

22 If the peace officer serves that immediate notice,
23 the peace officer shall take the person's Iowa license
24 or permit, if any, and issue a temporary license valid

25 only for twenty days. The peace officer shall
26 immediately send the person's driver's license to the
27 department along with the officer's certificate
28 indicating that the test results indicated an alcohol
29 concentration of .10 or more.

30 The results of a chemical test may not be used as
31 the basis for a revocation of a person's motor vehicle
32 license or nonresident operating privilege if the
33 alcohol concentration indicated by the chemical test
34 minus the established margin of error inherent in the
35 device or method used to conduct the chemical test
36 does not equal an alcohol concentration of .10 or
37 more.

38 Sec. — . NEW SECTION. 321L.13 HEARING ON
39 REVOCATION -- APPEAL.

40 1. Notice of revocation of a person's motor
41 vehicle license or operating privilege served pursuant
42 to section 321L.9 or 321L.12 shall include a form
43 accompanied by a preaddressed envelope on which the
44 person served may indicate by a checkmark if the
45 person wishes to request a temporary restricted
46 license only or if the person wishes a hearing to
47 contest the revocation. The form shall clearly state
48 on its face that the form must be completed and
49 returned within thirty days of receipt or the person's
50 right to a hearing to contest the revocation is

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1 foreclosed. The form shall also be accompanied by a
2 statement of the operation of and the person's rights
3 under this chapter.

4 2. The department shall grant the person an
5 opportunity to be heard within forty-five days of
6 receipt of a request for a hearing if the request is
7 made not later than thirty days after receipt of
8 notice of revocation served pursuant to section 321L.9
9 or 321L.12. The hearing shall be before the
10 department in the county where the alleged events
11 occurred, unless the director and the person agree
12 that the hearing may be held in some other county, or
13 the hearing may be held by telephone conference at the
14 discretion of the agency conducting the hearing. The
15 hearing may be recorded and its scope shall be limited
16 to the issues of whether a peace officer had
17 reasonable grounds to believe that the person was
18 operating a motor vehicle in violation of section
19 321L.2 and either of the following:

20 a. Whether the person refused to submit to the
21 test or tests.

22 b. Whether a test was administered and the test
23 results indicated an alcohol concentration as defined
24 in section 321L.1 of .10 or more.

25 3. After the hearing the department shall order
26 that the revocation be either rescinded or sustained.
27 If the revocation is sustained, the administrative law
28 judge who conducted the hearing may issue a temporary
29 restricted license to the person whose motor vehicle
30 license or operating privilege was revoked. Upon
31 receipt of the decision of the department to sustain a
32 revocation, the person contesting the revocation has
33 ten days to file a request for review of the decision
34 by the director. The director or the director's
35 designee shall review the decision within fifteen days
36 and shall either rescind or sustain the revocation or
37 order a new hearing. If the director orders a new
38 hearing, the department shall grant the person a new
39 hearing within thirty days of the director's order.

40 4. A person whose motor vehicle license or
41 operating privilege has been or is being revoked under
42 section 321L.9 or 321L.12 may reopen a department
43 hearing on the revocation if the person submits a
44 petition stating that new evidence has been discovered
45 which provides grounds for rescission of the
46 revocation, or prevail at the hearing to rescind the
47 revocation, if the person submits a petition stating
48 that a criminal action on a charge of a violation of
49 section 321L.2 filed as a result of the same
50 circumstances which resulted in the revocation has

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1 resulted in a decision in which the court has held
2 that the peace officer did not have reasonable grounds
3 to believe that a violation of section 321L.2 had
4 occurred to support a request for or to administer a
5 chemical test or which has held the chemical test to
6 be otherwise inadmissible or invalid. Such a decision
7 by the court is binding on the department and the
8 department shall rescind the revocation.

9 5. The department shall stay the revocation of a
10 person's motor vehicle license or operating privilege
11 for the period that the person is contesting the
12 revocation under this section or section 321L.14 if it
13 is shown to the satisfaction of the department that
14 the new evidence is material and that there were valid
15 reasons for failure to present it in the contested
16 case proceeding before the department.

17 6. If the department fails to comply with the time
18 limitations of this section regarding granting a

19 hearing, review by the director or the director's
 20 designee, or granting a new hearing, and if the
 21 request for a hearing or review by the director was
 22 properly made under this section, the revocation of
 23 the motor vehicle license or operating privilege of
 24 the person who made the request for a hearing or
 25 review shall be rescinded. This subsection shall not
 26 apply in those cases in which a continuance to the
 27 hearing has been granted at the request of either the
 28 person who requested the hearing or the peace officer
 29 who requested or administered the chemical test.

30 Sec. ____ . NEW SECTION. 321L.14 JUDICIAL REVIEW.
 31 Judicial review of an action of the department may
 32 be sought in accordance with the terms of the Iowa
 33 administrative procedure Act, chapter 17A.
 34 Notwithstanding the terms of that chapter, a petition
 35 for judicial review may be filed in the district court
 36 in the county where the alleged events occurred or in
 37 the county in which the administrative hearing was
 38 held.

39 Sec. ____ . NEW SECTION. 321L.15 EVIDENCE IN ANY
 40 ACTION.
 41 Upon the trial of a civil or criminal action or
 42 proceeding arising out of acts alleged to have been
 43 committed by a person while operating a motor vehicle
 44 in violation of section 321L.2, evidence of the
 45 alcohol concentration or the presence of drugs in the
 46 person's body substances at the time of the act
 47 alleged as shown by a chemical analysis of the
 48 person's blood, breath, or urine is admissible. If it
 49 is established at trial that an analysis of a breath
 50 specimen was performed by a certified operator using a

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1 device and methods approved by the commissioner of
 2 public safety, no further foundation is necessary for
 3 introduction of the evidence.

4 Sec. ____ . NEW SECTION. 321L.16 PROOF OF REFUSAL
 5 ADMISSIBLE.
 6 If a person refuses to submit to a chemical test,
 7 proof of refusal is admissible in any civil or
 8 criminal action or proceeding arising out of acts
 9 alleged to have been committed while the person was
 10 operating a motor vehicle in violation of section
 11 321L.2.

12 Sec. ____ . NEW SECTION. 321L.17 CIVIL PENALTY --
 13 SEPARATE FUND -- REINSTATEMENT.
 14 When the department revokes a person's motor
 15 vehicle license or nonresident operating privilege

16 under this chapter, the department shall assess the
 17 person a civil penalty of one hundred dollars. The
 18 money collected by the department under this section
 19 shall be transmitted to the treasurer of state who
 20 shall deposit the money in a separate fund dedicated
 21 to and used for the purposes of chapter 912 and
 22 section 709.10, and for the operation of a missing
 23 person clearinghouse and domestic abuse registry by
 24 the department of public safety. Notwithstanding
 25 section 8.33, any balance in the fund on June 30 of
 26 any fiscal year shall not revert to the general fund
 27 of the state. A temporary restricted license shall
 28 not be issued or a motor vehicle license or
 29 nonresident operating privilege reinstated until the
 30 civil penalty has been paid.

31 Sec. ____ . NEW SECTION. 321L.18 OTHER EVIDENCE.

32 This chapter does not limit the introduction of any
 33 competent evidence bearing on the question of whether
 34 a person was under the influence of an alcoholic
 35 beverage or a drug, including the results of chemical
 36 tests of specimens of blood, breath or urine obtained
 37 more than two hours after the person was operating a
 38 motor vehicle.

39 Sec. ____ . NEW SECTION. 321L.19 INFORMATION
 40 RELAYED TO OTHER STATES.

41 When it has been finally determined under this
 42 chapter that a nonresident's privilege to operate a
 43 motor vehicle in this state has been revoked or
 44 denied, the department shall give information in
 45 writing of the action taken to the official in charge
 46 of traffic control or public safety of the state of
 47 the person's residence and of any state in which the
 48 person has a license.

49 Sec. ____ . NEW SECTION. 321L.20 TEMPORARY
 50 RESTRICTED LICENSE.

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1 1. The department may, on application, issue a
 2 temporary restricted license to a person whose motor
 3 vehicle license is revoked under this chapter allowing
 4 the person to drive to and from the person's home and
 5 specified places at specified times which can be
 6 verified by the department and which are required by
 7 the person's full-time or part-time employment,
 8 continuing health care or the continuing health care
 9 of another who is dependent upon the person,
 10 continuing education while enrolled in an educational
 11 institution on a part-time or full-time basis and
 12 while pursuing a course of study leading to a diploma,

13 degree, or other certification of successful
14 educational completion, substance abuse treatment, and
15 court-ordered community service responsibilities if
16 the person's motor vehicle license has not been
17 revoked under 321L.4, 321L.9, or 321L.12 within the
18 previous six years and if any of the following apply:

19 a. The person's motor vehicle license is revoked
20 under section 321L.4, subsection 1, 2, 4, or 6.

21 b. The person's motor vehicle license is revoked
22 under section 321L.9 and the person has entered a plea
23 of guilty on a charge of a violation of section 321L.2
24 which arose from the same set of circumstances which
25 resulted in the person's motor vehicle license
26 revocation under section 321L.9 and the guilty plea is
27 not withdrawn at the time of or after application for
28 the temporary restricted license.

29 c. The person's motor vehicle license is revoked
30 under section 321L.12.

31 However, a temporary restricted license may be
32 issued if the person's motor vehicle license is
33 revoked under section 321L.9, and the revocation is a
34 second revocation under this chapter, and the first
35 three hundred and sixty days of the revocation have
36 expired.

37 2. This section does not apply to a person whose
38 license was revoked under section 321L.4, subsection 3
39 or 5, or to a person whose license is suspended or
40 revoked for another reason.

41 3. A person holding a temporary restricted license
42 issued by the department under this section shall not
43 operate a motor vehicle for pleasure.

44 Sec. ____ . **NEW SECTION. 321L.21 DRIVING WHILE**
45 **LICENSE DENIED OR REVOKED.**

46 A person whose motor vehicle license or nonresident
47 operating privilege has been denied or revoked as
48 provided in this chapter and who drives a motor
49 vehicle upon the highways of this state while the
50 license or privilege is denied or revoked commits a

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1 serious misdemeanor. The department, upon receiving
2 the record of the conviction of a person under this
3 section upon a charge of driving a motor vehicle while
4 the license of the person was revoked or denied, shall
5 extend the period of revocation or denial for an
6 additional like period, and the department shall not
7 issue a new license during the additional period.

8 Sec. ____ . **NEW SECTION. 321L.22 COURT-ORDERED**
9 **DRINKING DRIVERS COURSE.**

10 1. As used in this section, unless the context
11 otherwise requires:
12 a. "Course for drinking drivers" means an approved
13 course designed to inform the offender about drinking
14 and driving and encourage the offender to assess the
15 offender's own drinking and driving behavior in order
16 to select practical alternatives.
17 b. "Satisfactory completion of a course" means
18 receiving at the completion of a course a grade from
19 the course instructor of "C" or "2.0," or better.
20 2. After a conviction for, or a plea of guilty of,
21 a violation of section 321L.2, the court in addition
22 to its power to commit the defendant for treatment of
23 alcoholism under section 321L.3, may order the
24 defendant, at the defendant's own expense, to enroll
25 in, attend, and successfully complete a course for
26 drinking drivers. The court may alternatively or
27 additionally require the defendant to seek evaluation,
28 treatment or rehabilitation services under section
29 125.33 at the defendant's expense and to furnish
30 evidence of successful completion. A copy of the
31 order shall be forwarded to the department.
32 3. The course provided in this section shall be
33 offered on a regular basis at each area school as
34 defined in section 280A.2. Enrollment in the courses
35 is not limited to persons ordered to enroll, attend
36 and successfully complete the course under subsection
37 2, and any person convicted of a violation of section
38 321L.2 who was not ordered to enroll in a course may
39 enroll in and attend a course for drinking drivers.
40 The course required by this section shall be taught by
41 the area schools under the department of education and
42 approved by the department. The department of
43 education shall establish reasonable fees to defray
44 the expense of obtaining classroom space, instructor
45 salaries, and class materials. A person shall not be
46 denied enrollment in a course by reason of the
47 person's indigency.
48 4. An employer shall not discharge a person from
49 employment solely for the reason of work absence to
50 attend a course required by this section. Any

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1 employer who violates this section is liable for
2 damages which include but are not limited to actual
3 damages, court costs, and reasonable attorney fees.
4 The person may also petition the court for imposition
5 of a cease and desist order against the person's
6 employer and for reinstatement to the person's

- 7 previous position of employment.
 8 5. The department of education shall prepare a
 9 list of the locations of the courses taught under this
 10 section, the dates and times taught, the procedure for
 11 enrollment, and the schedule of course fees. The list
 12 shall be kept current and a copy of the list shall be
 13 sent to each court having jurisdiction over offenses
 14 provided in this chapter.
 15 6. The department of education shall maintain
 16 enrollment, attendance, successful and unsuccessful
 17 completion data on the persons ordered to enroll,
 18 attend and successfully complete a course for drinking
 19 drivers. This data shall be forwarded to the court.”
 20 2. Page 35, by inserting after line 7 the
 21 following:
 22 “Sec. ____ Chapter 321J is repealed.”
 23 3. Renumber as necessary.

CALVIN O. HULTMAN
 RICHARD VANDE HOEF
 MARK R. HAGERLA
 H. KAY HEDGE
 RAY TAYLOR

S-5616

- 1 Amend Senate File 2413 as follows:
 2 1. Page 11, by striking lines 17 through 24 and
 3 inserting the following: “licensed child day care
 4 provider, at the institution for children less than
 5 eighteen months of age by January 1, 1992.”

RICHARD DRAKE
 CALVIN O. HULTMAN
 RICHARD VANDE HOEF
 MAGGIE TINSMAN
 JULIA GENTLEMAN

S-5617

- 1 Amend Senate File 2413 as follows:
 2 1. Page 34, lines 3 and 4, by striking the words
 3 “and mental health care”.
 4 2. Page 34, line 5, by striking the words “Mental
 5 health care” and inserting the following: “Reasonable
 6 charges incurred for mental health care not to exceed
 7 one thousand five hundred dollars which”.

RICHARD DRAKE
 CALVIN O. HULTMAN
 RICHARD VANDE HOEF
 JULIA GENTLEMAN

S-5618

1 Amend the House amendment, S-5583, to Senate File
 2 2240, as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 10 through 14 and
 4 inserting the following: "shall maintain a racing dog
 5 adoption program. The track shall advertise the
 6 availability".

MICHAEL E. GRONSTAL
 MIKE CONNOLLY
 BERL E. PRIEBE
 JACK W. HESTER

S-5619

1 Amend Senate File 2413 as follows:
 2 1. Page 15, by inserting after line 28, the
 3 following:
 4 "Sec. — . NEW SECTION. 321L.3 PRELIMINARY
 5 SCREENING TEST.
 6 When a peace officer has reasonable grounds to
 7 believe that a motor vehicle operator may be violating
 8 or has violated section 321J.2, or the operator has
 9 been involved in a motor vehicle collision resulting
 10 in injury or death, the peace officer may request the
 11 operator to provide a sample of the operator's breath
 12 for a preliminary screening test using a device
 13 approved by the commissioner of public safety for that
 14 purpose. The results of this preliminary screening
 15 test may be used for the purpose of deciding whether
 16 an arrest should be made and whether to request a
 17 chemical test authorized in this chapter, as evidence
 18 of the presence of alcohol in the operator, and of
 19 compliance with the procedures for requesting a
 20 chemical test pursuant to this chapter."
 21 2. By renumbering as necessary.

MAGGIE TINSMAN
 RAY TAYLOR
 RICHARD F. DRAKE
 JULIA GENTLEMAN
 MARK R. HAGERLA

H. KAY HEDGE
RICHARD VANDE HOEF
JOHN W. JENSEN
JOY CORNING
WILMER RENSINK
NORMAN J. GOODWIN

S-5620

1 Amend Senate File 2413 as follows:

2 1. Page 15, by inserting after line 28, the
3 following:

4 "Sec. ____ . NEW SECTION. 321L.3 SURRENDER OF
5 REGISTRATION AND PLATES.

6 1. Upon a plea or ~~verdict~~ verdict of guilty of a third or
7 subsequent violation of section 321J.2, the court
8 shall require the defendant to surrender to the
9 director the registration certificate and registration
10 plates of all vehicles registered to the defendant for
11 a period of one hundred eighty days after the date of
12 surrender if the violation is a third violation, and
13 for a period of one year if the violation is a fourth
14 or subsequent violation. The registration certificate
15 and registration plates shall be reissued after the
16 expiration of the period provided in this subsection
17 and upon application made by the defendant. For
18 purposes of this subsection, a conviction for,
19 deferred judgment for, or plea of guilty to, a
20 violation of section 321J.2, which occurred more than
21 six years prior to the date of the most recent
22 violation charged, shall not be considered in
23 determining that the most recent violation is a third
24 offense or subsequent offense.

25 2. The owner of a motor vehicle who allows another
26 person to operate the owner's motor vehicle upon the
27 highways of this state shall be required to surrender
28 to the director the registration certificate and
29 registration plates of the vehicle upon a plea or
30 verdict of guilty of a third or subsequent violation
31 of section 321J.2 which occurred while the person was
32 operating the owner's motor vehicle. The minimum
33 duration of the period of surrender shall be one
34 hundred eighty days if the violation is the person's
35 third violation and shall be one year if the violation
36 is the person's fourth or a subsequent violation. The
37 registration certificate and registration plates shall
38 be reissued after the expiration of the period of
39 surrender and upon application made by the owner."

40 2. Renumber as necessary.

LINN FUHRMAN
RICHARD VANDE HOEF
RAY TAYLOR
MAGGIE TINSMAN

S-5621

1 Amend Senate File 2413 as follows:
2 1. Page 23, by inserting after line 28, the
3 following:
4 "Sec. ____ . NEW SECTION. 723A.3 PENALTY
5 ENHANCEMENT.
6 1. A person convicted of a felony committed for
7 the benefit of, at the direction of, or in association
8 with any criminal street gang shall be sentenced to an
9 additional five years imprisonment to be served
10 consecutively to any other term of confinement imposed
11 for the felony. No portion of the additional five-
12 year period shall be suspended or deferred.
13 2. A person convicted of a public offense, other
14 than a felony, committed for the benefit of, at the
15 direction of, or in association with any criminal
16 street gang shall be sentenced to the county jail for
17 an additional period of no less than one hundred and
18 eighty days nor more than one year to be served
19 consecutively to any other term of confinement imposed
20 for the offense. No portion of the additional period
21 of confinement shall be suspended or deferred."
22 2. By renumbering as necessary.

JIM LIND
RAY TAYLOR
H. KAY HEDGE
MARK R. HAGERLA

S-5622

1 Amend Senate File 2413 as follows:
2 1. Page 15, by inserting after line 28 the
3 following:
4 "Sec. ____ . NEW SECTION. 321L.3 DRIVING IMPAIRED.
5 1. A person commits the offense of operating while
6 impaired if the person operates a motor vehicle in
7 this state while impaired as defined in this section.
8 2. For purposes of this section, "impaired" means
9 a condition of a person where the person has consumed
10 alcohol or a drug, or a combination of the two, and
11 the person has been affected to any degree such that

- 12 the person is less able than the person would be
 13 without consuming the alcohol or drug, either mentally
 14 or physically, or both, to exercise clear judgment,
 15 sufficient physical control, or due care in the
 16 operation of a vehicle.”
 17 2. Renumber as necessary.

CALVIN O. HULTMAN
 JOHN W. JENSEN
 JACK W. HESTER
 JOY CORNING
 WILMER RENSINK
 RICHARD VANDE HOEF
 MARK R. HAGERLA
 MAGGIE TINSMAN

S-5623

- 1 Amend Senate File 2413 as follows:
 2 1. Page 14, by striking lines 23 through 28.
 3 2. Title page 1, by striking lines 14 through 16
 4 and inserting the following: “facilities,
 5 establishing a penalty for certain persons who cause”.

CALVIN O. HULTMAN
 RICHARD VANDE HOEF
 MARK R. HAGERLA
 WILMER RENSINK
 NORMAN J. GOODWIN
 H. KAY HEDGE
 RAY TAYLOR

S-5624

- 1 Amend Senate File 2413 as follows:
 2 1. By striking page 23, line 29, through page 24,
 3 line 22, and inserting the following:
 4 “Sec. ____ . Section 811.1, subsections 1 and 2,
 5 Code Supplement 1989, are 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, kidnapping, robbery in the
 11 first degree, arson in the first degree, ~~or~~ burglary
 12 in the first degree, or a felony included in chapter
 13 204.
 14 2. A defendant appealing a conviction of a class

15 "A" felony, murder, felonious assault, sexual abuse in
 16 the second degree, sexual abuse in the third degree,
 17 kidnapping, robbery in the first degree, arson in the
 18 first degree, ~~or~~ burglary in the first degree, or a
 19 felony included in chapter 204."
 20 2. Renumber as necessary.

RAY TAYLOR
 JOY CORNING
 MAGGIE TINSMAN
 MARK R. HAGERLA

S-5625

1 Amend Senate File 2413 as follows:
 2 1. Page 2, by inserting after line 28 the
 3 following:
 4 "Sec. ____ . Section 106.14, Code 1989, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:
 7 106.14 OPERATING A WATERCRAFT WHILE INTOXICATED --
 8 IMPLIED CONSENT TO TEST.
 9 1. As used in this section:
 10 a. "Chemical test" means an analysis of a person's
 11 blood, breath, urine, or other bodily substance for
 12 the determination of the presence of alcohol, a
 13 controlled substance, or a drug.
 14 b. "Controlled substance" means controlled
 15 substance as defined in section 204.101.
 16 c. "Intoxicated" means the condition of a person
 17 who is under the influence of alcohol, a controlled
 18 substance, a drug other than alcohol or a controlled
 19 substance, or any combination of alcohol, a controlled
 20 substance, a drug other than alcohol or a controlled
 21 substance, or a drug, which impairs thought and action
 22 and loss of normal control of the person's faculties
 23 to an extent which endangers a person.
 24 d. "Peace officer" means peace officer as defined
 25 in section 801.4.
 26 e. "Prima facie evidence of intoxication" includes
 27 evidence that, at the time of an alleged violation, a
 28 person had an alcohol concentration equal to or in
 29 excess of the level specified in section 321J.2,
 30 subsection 1, paragraph "b".
 31 f. "Relevant evidence of intoxication" includes
 32 evidence that, at the time of the alleged violation, a
 33 person had an alcohol concentration of at least one-
 34 half, but not more than, the level specified in
 35 section 321J.2, subsection 1, paragraph "b".

36 g. "Watercraft" means a device for transportation
37 by water including a vessel, water skis, surfboard, or
38 similar device.

39 2. a. A person who operates a watercraft while
40 having an alcohol concentration equal to or in excess
41 of the level specified in section 321J.2, subsection
42 1, paragraph "b", or while intoxicated, commits an
43 aggravated misdemeanor.

44 b. A person who violates this section commits a
45 class "D" felony in either of the following cases:

46 (1) If the person has a previous conviction under
47 this section.

48 (2) If the offense results in serious bodily
49 injury to another person and the court determines that
50 the person who committed the offense caused the

Page 2

1 serious injury.

2 c. A person who violates this section commits a
3 class "C" felony if the crime results in the death of
4 another person and the court determines that the
5 person who committed the offense caused the death.

6 d. A person who operates a watercraft after the
7 person has been ordered, pursuant to this section, not
8 to operate a watercraft commits a simple misdemeanor.

9 3. a. In addition to a criminal penalty imposed
10 for a misdemeanor under this section, the court shall
11 order the person not to operate a watercraft for at
12 least one year.

13 b. In addition to a criminal penalty imposed for a
14 felony under this section, the court shall order the
15 person not to operate a watercraft for at least two
16 years.

17 4. a. A person who operates a watercraft in
18 waters over which this state has jurisdiction
19 implicitly consents to submit to the chemical test
20 provisions of this section as a condition of operating
21 a watercraft in this state. If a person refuses to
22 submit to a chemical test under this section, the
23 court shall order the person not to operate a
24 watercraft for at least one year.

25 b. A peace officer who has probable cause to
26 believe that a person has committed an offense under
27 this section shall offer the person the opportunity to
28 submit to a chemical test. However, it is not
29 necessary for the peace officer to offer a chemical
30 test to an unconscious person. A peace officer may
31 offer a person more than one chemical test under this
32 section. However, all tests must be administered

33 within three hours after the officer had probable
 34 cause to believe the person violated this section. A
 35 person must submit to each chemical test offered by a
 36 peace officer in order to comply with the implied
 37 consent provisions of this section.
 38 c. If the chemical test results in relevant
 39 evidence that the person is intoxicated, the person
 40 may be arrested for an offense under this section. If
 41 the chemical test results in prima facie evidence that
 42 the person is intoxicated, the person shall be
 43 arrested for an offense under this section.
 44 d. A person who refuses to submit to a chemical
 45 test may be arrested for an offense under this
 46 section.
 47 e. At any proceeding under this section, a
 48 person's refusal to submit to a chemical test is
 49 admissible into evidence.
 50 f. If a person refuses to submit to a chemical

Page 3

1 test under this section, the peace officer shall
 2 inform the person that the person's refusal will
 3 result in the suspension of the person's watercraft
 4 operation privileges.
 5 5. At any proceeding concerning an offense under
 6 this section, evidence of the amount by weight of
 7 alcohol that was in the blood of the person charged
 8 with the offense at the time of the alleged violation,
 9 as shown by an analysis of the person's blood, breath,
 10 urine, or other bodily substance, is admissible."
 11 2. Renumber as necessary.

JULIA GENTLEMAN
 MARK R. HAGERLA
 H. KAY HEDGE
 RICHARD VANDE HOEF
 JACK W. HESTER
 JOY CORNING

S-5626

1 Amend Senate File 2413 as follows:
 2 1. Page 13, by striking lines 16 through 18 and
 3 inserting the following: "maintained whenever
 4 possible."

LINN FUHRMAN

S-5627

1 Amend Senate File 2413 as follows:

2 1. By striking page 14, line 29 through page 15,
3 line 7, and inserting the following:

4 "Sec. ____ . Section 321J.2, subsection 2, Code
5 1989, is amended by striking the subsection.

6 Sec. ____ . Section 321J.4, subsection 8, Code 1989,
7 is amended by striking the subsection.

8 Sec. ____ . Section 321J.13, subsection 5, Code
9 Supplement 1989, is amended by striking the
10 subsection.

11 Sec. ____ . Section 321J.20, subsection 1, Code
12 1989, is amended by striking the subsection.

13 Sec. ____ . NEW SECTION. 321L.1 MINIMUM SENTENCE
14 FOR CERTAIN OFFENDERS.

15 A minimum term of imprisonment in a county jail or
16 community-based correctional facility imposed on a
17 person convicted of a second or subsequent offense
18 under paragraph "b" or "c" shall be served on
19 consecutive days. However, if the sentencing court
20 finds by clear and convincing evidence that service of
21 the full minimum term on consecutive days would work
22 an undue hardship on the person, the court may order
23 the person to serve not less than forty-eight
24 consecutive hours of the minimum term and to perform
25 not less than two hundred forty hours of unpaid
26 community service."

27 2. Page 15, by inserting after line 28, the
28 following:

29 "Sec. ____ . NEW SECTION. 321L.3 TEMPORARY
30 RESTRICTED LICENSE.

31 A person whose motor vehicle license has been
32 revoked under chapter 321J and who is not eligible for
33 a temporary restricted license under this chapter may
34 petition the court for an order to the department to
35 require the department to issue a temporary restricted
36 license to the person following the expiration of any
37 minimum revocation period provided for under section
38 321J.20. Notice of and an opportunity to request a
39 hearing on the petition shall be provided to the
40 department and to the prosecuting attorney by the
41 clerk of the district court in the county where the
42 violation resulting in the revocation was committed.
43 If the court determines that any minimum revocation
44 period provided for under section 321J.20 has expired
45 and the temporary restricted license is necessary for

46 the person to maintain the person's employment, the
47 court may order the department to issue to the person
48 a temporary restricted license conditioned upon the
49 person's certification to the court of the
50 installation of approved ignition interlock devices in

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1 all motor vehicles that it is necessary for the person
2 to operate to maintain the person's employment. If
3 the person operates a motor vehicle which does not
4 have an approved ignition interlock device or if the
5 person tampers with or circumvents an ignition
6 interlock device, in addition to other penalties
7 provided, the person's temporary restricted license
8 shall be revoked.

9 Sec. ____ . NEW SECTION. 321L.4 STATEMENT OF
10 OFFICER.

11 A person who has been requested to submit to a
12 chemical test shall be advised by a peace officer of
13 the following:

14 1. If the person refuses to submit to the test,
15 the person's motor vehicle license or operating
16 privilege will be revoked by the department for the
17 applicable period under section 321J.9 and the person
18 will not be eligible for a temporary restricted
19 license until at least the first ninety days of the
20 revocation period have expired.

21 2. If the person submits to the test and the
22 results indicate an alcohol concentration as defined
23 in section 321J.1 of .10 or more, the person's motor
24 vehicle license or operating privilege will be revoked
25 by the department for the applicable period under
26 section 321J.12 and the person will not be eligible
27 for a temporary restricted license until at least the
28 first thirty days of the revocation period have
29 expired.

30 This section does not apply in any case involving a
31 person described in section 321J.7.

32 Sec. ____ . NEW SECTION. 321L.5 STAY OF LICENSE
33 REVOCAION BY DEPARTMENT.

34 Notwithstanding the Iowa administrative procedure
35 Act, chapter 17A, the department shall not stay the
36 revocation of a person's motor vehicle license or
37 operating privilege for the period that the person is
38 contesting the revocation under this section or
39 section 321J.14 unless the first ninety days of the
40 revocation period under section 321J.9 or the first
41 thirty days of a revocation period under 321J.12 have
42 expired.

43 Sec. ____ . NEW SECTION. 321L.6 TEMPORARY
44 RESTRICTED LICENSE.

45 The department may, on application, issue a
46 temporary restricted license to a person whose motor
47 vehicle license is revoked under chapter 321J allowing
48 the person to drive to and from the person's home and
49 specified places at specified times which can be
50 verified by the department and which are required by

Page 3

1 the person's full-time or part-time employment,
2 continuing health care or the continuing health care
3 of another who is dependent upon the person,
4 continuing education while enrolled in an educational
5 institution on a part-time or full-time basis and
6 while pursuing a course of study leading to a diploma,
7 degree, or other certification of successful
8 educational completion, substance abuse treatment, and
9 court-ordered community service responsibilities if
10 the person's motor vehicle license has not been
11 revoked under section 321J.4, 321J.9, or 321J.12
12 within the previous six years and if any of the
13 following apply:

14 a. The person's motor vehicle license is revoked
15 under section 321J.4, subsection 1, 2, 4, or 6.

16 b. The person's motor vehicle license is revoked
17 under section 321J.9, the person has entered a plea of
18 guilty on a charge of a violation of section 321J.2
19 which arose from the same set of circumstances which
20 resulted in the person's motor vehicle license
21 revocation under section 321J.9, the guilty plea is
22 not withdrawn at the time of or after application for
23 the temporary restricted license, and the first ninety
24 days of the revocation period have expired.

25 c. The person's motor vehicle license is revoked
26 under section 321J.12 and the first thirty days of the
27 revocation period have expired.

28 However, a temporary restricted license may be
29 issued if the person's motor vehicle license is
30 revoked under section 321J.9, and the revocation is a
31 second revocation under this chapter, and the first
32 three hundred sixty-five days of the revocation have
33 expired."

34 2. Page 35, by inserting after line 7 the
35 following:

36 "Sec. ____ . REPEAL.

- 37 Section 321J.8, Code 1989, is repealed.”
 38 3. Renumber as necessary.

RAY TAYLOR
 MARK R. HAGERLA
 H. KAY HEDGE
 JULIA GENTLEMAN
 JOY CORNING
 RICHARD VANDE HOEF
 WILMER RENSINK

S-5628

- 1 Amend Senate File 2413 as follows:
 2 1. Page 14, by inserting after line 28 the
 3 following:
 4 “Sec. ____ . NEW SECTION. 321J.23 PERSONS UNDER
 5 AGE TWENTY-ONE.
 6 If a person under the age of twenty-one consents to
 7 a chemical test under this chapter and the test
 8 results indicate an alcohol concentration of more than
 9 .04 but less than the level established in section
 10 321J.2, subsection 1, the person’s motor vehicle
 11 license or nonresident operating privilege shall be
 12 revoked for a period of one year or until the person
 13 reaches eighteen years of age, whichever is longer, if
 14 the person is less than eighteen years of age, or for
 15 thirty days as provided in section 321L.10 if the
 16 person is at least eighteen years of age but less than
 17 twenty-one years of age, and sections 321L.10 through
 18 321L.19 apply.”
 19 2. Page 15, by inserting after line 28, the
 20 following:
 21 “Sec. ____ . NEW SECTION. 321L.3 DEFINITIONS.
 22 As used in this chapter unless the context
 23 otherwise requires:
 24 1. “Alcohol concentration” means the number of
 25 grams of alcohol per any of the following:
 26 a. One hundred milliliters of blood.
 27 b. Two hundred ten liters of breath.
 28 c. Sixty-seven milliliters of urine.
 29 2. “Alcoholic beverage” includes alcohol, wine,
 30 spirits, beer, or any other beverage which contains
 31 ethyl alcohol and is fit for human consumption.
 32 3. “Arrest” includes but is not limited to taking
 33 into custody pursuant to section 232.19.
 34 4. “Department” means the state department of
 35 transportation.
 36 5. “Director” means the director of transportation

37 or the director's designee.

38 6. "Motor vehicle license" means any license or
39 permit issued to a person to operate a motor vehicle
40 in this state.

41 7. "Peace officer" means:

42 a. A member of the highway patrol.

43 b. A police officer under civil service as
44 provided in chapter 400.

45 c. A sheriff.

46 d. A regular deputy sheriff who has had formal
47 police training.

48 e. Any other law enforcement officer who has
49 satisfactorily completed an approved course relating
50 to motor vehicle operators under the influence of

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1 alcoholic beverages at the Iowa law enforcement
2 academy or a law enforcement training program approved
3 by the department of public safety.

4 Sec. ____ . NEW SECTION. 321L.4 PRELIMINARY 5 SCREENING TEST.

6 When a peace officer has reasonable grounds to
7 believe that a motor vehicle operator under the age of
8 twenty-one may be or has been operating a motor
9 vehicle while having an alcohol concentration as
10 defined in section 321L.3 of more than .04, the peace
11 officer may request the operator to provide a sample
12 of the operator's breath for a preliminary screening
13 test using a device approved by the commissioner of
14 public safety for that purpose. The results of this
15 preliminary screening test may be used for the purpose
16 of deciding whether an arrest should be made and
17 whether to request a chemical test authorized in this
18 chapter or chapter 321J, as evidence of the presence
19 of alcohol in the operator, and to prove that a
20 chemical test was properly requested of a person
21 pursuant to this chapter or chapter 321J.

22 Sec. ____ . NEW SECTION. 321L.5 IMPLIED CONSENT TO 23 TEST.

24 1. A person under the age of twenty-one who
25 operates a motor vehicle in this state under
26 circumstances which give reasonable grounds to believe
27 that the person has been operating a motor vehicle
28 while having an alcohol concentration of more than .04
29 is deemed to have given consent to the withdrawal of
30 specimens of the person's blood, breath, or urine and
31 to a chemical test or tests of the specimens for the
32 purpose of determining the alcohol concentration,
33 subject to this section. The withdrawal of the body

34 substances and the test or tests shall be administered
35 at the written request of a peace officer having
36 reasonable grounds to believe that the person was
37 operating a motor vehicle while having an alcohol
38 concentration of more than .04.
39 2. The peace officer shall determine which of the
40 three substances, breath, blood, or urine, shall be
41 tested. Refusal to submit to a chemical test of urine
42 or breath is deemed a refusal to submit, and section
43 321N.6 applies. A refusal to submit to a chemical
44 test of blood is not deemed a refusal to submit, but
45 in that case, the peace officer shall then determine
46 which one of the other two substances shall be tested
47 and shall offer the test. If the peace officer fails
48 to offer a test within two hours after the preliminary
49 screening test is administered or refused or the
50 arrest is made, whichever occurs first, a test is not

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1 required, and there shall be no revocation under
2 section 321L.8.

3 Sec. ____ . NEW SECTION. 321L.6 DEAD OR
4 UNCONSCIOUS PERSONS.

5 A person who is dead, unconscious, or otherwise in
6 a condition rendering the person incapable of consent
7 or refusal is deemed not to have withdrawn the consent
8 provided by section 321L.5, and the test may be given
9 if a licensed physician certifies in advance of the
10 test that the person is dead, unconscious, or
11 otherwise in a condition rendering that person
12 incapable of consent or refusal.

13 Sec. ____ . NEW SECTION. 321L.7 STATEMENT OF
14 OFFICER.

15 A person who has been requested to submit to a
16 chemical test shall be advised by a peace officer of
17 the following:

18 1. If the person refuses to submit to the test and
19 is less than eighteen years of age, the person's
20 license or operating privilege will be revoked by the
21 department for one year or until the person's
22 eighteenth birthday, whichever is longer, without
23 eligibility for a temporary restricted license. If
24 the person refuses to submit to the test and is at
25 least eighteen years of age but less than twenty-one
26 years of age, the person's motor vehicle license or
27 operating privilege will be revoked by the department
28 for ninety days without eligibility for a temporary
29 restricted license.

30 2. If the person submits to the test and the

31 results indicate an alcohol concentration as defined
32 in section 321L.3 of more than .04, and the person is
33 under eighteen years of age, the person's license or
34 operating privilege will be revoked by the department
35 for a period of two hundred seventy days, without
36 eligibility for a temporary restricted license.

37 If the person submits to the test and the results
38 indicate an alcohol concentration as defined in
39 section 321L.3 of more than .04, and the person is at
40 least eighteen years of age but less than twenty-one
41 years of age, the person's motor vehicle license or
42 operating privilege will be revoked by the department
43 for thirty days without eligibility for a temporary
44 restricted license.

45 This section does not apply in any case involving a
46 person described in section 321L.6.

47 Sec. ____ . NEW SECTION. 321L.8 REFUSAL TO SUBMIT
48 -- REVOCATION.

49 If a person who is under eighteen years of age
50 refuses to submit to the chemical testing, a test

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1 shall not be given, but the department, upon the
2 receipt of the peace officer's certification, subject
3 to penalty for perjury, that the officer had
4 reasonable grounds to believe the person to have been
5 operating a motor vehicle while having an alcohol
6 concentration of more than .04, and that the person
7 refused to submit to the chemical testing, shall
8 revoke the person's motor vehicle license and any
9 nonresident operating privilege for a period of one
10 year or until the person's eighteenth birthday,
11 whichever is longer.

12 If a person who is at least eighteen years of age
13 but less than twenty-one years of age refuses to
14 submit to the chemical testing, a test shall not be
15 given, but the department, upon the receipt of the
16 peace officer's certification, subject to penalty for
17 perjury, that the officer had reasonable grounds to
18 believe the person to have been operating a motor
19 vehicle while having an alcohol concentration of more
20 than .04, and that the person refused to submit to the
21 chemical testing, shall revoke the person's motor
22 vehicle license and any nonresident operating
23 privilege for a period of ninety days.

24 The effective date of revocation shall be twenty
25 days after receipt of notice of revocation to the
26 person by certified mail or, on behalf of the
27 department, a peace officer offering or directing the

28 administration of a chemical test may serve immediate
29 notice of intention to revoke and of revocation on a
30 person who refuses to permit chemical testing. If the
31 peace officer serves that immediate notice, the peace
32 officer shall take the Iowa license or permit of the
33 driver, if any, and issue a temporary license
34 effective for only twenty days. The peace officer
35 shall immediately send the person's license to the
36 department along with the officer's certificate
37 indicating the person's refusal to submit to chemical
38 testing.

39 Sec. ____ . NEW SECTION. 321L.9 TAKING SAMPLE FOR
40 TEST.

41 Only a licensed physician, licensed physician
42 assistant as defined in section 148C.1, medical
43 technologist, or registered nurse, acting at the
44 request of a peace officer, may withdraw a specimen of
45 blood for the purpose of determining the alcohol
46 concentration. However, any peace officer, using
47 devices and methods approved by the commissioner of
48 public safety, may take a specimen of a person's
49 breath or urine for the purpose of determining the
50 alcohol concentration. Only new equipment kept under

Page 5

1 strictly sanitary and sterile conditions shall be used
2 for drawing blood.

3 The person may have an independent chemical test or
4 tests administered at the person's own expense in
5 addition to any administered at the direction of a
6 peace officer. The failure or inability of the person
7 to obtain an independent chemical test or tests does
8 not preclude the admission of evidence of the results
9 of the test or tests administered at the direction of
10 the peace officer. Upon the request of the person who
11 is tested, the results of the test or tests
12 administered at the direction of the peace officer
13 shall be made available to the person.

14 Sec. ____ . NEW SECTION. 321L.10 REVOCATION BASED
15 ON TEST RESULTS.

16 Upon certification, subject to penalty for perjury,
17 by the peace officer that there existed reasonable
18 grounds to believe that the person had been operating
19 a motor vehicle while having an alcohol concentration
20 of more than .04, and that the person submitted to
21 chemical testing and the test results indicated an
22 alcohol concentration of more than .04, the department
23 shall revoke the person's motor vehicle license or
24 nonresident operating privilege for a period of two

25 hundred seventy days if the person is less than
26 eighteen years of age, or for a period of thirty days
27 if the person is at least eighteen years of age but
28 less than twenty-one years of age.
29 The effective date of the revocation shall be
30 twenty days after the receipt of notice of revocation
31 to the person by certified mail. The peace officer
32 who requested or directed the administration of the
33 chemical test may, on behalf of the department, serve
34 immediate notice of revocation on a person whose test
35 results indicated an alcohol concentration of more
36 than .04. If the peace officer serves that immediate
37 notice, the peace officer shall take the person's Iowa
38 license or permit, if any, and issue a temporary
39 license valid only for twenty days. The peace officer
40 shall immediately send the person's motor vehicle
41 license to the department along with the officer's
42 certificate indicating that the test results indicated
43 an alcohol concentration of more than .04.
44 The results of a chemical test shall not be used as
45 the basis for a revocation of a person's motor vehicle
46 license or nonresident operating privilege if the
47 alcohol concentration indicated by the chemical test
48 minus the established margin of error inherent in the
49 device or method used to conduct the chemical test
50 does not equal an alcohol concentration of more than

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1 .04.
2 Sec. ____ . NEW SECTION. 321L.11 HEARING ON
3 REVOCATION -- APPEAL.
4 1. Notice of revocation of a person's motor
5 vehicle license or operating privilege served pursuant
6 to section 321L.8 or 321L.10 shall include a form
7 accompanied by a preaddressed envelope on which the
8 person served may indicate by a checkmark if the
9 person wishes to contest the revocation. The form
10 shall clearly state on its face that the form must be
11 completed and returned within thirty days of receipt
12 or the person's right to a hearing to contest the
13 revocation is foreclosed. The form shall also be
14 accompanied by a statement of the operation of and the
15 person's rights under this chapter.
16 2. The department shall grant the person an
17 opportunity to be heard within forty-five days of
18 receipt of a request for a hearing if the request is
19 made not later than thirty days after receipt of
20 notice of revocation served pursuant to section 321L.8
21 or 321L.10. The hearing shall be before the

22 department in the county where the alleged events
23 occurred, unless the director and the person agree
24 that the hearing may be held in some other county, or
25 the hearing may be held by telephone conference at the
26 discretion of the agency conducting the hearing. The
27 hearing may be recorded and its scope shall be limited
28 to the issues of whether a peace officer had
29 reasonable grounds to believe that the person was
30 operating a motor vehicle while having an alcohol
31 concentration of more than .04 and either of the
32 following:

33 a. Whether the person refused to submit to the
34 test or tests.

35 b. Whether a test was administered and the test
36 results indicated an alcohol concentration of more
37 than .04.

38 3. After the hearing the department shall order
39 that the revocation be either rescinded or sustained.
40 Upon receipt of the decision of the department to
41 sustain a revocation, the person contesting the
42 revocation has ten days to file a request for review
43 of the decision by the director. The director or the
44 director's designee shall review the decision within
45 fifteen days and shall either rescind or sustain the
46 revocation or order a new hearing. If the director
47 orders a new hearing, the department shall grant the
48 person a new hearing within thirty days of the
49 director's order.

50 Sec. ____ . NEW SECTION. 321L.12 JUDICIAL REVIEW.

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1 Judicial review of an action of the department may
2 be sought in accordance with chapter 17A.
3 Notwithstanding the terms of the Iowa administrative
4 procedure Act, chapter 17A, a petition for judicial
5 review may be filed in the district court in the
6 county where the alleged events occurred or in the
7 county in which the administrative hearing was held.
8 Sec. ____ . NEW SECTION. 321L.13 EVIDENCE IN ANY
9 ACTION.

10 Upon the trial of a civil or criminal action or
11 proceeding arising out of acts alleged to have been
12 committed by a person while operating a motor vehicle
13 while having an alcohol concentration of more than
14 .04, evidence of the alcohol concentration in the
15 person's body substances at the time of the act
16 alleged as shown by a chemical analysis of the
17 person's blood, breath, or urine is admissible. If it
18 is established at trial that an analysis of a breath

19 specimen was performed by a certified operator using a
20 device and methods approved by the commissioner of
21 public safety, no further foundation is necessary for
22 introduction of the evidence.

23 Sec. ____ . NEW SECTION. 321L.14 PROOF OF REFUSAL
24 ADMISSIBLE.

25 If a person refuses to submit to a chemical test,
26 proof of refusal is admissible in any civil or
27 criminal action or proceeding arising out of acts
28 alleged to have been committed while the person was
29 operating a motor vehicle while having an alcohol
30 concentration of more than .04.

31 Sec. ____ . NEW SECTION. 321L.15 CIVIL PENALTY --
32 SEPARATE FUND -- REINSTATEMENT.

33 When the department revokes a person's motor
34 vehicle license or nonresident operating privilege
35 under this chapter, the department shall assess the
36 person a civil penalty of one hundred dollars, The
37 money collected by the department under this section
38 shall be transmitted to the treasurer of state who
39 shall deposit the money in a separate fund dedicated
40 to and used for the purposes of chapter 912 and
41 section 709.10. A motor vehicle license or
42 nonresident operating privilege shall not be
43 reinstated until the civil penalty has been paid.

44 Sec. ____ . NEW SECTION. 321L.16 OTHER EVIDENCE.

45 This chapter does not limit the introduction of any
46 competent evidence bearing on the question of whether
47 a person was under the influence of an alcoholic
48 beverage, including the results of chemical tests of
49 specimens of blood, breath or urine obtained more than
50 two hours after the person was operating a motor

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1 vehicle.

2 Sec. ____ . NEW SECTION. 321L.17 INFORMATION
3 RELAYED TO OTHER STATES.

4 When it has been finally determined under this
5 chapter that a nonresident's privilege to operate a
6 motor vehicle in this state has been revoked or
7 denied, the department shall give information in
8 writing of the action taken to the official in charge
9 of traffic control or public safety of the state of
10 the person's residence and of any state in which the
11 person has a license.

12 Sec. ____ . NEW SECTION. 321L.18 TEMPORARY
13 RESTRICTED LICENSE PROHIBITED.

14 A person whose motor vehicle license has been
15 revoked under this chapter is not eligible for a

16 temporary restricted license during the period of
17 revocation.

18 Sec. ____ NEW SECTION. 321L.19 DRIVING WHILE
19 LICENSE DENIED OR REVOKED.

20 A person whose motor vehicle license or nonresident
21 operating privilege has been denied or revoked as
22 provided in this chapter and who drives a motor
23 vehicle upon the highways of this state while the
24 license or privilege is denied or revoked commits a
25 serious misdemeanor. The department, upon receiving
26 the record of the conviction of a person under this
27 section upon a charge of driving a motor vehicle while
28 the license of the person was revoked or denied, shall
29 extend the period of revocation or denial for an
30 additional like period, and the department shall not
31 issue a new license during the additional period.”

32 3. By renumbering as necessary.

CALVIN O. HULTMAN
RICHARD VANDE HOEF
WILMER RENSINK
RAY TAYLOR
MARK R. HAGERLA
NORMAN J. GOODWIN
H. KAY HEDGE
MAGGIE TINSMAN

S-5629

1 Amend House File 2455 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, line 33, by striking the word and
4 figures “July 1, 1992” and inserting the following:
5 “July 1, 1995”.

EUGENE FRAISE

S-5630

1 Amend House File 2496, as passed by the House, as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 “coverages” the following: “to a group of one hundred
5 or more persons”.
6 2. Page 1, line 6, by inserting after the word
7 “request,” the following: “once in a twelve-month
8 period.”.
9 3. Page 1, by striking lines 8 through 10 and

10 inserting the following:

11 "b. Costs of claims submitted to date."

MICHAEL E. GRONSTAL

S-5631

1 Amend Senate File 2413 as follows:

2 1. By striking page 15, line 29 through page 20,
3 line 2, and inserting the following:

4 "Sec. ____ . NEW SECTION. 421A.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Controlled substance" means controlled
8 substance as defined in section 204.101.

9 2. "Counterfeit substance" means a counterfeit
10 substance as defined in section 204.101.

11 3. "Dealer" means any person who ships,
12 transports, or imports into this state or acquires,
13 purchases, possesses, manufactures, or produces in
14 this state any of the following:

15 a. Seven or more grams of a taxable substance
16 other than marijuana, but including a taxable
17 substance that is a mixture of marijuana and other
18 taxable substances.

19 b. Forty-two and one-half grams or more of a
20 substance consisting of or containing marijuana.

21 c. Ten or more dosage units of a taxable substance
22 which is not sold by weight.

23 However, a person who lawfully ships, transports,
24 or imports into this state or acquires, purchases,
25 possesses, manufactures, or produces a taxable
26 substance in this state is not considered a dealer.

27 4. "Department" means the department of revenue
28 and finance.

29 5. "Director" means the director of revenue and
30 finance.

31 6. "Dosage unit" means the unit of measurement in
32 which a substance is dispensed to the ultimate user.

33 Dosage unit includes, but is not limited to, one pill,
34 one capsule, or one microdot.

35 7. "Marijuana" means marijuana as defined in
36 section 204.101.

37 8. "Simulated controlled substance" means a
38 simulated controlled substance as defined in section
39 204.101.

40 9. "Taxable substance" means a controlled
41 substance, a counterfeit substance, a simulated
42 controlled substance, or marijuana, or a mixture of

43 materials that contains a controlled substance,
44 counterfeit substance, simulated controlled substance,
45 or marijuana.
46 Sec. ____ . NEW SECTION. 421A.2 ADMINISTRATION --
47 RULES.
48 The director shall administer this chapter. The
49 director shall collect all taxes, interest, and civil
50 penalties imposed under this chapter and deposit them

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1 in the general fund of the state.
2 The director may adopt rules under chapter 17A that
3 are necessary to enforce this chapter. The director
4 shall adopt a uniform system of providing, affixing,
5 and displaying official stamps, labels, or other
6 official indicia for taxable substances.
7 Sec. ____ . NEW SECTION. 421A.3 TAX PAYMENT
8 REQUIRED FOR POSSESSION -- PAYMENT DUE.
9 A dealer shall not possess, distribute, or offer to
10 sell a taxable substance unless the tax imposed under
11 this chapter has been paid as evidenced by a stamp,
12 label, or other official indicia permanently affixed
13 to the taxable substance.
14 Taxes imposed on taxable substances by this chapter
15 are due and payable immediately upon manufacture,
16 production, acquisition, purchase, or possession by a
17 dealer.
18 If the indicia evidencing the payment of the tax
19 imposed on taxable substances under this chapter have
20 not been affixed, the dealer shall have the indicia
21 permanently affixed on the taxable substance
22 immediately after receiving the taxable substance. A
23 stamp, label, or other official indicia shall be used
24 only once and shall not be used after the date of
25 expiration.
26 Sec. ____ . NEW SECTION. 421A.4 MEASUREMENTS.
27 For purposes of measurements under this chapter,
28 the weight of a taxable substance shall be measured by
29 its weight in metric grams in the dealer's possession.
30 If a taxable substance consists of a mixture
31 containing both marijuana and another substance or
32 combination of substances listed in the definition of
33 taxable substance in section 421A.1, the taxable
34 substance shall be taxed under section 421A.7,
35 subsection 2.
36 Sec. ____ . NEW SECTION. 421A.5 DEFENSE OR
37 IMMUNITY.
38 This chapter does not provide in any manner a
39 defense or affirmative defense to or immunity for a

40 dealer from criminal prosecution pursuant to Iowa law.
41 Sec. ____ . NEW SECTION. 421A.6 PHARMACEUTICALS.
42 This chapter does not require persons lawfully in
43 possession of a taxable substance to pay the tax
44 required under this chapter or to purchase, acquire,
45 or affix the stamps, labels, or other official indicia
46 otherwise required by this chapter.
47 Sec. ____ . NEW SECTION. 421A.7 TAX IMPOSED --
48 RATE OF TAX.
49 An excise tax is imposed on dealers at the
50 following rates:

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1 1. On each gram of marijuana, or each portion of a
2 gram, five dollars.
3 2. On each gram or portion of a gram of any
4 taxable substance sold by weight other than marijuana,
5 two hundred fifty dollars.
6 3. On each ten dosage units of any taxable
7 substance that is not sold by weight, or portion
8 thereof, four hundred dollars.
9 Sec. ____ . NEW SECTION. 421A.8 PRICE OF STAMPS,
10 LABELS, OR OTHER INDICIA.
11 Stamps, labels, or other official indicia to be
12 affixed to a taxable substance indicating the payment
13 of the excise tax shall be obtained and purchased from
14 the department. The dealer shall pay the entire
15 excise tax listed in section 421A.7 at the time of
16 purchase, except as provided in section 421A.13, and
17 receive stamps, labels, or other official indicia for
18 the amount paid. However, the minimum purchase price
19 to be paid for any stamps, labels, or indicia shall be
20 two hundred fifteen dollars.
21 Sec. ____ . NEW SECTION. 421A.9 ASSESSMENTS ARE
22 JEOPARDY ASSESSMENTS.
23 All assessments of taxes made pursuant to this
24 chapter shall be considered jeopardy assessments or
25 collections as provided in section 422.30. The
26 director shall assess a tax, interest, and applicable
27 penalties based on knowledge or information available
28 to the director; mail to the taxpayer at the
29 taxpayer's last known address or serve in person, a
30 written notice of the amount of tax, interest, and
31 penalty; demand its immediate payment; and, if payment
32 is not immediately made, collect the tax, interest,
33 and penalty by any method prescribed in section
34 422.30. The period for examination, determination of
35 amount of tax owed, and assessment is unlimited.
36 A person shall not bring suit to enjoin the

37 assessment or collection of any taxes, interest, or
38 penalties imposed by this chapter.
39 The tax, interest, and penalties assessed by the
40 director are presumed to be valid and correctly
41 determined and assessed. The burden is upon the
42 taxpayer to show any incorrectness or invalidity of an
43 assessment. The burden is upon the taxpayer to prove
44 that the shipment, transportation, importation,
45 acquisition, purchase, possession, manufacture, or
46 production of a taxable substance was lawful if a
47 taxpayer's status as a dealer is disputed. Any
48 statement filed by the director with the clerk of the
49 district court, or any other certificate by the
50 director of the amount of tax, interest, and penalties

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1 determined or assessed is admissible in evidence and
2 is prima facie evidence of the facts contained in the
3 statement.

4 Sec. ____ . NEW SECTION. 421A.10 CONFIDENTIAL
5 NATURE OF INFORMATION.

6 Notwithstanding any law to the contrary, the
7 director or an employee of the department shall not
8 reveal any information obtained from a dealer; nor
9 shall information obtained from a dealer be used
10 against the dealer in any criminal proceeding, unless
11 the information is independently obtained, except in
12 connection with a proceeding involving taxes due under
13 this chapter from the dealer against whom the tax was
14 assessed.

15 A person who violates this section is guilty of a
16 simple misdemeanor.

17 This section does not prohibit the director from
18 publishing statistics that do not disclose the
19 identity of the dealers.

20 A stamp, label, or other official indicia denoting
21 payment of the tax imposed under this chapter shall
22 not be used against a taxpayer in a criminal
23 proceeding, except that such information may be used
24 against the taxpayer in connection with the
25 administration or civil or criminal enforcement of the
26 tax imposed under this chapter or any similar tax
27 imposed by another state or local unit of government.

28 Sec. ____ . NEW SECTION. 421A.11 EXAMINATION OF
29 RECORDS BY DIRECTOR -- SUBPOENAS.

30 For the purpose of determining whether or not the
31 dealer should have paid taxes, determining the amount
32 of tax that should have been paid, or collecting any
33 taxes under this chapter, the director may examine, or

34 cause to be examined, any books, papers, records, or
35 memoranda that may be relevant to making such
36 determinations, whether the books, papers, records, or
37 memoranda are the property of or in the possession of
38 the dealer or another person. The director may
39 require the attendance of any person having knowledge
40 or information that may be relevant, compel the
41 production of books, papers, records, or memoranda by
42 persons required to attend, take testimony on matters
43 material to the determination, and administer oaths or
44 affirmations. Upon demand of the director or an
45 examiner or investigator, the court shall issue a
46 subpoena for the attendance of a witness or the
47 production of books, papers, records, or memoranda.
48 The director may also issue subpoenas. Disobedience
49 of subpoenas issued under this chapter is punishable
50 by the district court of the county in which the

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1 subpoena is issued, or if the subpoena is issued by
2 the director, by the district court of the county in
3 which the party served with the subpoena is located,
4 in the same manner as a contempt of court.

5 The director may petition the district court or a
6 magistrate for an administrative search warrant as
7 authorized by section 808.14 to execute a distress
8 warrant authorized by section 422.26.

9 Sec. — . NEW SECTION. 421A.12 CIVIL AND
10 CRIMINAL PENALTIES FOR VIOLATION OF ACT -- INTEREST.

11 A dealer who violates this chapter is subject to a
12 penalty equal to the amount of the tax imposed by
13 section 421A.7, in addition to the tax imposed by that
14 section. The dealer shall pay interest on the tax and
15 penalty at the rate in effect under section 421.7,
16 counting each fraction of a month as an entire month,
17 computed from the date of assessment through the date
18 of payment. The penalty and interest shall be
19 collected as part of the tax.

20 In addition to the civil tax penalty and interest
21 imposed by this section, a dealer distributing,
22 offering to sell, or possessing taxable substances
23 without affixing the appropriate stamps, labels, or
24 other official indicia is guilty of a class "D"
25 felony.

26 A person who possesses, prints, engraves, makes,
27 issues, sells, or circulates a counterfeit taxable
28 substance tax stamp, label, or other official indicia,
29 or places or causes to be placed a counterfeit taxable
30 substance tax stamp, label, or other official indicia

31 on a taxable substance, is guilty of a class "D"
32 felony.

33 A person who uses, sells, offers for sale, or
34 possesses for use or sale a previously used or expired
35 taxable substance tax stamp, label, or other official
36 indicia, or attaches or causes to be attached a
37 previously used or expired taxable substance tax
38 stamp, label, or other official indicia to a taxable
39 substance, is guilty of a class "D" felony.

40 Notwithstanding section 802.3, an indictment may be
41 found or information filed upon any criminal offense
42 specified in this chapter, in the proper court, within
43 six years after the commission of the offense.

44 Sec. ____ . NEW SECTION. 421A.13 CREDIT FOR
45 PREVIOUSLY PAID TAXES.

46 If another state or local unit of government has
47 previously assessed an excise tax on a taxable
48 substance, the taxpayer shall pay the difference
49 between the tax imposed under this chapter and the tax
50 previously paid. If the tax previously paid to the

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1 other state or local unit of government was equal to
2 or greater than the tax imposed under this chapter, no
3 tax is due. The burden is on the taxpayer to show
4 that an excise tax on the taxable substances has been
5 paid to another state or local unit of government.

6 Sec. ____ . NEW SECTION. 421A.14 REVISION OF TAX -
7 - REFUNDS.

8 Sections 421.5, 422.26, 422.28, 422.29, 422.73,
9 subsection 2, and 422.74 shall apply to this chapter,
10 except that a refund claim filed later than thirty
11 days from the expiration date of the stamps for which
12 the refund is requested shall not be allowed by the
13 director.

14 Sec. ____ . NEW SECTION. 421A.15 AVAILABILITY OF
15 RECORDS AND INFORMATION.

16 The director may request from state, county, and
17 local agencies, information and assistance deemed
18 necessary to administer this chapter. State, county,
19 and local agencies, officers, and employees shall
20 cooperate with the director in identifying dealers and
21 shall, on request, supply the department with
22 available information and assistance which the
23 director deems necessary to administer this chapter,
24 notwithstanding any provisions of law making such
25 information confidential."

26 2. Page 35, by inserting after line 7 the fol-
27 lowing:

28 "Sec. ____.
29 Chapter 421A, as enacted in this Act, takes effect
30 September 1, 1990."
31 3. By renumbering as necessary.

MICHAEL GRONSTAL

S-5632

1 Amend Senate File 2413 as follows:
2 1. Page 13, line 16, by inserting after the word
3 "possible" the following: " unless the juvenile
4 court determines that such relationships are not in
5 the best interest of the child".
6 2. Page 13, line 18, by inserting after the word
7 "action" the following: " unless the length of time
8 to be served is such that the parent-child
9 relationship will be effectively severed".

CHARLES BRUNER
LINN FUHRMAN

S-5633

1 Amend Senate File 2413 as follows:
2 1. Page 11, by striking line 8 through page 13,
3 line 27.
4 2. Title page 1, by striking lines 11 and 12 and
5 inserting the following: "juvenile offenders,
6 establishing institutional reading room
7 requirements,".

JACK RIFE

S-5634

1 Amend Senate File 2413 as follows:
2 1. Page 15, by striking lines 2 and 3, and
3 inserting the following: "work an undue hardship on
4 the person, or finds that sufficient jail space is not
5 available and is not reasonably expected to become
6 available within four months after sentencing to
7 incarcerate the person serving the".

LINN FUHRMAN

S-5635

1 Amend the amendment, S-5505, to House File 2320, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 16, by inserting after line 13, the
5 following:

6 "Sec. ____ NEW SECTION. 515.81C CANCELLATION OR
7 NONRENEWAL OF COMMERCIAL UMBRELLA OR EXCESS POLICIES
8 OR CONTRACTS.

9 1. As used in this section, "umbrella or excess
10 insurance policy" means a commercial line policy or
11 contract of insurance providing liability or property
12 coverage over one or more underlying policies or over
13 a specified amount of self-insured retention.

14 Umbrella or excess insurance policy includes policies
15 or contracts written over an umbrella or excess
16 insurance policy or policies.

17 2. An umbrella or excess insurance policy which
18 has not previously been renewed may be canceled by the
19 insurer if it has been in effect for less than sixty
20 days at the time notice of cancellation is mailed or
21 delivered.

22 3. An umbrella or excess insurance policy which
23 has been renewed or which has been in effect for sixty
24 or more days shall not be canceled by the insurer,
25 except as provided in section 515.81A, subsections 2
26 and 3, except by notice to the insured as required by
27 this section or unless at least one of the following
28 conditions occurs:

29 a. A material change in the limits, scope of
30 coverage, or exclusions in one or more of the
31 underlying policies.

32 b. Cancellation or nonrenewal of one or more of
33 the underlying policies where the policies are not
34 replaced without lapse.

35 c. A reduction in the financial rating or grade of
36 one or more of the insurers insuring one or more of
37 the underlying policies based on an evaluation by a
38 recognized financial rating organization.

39 4. A notice of cancellation is not effective
40 unless mailed by certified mail or delivered to the
41 named insured and any loss payee at least ten days
42 prior to the effective date of cancellation. A notice
43 of cancellation shall include the reason for
44 cancellation of the umbrella or excess insurance
45 policy. A post office department certificate of
46 mailing to the named insured at the address shown in
47 the umbrella or excess policy is proof of receipt of
48 the mailing; however, such a certificate of mailing is
49 not required if cancellation is for nonpayment of
50 premium.

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1 5. An insurer shall not fail to renew an umbrella
2 or excess insurance policy except by notice to the
3 insured as provided in this section; however, an
4 insurer may condition renewal of an umbrella or excess
5 insurance policy upon requirements relating to the
6 underlying policy or policies. If the requirements
7 are not satisfied as of the expiration date of the
8 umbrella or excess insurance policy, or thirty days
9 after mailing or delivery of the notice, whichever is
10 later, the conditional renewal notice shall be deemed
11 to be an effective notice of nonrenewal. This
12 subsection does not apply if the insurer has offered
13 to renew or if the insured fails to pay a premium due
14 or any advance premium required by the insurer for
15 renewal.

16 6. A notice of nonrenewal is not effective unless
17 mailed by certified mail or delivered to the named
18 insured and any loss payee at least forty-five days
19 prior to the expiration date of the umbrella or excess
20 insurance policy. If the insurer fails to meet the
21 notice requirements of this subsection the insured has
22 the option of continuing the policy for the remainder
23 of the notice period plus an additional thirty days at
24 the premium rate of the existing umbrella or excess
25 policy.

26 7. Section 515.81A and 515.81B are not applicable
27 to umbrella or excess insurance policies except as
28 provided in subsection 3.”

29 2. By renumbering as necessary.

MICHAEL GRONSTAL

S-5636

1 Amend House File 2506, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 28, the
4 following:

5 “Sec. ____.

6 The legislative fiscal bureau, in cooperation with
7 the health care expansion task force, shall determine
8 the effect of this Act upon insurance rates.
9 Specifically the determination shall include
10 information relating to the impact of this Act upon
11 the uninsured population in this state and the degree
12 to which the Act may or may not contribute to making
13 health insurance unavailable. A report of the

- 14 findings shall be made to the general assembly."
 15 2. By renumbering as necessary.

MARK R. HAGERLA

S-5637

- 1 Amend Senate File 2413 as follows:
 2 1. Page 22, by inserting after line 12 the
 3 following:
 4 "Sec. ____ . Section 702.11, Code Supplement 1989,
 5 is amended to read as follows:
 6 702.11 FORCIBLE FELONY.
 7 A "forcible felony" is any felonious child
 8 endangerment, assault, murder, sexual abuse other than
 9 sexual abuse in the third degree committed between
 10 spouses or in violation of section 709.4, subsection
 11 2, paragraph "c", subparagraph (4), kidnapping,
 12 robbery, arson in the first or second degree, or
 13 burglary in the first degree."
 14 2. Page 22, by inserting after line 27 the
 15 following:
 16 "Sec. ____ . NEW SECTION. 712.1A ARSON IN THE
 17 FIRST DEGREE.
 18 Arson in the first degree is arson which results in
 19 the death of a person, including the death of a paid
 20 or volunteer firefighter. Arson in the first degree
 21 is a class "A" felony.
 22 Sec. ____ . Section 712.2, Code 1989, is amended to
 23 read as follows:
 24 712.2 ARSON IN THE ~~FIRST~~ SECOND DEGREE.
 25 Arson is arson in the ~~first~~ second degree when the
 26 property which the defendant intends to destroy or
 27 damage, or which the defendant knowingly endangers, is
 28 property in which the presence of one or more persons
 29 can be reasonably anticipated; ~~or the arson results in~~
 30 ~~the death of a fire fighter, whether paid or~~
 31 ~~volunteer.~~
 32 Arson in the ~~first~~ second degree is a class "B"
 33 felony.
 34 Sec. ____ . Section 712.3, Code 1989, is amended to
 35 read as follows:
 36 712.3 ARSON IN THE ~~SECOND~~ THIRD DEGREE.
 37 Arson which is not arson in the first or second
 38 degree is arson in the ~~second~~ third degree when the
 39 property which the defendant intends to destroy or
 40 damage, or which the defendant knowingly endangers, is
 41 a building or a structure, or real property of any
 42 kind, or standing crops, or is personal property the

43 value of which exceeds five hundred dollars. Arson in
44 the ~~second~~ third degree is a class "C" felony.
45 Sec. ____ . Section 712.4, Code 1989, is amended to
46 read as follows:
47 712.4 ARSON IN THE ~~THIRD~~ FOURTH DEGREE.
48 Arson which is not arson in the first, second, or
49 third degree or ~~arson in the second degree~~ is arson in
50 the ~~third~~ fourth degree. Arson in the ~~third~~ fourth

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1 degree is an aggravated misdemeanor."
2 3. Renumber as necessary.

MARK R. HAGERLA

S-5638

1 Amend the amendment, S-5615, to Senate File 2413 as
2 follows:
3 1. Page 9, by inserting after line 20, the
4 following:
5 "Sec. ____ . NEW SECTION. 321L.4A SURRENDER OF
6 REGISTRATION AND PLATES.
7 1. Upon a plea or verdict of guilty of a third or
8 subsequent violation of section 321J.2, the court
9 shall require the defendant to surrender to the
10 director the registration certificate and registration
11 plates of all vehicles registered to the defendant for
12 a period of one hundred eighty days after the date of
13 surrender if the violation is a third violation, and
14 for a period of one year if the violation is a fourth
15 or subsequent violation. The registration certificate
16 and registration plates shall be reissued after the
17 expiration of the period provided in this subsection
18 and upon application made by the defendant. For
19 purposes of this subsection, a conviction for,
20 deferred judgment for, or plea of guilty to, a
21 violation of section 321J.2, which occurred more than
22 six years prior to the date of the most recent
23 violation charged, shall not be considered in
24 determining that the most recent violation is a third
25 offense or subsequent offense.
26 2. The owner of a motor vehicle who allows another
27 person to operate the owner's motor vehicle upon the
28 highways of this state shall be required to surrender
29 to the director the registration certificate and
30 registration plates of the vehicle upon a plea or
31 verdict of guilty of a third or subsequent violation

32 of section 321J.2 which occurred while the person was
33 operating the owner's motor vehicle. The minimum
34 duration of the period of surrender shall be one
35 hundred eighty days if the violation is the person's
36 third violation and shall be one year if the violation
37 is the person's fourth or a subsequent violation. The
38 registration certificate and registration plates shall
39 be reissued after the expiration of the period of
40 surrender and upon application made by the owner."

LINN FUHRMAN
MAGGIE TINSMAN
RICHARD VANDE HOEF
RAY TAYLOR

S-5639

1 Amend Senate File 2413 as follows:
2 1. Page 3, line 3, by inserting after the figure
3 "805.16" the following: ", unless the officer has
4 reasonable grounds to believe that such notification
5 is not in the best interests of the person or will
6 endanger that person".
7 2. Page 4, line 17, by inserting after the word
8 "arrested" the following: ", unless the officer has
9 reasonable grounds to believe that such notification
10 is not in the best interests of the person or will
11 endanger that person".

BEVERLY HANNON
JIM LIND
JOY CORNING

S-5640

1 Amend the amendment, S-5615, to Senate File 2413 as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "5A. "Impaired" means a condition of a person
6 where the person has consumed alcohol or a drug, or a
7 combination of the two, and the person has been
8 affected to any degree such that the person is less
9 able than the person would be without consuming the
10 alcohol or drug, either mentally or physically, or
11 both, to exercise clear judgment, sufficient physical
12 control, or due care in the operation of a vehicle."
13 2. Page 1, line 48, by inserting after the word

- 14 "while" the following: "impaired or".
15 3. Page 2, by inserting after line 5 the
16 following:
17 "c. While impaired as defined in section 321L.1."

CALVIN O. HULTMAN

S-5641

- 1 Amend Senate File 2413 as follows:
2 1. By striking page 29, line 1, through page 31,
3 line 2.
4 2. Renumber as necessary.

RAY TAYLOR

S-5642

- 1 Amend the amendment, S-5615, to Senate File 2413 as
2 follows:
3 1. Page 3, by inserting after line 10, the
4 following:
5 "A minimum term of imprisonment in a county jail or
6 community-based correctional facility imposed on a
7 person convicted of a second or subsequent offense
8 under paragraph "b" or "c" shall be served on
9 consecutive days. However, if the sentencing court
10 finds by clear and convincing evidence that service of
11 the full minimum term on consecutive days would work
12 an undue hardship on the person, the court may order
13 the person to serve not less than forty-eight
14 consecutive hours of the minimum term and to perform
15 not less than two hundred forty hours of unpaid
16 community service."
17 2. Page 9, by striking lines 3 through 6 and
18 inserting the following: "license to the person
19 following the expiration of any minimum revocation
20 period provided for under section 321L.20. Notice of
21 and an opportunity to request a hearing on the
22 petition shall be provided to the department and to
23 the prosecuting attorney by the clerk of the district
24 court in the county where the violation resulting in
25 the revocation was committed. If the court determines
26 that any minimum revocation period provided for under
27 section 321L.20 has expired and the temporary
28 restricted".
29 3. Page 9, by striking line 8 and inserting the
30 following: "person's employment, the court may order

31 the”.

32 4. Page 9, line 14, by striking the word
33 “present”.

34 5. Page 11, line 9, by inserting after the word
35 “person’s” the following: “motor vehicle”.

36 6. Page 11, line 11, by inserting after the
37 figure “321L.9” the following: “and the person will
38 not be eligible for a temporary restricted license
39 until at least the first ninety days of the revocation
40 period have expired”.

41 7. Page 11, line 14, by inserting after the word
42 “person’s” the following: “motor vehicle”.

43 8. Page 11, line 17, by inserting after the
44 figure “321L.12” the following: “and the person will
45 not be eligible for a temporary restricted license
46 until at least the first thirty days of the revocation
47 period have expired”.

48 9. Page 17, by striking lines 9 through 16, and
49 inserting the following:

50 “5. Notwithstanding the Iowa administrative

Page 2

1 procedure Act, chapter 17A, the department shall not
2 stay the revocation of a person’s motor vehicle
3 license or operating privilege for the period that the
4 person is contesting the revocation under this section
5 or section 321L.14 unless the first ninety days of the
6 revocation period under section 321L.9 or the first
7 thirty days of a revocation period under 321L.12 have
8 expired.”

9 10. Page 19, line 17, by inserting after the word
10 “under” the following: “section”.

11 11. Page 19, line 28, by inserting after the word
12 “license” the following: “, and the first ninety days
13 of the revocation period have expired”.

14 12. Page 19, line 30, by inserting after the
15 figure “321L.12” the following: “and the first thirty
16 days of the revocation period have expired”.

17 13. Page 19, line 35, by striking the word
18 “sixty” and inserting the following: “sixty-five”.

RAY TAYLOR
H. KAY HEDGE
MARK R. HAGERLA

S-5643

1 Amend House File 2506, as passed by the House, as
2 follows:

- 3 1. Page 1, by inserting after line 28, the
4 following:
5 "____. This section does not apply to blanket,
6 short-term travel, accident-only, or limited or
7 specified disease policies."
8 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5644

- 1 Amend Senate File 2413 as follows:
2 1. Page 11, by striking line 10 and inserting the
3 following:
4 "1. In consultation with the department of human
5 services, the child development program at the Iowa
6 state university of science and technology, and the
7 regents center for early development education at the
8 university of northern Iowa, the department of
9 corrections shall establish a pilot family
10 preservation".
11 2. Page 11, by striking lines 13 through 24 and
12 inserting the following:
13 "a. A service within the institution providing
14 ongoing care twenty-four hours per day to children of
15 inmates who have legal custody of a child and enter
16 the institution on or after July 1, 1992, in
17 accordance with this paragraph. The child must be
18 born in the institution or be eighteen months of age
19 or less on or after July 1, 1992. The service may be
20 provided by contracting with a private provider who is
21 licensed to provide the service in accordance with
22 standards for a licensed community residential
23 facility or group living foster care facility. When a
24 child receiving family preservation services is
25 nineteen months of age or older, the department of
26 human services shall make reasonable efforts to place
27 the child in close proximity to the institution. The
28 service shall not be made available to a child of an
29 inmate if the department determines in accordance with
30 administrative rules adopted pursuant to chapter 17A
31 in consultation with the department of human services
32 that either of the following conditions exist:
33 (1) The inmate has been found to have committed
34 sexual or physical abuse of a child.
35 (2) The inmate's presentence investigation report
36 indicates that the inmate has committed physical or
37 sexual abuse of a child."

38 3. Page 11, line 31, by inserting after the word
 39 "inmate" the following: "who is participating in the
 40 family preservation program".
 41 4. Page 12, by striking lines 9 and 10 and
 42 inserting the following: "recommending policies
 43 relating to the institutional care services provided
 44 to children pursuant to this section, including the
 45 selection of a contract service provider. The".
 46 5. Page 13, by striking lines 9 through 12 and
 47 inserting the following:
 48 "d. In addition to its other duties, the advisory
 49 committee shall make recommendations regarding methods
 50 of implementing a family preservation program in the

Page 2

1 institution for children who are more than eighteen
 2 months of age. The advisory committee may consult
 3 with nonprofit foster care providers, a research
 4 institution with an interest in this issue, and other
 5 interested parties. The advisory committee shall
 6 submit the recommendations required by this paragraph
 7 and other recommendations it deems necessary, to the
 8 general assembly on or before January 1, 1993."
 9 6. Page 13, by inserting after line 27 the
 10 following:
 11 "5. This section is repealed effective July 1,
 12 2000."

MICHAEL E. GRONSTAL
 RICHARD F. DRAKE
 EUGENE FRAISE
 LARRY MURPHY
 JOE WELSH
 DON E. GETTINGS
 RICHARD VARN
 WALLY HORN
 C. JOSEPH COLEMAN
 MAGGIE TINSMAN

S-5645

1 Amend House File 2494, as passed by the House, as
 2 follows:
 3 1. Page 2, line 12, by striking the word
 4 "public".
 5 2. Page 2, line 14, by inserting after the word
 6 "use." the following: "A water supply system includes
 7 a public water supply system or a rural water district

- 8 as defined pursuant to section 357A.1.”
9 3. Page 3, line 27, by inserting after the word
10 “municipalities” the following: “or rural water
11 districts”.
12 4. Page 4, line 21, by inserting after the word
13 “MUNICIPALITIES” the following: “OR RURAL WATER
14 DISTRICTS”.
15 5. Page 4, line 23, by inserting after the word
16 “municipalities” the following: “or rural water dis-
17 tricts”.
18 6. Page 4, line 27, by inserting after the word
19 “municipalities” the following: “or rural water
20 districts”.

WILMER RENSINK

S-5646

- 1 Amend the amendment, S-5615, Senate File 2413 as
2 follows:
3 1. Page 21, by inserting after line 19 the
4 following:
5 “Sec. ____ . NEW SECTION. 321L.23 PERSONS UNDER
6 AGE TWENTY-ONE.
7 If a person under the age of twenty-one consents to
8 a chemical test under this chapter and the test
9 results indicate an alcohol concentration of more than
10 .04 but less than the level established in section
11 321L.2, subsection 1, the person’s motor vehicle
12 license or nonresident operating privilege shall be
13 revoked for a period of one year or until the person
14 reaches eighteen years of age, whichever is longer, if
15 the person is less than eighteen years of age, or for
16 thirty days as provided in section 321M.10 if the
17 person is at least eighteen years of age but less than
18 twenty-one years of age, and sections 321M.10 through
19 321M.19 apply.
20 Sec. ____ . NEW SECTION. 321M.3 DEFINITIONS.
21 As used in this chapter unless the context
22 otherwise requires:
23 1. “Alcohol concentration” means the number of
24 grams of alcohol per any of the following:
25 a. One hundred milliliters of blood.
26 b. Two hundred ten liters of breath.
27 c. Sixty-seven milliliters of urine.
28 2. “Alcoholic beverage” includes alcohol, wine,
29 spirits, beer, or any other beverage which contains
30 ethyl alcohol and is fit for human consumption.
31 3. “Arrest” includes but is not limited to taking

32 into custody pursuant to section 232.19.

33 4. "Department" means the state department of
34 transportation.

35 5. "Director" means the director of transportation
36 or the director's designee.

37 6. "Motor vehicle license" means any license or
38 permit issued to a person to operate a motor vehicle
39 in this state.

40 7. "Peace officer" means:

41 a. A member of the highway patrol.

42 b. A police officer under civil service as
43 provided in chapter 400.

44 c. A sheriff.

45 d. A regular deputy sheriff who has had formal
46 police training.

47 e. Any other law enforcement officer who has
48 satisfactorily completed an approved course relating
49 to motor vehicle operators under the influence of
50 alcoholic beverages at the Iowa law enforcement

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1 academy or a law enforcement training program approved
2 by the department of public safety.

3 Sec. ____ . NEW SECTION. 321M.4 PRELIMINARY
4 SCREENING TEST.

5 When a peace officer has reasonable grounds to
6 believe that a motor vehicle operator under the age of
7 twenty-one may be or has been operating a motor
8 vehicle while having an alcohol concentration as
9 defined in section 321M.3 of more than .04, the peace
10 officer may request the operator to provide a sample
11 of the operator's breath for a preliminary screening
12 test using a device approved by the commissioner of
13 public safety for that purpose. The results of this
14 preliminary screening test may be used for the purpose
15 of deciding whether an arrest should be made and
16 whether to request a chemical test authorized in this
17 chapter or chapter 321J, as evidence of the presence
18 of alcohol in the operator, and to prove that a
19 chemical test was properly requested of a person
20 pursuant to this chapter or chapter 321J.

21 Sec. ____ . NEW SECTION. 321M.5 IMPLIED CONSENT TO
22 TEST.

23 1. A person under the age of twenty-one who
24 operates a motor vehicle in this state under
25 circumstances which give reasonable grounds to believe
26 that the person has been operating a motor vehicle
27 while having an alcohol concentration of more than .04
28 is deemed to have given consent to the withdrawal of

29 specimens of the person's blood, breath, or urine and
30 to a chemical test or tests of the specimens for the
31 purpose of determining the alcohol concentration,
32 subject to this section. The withdrawal of the body
33 substances and the test or tests shall be administered
34 at the written request of a peace officer having
35 reasonable grounds to believe that the person was
36 operating a motor vehicle while having an alcohol
37 concentration of more than .04.

38 2. The peace officer shall determine which of the
39 three substances, breath, blood, or urine, shall be
40 tested. Refusal to submit to a chemical test of urine
41 or breath is deemed a refusal to submit, and section
42 321M.6 applies. A refusal to submit to a chemical
43 test of blood is not deemed a refusal to submit, but
44 in that case, the peace officer shall then determine
45 which one of the other two substances shall be tested
46 and shall offer the test. If the peace officer fails
47 to offer a test within two hours after the preliminary
48 screening test is administered or refused or the
49 arrest is made, whichever occurs first, a test is not
50 required, and there shall be no revocation under

Page 3

1 section 321M.8.

2 Sec. — . NEW SECTION. 321M.6 DEAD OR
3 UNCONSCIOUS PERSONS.

4 A person who is dead, unconscious, or otherwise in
5 a condition rendering the person incapable of consent
6 or refusal is deemed not to have withdrawn the consent
7 provided by section 321M.5, and the test may be given
8 if a licensed physician certifies in advance of the
9 test that the person is dead, unconscious, or
10 otherwise in a condition rendering that person
11 incapable of consent or refusal.

12 Sec. — . NEW SECTION. 321M.7 STATEMENT OF
13 OFFICER.

14 A person who has been requested to submit to a
15 chemical test shall be advised by a peace officer of
16 the following:

17 1. If the person refuses to submit to the test and
18 is less than eighteen years of age, the person's
19 license or operating privilege will be revoked by the
20 department for one year or until the person's
21 eighteenth birthday, whichever is longer, without
22 eligibility for a temporary restricted license. If
23 the person refuses to submit to the test and is at
24 least eighteen years of age but less than twenty-one
25 years of age, the person's motor vehicle license or

26 operating privilege will be revoked by the department
27 for ninety days without eligibility for a temporary
28 restricted license.

29 2. If the person submits to the test and the
30 results indicate an alcohol concentration as defined
31 in section 321M.3 of more than .04, and the person is
32 under eighteen years of age, the person's license or
33 operating privilege will be revoked by the department
34 for a period of two hundred seventy days, without
35 eligibility for a temporary restricted license.

36 If the person submits to the test and the results
37 indicate an alcohol concentration as defined in
38 section 321M.3 of more than .04, and the person is at
39 least eighteen years of age but less than twenty-one
40 years of age, the person's motor vehicle license or
41 operating privilege will be revoked by the department
42 for thirty days without eligibility for a temporary
43 restricted license.

44 This section does not apply in any case involving a
45 person described in section 321M.6.

46 Sec. ____ . NEW SECTION. 321M.8 REFUSAL TO SUBMIT
47 -- REVOCATION.

48 If a person who is under eighteen years of age
49 refuses to submit to the chemical testing, a test
50 shall not be given, but the department, upon the

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1 receipt of the peace officer's certification, subject
2 to penalty for perjury, that the officer had
3 reasonable grounds to believe the person to have been
4 operating a motor vehicle while having an alcohol
5 concentration of more than .04, and that the person
6 refused to submit to the chemical testing, shall
7 revoke the person's motor vehicle license and any
8 nonresident operating privilege for a period of one
9 year or until the person's eighteenth birthday,
10 whichever is longer.

11 If a person who is at least eighteen years of age
12 but less than twenty-one years of age refuses to
13 submit to the chemical testing, a test shall not be
14 given, but the department, upon the receipt of the
15 peace officer's certification, subject to penalty for
16 perjury, that the officer had reasonable grounds to
17 believe the person to have been operating a motor
18 vehicle while having an alcohol concentration of more
19 than .04, and that the person refused to submit to the
20 chemical testing, shall revoke the person's motor
21 vehicle license and any nonresident operating
22 privilege for a period of ninety days.

23 The effective date of revocation shall be twenty
24 days after receipt of notice of revocation to the
25 person by certified mail or, on behalf of the
26 department, a peace officer offering or directing the
27 administration of a chemical test may serve immediate
28 notice of intention to revoke and of revocation on a
29 person who refuses to permit chemical testing. If the
30 peace officer serves that immediate notice, the peace
31 officer shall take the Iowa license or permit of the
32 driver, if any, and issue a temporary license
33 effective for only twenty days. The peace officer
34 shall immediately send the person's license to the
35 department along with the officer's certificate
36 indicating the person's refusal to submit to chemical
37 testing.

38 Sec. ____ . NEW SECTION. 321M.9 TAKING SAMPLE FOR
39 TEST.

40 Only a licensed physician, licensed physician
41 assistant as defined in section 148C.1, medical
42 technologist, or registered nurse, acting at the
43 request of a peace officer, may withdraw a specimen of
44 blood for the purpose of determining the alcohol
45 concentration. However, any peace officer, using
46 devices and methods approved by the commissioner of
47 public safety, may take a specimen of a person's
48 breath or urine for the purpose of determining the
49 alcohol concentration. Only new equipment kept under
50 strictly sanitary and sterile conditions shall be used

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1 for drawing blood.

2 The person may have an independent chemical test or
3 tests administered at the person's own expense in
4 addition to any administered at the direction of a
5 peace officer. The failure or inability of the person
6 to obtain an independent chemical test or tests does
7 not preclude the admission of evidence of the results
8 of the test or tests administered at the direction of
9 the peace officer. Upon the request of the person who
10 is tested, the results of the test or tests
11 administered at the direction of the peace officer
12 shall be made available to the person.

13 Sec. ____ . NEW SECTION. 321M.10 REVOCATION BASED
14 ON TEST RESULTS.

15 Upon certification, subject to penalty for perjury,
16 by the peace officer that there existed reasonable
17 grounds to believe that the person had been operating
18 a motor vehicle while having an alcohol concentration
19 of more than .04, and that the person submitted to

20 chemical testing and the test results indicated an
21 alcohol concentration of more than .04, the department
22 shall revoke the person's motor vehicle license or
23 nonresident operating privilege for a period of two
24 hundred seventy days if the person is less than
25 eighteen years of age, or for a period of thirty days
26 if the person is at least eighteen years of age but
27 less than twenty-one years of age.

28 The effective date of the revocation shall be
29 twenty days after the receipt of notice of revocation
30 to the person by certified mail. The peace officer
31 who requested or directed the administration of the
32 chemical test may, on behalf of the department, serve
33 immediate notice of revocation on a person whose test
34 results indicated an alcohol concentration of more
35 than .04. If the peace officer serves that immediate
36 notice, the peace officer shall take the person's Iowa
37 license or permit, if any, and issue a temporary
38 license valid only for twenty days. The peace officer
39 shall immediately send the person's motor vehicle
40 license to the department along with the officer's
41 certificate indicating that the test results indicated
42 an alcohol concentration of more than .04.

43 The results of a chemical test shall not be used as
44 the basis for a revocation of a person's motor vehicle
45 license or nonresident operating privilege if the
46 alcohol concentration indicated by the chemical test
47 minus the established margin of error inherent in the
48 device or method used to conduct the chemical test
49 does not equal an alcohol concentration of more than
50 .04.

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1 Sec. ____ NEW SECTION. 321M.11 HEARING ON
2 REVOCATION -- APPEAL.

3 1. Notice of revocation of a person's motor
4 vehicle license or operating privilege served pursuant
5 to section 321M.8 or 321M.10 shall include a form
6 accompanied by a preaddressed envelope on which the
7 person served may indicate by a checkmark if the
8 person wishes to contest the revocation. The form
9 shall clearly state on its face that the form must be
10 completed and returned within thirty days of receipt
11 or the person's right to a hearing to contest the
12 revocation is foreclosed. The form shall also be
13 accompanied by a statement of the operation of and the
14 person's rights under this chapter.

15 2. The department shall grant the person an
16 opportunity to be heard within forty-five days of

17 receipt of a request for a hearing if the request is
18 made not later than thirty days after receipt of
19 notice of revocation served pursuant to section 321M.8
20 or 321M.10. The hearing shall be before the
21 department in the county where the alleged events
22 occurred, unless the director and the person agree
23 that the hearing may be held in some other county, or
24 the hearing may be held by telephone conference at the
25 discretion of the agency conducting the hearing. The
26 hearing may be recorded and its scope shall be limited
27 to the issues of whether a peace officer had
28 reasonable grounds to believe that the person was
29 operating a motor vehicle while having an alcohol
30 concentration of more than .04 and either of the
31 following:

32 a. Whether the person refused to submit to the
33 test or tests.

34 b. Whether a test was administered and the test
35 results indicated an alcohol concentration of more
36 than .04.

37 3. After the hearing the department shall order
38 that the revocation be either rescinded or sustained.
39 Upon receipt of the decision of the department to
40 sustain a revocation, the person contesting the
41 revocation has ten days to file a request for review
42 of the decision by the director. The director or the
43 director's designee shall review the decision within
44 fifteen days and shall either rescind or sustain the
45 revocation or order a new hearing. If the director
46 orders a new hearing, the department shall grant the
47 person a new hearing within thirty days of the
48 director's order.

49 Sec. ____ . NEW SECTION. 321M.12 JUDICIAL REVIEW.

50 Judicial review of an action of the department may

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1 be sought in accordance with chapter 17A.
2 Notwithstanding the terms of the Iowa administrative
3 procedure Act, chapter 17A, a petition for judicial
4 review may be filed in the district court in the
5 county where the alleged events occurred or in the
6 county in which the administrative hearing was held.

7 Sec. ____ . NEW SECTION. 321M.13 EVIDENCE IN ANY
8 ACTION.

9 Upon the trial of a civil or criminal action or
10 proceeding arising out of acts alleged to have been
11 committed by a person while operating a motor vehicle
12 while having an alcohol concentration of more than
13 .04, evidence of the alcohol concentration in the

14 person's body substances at the time of the act
15 alleged as shown by a chemical analysis of the
16 person's blood, breath, or urine is admissible. If it
17 is established at trial that an analysis of a breath
18 specimen was performed by a certified operator using a
19 device and methods approved by the commissioner of
20 public safety, no further foundation is necessary for
21 introduction of the evidence.

22 Sec. ____ . NEW SECTION. 321M.14 PROOF OF REFUSAL
23 ADMISSIBLE.

24 If a person refuses to submit to a chemical test,
25 proof of refusal is admissible in any civil or
26 criminal action or proceeding arising out of acts
27 alleged to have been committed while the person was
28 operating a motor vehicle while having an alcohol
29 concentration of more than .04.

30 Sec. ____ . NEW SECTION. 321M.15 CIVIL PENALTY --
31 SEPARATE FUND -- REINSTATEMENT.

32 When the department revokes a person's motor
33 vehicle license or nonresident operating privilege
34 under this chapter, the department shall assess the
35 person a civil penalty of one hundred dollars. The
36 money collected by the department under this section
37 shall be transmitted to the treasurer of state who
38 shall deposit the money in a separate fund dedicated
39 to and used for the purposes of chapter 912 and
40 section 709.10. A motor vehicle license or
41 nonresident operating privilege shall not be
42 reinstated until the civil penalty has been paid.

43 Sec. ____ . NEW SECTION. 321M.16 OTHER EVIDENCE.

44 This chapter does not limit the introduction of any
45 competent evidence bearing on the question of whether
46 a person was under the influence of an alcoholic
47 beverage, including the results of chemical tests of
48 specimens of blood, breath or urine obtained more than
49 two hours after the person was operating a motor
50 vehicle.

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1 Sec. ____ . NEW SECTION. 321M.17 INFORMATION
2 RELAYED TO OTHER STATES.

3 When it has been finally determined under this
4 chapter that a nonresident's privilege to operate a
5 motor vehicle in this state has been revoked or
6 denied, the department shall give information in
7 writing of the action taken to the official in charge
8 of traffic control or public safety of the state of
9 the person's residence and of any state in which the
10 person has a license.

11 Sec. — . NEW SECTION. 321M.18 TEMPORARY
12 RESTRICTED LICENSE PROHIBITED.

13 A person whose motor vehicle license has been
14 revoked under this chapter is not eligible for a
15 temporary restricted license during the period of
16 revocation.

17 Sec. — . NEW SECTION. 321M.19 DRIVING WHILE
18 LICENSE DENIED OR REVOKED.

19 A person whose motor vehicle license or nonresident
20 operating privilege has been denied or revoked as
21 provided in this chapter and who drives a motor
22 vehicle upon the highways of this state while the
23 license or privilege is denied or revoked commits a
24 serious misdemeanor. The department, upon receiving
25 the record of the conviction of a person under this
26 section upon a charge of driving a motor vehicle while
27 the license of the person was revoked or denied, shall
28 extend the period of revocation or denial for an
29 additional like period, and the department shall not
30 issue a new license during the additional period.”

31 2. By renumbering as necessary.

CALVIN O. HULTMAN

S-5647

1 Amend Senate File 2413 as follows:

2 1. Page 3, line 16, by inserting after the word
3 “school,” the following: “or within the corporate
4 boundary of a city which has been declared to be a
5 drug free zone by the city’s governing body,”.

6 2. Page 3, line 28, by inserting after the word
7 “school,” the following: “or within the corporate
8 boundary of a city which has been declared to be a
9 drug free zone by the city’s governing body.”.

RAY TAYLOR

S-5648

1 Amend Senate File 2413 as follows:

2 1. Page 30, line 15, by inserting after the word
3 “section,” the following: “Following the hearing, the
4 court shall approve or rescind such discharge.”

RAY TAYLOR
LINN FUHRMAN
JULIA GENTLEMAN
MAGGIE TINSMAN

S-5649

1 Amend Senate File 2413 as follows:

DIVISION S—5649A

2 1. Page 3, by inserting after line 5, the
3 following:

4 "Sec. ____ . Section 204.204, subsection 6, Code
5 Supplement 1989, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. c. Methamphetamine.

8 Sec. ____ . Section 204.206, subsection 4, paragraph
9 b, Code 1989, is amended by striking the paragraph."

DIVISION S—5649B

10 2. Page 4, by inserting after line 19, the
11 following:

12 "Sec. ____ . NEW SECTION. 204.416 EXCEPTION TO
13 NONBAILABLE OFFENSE.

14 Notwithstanding section 811.1, the court, in its
15 discretion, may admit a person convicted of a
16 violation of section 204.401, subsection 1 or 2, or of
17 a violation of section 204.406, to bail if the
18 prosecuting attorney in the action and the defendant's
19 counsel jointly petition the court to admit the person
20 to bail."

DIVISION S—5649A (cont'd.)

21 3. By striking page 23, line 29, through page 24,
22 line 22, and inserting the following:

23 "Sec. ____ . Section 811.1, subsections 1 and 2,
24 Code Supplement 1989, are amended to read as follows:

25 1. A defendant awaiting judgment of conviction and
26 sentencing following either a plea or verdict of
27 guilty of a class "A" felony, murder, felonious
28 assault, sexual abuse in the second degree, sexual
29 abuse in the third degree, kidnapping, robbery in the
30 first degree, arson in the first degree, ~~or~~ burglary
31 in the first degree, a violation of section 204.401,
32 subsection 1 or 2, or a violation of section 204.406.

33 2. A defendant appealing a conviction of a class
34 "A" felony, murder, felonious assault, sexual abuse in
35 the second degree, sexual abuse in the third degree,
36 kidnapping, robbery in the first degree, arson in the

- 37 first degree, or burglary in the first degree, a
38 violation of section 204.401, subsection 1 or 2, or a
39 violation of section 204.406."
40 4. Renumber as necessary.

RAY TAYLOR

S-5650

- 1 Amend Senate File 2413 as follows:
2 1. Page 15, by striking line 28 and inserting the
3 following: "in addition to any other sanction imposed
4 by the court may be punished as contempt of court."

JULIA B. GENTLEMAN

S-5651

- 1 Amend Senate File 2413 as follows:
2 1. Page 20, line 7, by inserting after the word
3 "taxpayer" the following: "and if the business does
4 not qualify for the adjustment under section 422.7,
5 subsection 12,"
6 2. Page 21, line 22, by inserting after the word
7 "corporation" the following: "and does not qualify
8 for the adjustment under section 422.35, subsection
9 6".

MICHAEL E. GRONSTAL

S-5652

- 1 Amend Senate File 2412 as follows:
2 1. Page 2, by striking lines 20 through 24.
3 2. Page 2, lines 29 and 30, by striking the words
4 "or the charitable organization".
5 3. Page 2, line 35, by striking the words "or
6 charitable organization".
7 4. Page 3, by striking lines 5 through 8, and
8 inserting the following: "the request. Failure to
9 provide this information".
10 5. Page 3, lines 10 and 11, by striking the words
11 "or charitable organization".
12 6. Title page, lines 1 and 2, by striking the
13 words "charitable organizations" and inserting the
14 following: "commercial fundraisers".
15 7. By renumbering as necessary.

JIM LIND

S-5653

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 14, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____.
- 5 Section 27 and 28 of this Act, creating a new
- 6 chapter 321L, shall be known and may be cited as
- 7 "Consecutive Days Served in County Jails for
- 8 Convictions of Second and Subsequent Violations of
- 9 Chapter 321J and Treatment for those Convicted."

MICHAEL E. GRONSTAL

S-5654

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 29, by striking lines 1 through 32.
- 3 2. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5655

- 1 Amend House File 2487, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 14, by striking the words "and
- 4 shall review".
- 5 2. Page 2, by striking lines 15 through 26 and
- 6 inserting the following: "; have standing to
- 7 participate and appear as a party or otherwise, before
- 8 agencies of the state or its political subdivisions,
- 9 or before agencies of the federal government in any
- 10 administrative proceeding which impacts the
- 11 environment; and seek judicial review of decisions or
- 12 actions of state agencies or political subdivisions of
- 13 the state if the advocate deems judicial review
- 14 appropriate to protect public rights in the
- 15 environment.
- 16 2. Have standing to commence a civil action in
- 17 district court pursuant to section 455B.111 if the
- 18 environment is adversely affected by the alleged
- 19 violation or by the alleged failure to perform a duty
- 20 or act. The advocate, at least sixty days prior to
- 21 commencing any action under section 455B.111, shall

22 provide notice pursuant to section 455B.111, and shall
 23 also provide notice to the attorney general. The
 24 sixty-day notice requirement does not apply to an
 25 action seeking temporary injunctive relief or a stay
 26 as long as the attorney general is given notice under
 27 R.C.P. 326 and has had an opportunity to intervene
 28 prior to any dispositive action in the case.”

29 3. Page 4, by inserting after line 11 the
 30 following:

31 “Sec. ____ . NEW SECTION. 455H.7 ATTORNEY GENERAL.

32 This chapter shall not be construed as affecting
 33 the authority of the attorney general to represent or
 34 defend any state officer, agency, the state, or the
 35 public interest or to institute or appear in any
 36 action or proceeding in their behalf, as the attorney
 37 general deems appropriate.

38 Sec. ____ . EFFECTIVE DATE.

39 This Act takes effect on January 1, 1991.”

40 4. Title page, line 3, by inserting after the
 41 word “committee” the following: “and providing an
 42 effective date”.

MIKE CONNOLLY

S-5656

1 Amend Senate File 2413 as follows:

2 1. Page 2, by inserting after line 28 the
 3 following:

4 “Sec. ____ . Section 123.47, Code 1989, is amended
 5 to read as follows:

6 123.47 PERSONS UNDER LEGAL AGE.

7 A person shall not sell, give, or otherwise supply
 8 alcoholic liquor, wine, or beer to any person knowing
 9 or having reasonable cause to believe that person to
 10 be under legal age, and a person or persons under
 11 legal age shall not individually or jointly have
 12 alcoholic liquor, wine, or beer in their possession or
 13 control; except in the case of liquor, wine, or beer
 14 given or dispensed to a person under legal age by the
 15 person's parent or guardian for consumption within a
 16 the private home of the person's parent or guardian
 17 and with the knowledge, and consent, and direct
 18 supervision of the person's parent or guardian for
 19 beverage or medicinal purposes or as administered to
 20 the person by either a physician or dentist for
 21 medicinal purposes and except to the extent that a
 22 person under legal age may handle alcoholic beverages,
 23 wine, and beer during the regular course of the

24 person's employment by a liquor control licensee, or
 25 wine or beer permittee under this chapter.
 26 Sec. ____ . Section 123.47A, Code 1989, is amended
 27 to read as follows:
 28 123.47A PERSONS AGE NINETEEN AND TWENTY --
 29 PENALTY.
 30 A person shall not sell, give, or otherwise supply
 31 alcoholic liquor, wine, or beer to any person knowing
 32 or having reasonable cause to believe that the person
 33 is age nineteen or twenty. A person age nineteen or
 34 twenty shall not purchase or possess alcoholic liquor,
 35 wine, or beer. However, a person age nineteen or
 36 twenty may possess alcoholic liquor, wine, or beer
 37 given to the person by the person's parent or guardian
 38 for consumption within a the private home of the
 39 person's parent or guardian with the knowledge, and
 40 consent, and direct supervision of the person's parent
 41 or guardian, and a person age nineteen or twenty may
 42 handle alcoholic liquor, wine, and beer during the
 43 course of the person's employment by a liquor control
 44 licensee, or wine or beer permittee. A person, other
 45 than a licensee or permittee, who violates this
 46 section commits a scheduled violation of section
 47 805.8, subsection 10. A licensee or permittee who
 48 violates this section is guilty of a simple
 49 misdemeanor punishable by a fine of not more than
 50 fifty dollars. The penalty provided under this

Page 2

1 section against a licensee or permittee who violates
 2 this section is the only penalty which shall be
 3 imposed against a licensee or permittee who violates
 4 this section."
 5 2. By renumbering sections as required.

WILLIAM W. DIELEMAN

S-5657

1 Amend House File 2455 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, line 30, by striking the figure
 4 "1992" and inserting the following: "1995".
 5 2. Page 10, by striking line 33 and inserting the
 6 following: "30, 1995, is terminated, effective July
 7 1, 1995. A".

EUGENE FRAISE

S-5658

1 Amend Senate File 2413 as follows:

2 1. Page 22, by inserting after line 12 the
3 following:

4 "Sec. ____ . Section 702.11, Code Supplement 1989,
5 is amended to read as follows:

6 702.11 FORCIBLE FELONY.

7 A "forcible felony" is any felonious child
8 endangerment, assault, murder, sexual abuse other than
9 sexual abuse in the third degree committed between
10 spouses or in violation of section 709.4, subsection
11 2, paragraph "c", subparagraph (4), kidnapping,
12 robbery, arson in the first or second degree, or
13 burglary in the first degree."

14 2. Page 22, by inserting after line 27 the
15 following:

16 "Sec. ____ . NEW SECTION. 712.1A ARSON IN THE
17 FIRST DEGREE.

18 Arson in the first degree is arson which results in
19 the death of a person, including the death of a paid
20 or volunteer firefighter. Arson in the first degree
21 is a class "A" felony.

22 Sec. ____ . Section 712.2, Code 1989, is amended to
23 read as follows:

24 712.2 ARSON IN THE FIRST SECOND DEGREE.

25 Arson is arson in the first second degree when the
26 property which the defendant intends to destroy or
27 damage, or which the defendant knowingly endangers, is
28 property in which the presence of one or more persons
29 can be reasonably anticipated; ~~or the arson results in~~
30 ~~the death of a fire fighter, whether paid or~~
31 ~~volunteer.~~

32 Arson in the first second degree is a class "B"
33 felony.

34 Sec. ____ . Section 712.3, Code 1989, is amended to
35 read as follows:

36 712.3 ARSON IN THE SECOND THIRD DEGREE.

37 Arson which is not arson in the first or second
38 degree is arson in the second third degree when the
39 property which the defendant intends to destroy or
40 damage, or which the defendant knowingly endangers, is
41 a building or a structure, or real property of any
42 kind, or standing crops, or is personal property the
43 value of which exceeds five hundred dollars. Arson in
44 the second third degree is a class "C" felony.

45 Sec. ____ . Section 712.4, Code 1989, is amended to

46 read as follows:

47 712.4 ARSON IN THE ~~THIRD~~ FOURTH DEGREE.

48 Arson which is not arson in the first, second, or

49 third degree or arson in the ~~second~~ degree is arson in

50 the ~~third~~ fourth degree. Arson in the ~~third~~ fourth

Page 2

1 degree is an aggravated misdemeanor."

2 3. Page 24, line 5, by inserting after the words

3 "arson in the first" the following: "or second".

4 4. Page 24, line 11, by inserting after the words

5 "arson in the first" the following: "or second".

6 5. Renumber as necessary.

MARK R. HAGERLA

S-5659

1 Amend Senate File 2413 as follows:

2 1. Page 35, by inserting after line 7, the

3 following: . . .

4 "Sec. ____ .

5 The Code editor shall redesignate sections 321L.1

6 and 321L.2, as enacted in this Act, in a new or

7 different chapter so that these sections do not

8 conflict with sections 321L.1 and 321L.2 as enacted

9 during the 1989 session of the general assembly and as

10 appear in the 1989 Code Supplement."

11 2. Renumber as necessary.

MICHAEL E. GRONSTAL

RICHARD F. DRAKE

S-5660

1 Amend House File 2177, as passed by the House, as
2 follows:

3 1. Page 1, line 6, by striking the word "both"

4 and inserting the following: "all".

5 2. Page 1, by striking lines 8 through 17 and

6 inserting the following:

7 "(1) Any off-campus vocational or employment

8 training program developed or operated by the

9 department of human services for clients of a state

10 hospital-school is a supported vocational training

11 program or a supported employment program offered by a

12 community-based provider of services or other employer

13 in the community.

14 (2) (a) If a resident of a state hospital-school
15 is to participate in an employment or training program
16 which pays a wage in compliance with the federal Fair
17 Labor Standards Act, the state hospital-school shall
18 develop a community placement plan for the resident.
19 The community placement plan shall identify the
20 services and supports the resident would need in order
21 to be discharged from the state hospital-school and to
22 live and work in the community. The state hospital-
23 school shall make reasonable efforts to implement the
24 community placement plan including referring the
25 resident to community-based providers of services.

26 (b) If a community-based provider of services is
27 unable to accept a resident who is referred by the
28 state hospital-school, the state hospital-school shall
29 request and the provider shall indicate in writing to
30 the state hospital-school the provider's reasons for
31 its inability to accept the resident and describe what
32 is needed to accept the resident.

33 (c) A resident who cannot be placed in a community
34 placement plan with a community-based provider of
35 services may be placed by the state hospital-school in
36 an on-campus or off-campus vocational or employment
37 training program. However, prior to placing a
38 resident in an on-campus vocational or employment
39 training program, the state hospital-school shall seek
40 an off-campus vocational or employment training
41 program offered by a community-based provider who
42 serves the county in which the state hospital-school
43 is based or the counties contiguous to the county,
44 provided that the resident will not be required to
45 travel for more than thirty minutes one way to obtain
46 services.

47 If off-campus services cannot be provided by a
48 community-based provider, the state hospital-school
49 shall offer the resident an on-campus vocational or
50 employment training program. The on-campus program

Page 2

1 shall be operated in compliance with the federal Fair
2 Labor Standards Act. At least semiannually, the state
3 hospital-school shall seek an off-campus community-
4 based vocational or employment training option for
5 each resident placed in an on-campus program. The
6 state hospital-school shall not place a resident in an
7 off-campus program in which the cost to the state
8 hospital-school would be in excess of the provider's
9 actual cost as determined by purchase of service rules

10 or if the service would not be reimbursed under the
11 medical assistance program.”

12 3. Page 1, by inserting after line 23 the fol-
13 lowing:

14 “(4) Nothing in this paragraph shall be construed
15 to prohibit a state hospital-school from providing a
16 service a resident needs for compliance with
17 accreditation standards for intermediate care
18 facilities for the mentally retarded.”

19 4. By renumbering as necessary.

MAGGIE TINSMAN
BEVERLY A. HANNON
MARK R. HAGERLA

S-5661

1 Amend the House amendment, S-5583, to Senate File
2 2240, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 37, the
4 following:

5 “Sec. ____ . Section 162.18, Code 1989, is amended
6 to read as follows:

7 162.18 FEES.

8 1. All fees collected by the secretary from
9 licenses and certificates issued under this chapter
10 shall be paid to the treasurer of state.

11 2. A fee of ten dollars shall be assessed and
12 collected by the department of health for each dog or
13 cat owned by a pet shop. The fee shall be paid to the
14 treasurer of state for the animal population control
15 fund established in section 169A.5.

16 Sec. ____ . NEW SECTION. 169A.1 PURPOSE.

17 The purpose of this chapter is to reduce the
18 population of unwanted and stray dogs and cats which
19 present potential threats to the public health and
20 safety by encouraging owners to have the animals
21 permanently sexually sterilized through provision of
22 low-cost animal sterilization services.

23 Sec. ____ . NEW SECTION. 169A.2 DEFINITIONS.

24 1. “Claim” means a request for reimbursement
25 submitted to the department by a participating
26 veterinarian for performing services designated under
27 the program, according to rules adopted by the
28 department and on standard forms promulgated by the
29 department. The form shall contain all information
30 required by the department and must contain
31 information relating to the name and address of the
32 owner, the services performed, a statement explaining

33 that the owner authorizes the services to be
34 performed, the signature of the owner and
35 participating veterinarian, and a service fee paid by
36 the owner.

37 2. "Department" means the Iowa department of
38 agriculture and land stewardship.

39 3. "Fund" means the animal population control fund
40 established pursuant to section 169A.5.

41 4. "Owner" means a person in whom is vested the
42 ownership, dominion over, or title to a dog or cat,
43 including a person obligated by law to care for a dog
44 or cat, if the person is eligible to participate in
45 any federal or state program designated by the
46 department which provides assistance to low-income
47 individuals, including but not limited to the
48 following:

49 a. The food stamp program authorized by Title VIII
50 of the Food and Agriculture Act of 1977, 7 U.S.C. §

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1 2011 et seq.

2 b. The supplemental security income program
3 established pursuant to Title XVI of the Social
4 Security Act, 42 U.S.C. § 1381 et seq.

5 c. The rental assistance program authorized
6 pursuant to section 8 of the United States Housing Act
7 of 1937 as amended by the Housing and Community
8 Development Act of 1974, 42 U.S.C. § 1437(f).

9 d. The program to provide housing assistance for
10 very low income and lower income families under
11 section 220.15.

12 e. The program to provide aid to dependent
13 children under chapter 239.

14 5. "Participating veterinarian" means a
15 veterinarian licensed under chapter 169, if the
16 department accepts the application submitted by the
17 veterinarian to participate in the program.

18 6. "Program" means the animal population control
19 program for low-income owners.

20 7. "Service fee" means a ten-dollar fee which the
21 owner shall deliver to the veterinarian as part of the
22 claim form before services under the program may be
23 performed by the participating veterinarian. The
24 service fee shall be forwarded by the participating
25 veterinarian to the department as part of the claim.

26 8. "Sterilization" means a surgical operation to
27 permanently sexually sterilize by spaying or neutering
28 a dog or cat as performed by a veterinarian licensed
29 under chapter 169.

30 Sec. ____ . NEW SECTION. 169A.3 ANIMAL CONTROL
31 PROGRAM -- DUTIES AND POWERS OF THE DEPARTMENT.

32 The department has all duties and powers to
33 administer the program, including administering the
34 fund and establishing procedures for approving
35 expenditures from the fund, collecting fees required
36 under this chapter, inspecting records of pet shops,
37 and adopting rules necessary to administer and enforce
38 this chapter, including the approval of program
39 applications, and procedures to accept, verify, and
40 pay claims.

41 Sec. ____ . NEW SECTION. 169A.4 PARTICIPATING
42 VETERINARIANS -- REIMBURSEMENTS.

43 1. An owner of a dog or cat may have the animal
44 sterilized under the program by a participating
45 veterinarian upon completion of the owner's part of
46 the claim, and delivery of the animal to the
47 veterinarian for sterilization upon terms and
48 conditions specified by the veterinarian.

49 2. A veterinarian licensed under chapter 169 may
50 participate in the program by filing with the

Page 3

1 department according to rules adopted by the
2 department an application which shall state all
3 information prescribed by the department, including a
4 fee schedule listing the fees charged for
5 sterilization in the normal course of business. The
6 fees may vary according to the weight, sex, and
7 species. The department shall disapprove an
8 application if the fees listed are unreasonably high.

9 3. The department shall reimburse a participating
10 veterinarian submitting a claim for sterilization of
11 an owner's dog or cat. The reimbursement rate shall
12 equal eighty percent of the fee charged according to
13 the participating veterinarian's fee schedule.

14 4. The department shall also reimburse a
15 participating veterinarian submitting a claim for
16 presterilization immunization of dogs against
17 distemper, hepatitis, leptospirosis, or parvovirus, or
18 the presurgical immunization of cats against feline
19 panleukopenia, calici, pneumonitis, or
20 rhinotracheitis. However, the immunization shall be
21 administered at least ten days prior to sterilization
22 and the animal must not have been previously
23 immunized. The rate of reimbursement shall be not
24 more than ten dollars for each immunization.

25 5. A participating veterinarian shall dispose of
26 an unretrieved animal by delivering the animal to a

27 pound or animal shelter and providing a copy of the
28 claim to the pound or shelter.

29 Sec. ____ . NEW SECTION. 169A.5 ANIMAL POPULATION
30 CONTROL FUND.

31 1. The animal population control fund is created
32 in the state treasury. The general fund of the state
33 is not liable for claims presented against the fund
34 under section 169A.4. The fund consists of the fees
35 collected and designated for the fund under sections
36 162.18 and 351.6, service fees charged to owners as
37 provided in section 169A.2, sums collected in civil
38 penalties by the department and by legal action on
39 behalf of the fund, interest acquired through the
40 investment of moneys in the fund notwithstanding
41 section 453.7, and donations made from any public or
42 private source. The moneys collected under this
43 section and deposited in the fund shall be used
44 exclusively to reimburse claimants and to pay for
45 administering this section and are appropriated for
46 these purposes. Section 8.33 is not applicable to the
47 fund.

48 2. The department shall determine the validity of
49 all claims presented against the fund and shall limit
50 the time when claims are honored by the department.

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1 If at any time the fund does not contain sufficient
2 assets to pay all valid claims, the department shall
3 hold those claims for payment until the fund again
4 contains sufficient assets. Claims against the fund
5 shall be paid in the order in which they are found to
6 be valid.

7 Sec. ____ . NEW SECTION. 169A.6 CIVIL PENALTIES.

8 1. The department shall assess a civil penalty of
9 two hundred and fifty dollars for the first offense
10 and five hundred dollars for each subsequent offense,
11 upon the following:

12 a. A person who falsifies proof of eligibility as
13 an owner or veterinarian under this chapter in order
14 to participate in the program.

15 b. A person who knowingly furnishes to a
16 participating veterinarian misleading information
17 regarding ownership of an animal submitted for
18 sterilization.

19 c. A person who knowingly furnishes to the
20 department false information in the application to
21 participate in the program, including the fee schedule
22 and qualifications as a licensed veterinarian or in a
23 claim.

24 d. A pet store or participating veterinarian that
 25 knowingly fails to forward to the department the fees
 26 imposed in section 162.18, or which falsifies records
 27 relating to the payment of the fees.

28 2. The money collected by the department under
 29 this section shall be transmitted to the treasurer of
 30 state who shall deposit the money in the fund.
 31 Judicial review of an action of the department may be
 32 sought in accordance with chapter 17A.

33 Sec. ____ . Section 351.6, Code 1989, is amended to
 34 read as follows:

35 351.6 FEE.

36 The annual license fee shall be set by the city
 37 council or the board of supervisors, as applicable.
 38 The fee shall accompany the application. In addition
 39 to the regular fee, the owner shall pay to the county
 40 or city a three-dollar fee which shall be forwarded to
 41 the treasurer of state for the animal population
 42 control fund established in section 169A.5, in the
 43 manner and at the time prescribed by the treasurer of
 44 state.”

45 2. Page 1, lines 38 and 39, by striking the words
 46 “inserting after the word “dogs” the following: “,
 47 and providing” and inserting the following: “striking
 48 the words “transfer of racing dogs” and inserting the
 49 following: “care of dogs and cats, providing for
 50 fees, and providing”.

ELAINE SZYMONIAK
 JIM RIORDAN

S-5662

1 Amend Senate File 2413 as follows:

2 1. Page 10, by inserting after line 28, the
 3 following:

4 “Sec. ____ . Section 232.52, Code 1989, is amended
 5 by adding the following new subsection:

6 NEW SUBSECTION. 8. In addition to any other order
 7 of the juvenile court, if a person under age eighteen
 8 who is found in a judicial proceeding to have
 9 committed a criminal offense involving the possession
 10 or use of alcohol or a controlled substance, or an act
 11 involving alcohol or a controlled substance committed
 12 by a minor which would be a criminal offense if
 13 committed by an adult, the juvenile court may order
 14 the state department of transportation to revoke the
 15 motor vehicle license or delay the time at which a
 16 person would otherwise be eligible for an motor

- 17 vehicle license or a learner's permit for a period of
18 up to one year.”
19 2. Renumber as necessary.

MAGGIE TINSMAN
RICHARD VARN
MICHAEL E. GRONSTAL
JOY CORNING
CALVIN O. HULTMAN

S-5663

- 1 Amend Senate File 2336 as follows:
2 1. Page 4, by striking lines 2 through 15.

RAY TAYLOR

S-5664

- 1 Amend the amendment, S-5505, to House File 2320, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 11, by striking lines 33 through 45.
5 2. By renumbering as necessary.

WILLIAM D. PALMER
CALVIN O. HULTMAN

S-5665

- 1 Amend House File 2506, as passed by the House, as
2 follows:
3 1. Page 1, line 28, by striking the figure “1991”
4 and inserting the following: “1992”.

WILLIAM W. DIELEMAN

S-5666

- 1 Amend the amendment, S-5655, to House File 2487, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 26 through 28, and
5 inserting the following: “as long as the attorney
6 general is given notice. The attorney general shall
7 have an opportunity to intervene prior to any

8 dispositive action in a case brought under section
9 455B.111.””

MIKE CONNOLLY

S-5667

1 Amend House File 736, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 “Section 1. NEW SECTION. 730.6 HONESTY AND
6 INTEGRITY TESTS LIMITED.
7 An employer shall not require an applicant for
8 employment or a current employee to take a test,
9 including but not limited to a written test,
10 handwriting analysis test, or a voice stress analysis
11 test, in order to evaluate the person’s honesty or
12 integrity, without the written permission of the
13 applicant for employment or current employee.”
14 2. Title page, line 2, by striking the words “and
15 providing a penalty”.

ELAINE SZYMONIAK

S-5668

1 Amend House File 2488 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 23, the
4 following:
5 “Sec. ____ . Section 490.122, subsection 3,
6 paragraph a, Code Supplement 1989, is amended to read
7 as follows:
8 a. \$ ~~.50~~ 1.00 a page for copying.
9 Sec. ____ . Section 490.127, Code Supplement 1989,
10 is amended to read as follows:
11 490.127 EVIDENTIARY EFFECT OF COPY OF FILED
12 DOCUMENT.
13 A certificate attached to a copy of a document
14 filed by the secretary of state, bearing the secretary
15 of state’s signature, which may be in facsimile, and
16 the seal of ~~this the~~ the secretary of state, is conclusive
17 evidence that the original document is on file with
18 the secretary of state.
19 Sec. ____ . Section 490.128, subsection 2, paragraph
20 e, Code Supplement 1989, is amended to read as
21 follows:

22 e. ~~That~~ If it is a domestic corporation, that

23 articles of dissolution have not been filed.

24 Sec. ____ . Section 490.401, subsection 2, paragraph
25 b, Code Supplement 1989, is amended to read as
26 follows:

27 b. A corporate name reserved or registered under
28 section 490.402, ~~or~~ 490.403, ~~or~~ 504A.7.

29 Sec. ____ . Section 490.401, subsection 2, paragraph
30 c, Code Supplement 1989, is amended to read as
31 follows:

32 c. The fictitious name adopted by a foreign
33 corporation ~~or a not-for-profit foreign corporation~~
34 authorized to transact business in this state because
35 its real name is unavailable.

36 Sec. ____ . Section 490.401, subsection 5, Code
37 Supplement 1989, is amended to read as follows:

38 5. This chapter does not control the use of
39 fictitious names; however, if a corporation ~~or a~~
40 foreign corporation uses a fictitious name in this
41 state it shall deliver to the secretary of state for
42 filing a copy of the resolution of its board of
43 directors, certified by its secretary, adopting the
44 fictitious name."

45 2. Page 2, by inserting after line 22, the
46 following:

47 "Sec. ____ . Section 490.832, Code Supplement 1989,
48 is amended to read as follows:

49 ~~490.832 INDEMNIFICATION OF PERSONAL LIABILITY --~~
50 DIRECTORS.

Page 2

1 The articles of incorporation may contain a
2 provision eliminating or limiting the personal
3 liability of a director to the corporation or its
4 shareholders for monetary damages for breach of
5 fiduciary duty as a director, provided that the
6 provision does not eliminate or limit the liability of
7 a director for a breach of the director's duty of
8 loyalty to the corporation or its shareholders, for
9 acts or omissions not in good faith or which involve
10 intentional misconduct or a knowing violation of law,
11 for a transaction from which the director derives an
12 improper personal benefit, or under section 490.833.
13 A provision shall not eliminate or limit the liability
14 of a director for an act or omission occurring prior
15 to the date when the provision in the articles of
16 incorporation becomes effective.

17 Sec. ____ . Section 490.1530, subsection 1, Code
18 Supplement 1989, is amended to read as follows:

19 1. The foreign corporation does not deliver its
20 annual report to the secretary of state in a form that
21 meets the requirements of section 490.1622 within
22 sixty days after it is due.

23 Sec. ____ . NEW SECTION. 490.1705 REINSTATEMENT OF
24 CORPORATIONS EXISTING PRIOR TO DECEMBER 31, 1989.

25 1. A corporation subject to this chapter, whose
26 certificate of incorporation was canceled pursuant to
27 former section 496A.130 after December 30, 1981, and
28 before December 31, 1989, may apply to the secretary
29 of state for reinstatement pursuant to section
30 490.1422 on or before December 31, 1991.

31 2. A corporation whose certificate of
32 incorporation was canceled pursuant to former section
33 496A.130 after December 30, 1979, and before December
34 31, 1981, may apply to the secretary of state for
35 reinstatement pursuant to section 490.1422 at any time
36 within ten years of the date of the issuance of the
37 certificate of cancellation.

38 3. A corporation whose corporate rights have been
39 canceled and forfeited in the manner provided in
40 section 496.9 prior to December 31, 1989, or which has
41 a right to renew pursuant to sections 491.25 through
42 491.28, may apply to the secretary of state for
43 reinstatement pursuant to section 490.1422 on or
44 before December 31, 1991.

45 4. This section applies to all reinstatements
46 delivered to the office of the secretary of state for
47 filing on or after December 31, 1989.

48 Sec. ____ . Section 496C.5, Code 1989, is amended to
49 read as follows:

50 496C.5 CORPORATE NAME.

Page 3

1 The corporate name of a professional corporation,
2 the corporate name of a foreign professional
3 corporation or its name as modified for use in this
4 state, and any ~~assumed~~ fictitious name or trade name
5 adopted by a professional corporation or foreign
6 professional corporation shall contain the words
7 "professional corporation" or the abbreviation "P.C.",
8 and except for the addition of such words or
9 abbreviation, shall be a name which could lawfully be
10 used by a licensed individual or by a partnership of
11 licensed individuals in the practice in this state of
12 a profession which the corporation is authorized to
13 practice. Each regulating board may by rule or
14 regulation adopt additional requirements as to the
15 corporate names and ~~assumed~~ fictitious or trade names

16 of professional corporations and foreign professional
17 corporations which are authorized to practice a
18 profession which is within the jurisdiction of the
19 regulating board.

20 Sec. ____ . Section 504A.6, subsection 5, Code
21 Supplement 1989, is amended to read as follows:

22 5. This chapter does not control the use of
23 fictitious names; however, if a corporation or a
24 foreign corporation uses a fictitious name in this
25 state it shall deliver to the secretary of state for
26 filing a copy of the resolution of its board of
27 directors, certified by its secretary, adopting the
28 fictitious name."

29 3. Page 2, by inserting after line 34, the
30 following:

31 "Sec. ____ . Chapter 496, Code 1989, is repealed."

32 4. By renumbering, relettering, and redesignating
33 as necessary.

RICHARD VARN

S-5669

1 Amend House File 2488, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 31, through page 2,
4 line 22, and inserting the following:

5 "1. A corporation which, as of December 30, 1989,
6 treated any of its shares which it had reacquired as
7 issued but not outstanding shares may continue to
8 treat those shares as issued but not outstanding
9 shares.

10 2. If a corporation reacquires its own shares
11 after December 30, 1989, but prior to January 1, 1991,
12 those shares shall constitute issued but not
13 outstanding shares as of and after their reacquisition
14 if either of the following is applicable:

15 a. If the shares are reacquired, the articles of
16 incorporation contain a provision specifying that
17 reacquired shares constitute issued but not
18 outstanding shares.

19 b. Prior to January 1, 1991, the board of
20 directors adopts a resolution specifying that shares
21 reacquired after December 30, 1989, and prior to
22 January 1, 1991, constitute issued but not outstanding
23 shares.

24 3. If a corporation reacquires its own shares
25 after December 31, 1990, those shares constitute
26 issued but not outstanding shares if, at the time they

27 are reacquired by the corporation, either of the
 28 following is applicable:
 29 a. The articles of incorporation contain a
 30 provision specifying that reacquired shares constitute
 31 issued but not outstanding shares.
 32 b. The board of directors has adopted a resolution
 33 specifying that reacquired shares constitute issued
 34 but not outstanding shares.
 35 4. Unless otherwise provided in its articles of
 36 incorporation, a corporation may at any time, by
 37 resolution adopted by its board of directors, cancel
 38 or otherwise restore to the status of authorized but
 39 unissued shares any of its shares which it has
 40 previously reacquired and treated as issued but not
 41 outstanding shares."

RICHARD VARN

HOUSE AMENDMENT TO
 SENATE FILE 2163

S-5670

1 Amend Senate File 2163, 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 176A.5, Code 1989, is amended
 6 by striking the section and inserting in lieu thereof
 7 the following:
 8 176A.5 COUNTY AGRICULTURAL EXTENSION COUNCIL.
 9 There shall be elected in each extension district
 10 an extension council consisting of nine members. Each
 11 member of the extension council shall be a resident
 12 qualified elector of the extension district.
 13 Sec. 2. Section 176A.6, Code 1989, is amended by
 14 striking the section and inserting in lieu thereof the
 15 following:
 16 176A.6 ELECTIONS.
 17 An election shall be held biennially at the time of
 18 the general election in each extension district for
 19 the election of members of the extension council. All
 20 qualified electors of the extension district are
 21 entitled to vote in the election.
 22 Sec. 3. Section 176A.7, Code 1989, is amended by
 23 striking the section and inserting in lieu thereof the
 24 following:
 25 176A.7 TERMS -- MEETINGS.

26 1. Except as otherwise provided pursuant to law
27 for members elected in 1990, the term of office of an
28 extension council member is four years. The term
29 shall commence on the first day of January following
30 the date of the member's election which is not a
31 Sunday or legal holiday. A member shall not serve
32 more than one consecutive four-year term.

33 2. Each extension council shall meet during the
34 months of January and July each year and at other
35 times during the year as the council determines. The
36 date, time, and place of each meeting shall be fixed
37 by the council.

38 Sec. 4. Section 176A.8, subsections 2 and 4, Code
39 1989, are amended to read as follows:

40 2. To and shall each year at the meeting at which
41 the date, time, and place of the holding of township
42 election meetings is fixed and determined preceding
43 the election of council members, appoint from their
44 own number one member whose term does not expire as of
45 December 31 following said meeting the election to act
46 as temporary chairperson of the first meeting of the
47 extension council to be held in January following that
48 member's appointment after the election, and one to
49 act as temporary secretary of said extension council
50 the meeting.

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1 4. To and shall fix the date, time and place in
2 each of the townships of the extension district for
3 the holding of township election meetings during the
4 period provided for the holding of them for the
5 election of members of the extension council, and call
6 the township election meetings in each of the
7 townships of the extension district for the election
8 of the members of the extension council and cause
9 notice of the date, time, and place of the election to
10 be published as provided in section 331.305 prior to
11 the date fixed for the holding of the meetings in a
12 newspaper having general circulation in each the
13 extension district; and the. The cost of publishing
14 the notice shall be paid by the extension council.
15 The township election meeting to elect a member of the
16 extension council from the township may, by
17 designation of the extension council, be held in
18 another township of that county. However, the
19 extension council shall not designate that over four
20 of those township elections may be combined into one
21 election. All the provisions of this chapter
22 referring to township election meetings in the

23 townships shall apply equally to the election meetings
24 held at the other place in the county.

25 Sec. 5. Section 176A.8, subsection 5, Code 1989,
26 is amended by striking the subsection.

27 Sec. 6. Section 176A.8, subsections 6 and 12, Code
28 1989, are amended to read as follows:

29 6. To and shall, at least ninety days prior to the
30 date fixed for the holding of the election meetings in
31 the several townships of the district fixed for the
32 election of council members, appoint in each of the
33 townships in which a township election meeting is to
34 be held a nominating committee consisting of three
35 members four persons who are not council members and
36 designate the chairperson thereof, which, The
37 membership of the nominating committee shall be gender
38 balanced. The nominating committee shall nominate at
39 least two consider the geographic distribution of
40 potential nominees in nominating one or more resident
41 qualified voters electors of the extension district as
42 candidates for election to membership in the extension
43 council, which committee shall certify the names of
44 the nominees and deliver said certificate to the
45 person designated as chairperson of the township
46 election meeting on or before the date fixed for the
47 holding thereof each office to be filled at the
48 election. To qualify for the election ballot, each
49 nominee shall file a nominating petition signed by at
50 least twenty-five qualified electors of the district

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1 with the county commissioner of elections at least
2 fifty-five days before the date of election.

3 The council shall also provide for the nomination
4 by petition of candidates for election to membership
5 on the extension council. A nominating petition shall
6 be signed by at least twenty-five qualified electors
7 of the extension district and shall be filed with the
8 county commissioner of election at least fifty-five
9 days before the date of the election.

10 12. To fill all vacancies in its membership to
11 serve for the unexpired term of the member creating
12 such the vacancy by electing appointing a resident
13 qualified voter from the township of the residence of
14 the member creating such vacancy elector of the
15 extension district. If for any reason a township
16 election meeting is not held pursuant to call and
17 published notice and no one is elected from said
18 township as a member of the extension council of the

19 ~~district, there shall be a vacancy in such membership~~
 20 ~~on the extension council. However, if an unexpired~~
 21 ~~term in which the vacancy occurs has more than seventy~~
 22 ~~days to run after the date of the next pending~~
 23 ~~election and the vacancy occurs sixty or more days~~
 24 ~~before the election, the vacancy shall be filled at~~
 25 ~~the next pending election.~~

26 Sec. 7. Section 176A.16, Code 1989, is amended to
 27 read as follows:

28 176A.16 GENERAL ELECTION LAW NOT APPLICABLE.

29 The provisions of chapter 49 ~~shall not be~~
 30 ~~applicable~~ apply to the elections held pursuant to
 31 ~~sections 176A.5, 176A.6, 176A.8 and 176A.15 this~~
 32 ~~chapter~~, and the county commissioner of elections
 33 ~~shall have no~~ has responsibility for the conducting of
 34 those elections.

35 Sec. 8. Section 39.21, Code 1989, is amended by
 36 adding the following new subsection:

37 **NEW SUBSECTION. 4.** County agricultural extension
 38 council members as provided in section 176A.6.

39 Sec. 9. TRANSITION.

40 1. Each extension council in existence on the
 41 effective date of this Act shall perform duties as set
 42 forth in this Act with respect to preparations for and
 43 conduct of the election to be held in 1990.

44 2. The five council members receiving the largest
 45 number of votes at the 1990 election are elected to
 46 initial terms of four years. The remaining members
 47 are elected to an initial term of two years and are
 48 eligible for reelection to a four-year term.

49 3. The terms of all members of extension councils
 50 in existence on the effective date of this Act shall

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1 expire on December 31, 1990.

2 Sec. 10. EFFECTIVE DATE.

3 This Act, being deemed of immediate importance,
 4 takes effect upon enactment."

HOUSE AMENDMENT TO
 SENATE FILE 2249

S-5671

1 Amend Senate File 2249, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 6, by inserting after the word

4 "benefits." the following: "The order for
5 reimbursement shall include an award for interest from
6 the date the commissioner initially ordered the
7 carrier, third-party pavor, or employer to pay
8 benefits."

9 2. Page 2, by inserting after line 15, the
10 following:

11 "4. If the commissioner has ordered a third-party
12 pavor to pay benefits, and if the commissioner
13 subsequently approves a special case settlement
14 involving the dispute pursuant to section 85.35, the
15 special case settlement shall be without prejudice to
16 any provisions of the third-party pavor's contract for
17 benefits.

18 5. The industrial commissioner or deputy
19 industrial commissioner shall consider the rights and
20 interests of a third-party pavor when entering an
21 award or order, and shall award or order appropriate
22 relief or protection, as reasonably necessary to
23 secure a third-party pavor's right to payment,
24 repayment, or subrogation from any party, if any.

25 6. Whenever the interpretation or application of a
26 third-party pavor's contract for benefits, other than
27 a policy of workers' compensation liability insurance,
28 becomes an issue of law in a contested case before the
29 industrial commissioner or a deputy industrial
30 commissioner, the question shall be submitted to the
31 commissioner of insurance for resolution of the
32 question of law. The commissioner of insurance shall
33 respond by letter ruling to the industrial
34 commissioner or deputy industrial commissioner hearing
35 the case. The industrial commissioner or a deputy
36 industrial commissioner shall not interpret a third-
37 party pavor contract without submitting any question
38 of law to the commissioner of insurance and shall
39 apply a letter ruling received from the commissioner
40 of insurance to maintain uniformity of interpretation.
41 The parties to a contested case may submit written
42 briefs on an issue of law requiring the interpretation
43 of a third-party pavor contract to the industrial
44 commissioner or the deputy industrial commissioner
45 hearing the case, and the industrial commissioner or
46 deputy industrial commissioner shall forward the
47 briefs to the commissioner of insurance along with the
48 question submitted for the commissioner of insurance's
49 letter ruling."

50 3. By striking page 2, line 27, through page 3,

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1 line 1, and inserting the following:

2 "If an injured employee is provided with medical
3 services by the employer, reasonably believing such
4 service to be provided by the employer's choice of
5 care under section 85.27, the employee shall receive
6 compensation for medical benefits pending a
7 determination by the commissioner. The employer's
8 obligation to compensate for medical benefits
9 delivered pursuant to the employer's choice of care
10 terminates when the employer ceases to exercise or
11 designate choice of care. If, after compensation for
12 medical benefits pursuant to this section it is later
13 determined that the employee's injuries were not work-
14 related, the employer or the employer's workers'
15 compensation insurance carrier has the right of
16 subrogation against the employee's third-party payor
17 for the cost of medical services delivered pursuant to
18 the employer's choice of care. The subrogation right
19 is subject to the terms and conditions of the third-
20 party payor policy or contract, including but not
21 limited to cost containment provisions and required
22 copayments or deductibles. The".

23 4. Page 3, line 13, by inserting after the word
24 "decrees" the following: "and interest shall accrue
25 as provided for money after the charges become due as
26 provided in section 535.2, subsection 1".

27 5. Page 6, line 5, by inserting after the word
28 "award." the following: "With regard to an
29 application for relief under section 85.27, the
30 expedited hearing process authorized in this
31 subsection is available only in a case where the
32 employer is not at the time of the application paying
33 for medical benefits as provided in section 85.29A."

34 6. Page 6, line 25, by striking the words
35 "probable cause" and inserting the following: "sub-
36 stantial evidence".

37 7. Page 6, by striking line 32, and inserting the
38 following: "be limited to the lesser of the actual
39 entitlement to relief or ninety days, and the ruling
40 shall state when the".

41 8. Page 7, by inserting after line 15, the
42 following:

43 "g. A party may file only one request for an
44 expedited hearing in connection with each original
45 proceeding. A party may file only one request for an
46 expedited hearing in connection with each proceeding
47 to reopen an award.

48 h. The employer or the employer's workers'

49 compensation carrier may recover benefits paid if a
50 decision in an expedited hearing pursuant to this

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1 subsection finds on behalf of the claimant, if all of
2 the following conditions are met:

3 (1) Benefits under this subsection are paid to the
4 claimant who is successful in an expedited hearing.

5 (2) Subsequent to the expedited hearing, a final
6 determination in a full contested case finds on behalf
7 of the employer in relation to the benefit liability
8 which was at issue in the expedited hearing.

9 Benefits previously paid in these circumstances are
10 recoverable as provided in paragraph "i".

11 i. The benefits may be recovered as follows:

12 (1) From a third-party payor. The right of
13 subsequent recovery from a third-party payor is
14 subject to the terms and conditions of the third-party
15 payor policy or contract, including but not limited to
16 cost containment provisions and required copayments
17 and deductibles.

18 (2) From the claimant. If the claimant is unable
19 to repay the benefits received, the employer or the
20 employer's workers' compensation carrier may file a
21 lien with the county recorder on the individual's
22 wages earned subsequent to the date of the full
23 decision in a contested case, for either an original
24 proceeding or a proceeding to reopen an award. The
25 lien, once filed, has the force and effect of a
26 judgment lien and may be enforced as provided in
27 chapter 626."

28 9. Page 7, by striking lines 18 through 22, and
29 inserting the following:

30 "1. The industrial commissioner or a deputy
31 industrial commissioner shall conduct the initial
32 hearing for a contested case within six months of the
33 filing of the contested case petition.

34 a. The claimant may unilaterally waive the right
35 to a prompt hearing within six months of the filing of
36 the contested case. If the claimant waives the
37 requirement for a hearing within six months, that
38 hearing must be held within twelve months of the
39 filing of the contested case petition, unless the
40 twelve-month requirement is waived as provided by
41 paragraph "c".

42 b. Any party to the contested case proceeding
43 other than the claimant may petition for an extension
44 of the six-month initial hearing requirement, which
45 extension shall not exceed four months beyond the six-

46 month period. The extension shall be granted for good
47 cause shown.

48 c. Any time requirements of this section may be
49 waived with the written consent of all parties to the
50 contested case proceeding.

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1 2. This section does not limit the rights provided
2 to the parties by section 17A.13, subsection 1, with
3 regard to discovery. An extension of the time periods
4 provided by this section shall be granted to complete
5 discovery upon the request of any party who has timely
6 propounded discovery of any other party and who has
7 not received a full and complete response to the
8 discovery request.

9 3. If a prehearing has not been held in the case
10 which orders the setting of discovery deadlines, the
11 time period for claimant's discovery is limited to
12 sixty days after filing of the petition and all other
13 parties shall have an additional sixty days to
14 complete discovery. If a party amends a discovery
15 response within sixty days of the scheduled date of
16 the initial hearing, an extension shall be granted
17 upon request of any other party to permit at least
18 sixty days from the date of the last amended discovery
19 response and the date of the initial hearing."

20 10. By striking page 7, line 23, through page 8,
21 line 30.

22 11. Page 8, by inserting before line 31, the
23 following:

24 "Sec. ____ . NEW SECTION. 86.18A THIRD-PARTY PAYOR
25 AS NECESSARY PARTY.

26 A third-party payor which may be liable pursuant to
27 a contract of accident and sickness insurance, a
28 nonprofit medical service contract, or health
29 maintenance organization contract, for an employee's
30 medical care or expenses if an injury or sickness is
31 not work-related, may be joined or may join as a
32 necessary party to a workers' compensation contested
33 case. Notice shall be served upon a third-party payor
34 in the same manner as provided for resident and
35 nonresident employers in section 86.36."

36 12. Page 9, by inserting after line 4, the
37 following:

38 "Sec. ____ .

39 The industrial commissioner, in cooperation with
40 the commissioner of insurance, shall compile
41 information on the number of workers' compensation
42 claimants whose receipt of medical benefits are being

43 or were delayed in the fiscal year beginning July 1,
 44 1989, and report each workers' compensation insurance
 45 carrier and third-party payor, if any, involved in
 46 each case. The report shall include a summary of the
 47 aggregate number of delayed medical benefit cases, and
 48 the number of cases involving each workers'
 49 compensation carrier and each third-party payor,
 50 including statistical information on the percentage of

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1 total cases such delayed cases represent for that
 2 carrier or third-party payor, and the total number of
 3 workers in the state covered by the carrier or third-
 4 party payor. The report shall contain such other
 5 information as reasonably necessary to determine if a
 6 particular carrier or third-party payor is
 7 disproportionately involved in cases in which
 8 claimants' medical benefits are delayed. The report
 9 shall be submitted by the industrial commissioner to
 10 the general assembly on or before January 14, 1991.
 11 Sec. ____
 12 The legislative council shall consider the
 13 establishment of an interim study committee to further
 14 investigate workers' compensation reform, including
 15 the following: compensation for work-related death,
 16 injury, hearing loss, and other disabilities; and the
 17 procedures for adjudicating claims and delivery of
 18 medical and other services to claimants to further
 19 reduce the backlog of cases, and assure fair and
 20 speedy claim resolution and benefit delivery, at a
 21 reasonable cost for both employers and employees. The
 22 study committee, if established, shall review the
 23 effectiveness of reforms already adopted, and propose
 24 such additional changes as it deems reasonable to
 25 carry out the stated public policy objectives."
 26 13. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2280

S-5672

1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 10, by striking the figure
 4 "1,746,989" and inserting the following: "1,677,000".
 5 2. Page 1, by striking lines 16 through 19.

- 6 3. Page 1, line 22, by striking the figure
- 7 "76,750" and inserting the following: "74,000".
- 8 4. Page 1, line 32, by striking the figure
- 9 "939,984" and inserting the following: "889,000".
- 10 5. Page 1, line 35, by striking the figure
- 11 "5,434" and inserting the following: "4,000".
- 12 6. Page 2, line 4, by striking the figure
- 13 "97,117" and inserting the following: "95,000".
- 14 7. Page 2, line 18, by striking the figure
- 15 "8,009" and inserting the following: "7,000".
- 16 8. Page 2, line 23, by striking the figure
- 17 "105,414" and inserting the following: "103,000".
- 18 9. Page 2, line 27, by striking the figure
- 19 "77,870" and inserting the following: "75,000".
- 20 10. Page 2, by striking lines 28 through 31.
- 21 11. Page 3, line 7, by striking the figure
- 22 "107,294" and inserting the following: "105,000".
- 23 12. Page 3, line 22, by striking the figure
- 24 "87,652" and inserting the following: "85,000".
- 25 13. Page 4, line 1, by striking the figure
- 26 "70,500" and inserting the following: "34,000".
- 27 14. Page 4, line 18, by striking the figure
- 28 "814,435" and inserting the following: "762,000".
- 29 15. Page 4, line 32, by striking the figure
- 30 "50,148" and inserting the following: "40,000".
- 31 16. Page 5, line 7, by striking the figure
- 32 "71,502" and inserting the following: "69,000".
- 33 17. Page 5, line 10, by striking the figure
- 34 "15,000" and inserting the following: "14,000".
- 35 18. Page 5, by striking lines 11 through 13.
- 36 19. Page 5, line 24, by striking the figure
- 37 "533,954" and inserting the following: "492,000".
- 38 20. Page 5, line 30, by striking the figure
- 39 "438,960" and inserting the following: "413,000".
- 40 21. Page 6, line 1, by striking the figure
- 41 "104,644" and inserting the following: "102,000".
- 42 22. Page 6, line 7, by striking the figure
- 43 "94,823" and inserting the following: "92,000".
- 44 23. Page 6, line 13, by striking the figure
- 45 "4,239,496" and inserting the following: "3,744,000".
- 46 24. Page 6, line 19, by striking the figure
- 47 "595,620" and inserting the following: "492,000".
- 48 25. Page 6, line 25, by striking the figure
- 49 "429,998" and inserting the following: "422,000".
- 50 26. Page 6, line 31, by striking the figure

Page 2

- 1 "7,282,826" and inserting the following: "7,175,000".
- 2 27. Page 7, line 17, by striking the figure

3 "3,000" and inserting the following: "2,000".
4 28. Page 7, line 20, by striking the figure
5 "2,033,000" and inserting the following: "2,002,000".
6 29. Page 7, line 34, by striking the figure
7 "618,056" and inserting the following: "608,000".
8 30. Page 8, line 3, by striking the figure
9 "80,000" and inserting the following: "67,000".
10 31. Page 11, line 15, by striking the figure
11 "1,423,044" and inserting the following: "1,224,000".
12 32. Page 11, line 21, by striking the figure
13 "1,477,953" and inserting the following: "1,454,000".
14 33. Page 11, line 24, by inserting before the
15 word "For" the following: "a."
16 34. Page 11, line 27, by striking the figure
17 "1,279,529" and inserting the following: "1,118,000".
18 35. Page 11, line 28, by striking the figure
19 "38.00" and inserting the following: "34.00".
20 36. Page 11, by inserting after line 28 the
21 following:
22 "b. WORKERS' COMPENSATION ADMINISTRATION
23 For salaries for the administration of the workers'
24 compensation fund and not more than the following
25 full-time equivalent positions:
26 \$ 140,000
27 FTEs 4.00
28 Any funds received by the department for workers'
29 compensation purposes other than the funds
30 appropriated in paragraph "b" shall be used only for
31 the payment of workers' compensation claims."
32 37. Page 12, line 21, by striking the figure
33 "109,141" and inserting the following: "107,000".
34 38. By striking page 12, line 33, through page
35 13, line 14.
36 39. Page 15, line 5, by striking the figure
37 "9,350,844" and inserting the following: "8,948,000".
38 40. Page 15, line 9, by striking the figure
39 "6,541,472" and inserting the following: "6,259,000".
40 41. Page 15, line 13, by striking the figure
41 "1,790,106" and inserting the following: "1,712,000".
42 42. Page 15, line 17, by striking the figure
43 "1,363,212" and inserting the following: "1,304,000".
44 43. Page 15, line 21, by striking the figure
45 "1,962,900" and inserting the following: "1,878,000".
46 44. Page 15, line 25, by striking the figure
47 "774,903" and inserting the following: "740,000".
48 45. Page 16, by striking lines 1 through 11, and
49 inserting the following: "The funds shall be expended
50 by the audit and compliance division for personnel

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1 salaries and support to increase tax receipts.”
 2 46. Page 17, line 25, by striking the figure
 3 “1,740,622” and inserting the following: “1,566,000”.
 4 47. Page 17, line 28, by striking the figure
 5 “1,570,027” and inserting the following: “1,410,270”.
 6 48. Page 17, line 32, by striking the figure
 7 “226,595” and inserting the following: “210,730”.
 8 49. Page 18, line 18, by striking the figure
 9 “62,100” and inserting the following: “61,000”.
 10 50. Page 18, line 23, by striking the figure
 11 “125,000” and inserting the following: “123,000”.
 12 51. Page 18, line 33, by striking the figure
 13 “225,562” and inserting the following: “221,000”.
 14 52. Page 19, by inserting after line 24, the
 15 following:
 16 “Sec. — . LAYOFFS.
 17 It is the intent of the general assembly that
 18 employees of the state of Iowa who are laid off
 19 pursuant to section 19A.9, subsection 14, be provided
 20 assistance by the department of personnel to identify
 21 alternative job opportunities within state government
 22 before the layoff occurs.”
 23 53. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2385

S-5673

1 Amend Senate File 2385, 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. CODIFICATION.
 6 Sections 2 and 3 of this Act are created as a
 7 separate division of chapter 28.
 8 Sec. 2. NEW SECTION. 28.111 VALUE-ADDED
 9 AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL
 10 ASSISTANCE PROGRAM.
 11 1. Contingent on the availability of funding for
 12 this program, the department may establish a value-
 13 added agricultural products and processes financial
 14 assistance program. The purpose of the program is to
 15 foster the development of new innovative products,
 16 practices, and processes related to agriculture
 17 through specialized financial or technical assistance

18 to facilitate the acquisition of capital. Financial
19 assistance may be in the form of a loan, loan
20 guarantee, grant, or a combination of financial
21 assistance.

22 2. A person is eligible to apply for assistance
23 under this section, if the person satisfies the
24 following requirements:

25 a. The person is a resident of this state, or the
26 person's principal place of business is located in
27 this state.

28 b. The person applies to the department of
29 economic development in a manner and according to
30 procedures required by the department.

31 c. The person submits a business plan which
32 demonstrates managerial and technical expertise.

33 d. The person operates for profit or not-for-
34 profit and under a single management, and either
35 employs fewer than twenty employees or has an annual
36 gross income of less than three million dollars
37 computed as the average of the three preceding fiscal
38 years.

39 3. The department of economic development may
40 grant financial or technical assistance to a person
41 eligible to receive assistance under this section,
42 upon review of the person's application by the
43 agricultural products advisory council as established
44 in section 15.203. The council shall make
45 recommendations to approve or disapprove an
46 application to the department. The department shall
47 consider the recommendations in granting or denying
48 assistance. The department shall not approve an
49 application for assistance under this section to
50 refinance an existing loan, or to finance traditional

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1 agricultural operations. An application is eligible
2 for consideration if the application seeks assistance
3 for any of the following purposes:

4 a. The development of value-added agricultural
5 processes not commonly available in this state which
6 are to be carried out by the person in this state.

7 b. The development of an innovative or diversified
8 agricultural product not commonly produced in this
9 state which is to be carried out by the person in this
10 state.

11 c. The development of an innovative processing,
12 packaging, marketing, or management practice not
13 commonly available in this state which is to be
14 carried out by the person in this state.

15 4. Assistance by the department granted to an
16 eligible person shall be subject to the following
17 restrictions:

18 a. The person shall not receive financial
19 assistance totaling more than eighty thousand dollars
20 under this program.

21 b. Interest on a loan shall not exceed the current
22 fair market interest rate. A loan shall not exceed
23 fifty thousand dollars.

24 c. A loan guarantee shall not exceed eighty
25 thousand dollars. A loan guarantee shall guarantee
26 not more than eighty percent of a conventionally
27 obtained loan.

28 d. A grant shall not exceed twenty-five thousand
29 dollars. A grant shall be made only to provide
30 leverage for a conventionally obtained loan. The
31 conventionally obtained loan must be for an amount
32 significantly larger than the amount of the grant.

33 5. Notwithstanding restrictions contained in
34 subsection 4, the department may use up to five
35 thousand dollars to contract for technical assistance
36 in order to aid a person having a pending or approved
37 application under this section.

38 Sec. 3. NEW SECTION. 28.112 VALUE-ADDED
39 AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL
40 ASSISTANCE FUND.

41 1. The department may establish a value-added
42 agricultural products and processes financial
43 assistance fund. The fund shall be a revolving fund
44 composed of any money appropriated by the general
45 assembly for that purpose, any other moneys available
46 to and obtained or accepted by the department from the
47 federal government or private sources for placement in
48 the fund, and any earned interest. Except as
49 otherwise provided in subsection 2, the assets of the
50 fund shall be used by the department only for carrying

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1 out the purposes of section 28.111.

2 2. The department may use moneys in the fund to do
3 any of the following:

4 a. Contract, sue and be sued, and adopt
5 administrative rules necessary to carry out the
6 provisions of this section and section 28.111, but the
7 department shall not in any manner directly or
8 indirectly pledge the credit of the state.

9 b. Authorize payment from the fund, from any
10 income received by investments of moneys in the fund
11 for costs, commissions, attorney fees, and other

12 reasonable expenses related to and necessary for
 13 insuring or guaranteeing loans under section 28.111,
 14 and for the recovery of loan moneys insured or
 15 guaranteed or the management of property acquired in
 16 connection with such loans.
 17 c. Section 8.33 shall not apply to moneys in the
 18 fund."

S-5674

1 Amend House File 2357, as amended and passed by the
 2 House, as follows:

3 1. Page 1, by striking lines 7 through 9, and
 4 inserting the following: "or dissolved during a
 5 dissolution and in which action to bring about a
 6 reorganization or dissolution was approved in an
 7 election pursuant to sections 275.18 and 275.20 or
 8 section 275.55 initiated by a vote of the board of
 9 directors or jointly by the affected boards of
 10 directors prior to July 1,"

11 2. Page 1, by striking lines 22 and 23, and
 12 inserting the following: "is one in which action to
 13 bring about a reorganization was approved in an
 14 election pursuant to sections 275.18 and 275.20
 15 initiated by a vote of the board of directors or
 16 jointly by the affected boards of directors prior to
 17 July 1, 1989".

18 3. Page 1, by striking lines 32 and 33, and
 19 inserting the following: "and the school district has
 20 approved initiated an action prior to November 30,
 21 1990, to bring about a reorganization prior to July 1,
 22 1989, the reorganized school".

LARRY MURPHY

HOUSE AMENDMENT TO
 SENATE FILE 2364

S-5675

1 Amend Senate File 2364, as amended, passed, and re-
 2 printed by the Senate, as follows:

3 1. Page 2, line 27, by striking the figure
 4 "534,550" and inserting the following: "600,609".

5 2. Page 2, line 33, by striking the figure
 6 "683,290" and inserting the following: "764,566".

7 3. Page 3, by inserting after line 10, the

8 following:

9 "The amount of full-time equivalent positions
10 allocated under this paragraph "g" may be exceeded, if
11 all of the following conditions are satisfied:

12 (1) Additional funding other than from the state
13 general fund is available during the fiscal year
14 beginning July 1, 1990, and ending June 30, 1991.

15 (2) The department of management and the
16 legislative fiscal committee are notified of the
17 additional funding and the number of full-time
18 equivalent positions to be increased.

19 (3) The department of management approves the
20 increase in full-time equivalent positions."

21 4. Page 3, line 17, by striking the figure
22 "185.79" and inserting the following: "193.79".

23 5. Page 3, by striking lines 27 through 34, and
24 inserting the following: "1990. Persons shall be
25 employed to fill these additional positions by
26 September 1, 1990."

27 6. Page 5, line 31, by striking the figure
28 "450,000" and inserting the following: "250,000".

29 7. By striking page 6, line 24, through page 7,
30 line 2.

31 8. Page 7, line 10, by striking the figure
32 "385,000" and inserting the following: "250,000".

33 9. Page 7, line 20, by striking the figure
34 "500,000" and inserting the following: "300,000".

35 10. Page 7, by striking lines 24 through 28, and
36 inserting the following: "basis from private
37 contributions. The name of a private contributor
38 shall not be associated with any project or
39 improvement, including but not limited to a structure.
40 However, the Iowa state fair board may place a plaque
41 on or near the project or improvement recognizing
42 contributors."

43 11. Page 8, line 5, by striking the figure
44 "117,062" and inserting the following: "115,891".

45 12. Page 8, line 11, by striking the figure
46 "1,922,871" and inserting the following: "1,903,642".

47 13. Page 8, line 17, by striking the figure
48 "796,658" and inserting the following: "788,691".

49 14. Page 8, line 20, by inserting before the word
50 "From" the following: "a."

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1 15. Page 8, line 23, by striking the figure
2 "1,273,577" and inserting the following: "1,260,841".

3 16. Page 8, by inserting after line 24 the
4 following:

5 "b. The amount of full-time equivalent positions
6 allocated under paragraph "a" may be exceeded, if all
7 the following conditions are satisfied:

8 (1) Senate File 2403 is enacted by the Seventy-
9 third General Assembly and Senate File 2403 contains
10 provisions which necessitate an increase in the full-
11 time equivalent positions.

12 (2) The department of management and the
13 legislative council each approve the increase in full-
14 time equivalent positions."

15 17. Page 8, by striking lines 25 through 28.

16 18. Page 8, line 33, by striking the figure
17 "2,297,051" and inserting the following: "2,105,780".

18 19. Page 8, line 34, by striking the figure
19 "154.55" and inserting the following: "142.55".

20 20. By striking page 8, line 35 through page 9,
21 line 3 and inserting the following:

22 "b. The amount of full-time equivalent positions
23 allocated under paragraph "a" may be exceeded, if all
24 the following conditions are satisfied:

25 (1) Senate file 2153 is enacted by the Seventy-
26 third General Assembly and Senate File 2153 contains
27 provisions which necessitate an increase in the full-
28 time equivalent positions.

29 (2) The department of management and the
30 legislative council each approve the increase in full-
31 time equivalent positions."

32 21. Page 9, line 10, by striking the word
33 "FORRESTRY" and inserting the following: "FORESTRY".

34 22. Page 9, line 11, by striking the letter "a."

35 23. Page 9, line 14, by striking the figure
36 "1,622,039" and inserting the following: "1,581,069".

37 24. Page 9, by striking lines 16 through 19.

38 25. Page 9, line 24, by striking the figure
39 "5,470,592" and inserting the following: "5,415,886".

40 26. Page 9, line 32, by inserting before the word
41 "From" the following: "a."

42 27. Page 10, line 1, by striking the figure
43 "15.00" and inserting the following: "11.00".

44 28. Page 10, by inserting after line 1 the
45 following:

46 "b. The amount of full-time equivalent positions
47 allocated under paragraph "a" may be exceeded, if all
48 the following conditions are satisfied:

49 (1) Senate file 2153 is enacted by the Seventy-
50 third General Assembly and Senate File 2153 contains

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1 provisions which necessitate an increase in the full-
2 time equivalent positions.

3 (2) The department of management and the
4 legislative council each approve the increase in full-
5 time equivalent positions.”

6 29. Page 10, line 10, by striking the figure
7 “235,000” and inserting the following: “230,500”.

8 30. Page 10, by inserting after line 11, the
9 following:

10 “___ . The amounts appropriated in subsections 1
11 through 10 of this section shall be treated as a
12 single appropriation from the general fund of the
13 state to the department of natural resources.”

14 31. Page 11, by striking lines 20 through 28.

15 32. Page 11, by inserting before line 29 the
16 following:

17 “___ . The amounts appropriated in subsections 1
18 through 5 of this section shall be treated as a single
19 appropriation from the state fish and game protection
20 fund to the department of natural resources.”

21 33. By striking page 12, line 34, through page
22 13, line 14.

23 34. Page 13, by inserting before line 15 the
24 following:

25 “Sec. ___ .

26 There is appropriated to the department of natural
27 resources for the fiscal year beginning July 1, 1990,
28 and ending June 30, 1991, the following amount, or so
29 much thereof as is necessary, to be used for the
30 purpose designated:

31 For use by the department, in cooperation with the
32 department of cultural affairs, to distribute to all
33 public libraries, libraries at state institutions,
34 college libraries, and libraries at public and
35 nonpublic schools in the state, and to each member of
36 the Iowa general assembly, the publication “50 simple
37 things you can do to save the earth”:

38 \$ 7,000

39 Sec. 100.

40 There is appropriated from the fees deposited in
41 the portion of the solid waste account of the
42 groundwater protection fund pursuant to section
43 455E.11, subsection 2, paragraph “a”, subparagraph
44 (2), subparagraph subdivision (d), subparagraph
45 subdivision part (ii), which were deposited prior to
46 July 1, 1990, to the Iowa center for applied research
47 in metal casting at the university of northern Iowa,
48 the following amount, or so much thereof as is

49 necessary, to be used to conduct a feasibility study
50 to determine the economic and technical feasibility of

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1 thermoreclamation of foundry sand. The study shall
2 include an evaluation of the types of foundry sand in
3 Iowa, an economic analysis of thermoreclamation of
4 foundry sand, and the environmental benefits and
5 acceptability of thermoreclamation of foundry sand:

6 \$ 130,000".

7 35. Page 16, by inserting after line 4, the
8 following:

9 "Sec. 200. Section 29C.8A, subsection 1, Code
10 1989, is amended to read as follows:

11 1. An emergency response fund is created in the
12 state treasury. The first one hundred thousand
13 dollars received annually by the treasurer of state
14 for the civil penalties and fines imposed by the court
15 pursuant to sections 455B.146, 455B.191, 455B.386,
16 455B.417, 455B.454, 455B.466, and 455B.477 shall be
17 deposited in the general waste volume reduction and
18 recycling fund of the state created in section
19 455D.15. The next hundred thousand dollars shall be
20 deposited in the emergency response fund and any
21 additional moneys shall be deposited in the household
22 hazardous waste account. All moneys received annually
23 by the treasurer of the state for the fines imposed by
24 sections 716B.2, 716B.3, and 716B.4 shall also be
25 deposited in the emergency response fund."

26 36. Page 16, by striking lines 5 through 17.

27 37. By striking page 16, line 18 through page 17,
28 line 6.

29 38. Page 17, by inserting before line 7 the
30 following:

31 "Sec. ____ . Section 107.20, Code 1989, is amended
32 to read as follows:

33 107.20 LIMITATION ON NURSERY STOCK -- EXCEPTION.

34 All funds appropriated to the department which are
35 used in growing or handling nursery stock shall be
36 used for growing or handling of the stock for
37 distribution only on state-owned lands. However, the
38 department may produce and sell at private sale game
39 cover packets and trees for erosion control, may
40 produce and sell seedling stock for windbreaks, may
41 produce trees for a demonstration windbreak in each
42 township in the state, and may dispose of growing
43 trees under a departmental plan of distribution."

44 39. Page 17, by striking lines 7 through 17.

45 40. Page 17, by inserting before line 18 the

46 following:

47 "Sec. 800. Section 455A.25 WASTE MANAGEMENT
48 RESEARCH BY PERSONS IN CONJUNCTION WITH INSTITUTIONS
49 OF HIGHER EDUCATION.

50 A person acting in conjunction with a private

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1 college, community college, or state board of regents'
2 institution, to conduct research relating to waste
3 management, on private property, or on property in
4 which a city or county holds an interest, shall notify
5 the department in writing. The person is not required
6 to obtain authorization, including but not limited to
7 a permit, by the department for one hundred twenty
8 days after submitting the notice. After the end of
9 the one hundred-twenty-day period the department shall
10 conduct an evaluation of the research, and may approve
11 or deny continuation of the research."

12 41. Page 18, by inserting after line 10, the
13 following:

14 "Sec. 300. Section 455E.11, subsection 2,
15 paragraph c, unnumbered paragraph 1, Code Supplement
16 1989, is amended to read as follows:

17 A household hazardous waste account. The moneys
18 collected pursuant to section 455F.7 and moneys
19 collected pursuant to section 29C.8A which are
20 designated for deposit, shall be deposited in the
21 household hazardous waste account. ~~Except for the~~
22 ~~first one hundred thousand dollars received annually~~
23 ~~for deposit in the waste volume reduction and~~
24 ~~recycling fund to be used by the department to provide~~
25 ~~financial assistance to counties in investigation of~~
26 ~~complaints; and the next one hundred thousand dollars~~
27 ~~received annually for deposit in the emergency~~
28 ~~response fund; the treasurer of state shall deposit~~
29 ~~moneys received from civil penalties and fines imposed~~
30 ~~by the court pursuant to sections 455B.146, 455B.191,~~
31 ~~455B.286, 455B.417, 455B.454, 455B.466, and 455B.477,~~
32 ~~in the household hazardous waste account. Two~~
33 ~~thousand dollars is appropriated annually to the Iowa~~
34 ~~department of public health to carry out departmental~~
35 ~~duties under section 135.11, subsections 20 and 21,~~
36 ~~and section 139.35, eighty thousand dollars is~~
37 ~~appropriated to the department of natural resources~~
38 ~~for city, county, or service organization project~~
39 ~~grants relative to recycling and reclamation events,~~
40 ~~and eight thousand dollars is appropriated to the~~
41 ~~department of transportation for the period of October~~
42 ~~1, 1987, through June 30, 1989, for the purpose of~~

43 conducting the used oil collection pilot project. The
44 remainder of the account shall be used to fund Toxic
45 Cleanup Days programs, education programs, and other
46 activities pursuant to chapter 455F, including the
47 administration of the household hazardous materials
48 permit program by the department of revenue and
49 finance.
50 Sec. ____.

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1 Sections 100, 200, and 300 of this Act, being
2 deemed of immediate importance, take effect upon
3 enactment.”
4 42. Page 18, by inserting after line 10 the
5 following:
6 “Sec. ____ . Section 467A.48, subsection 1, Code
7 Supplement 1989, is amended to read as follows:
8 1. An owner or occupant of land in this state is
9 not required to establish any new permanent or
10 temporary soil and water conservation practice unless
11 public or other cost-sharing funds have been
12 specifically approved for that land and actually made
13 available to the owner or occupant. The amount of
14 cost-sharing funds made available shall not exceed
15 ~~seventy-five~~ fifty percent of the estimated cost as
16 established by the commissioners of a permanent soil
17 and water conservation practice, or ~~seventy-five~~ fifty
18 percent of the actual cost, whichever is less, or an
19 amount set by the committee for a temporary soil and
20 water conservation practice, except as otherwise
21 provided by law with respect to land classified as
22 agricultural land under conservation cover. The
23 commissioners shall establish the estimated cost of
24 permanent soil and water conservation practices in the
25 district based upon one and two-tenths of the average
26 cost of the practices installed in the district during
27 the previous year. The average costs shall be
28 reviewed and approved by the commissioners each
29 calendar year.
30 Sec. ____ . Section 467A.65, subsection 1, Code
31 1989, is amended to read as follows:
32 1. It is the intent of this chapter that,
33 effective January 1, 1981, each tract of agricultural
34 land which has not been plowed or used for growing row
35 crops at any time within fifteen years prior to that
36 date, shall for purposes of this section be considered
37 classified as agricultural land under conservation
38 cover. If a tract of land so classified is thereafter
39 plowed or used for growing row crops, the

40 commissioners of the soil and water conservation
41 district in which the land is located shall not
42 approve use of state cost-sharing funds for
43 establishing permanent or temporary soil and water
44 conservation practices on that tract of land in an
45 amount greater than one-half the amount of cost-
46 sharing funds which would be available for that land
47 if it were not considered classified as agricultural
48 land under conservation cover. The restriction
49 imposed by this section applies even if an
50 administrative order or court order has been issued

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1 requiring establishment of soil and water conservation
2 practices on that land. The commissioners may waive
3 the restriction imposed by this section if they
4 determine in advance that the purpose of plowing or
5 row cropping land classified as land under
6 conservation cover is to revitalize permanent pasture
7 and that the land will revert to permanent pasture
8 within two years after it is plowed.”

9 43. Page 18, by inserting after line 10 the
10 following:

11 “Sec. ____.

12 If there is a conflict between section 455E.11,
13 subsection 2, paragraph “a”, subparagraph (8), Code
14 Supplement 1989, as amended by this Act, and section
15 455E.11, subsection 2, paragraph “a”, subparagraph (8)
16 and as amended by House File 2553, if enacted by the
17 Seventy-third General Assembly, the section as amended
18 by House File 2553 shall prevail.

19 Sec. ____.

20 Notwithstanding section 8.33, the moneys
21 appropriated in 1989 Iowa Acts, chapter 311, section 5
22 that remain unencumbered and unobligated on June 30,
23 1990, shall not revert to the general fund but shall
24 remain available for expenditure for the purposes
25 designated during the fiscal year beginning July 1,
26 1990 and ending June 30, 1991.”

27 44. Page 18, by inserting after line 10 the
28 following:

29 “Sec. ____.

30 Section 800 of this Act, being deemed of immediate
31 importance, takes effect upon enactment.”

32 45. Title page, by striking lines 3 through 5,
33 and inserting the following: “authority, and the
34 department of natural resources, changing the
35 distribution of certain fees, and providing an
36 effective date.”

37 46. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

S-5676

- 1 Amend Senate File 2419 as follows:
- 2 1. Page 1, by striking lines 14 through 21.
- 3 2. Title, lines 1 and 2, by striking the words
- 4 "making an appropriation,".

MICHAEL E. GRONSTAL

S-5677

- 1 Amend House File 656, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 19, by striking the figure "1990"
- 4 and inserting the following: "1991".
- 5 2. Page 1, by inserting after line 20 the
- 6 following:
- 7 "— . By July 1, 1991, a minimum of twenty-five
- 8 percent of the purchases of inks, other than inks
- 9 which are used for newsprint printing services, and
- 10 which are used internally or contracted for by the
- 11 department of general services, shall be soybean-based
- 12 to the extent formulations for such inks are
- 13 available. The percentage of purchases by the
- 14 department of the soybean-based inks, to the extent
- 15 formulations for such inks are available, shall
- 16 increase by July 1, 1992, to fifty percent of the
- 17 total purchases of the inks, and shall increase by
- 18 July 1, 1993, to one hundred percent of the total
- 19 purchases of the inks."
- 20 3. Page 1, line 29, by striking the figure "1990"
- 21 and inserting the following: "1991".
- 22 4. Page 2, line 28, by striking the figure "1990"
- 23 and inserting the following: "1991".
- 24 5. Page 2, by inserting after line 30 the
- 25 following:
- 26 "— . By July 1, 1991, a minimum of twenty-five
- 27 percent of the purchases of inks, other than inks
- 28 which are used for newsprint printing services, and
- 29 which are used internally or contracted for by the
- 30 board shall be soybean-based to the extent
- 31 formulations for such inks are available. The
- 32 percentage of purchases by the board of the soybean-
- 33 based inks, to the extent formulations for such inks
- 34 are available, shall increase by July 1, 1992, to

35 fifty percent of the total purchases of the inks, and
36 shall increase by July 1, 1993, to one hundred percent
37 of the total purchases of the inks."

38 6. Page 3, line 3, by striking the figure "1990"
39 and inserting the following: "1991".

40 7. Page 4, by inserting after line 13 the
41 following:

42 " . By July 1, 1991, a minimum of twenty-five
43 percent of the purchases of inks, other than inks
44 which are used for newsprint printing services, and
45 which are used internally or contracted for by the
46 department, shall be soybean-based to the extent
47 formulations for such inks are available. The
48 percentage of purchases by the department of the
49 soybean-based inks, to the extent formulations for
50 such inks are available, shall increase by July 1,

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1 1992, to fifty percent of the total purchases of the
2 inks, and shall increase by July 1, 1993, to one
3 hundred percent of the total purchases of the inks."

4 8. Page 5, line 7, by striking the figure "1990"
5 and inserting the following: "1991".

6 9. Page 5, by inserting after line 18 the
7 following:

8 " . By July 1, 1991, a minimum of twenty-five
9 percent of the purchases of inks, other than inks
10 which are used for newsprint printing services, and
11 which are used internally or contracted for by the
12 commission, shall be soybean-based to the extent
13 formulations for such inks are available. The
14 percentage of purchases by the commission of the
15 soybean-based inks, to the extent formulations for
16 such inks are available, shall increase by July 1,
17 1992, to fifty percent of the total purchases of the
18 inks, and shall increase by July 1, 1993, to one
19 hundred percent of the total purchases of the inks."

20 10. Page 6, by striking lines 18 through 21.

21 11. By renumbering as necessary.

C. JOSEPH COLEMAN

S-5678

1 Amend House File 2536, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, by inserting after line 5 the

4 following:

5 "A school licensed under the provisions of section
6 157.8 or 158.7 which is nationally accredited and
7 which would be subject to the United States department
8 of education bonding requirements is exempt from the
9 requirements of this section.

10 Sec. ____ . Section 714.23, Code 1989, is amended to
11 read as follows:

12 714.23 REFUND POLICIES.

13 A person offering a course of instruction at the
14 postsecondary level, for profit, that is more than
15 four months in length and leads to a degree, diploma,
16 or license, shall make a ~~pro rata~~ refund of no less
17 than eighty-five percent of the tuition for a
18 terminating student who has completed up to and
19 including fifteen percent of a school term or course
20 to the appropriate agency. If a terminating student
21 has completed more than fifteen percent but less than
22 fifty percent of a school term or course that is more
23 than four months in length, the person offering the
24 course of instruction shall refund the tuition to the
25 appropriate agency based upon the amount which equals
26 the amount of tuition for the course of instruction
27 multiplied by the ratio of completed the remaining
28 number of school days to the total school days of the
29 school term or course. If a terminating student has
30 completed fifty percent or more of a school term or
31 course that is more than four months in length, the
32 person offering the course of instruction is not
33 required to refund tuition for the student. However,
34 if, at any time, a student terminates a school term or
35 course that is more than four months in length due to
36 the student's physical incapacity or due to the
37 transfer of the student's spouse's employment to
38 another city, the terminating student shall receive a
39 refund of tuition in an amount which equals the amount
40 of tuition multiplied by the ratio of the remaining
41 number of school days to the total school days of the
42 school term or course. However, if the financial
43 obligations of a student are for three or fewer months
44 duration, this section does not apply.

45 Refunds shall be paid to the appropriate agency
46 within thirty days following the student's
47 termination.

48 If the student terminates later than three weeks
49 after the course of instruction has commenced, the
50 person offering the course of instruction cannot admit

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- 1 a student to replace the student for which a refund
 2 was received for the remaining portion of the school
 3 term or course.
 4 A violation of this section is a simple
 5 misdemeanor."
 6 2. By renumbering as necessary.

JOE WELSH

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2459

S-5679

- 1 Amend the amendment, H-5671, to House File 2459, as
 2 passed by the House, as follows:
 3 1. Page 1, lines 13 and 14, by striking the words
 4 "by the public school district".
 5 2. Page 1, line 19, by inserting after the word
 6 "agreement" the following: "which exists between the
 7 public school district and the district's collective
 8 bargaining unit".

HOUSE AMENDMENT TO
 SENATE FILE 2402

S-5680

- 1 Amend the Senate File 2402, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 12, by striking the figure
 4 "961,617" and inserting the following: "953,617".
 5 2. Page 1, line 25, by striking the letter "a."
 6 3. Page 1, line 28, by striking the figure
 7 "3,508,957" and inserting the following: "3,448,957".
 8 4. Page 1, by striking lines 30 through 34.
 9 5. Page 2, line 4, by striking the figure
 10 "320,482" and inserting the following: "307,271".
 11 6. Page 2, line 5, by striking the figure "13"
 12 and inserting the following: "12".
 13 7. Page 2, line 12, by inserting after the word
 14 "purchase" the following: "and distribution".
 15 8. Page 2, line 18, by striking the figure

16 "15,000" and inserting the following: "10,000".
 17 9. Page 2, line 35, by striking the letter "a."
 18 10. Page 3, by striking lines 4 and 5.
 19 11. Page 3, line 8, by inserting after the word
 20 "enforcement," the following: "and for river boat
 21 gambling enforcement,".
 22 12. Page 3, line 11, by striking the figure "16"
 23 and inserting the following: "18".
 24 13. Page 3, line 14, by striking the figure
 25 "6,557,018" and inserting the following: "6,587,943".
 26 14. Page 3, line 15, by striking the figure "137"
 27 and inserting the following: "136".
 28 15. Page 3, line 17, by striking the figure
 29 "250,000" and inserting the following: "100,000".
 30 16. Page 3, by striking lines 18 through 21.
 31 17. Page 3, line 32, by striking the figure "16"
 32 and inserting the following: "18".
 33 18. Page 3, line 35, by striking the figure
 34 "2,243,579" and inserting the following: "2,264,416".
 35 19. Page 4, line 7, by striking the figure "16"
 36 and inserting the following: "18".
 37 20. Page 4, line 10, by striking the figure
 38 "1,560,379" and inserting the following: "1,568,020".
 39 21. Page 4, line 14, by striking the figure
 40 "50,000" and inserting the following: "25,000".
 41 22. Page 4, line 33, by striking the figure "16"
 42 and inserting the following: "18".
 43 23. Page 5, line 1, by striking the figure
 44 "281,970" and inserting the following: "285,177".
 45 24. Page 5, by inserting after line 2, the
 46 following:
 47 "The unfunded liability of the peace officers'
 48 retirement, accident, and disability system, as of
 49 July 1, 1989, is not a liability of funds paid to the
 50 state racing and gaming commission under section

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1 99D.14."
 2 25. Page 5, by striking lines 9 and 10.
 3 26. Page 5, line 11, by striking the figure "2."
 4 27. Page 5, line 24, by striking the figure "16"
 5 and inserting the following: "18".
 6 28. Page 5, line 27, by striking the figure
 7 "23,568,231" and inserting the following:
 8 "23,849,387".
 9 29. Page 6, by inserting after line 11 the fol-
 10 lowing:
 11 "The unfunded liability of the peace officers'
 12 retirement, accident, and disability system, under

13 chapter 97A is not a liability of the road use tax
14 fund as of July 1, 1986.”

15 30. Page 6, by striking lines 25 through 30.

16 31. Page 7, by inserting after line 19 the
17 following:

18 “Sec. ____ .

19 There is appropriated from use tax receipts
20 collected under chapter 423 prior to deposit in the
21 road use tax fund, to the department of public safety,
22 for the fiscal year beginning July 1, 1990, and ending
23 June 30, 1991, the following amounts, or so much
24 thereof as may be necessary, to be used for the
25 purposes designated:

26 For communications equipment, the law enforcement
27 intelligence network, and the automated fingerprint
28 information system:

29 \$ 374,800

30 As a condition, limitation, and qualification of
31 this appropriation, the department of public safety
32 shall allocate \$75,000 to the communications division
33 for service monitors and radio spare parts, \$20,000 to
34 the division of criminal investigation for the law
35 enforcement intelligence network, and \$279,800 for the
36 continuing purchase of four local remote terminals for
37 the automated fingerprint information system.”

38 32. Page 7, line 22, by striking the words
39 “general fund of the state” and inserting the
40 following: “road use tax fund”.

41 33. Page 8, line 17, by striking the figure
42 “105,000” and inserting the following: “55,000”.

43 34. Page 9, by striking lines 11 and 12.

44 35. Page 11, line 19, by striking the figure
45 “281,100” and inserting the following: “331,100”.

46 36. Page 11, by inserting after line 20 the
47 following:

48 “As a condition, limitation, and qualification of
49 the appropriation in this paragraph, \$50,000, or so
50 much thereof as is necessary, shall be used to conduct

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1 a demonstration study to assess the economic and
2 technical feasibility of establishing an intermodal
3 transportation facility at or near a location on the
4 Mississippi river that has access to year-round
5 navigation. The demonstration study shall be
6 conducted by a regional planning agency. The
7 department shall coordinate the demonstration study
8 with the department of economic development and shall
9 report to the general assembly, not later than March

10 31, 1991, on the outcome of the study, on the
11 applicability of integrating intermodal transportation
12 analysis into regional economic development studies,
13 and on the contribution that regional planning can
14 make to statewide planning.”

15 37. Page 11, line 25, by striking the figure
16 “2,000,000” and inserting the following: “1,600,000”.

17 38. Page 14, by inserting after line 35 the
18 following:

19 “Sec. ____.

20 The Iowa highway research board shall conduct an
21 experimental roadway paving project using recycled
22 rubber in hot asphalt concrete. The materials shall
23 be applied by a company with experience in the use of
24 recycled tire rubber. The project shall be funded
25 from moneys allocated to the Iowa highway research
26 board. The Iowa highway research board shall submit a
27 report to the general assembly by January 1, 1991,
28 detailing the results of the project.”

29 39. Page 14, by inserting after line 35 the
30 following:

31 “Sec. ____ . RULES VALID.

32 The administrative rules adopted by the state fire
33 marshal pursuant to 1986 Iowa Acts, chapter 1246,
34 section 206, subsection 2, are valid.”

35 40. Page 16, by striking lines 20 through 31 and
36 inserting the following:

37 “Sec. ____ . Section 135C.2, subsection 5, paragraph
38 b, Code Supplement 1989, is amended by striking the
39 paragraph and inserting in lieu thereof the following:

40 b. A facility must be located in an area zoned for
41 single or multiple-family housing and must be
42 constructed in compliance with applicable local
43 housing codes and the rules adopted for the special
44 classification by the state fire marshal in accordance
45 with the concept of the least restrictive environment
46 for the facility residents. The rules adopted by the
47 state fire marshal for the special classification
48 shall be no more restrictive than the rules adopted by
49 the state fire marshal for demonstration waiver
50 project facilities pursuant to 1986 Iowa Acts, chapter

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1 1246, section 206, subsection 2.”

2 41. Page 17, by inserting after line 23 the
3 following:

4 “Sec. ____ . Section 317.13, Code Supplement 1989,
5 is amended by adding the following new unnumbered
6 paragraph:

7 **NEW UNNUMBERED PARAGRAPH.** The program of weed
 8 control shall include a program of permits for the
 9 burning, mowing, or spraying of roadsides by private
 10 individuals. The county board of supervisors shall
 11 allow only that burning, mowing, or spraying of
 12 roadsides by private individuals that is consistent
 13 with the adopted integrated roadside vegetation
 14 management plan. This paragraph applies only to those
 15 roadside areas of a county which are included in an
 16 integrated roadside vegetation management plan."

17 42. Page 18, by inserting after line 18 the
 18 following:

19 "Sec. ____ . **NEW SECTION. 325.37 ADVERTISING BY**
 20 **MOTOR CARRIERS OF PROPERTY.**

21 Any advertising of available service provided by a
 22 motor carrier of property shall contain or display the
 23 number of the certificate issued by the department
 24 pursuant to this chapter.

25 Sec. ____ . Section 331.660, Code 1989, is amended
 26 to read as follows:

27 331.660 APPROPRIATION -- INDIAN SETTLEMENT
 28 OFFICER.

29 There is appropriated annually from the general
 30 fund of the state to the county of Tama the sum of
 31 ~~three thousand three hundred sixty-five~~ twenty-five
 32 thousand dollars to be used by the county only for the
 33 payment of the salary and expenses of an additional
 34 deputy sheriff for the county. The principal duty of
 35 the deputy sheriff is to provide law enforcement on
 36 the Sac and Fox Indian settlement in the county of
 37 Tama. If possible, the deputy sheriff shall reside on
 38 the settlement. Additional funds necessary to pay the
 39 salary and expenses of the deputy sheriff shall be
 40 paid by the county of Tama. The state shall not be
 41 held liable for the performance or nonperformance of
 42 law enforcement duties pursuant to this section."

43 43. Page 18, by inserting after line 18 the
 44 following:

45 "Sec. ____ . Section 321L.2, subsection 3,
 46 unnumbered paragraph 2, Code Supplement 1989, is
 47 amended to read as follows:

48 A handicapped person who owns a motor vehicle for
 49 which the handicapped person has been issued radio
 50 operator registration plates under section 321.34,

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1 subsection 3, or registration plates as a seriously
 2 disabled veteran under section 321.105 may apply to

3 the department for a handicapped identification
 4 sticker to be affixed to the plates. The handicapped
 5 identification stickers shall bear the international
 6 symbol of accessibility. The handicapped
 7 identification stickers shall be acquired by the
 8 department and sold at a cost not to exceed five
 9 dollars, to eligible handicapped persons upon
 10 application on forms prescribed by the department.”
 11 44. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2328

S-5681

1 Amend Senate File 2328, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 23, by striking the figure
 4 “239,118” and inserting the following: “263,118”.
 5 2. Page 2, line 24, by striking the figure “5.75”
 6 and inserting the following: “6.75”.
 7 3. Page 2, by inserting after line 24, the
 8 following:
 9 “Of the amount appropriated, \$24,000, or so much
 10 thereof as is necessary shall be expended for 1 clerk
 11 typist FTE, and necessary expenses, in connection with
 12 the performance of administrative duties for the
 13 director of the commission.”
 14 4. Page 3, line 19, by striking the figure
 15 “2,058,120” and inserting the following: “1,989,820”.
 16 5. Page 3, line 20, by striking the figure
 17 “47.76” and inserting the following: “45.76”.
 18 6. Page 3, line 22, by striking the figure
 19 “471,508” and inserting the following: “403,208”.
 20 7. Page 3, line 23, by striking the figure “11”
 21 and inserting the following: “9”.
 22 8. Page 3, line 24, by striking the figure “5”
 23 and inserting the following: “4”.
 24 9. Page 3, line 25, by striking the figure “3”
 25 and inserting the following: “2”.
 26 10. Page 4, line 17, by striking the words “Cedar
 27 Rapids, Dubuque,” and inserting the following:
 28 “Dubuque”.
 29 11. Page 6, line 5, by striking the figure
 30 “270,000” and inserting the following: “180,000”.
 31 12. Page 6, line 6, by striking the figure “6.00”
 32 and inserting the following: “4.00”.

- 33 13. Page 7, by inserting after line 9, the
34 following:
35 "___ . The division may expend up to \$50,000 from
36 the fund for repairs to the exterior of the office
37 building located at 150 Des Moines Street, Des Moines,
38 Iowa."
39 14. Page 7, by inserting after line 13, the
40 following:
41 "___ . The division may expend moneys in the fund
42 in accordance with section 96.13, subsection 3,
43 paragraph "a", for the payment of costs of
44 administration which are found not to have been
45 properly and validly chargeable against federal grants
46 or other funds, received for or in the employment
47 security administration fund."
48 15. Page 7, by striking lines 30 through 35.
49 16. Page 9, line 5, by striking the figure
50 "546,796" and inserting the following: "582,796".

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- 1 17. Page 9, line 6, by striking the figure
2 "25.00" and inserting the following: "26.00".
3 18. Page 9, line 34, by striking the figure
4 "1,663,109" and inserting the following: "1,627,109".
5 19. Page 9, line 35, by striking the figure
6 "105.00" and inserting the following: "104.00".
7 20. Page 11, line 11, by striking the figure
8 "129,430" and inserting the following: "87,430".
9 21. Page 11, line 12, by striking the figure
10 "3.00" and inserting the following: "2.00".
11 22. Page 12, line 1, by striking the figure
12 "10,341,229" and inserting the following:
13 "9,700,000".
14 23. Page 12, by inserting after line 1, the
15 following:
16 "Of the amount appropriated in this subsection,
17 \$75,000, or so much thereof as is necessary, shall be
18 transferred to the legal services corporation of Iowa
19 for the general obligations of the legal services
20 corporation of Iowa."
21 24. Page 12, line 5, by striking the figure
22 "10,341,229" and inserting the following:
23 "10,069,000".
24 25. Page 13, line 7, by striking the figure
25 "693,982" and inserting the following: "685,409".
26 26. Page 13, line 10, by striking the word
27 "shall" and inserting the following: "may".
28 27. Page 15, line 16, by striking the figure
29 "\$5,590,448" and inserting the following:

30 "5,650,448".

31 28. Page 16, line 17, by striking the figure
32 "1,037,070" and inserting the following: "1,067,070".

33 29. Page 17, line 23, by striking the figure
34 "151,818" and inserting the following: "162,818".

35 30. Page 20, by inserting after line 5, the
36 following:

37 "The insurance division may expend additional
38 funds, including funds for additional personnel, if
39 those additional expenditures are actual expenses
40 which exceed the funds budgeted for administrative law
41 duties and directly result from the administration of
42 duties assigned the commissioner of insurance pursuant
43 to Senate File 2249, if enacted by the 1990 Session of
44 the General Assembly, and the expenditure is
45 reasonably necessary to eliminate or prevent the
46 creation of a backlog of workers' compensation
47 contested-case-related determinations. Before the
48 division expends or encumbers an amount in excess of
49 the funds budgeted for administrative law duties, the
50 director of the department of management shall approve

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1 the expenditure or encumbrance. Before approval is
2 given, the director of the department of management
3 shall determine the need for the additional
4 expenditures by the division and that the division
5 does not have other funds from which the
6 administrative law expenses can be paid. Upon
7 approval of the director of the department of
8 management, the division may expend and encumber funds
9 for excess administrative law expenses. The amounts
10 necessary to fund the excess administrative law
11 expenses shall be expended from the insurance
12 revolving fund subject to such terms and conditions
13 imposed by the director of the department of
14 management when the expenditure is approved."

15 31. Page 20, line 27, by inserting after the word
16 "necessary," the following: "conditioned upon the
17 creation of the state racing and gaming commission as
18 a separate and distinct state department not under the
19 authority of the department of inspections and
20 appeals,".

21 32. Page 21, line 13, by inserting after the word
22 "necessary," the following: "conditioned upon the
23 creation of the state racing and gaming commission as
24 a separate and distinct state department not under the
25 authority of the department of inspections and
26 appeals,".

27 33. Page 21, line 19, by striking the figure
28 "418,213" and inserting the following: "448,213".
29 34. Page 21, line 25, by inserting after the word
30 "fund," the following: "conditioned upon the creation
31 of the state racing and gaming commission as a
32 separate and distinct state department not under the
33 authority of the department of inspections and
34 appeals,".

35 35. Page 21, line 26, by striking the figure
36 "265,154" and inserting the following: "106,154".

37 36. Page 21, by inserting after line 26, the
38 following:
39 "Notwithstanding section 99D.13 to the contrary,
40 for the fiscal year beginning July 1, 1990, and ending
41 June 30, 1991, of the moneys escheated to the state
42 pursuant to section 99D.13, subsection 2, which are
43 directed to the racing and gaming commission, the
44 first \$129,000 received shall be deposited into the
45 excursion boat gambling revolving fund for expenditure
46 as provided for under subsection 3 of this section.
47 Moneys received by the commission in excess of
48 \$129,000 shall be subject to the standing
49 appropriation formula contained in section 99D.13,
50 subsection 2.

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1 There is appropriated from the funds available
2 under section 99D.13 to the racing and gaming
3 commission for the fiscal year beginning July 1, 1990,
4 and ending June 30, 1991, for deposit in the excursion
5 boat gambling revolving fund, \$129,000."

6 37. Page 22, line 12, by striking the figure
7 "265,154" and inserting the following: "235,154".

8 38. Page 22, line 16, by striking the figure "20"
9 and inserting the following: "21".

10 39. By striking page 22, line 33 through page 23,
11 line 1.

12 40. Page 23, by inserting after line 22, the
13 following:

14 "Sec. ____ . Section 96.5, subsection 10, Code 1989,
15 is amended to read as follows:

16 10. ALIENS -- DISQUALIFIED. For services
17 performed by an alien unless such alien is an
18 individual who was lawfully admitted for permanent
19 residence at the time such services were performed,
20 was lawfully present for the purpose of performing
21 such services, or was permanently residing in the
22 United States under color of law at the time such
23 services were performed, including an alien who is

24 lawfully present in the United States as a result of
 25 the application of the provisions of section 203(a)(7)
 26 or section 212(d)(5) of the Immigration and
 27 Nationality Act. Any data or information required of
 28 individuals applying for benefits to determine whether
 29 benefits are not payable to them because of their
 30 alien status shall be uniformly required from all
 31 applicants for benefits. In the case of an individual
 32 whose application for benefits would otherwise be
 33 approved, no determination that benefits to such
 34 individual are not payable because of the individual's
 35 alien status shall be made except upon a preponderance
 36 of the evidence."

37 41. Page 24, by inserting after line 4 the
 38 following:

39 "Sec. ____ . Section 99D.13, subsection 2, Code
 40 Supplement 1989, is amended to read as follows:
 41 2. Winnings from each racetrack forfeited under
 42 subsection 1 shall escheat to the state and to the
 43 extent appropriated by the general assembly shall be
 44 used by the department of agriculture and land
 45 stewardship to administer ~~sections~~ section 99D.22 and
 46 ~~99D.27~~. The remainder shall be paid over to the
 47 commission to pay the cost of drug testing at the
 48 tracks. To the extent the remainder paid over to the
 49 commission, less the cost of drug testing, is from
 50 unclaimed winnings from harness racing meets, the

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1 remainder shall be used as provided in subsection 3.
 2 To the extent the remainder paid over to the
 3 commission, less the cost of drug testing, is from
 4 unclaimed winnings from tracks licensed for dog or
 5 horse races, the commission, at least quarterly, shall
 6 remit one-third of the amount to the treasurer of the
 7 city in which the racetrack is located, one-third of
 8 the amount to the treasurer of the county in which the
 9 racetrack is located, and one-third of the amount to
 10 the racetrack from which it was forfeited. If the
 11 racetrack is not located in a city, then one-third
 12 shall be deposited as provided in chapter 556. The
 13 amount received by the racetrack under this subsection
 14 shall be used only for retiring the debt of the
 15 racetrack facilities and for capital improvements to
 16 the racetrack facilities."

17 42. Page 26, lines 17 and 18, by striking the
 18 words "of the department of inspections and appeals".

19 43. Page 26, line 29, by inserting after the
 20 figure "99D.14" the following: "and 99D.15, fifty

21 thousand dollars shall be used by’.

22 44. By striking page 28, line 13, through page
23 29, line 15.

24 45. By striking page 29, line 16, through page
25 30, line 18.

26 46. Page 30, by striking lines 19 through 35.

27 47. Page 31, by inserting after line 20, the
28 following:
29 “Sec. 200. 1989 Iowa Acts, chapter 272, section
30 42, is amended, to read as follows:
31 SEC. 42. Sections 34, 35, and 36 of this Act are
32 effective July 1, ~~1990~~ 1991.

33 Sec. 201. Section 200 of the Act, being deemed of
34 immediate importance, takes effect upon enactment.”

35 48. Page 31, by inserting after line 20, the
36 following:
37 “Sec. 100. 1989 Iowa Acts, chapter 321, section
38 42, is repealed.
39 Sec. ____.

40 Section 100 of this Act, being deemed of immediate
41 importance, takes effect April 30, 1990.”

42 49. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

S-5682

1 Amend the House amendment, S-5670, to Senate File
2 2163, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 31 and 32 and
5 inserting the following: “Sunday or legal holiday.”
6 2. Page 3, line 2, by striking the word “fifty-
7 five” and inserting the following: “sixty-nine”.

8 3. Page 3, line 8, by striking the words “fifty-
9 five” and inserting the following: “sixty-nine”.

10 4. Page 3, line 23, by striking the word “sixty”
11 and inserting the following: “seventy-four”.

JOHN P. KIBBIE

S-5683

1 Amend Senate File 2337 as follows:
2 1. Page 2, by striking line 35 through page 3,
3 line 17.
4 2. Title, by striking lines 3 through 5 and
5 inserting the following: “numbers, and specifying
6 official citations.”

CALVIN O. HULTMAN

S-5684

- 1 Amend the House amendment, S-5552, to Senate File
- 2 2197, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 13, by striking the words "or
- 5 disability" and inserting the following: "disability,
- 6 union membership, or nonunion membership".

WILLIAM W. DIELEMAN

S-5685

- 1 Amend the amendment, S-5564, to House File 2281, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, lines 49 and 50, by striking the words
- 5 "alternative energy" and inserting the following:
- 6 "alternative".
- 7 2. Page 2, line 15, by inserting after the word
- 8 "alternative" the following: "energy".
- 9 3. Page 2, line 25, by inserting after the word
- 10 "alternative" the following: "energy".
- 11 4. Page 2, line 27, by inserting after the word
- 12 "alternative" the following: "energy".

PAUL D. PATE

S-5686

- 1 Amend the amendment, S-5677, to House File 656, 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 striking lines 8 through 12 and
- 7 inserting the following: "purchase, whenever the
- 8 price is reasonably competitive and the quality
- 9 intended, and in keeping with the schedule established
- 10 in this subsection, soybean-based inks and starch-
- 11 based plastics, including but not limited to starch-
- 12 based plastic garbage can liners".
- 13 2. Page 1, by striking lines 20 and 21 and
- 14 inserting the following:
- 15 "____. Page 1, by striking lines 24 through 30 and

16 inserting the following: "liners. The percentage
17 purchased shall increase by ~~five~~ fifteen percent
18 annually until ~~fifty one~~ hundred percent of the
19 purchases of garbage can liners are purchases of
20 starch-based plastic garbage can liners."
21 ____ . Page 2, line 11, by striking the words
22 "~~based, and methods of disposing of the inks and~~
23 ~~liners~~" and inserting the following: "based".
24 ____ . Page 2, by striking lines 15 through 22 and
25 inserting the following: "personal, belonging to the
26 institutions. The board shall purchase or require the
27 purchase of, whenever the price is reasonably
28 competitive and the quality intended, and in keeping
29 with the schedule established in this subsection,
30 soybean-based inks and starch-based plastics,
31 including but not limited to starch-based plastic
32 garbage can liners.""
33 3. Page 1, by striking lines 38 through 41 and
34 inserting the following:
35 "____ . By striking page 2, line 33 through page 3,
36 line 5, and inserting the following: "starch-based
37 plastic garbage can liners. The percentage purchased
38 shall increase by ~~five~~ fifteen percent annually until
39 ~~fifty one~~ hundred percent of the purchases of garbage
40 can liners are purchases of starch-based plastic
41 garbage can liners."
42 ____ . Page 3, by striking lines 6 and 7 and
43 inserting the following:
44 "c. The board shall report to the general assembly
45 on ~~January~~ February 1 of each year, the".
46 ____ . Page 3, by striking lines 19 and 20 and
47 inserting the following: "liners purchased which are
48 starch-based."
49 ____ . Page 3, by striking lines 23 and 24 and
50 inserting the following:

Page 2

1 "NEW PARAGRAPH. d. The department of natural
2 resources shall".
3 ____ . Page 4, by striking lines 1 and 2 and
4 inserting the following:
5 "NEW PARAGRAPH. h. The department of natural
6 resources shall cooperate with the".
7 ____ . Page 4, by striking lines 8 through 13 and
8 inserting the following: "services. The
9 administrator shall, whenever the price is reasonably
10 competitive and the quality intended, purchase
11 soybean-based inks and starch-based plastics,
12 including but not limited to starch-based garbage can

13 liners, and shall purchase these items in accordance
14 with the schedule established in section 18.18.”
15 4. Page 2, by inserting after line 3 the
16 following:
17 “ ___ . Page 4, by striking lines 14 and 15 and
18 inserting the following:
19 “b. The department shall report to the general
20 assembly by February 1 of each year, the following:”
21 ___ . Page 4, by striking lines 26 and 27 and
22 inserting the following: “percentage of liners
23 purchased which are starch-based.”
24 ___ . By striking page 4, line 34 through page 5,
25 line 1 and inserting the following: “this subsection,
26 purchase soybean-based inks and starch-based plastics,
27 including but not limited to starch-based garbage can
28 liners.”
29 5. Page 2, by striking lines 6 and 7 and
30 inserting the following:
31 “ ___ . Page 5, by striking lines 12 through 18 and
32 inserting the following: “be starch-based plastic
33 garbage can liners. The percentage purchased shall
34 increase by ~~five fifteen~~ percent annually until ~~fifty~~
35 one hundred percent of the purchases of garbage can
36 liners are purchases of starch-based plastic garbage
37 can liners.”
38 6. Page 2, by inserting after line 19 the
39 following:
40 “ ___ . Page 5, by striking lines 19 and 20 and
41 inserting the following:
42 “c. The commission shall report to the general
43 assembly on ~~January~~ February 1 of each year, the”
44 ___ . Page 5, by striking lines 32 and 33 and
45 inserting the following: “percentage of liners
46 purchased which are starch-based.”
47 ___ . Page 6, by striking lines 1 and 2 and
48 inserting the following:
49 “NEW PARAGRAPH. d. The department of natural
50 resources shall”.

Page 3

1 ___ . Page 6, by striking lines 15 and 16 and
2 inserting the following:
3 “NEW PARAGRAPH. g. The department of natural
4 resources shall cooperate with the.”

S-5687

1 Amend the amendment, S-5500, to House File 2371, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by inserting after line 10, the
5 following:

6 " — . Page 3, line 24, by striking the figure
7 "500,000" and inserting the following: "400,000".

8 2. Page 1, by inserting after line 12, the
9 following:

10 " — . Page 3, line 27, by striking the figure
11 "400,000" and inserting the following: "300,000".

12 3. Page 2, by inserting after line 21, the
13 following:

14 " — . Page 7, line 20, by striking the figure
15 "838,000" and inserting the following: "829,096".

16 — . Page 7, line 33, by striking the figure
17 "1,177,000" and inserting the following: "1,171,296".

18 — . Page 9, line 14, by striking the figure
19 "2,677,000" and inserting the following: "2,484,709".

20 — . Page 9, line 15, by striking the figure
21 "79.50" and inserting the following: "78.50".

22 — . Page 9, line 32, by striking the figure
23 "50,000" and inserting the following: "10,000".

24 — . By striking page 11, line 23, through page
25 12, line 24.

26 — . Page 12, line 29, by striking the figure
27 "644,000" and inserting the following: "639,748".

28 — . Page 12, line 35, by striking the figure
29 "225,000" and inserting the following: "223,428".

30 — . Page 13, line 6, by striking the figure
31 "980,000" and inserting the following: "971,955".

32 — . Page 13, line 12, by striking the figure
33 "781,000" and inserting the following: "773,995".

34 — . Page 13, line 18, by striking the figure
35 "612,000" and inserting the following: "606,268".

36 — . Page 13, line 33, by striking the figure
37 "519,000" and inserting the following: "514,012".

38 — . Page 14, line 6, by striking the figure
39 "3,957,000" and inserting the following: "3,945,020".

40 — . Page 14, line 17, by striking the figure
41 "149,000" and inserting the following: "124,000".

42 — . Page 15, line 12, by striking the figure
43 "1,725,000" and inserting the following:

44 "1,750,000".

45 4. Page 2, by striking lines 25 through 28, and
46 inserting the following:

47 " — . By striking page 22, line 30, through page
48 23, line 31."

49 5. Page 2, by inserting after line 30, the
50 following:

Page 2

1 " ____ . Page 25, by inserting before line 3, the
2 following:

3 "Sec. 100. 1989 Iowa Acts, chapter 304, section
4 1108, is amended to read as follows:

5 SEC. 1108. PRIMARY AND PREVENTIVE HEALTH CARE FOR
6 CHILDREN. If division II and section 1101 of this Act
7 are enacted, there is appropriated from the general
8 fund of the state to the Iowa department of public
9 health for the fiscal period beginning October 1,
10 1989, and ending June 30, 1990, \$300,000 and in the
11 fiscal years beginning July 1, 1990, and July 1, 1991,
12 \$450,000, or so much thereof as is necessary, to be
13 used for the purposes designated:

14 For the public purpose of providing a renewable
15 grant, following a request for proposals, to a
16 statewide charitable organization within the meaning
17 of section 501(c)(3) of the Internal Revenue Code
18 which was organized prior to April 1, 1989, and has as
19 one of its purposes the sponsorship or support for
20 programs designed to improve the quality, awareness,
21 and availability of health care for the young, to
22 serve as the funding mechanism for the provision of
23 primary health care and preventive services to
24 children in the state who are uninsured and who are
25 not eligible under any public plan of health
26 insurance, provided all of the following conditions
27 are met:

28 1. The organization shall provide a match in
29 advance of each state dollar provided as follows:

30 a. In the fiscal year beginning July 1, 1989, two
31 dollars.

32 b. In the fiscal year beginning July 1, 1990,
33 three dollars.

34 c. In the fiscal year beginning July 1, 1991, four
35 dollars.

36 2. The organization coordinates services with new
37 or existing public programs and services provided by
38 or funded by appropriate state agencies in an effort
39 to avoid inappropriate duplication of services and
40 ensure access to care to the extent as is reasonably
41 possible. The organization shall work with the Iowa
42 department of public health, family and community
43 health division, to ensure duplication is minimized.

44 3. The organization's governing board includes in
45 its membership representatives from the executive and
46 legislative branches of state government.

47 4. Grant funds are available as needed to provide
48 services and shall not be used for administrative

49 costs of the department or the grantee.
50 5. Notwithstanding section 8.33, funds

Page 3

1 appropriated in this section which are unencumbered or
2 unobligated on June 30, 1990, shall not revert to the
3 general fund but shall remain available to the
4 department for the ~~provision of maternal and child~~
5 ~~health services purposes of this section during the~~
6 ~~fiscal period beginning July 1, 1990.~~"

7 6. Page 2, by striking lines 34 and 35, and
8 inserting the following:

9 "Sections 100 and 200 of this Act, being deemed of
10 immediate importance, take effect upon enactment."

11 7. By renumbering as necessary.

AL STURGEON

S-5688

1 Amend House File 2270, 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. NEW SECTION. 601K.92A COMMISSION
6 ESTABLISHED.

7 1. The commission on community action agencies is
8 created, composed of nine members appointed by the
9 governor, subject to confirmation by the Senate. The
10 membership of the commission shall reflect the
11 composition of local community action agency boards as
12 follows:

13 a. One-third of the members shall be elected
14 officials.

15 b. One-third of the members shall be
16 representatives of business, industry, labor,
17 religious, welfare, and educational organizations, or
18 other major interest groups.

19 c. One-third of the members shall be persons who,
20 according to federal guidelines, have incomes at or
21 below poverty level.

22 2. Commission members shall serve three-year terms
23 which shall begin and end pursuant to section 69.19.
24 Vacancies on the commission shall be filled for the
25 remainder of the term of the original appointment.
26 Members whose terms expire may be reappointed.
27 Members of the commission shall receive actual
28 expenses for their services. Members may also be

29 eligible to receive compensation as provided in
30 section 7E.6. The membership of the commission shall
31 also comply with the political party affiliation and
32 gender balance requirements of sections 69.16 and
33 69.16A.
34 3. The commission shall select from its membership
35 a chairperson and other officers as it deems
36 necessary. A majority of the members of the
37 commission shall constitute a quorum.
38 Sec. 2. NEW SECTION. 601K.92B DUTIES OF THE
39 COMMISSION.
40 The commission shall:
41 1. Meet at least quarterly to review the progress
42 of programs of the division.
43 2. Adopt rules pursuant to chapter 17A as it deems
44 necessary for the commission and division, including
45 rules concerning programs and policies for all bureaus
46 of the division.
47 3. Supervise the collection of data relative to
48 the scope of services provided by the community action
49 agencies.
50 4. Recommend legislation to the governor and the

Page 2

1 general assembly designed to improve the status of
2 low-income persons in the state.”
3 2. Page 5, by inserting after line 7, the
4 following:
5 “Sec. ____ . Section 601K.91, Code 1989, is amended
6 by adding the following new subsection 1, and
7 renumbering subsequent subsections:
8 NEW SUBSECTION. 1. “Commission” means the
9 commission on community action agencies.
10 Sec. ____ . Section 601K.92, Code 1989, is amended
11 to read as follows:
12 601K.92 DIRECTOR ADMINISTRATOR DUTIES.
13 The administrator shall:
14 1. Administer the division.
15 2. Implement programs required in the division.
16 3. ~~Adopt rules pursuant to chapter 17A to~~
17 ~~administer the division.~~
18 4. Issue an annual report to the governor and
19 general assembly on January 15 of each year.”

JULIA GENTLEMAN

HOUSE AMENDMENT TO
SENATE FILE 2244

S-5689

1 Amend Senate File 2244, 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 321.34, subsection 7, Code
6 Supplement 1989, is amended to read as follows:
7 7. HANDICAPPED PLATES. The owner of a motor
8 vehicle subject to registration pursuant to section
9 321.109, subsection 1, light delivery truck, panel
10 delivery truck, or pickup, who is a handicapped
11 person, or who is the parent or guardian of a child
12 who resides with the parent or guardian owner and who
13 is a handicapped person, as defined in section 321L.1,
14 may, upon written application to the department, order
15 handicapped registration plates designed by the
16 department bearing the international symbol of
17 accessibility. The handicapped registration plates
18 shall only be issued if the application is accompanied
19 with a statement from a physician licensed under
20 chapter 148, 149, 150, or 150A, or a chiropractor
21 licensed under chapter 151, written on the physician's
22 or chiropractor's stationery, stating the nature of
23 the applicant's or the applicant's child's handicap
24 and such additional information as required by rules
25 adopted by the department, including proof of
26 residency of a child who is a handicapped person. If
27 the application is approved by the department the
28 handicapped registration plates shall be issued to the
29 applicant in exchange for the previous registration
30 plates issued to the person. The fee for the
31 handicapped plates is five dollars which is in
32 addition to the regular annual registration fee. The
33 department shall validate the handicapped plates in
34 the same manner as regular registration plates are
35 validated under this section at the regular annual
36 registration fee. However, the handicapped plates
37 shall not be renewed without the applicant furnishing
38 evidence to the department that the owner of the motor
39 vehicle or the owner's child is still a handicapped
40 person as defined in section 321L.1, unless the
41 applicant has previously provided satisfactory
42 evidence to the department that the owner of the
43 vehicle or the owner's child is permanently
44 handicapped in which case the furnishing of additional
45 evidence shall not be required for renewal. However,
46 an owner who has a child who is a handicapped person
47 shall provide satisfactory evidence to the department

48 that the handicapped child continues to reside with
 49 the owner. The handicapped registration plates shall
 50 be surrendered in exchange for regular registration

Page 2

1 plates when the owner of the motor vehicle or the
 2 owner's child no longer qualifies as a handicapped
 3 person as defined in section 321L.1 or when the
 4 owner's child who is a handicapped person no longer
 5 resides with the owner."

6 2. Page 1, by inserting after line 19 the
 7 following:

8 "Sec. ____ . Section 321L.1, subsection 3, Code
 9 Supplement 1989, is amended to read as follows:

10 3. "Handicapped identification device" or "device"

11 means an identification device bearing the
 12 international symbol of accessibility issued by the
 13 department, and includes a handicapped registration
 14 plate issued to or for a handicapped person under
 15 section 321.34, subsection 7, a handicapped
 16 identification sticker affixed to a registration plate
 17 issued to a disabled veteran under section 321.166,
 18 subsection 6, and a handicapped identification hanging
 19 device which is a placard for hanging from the
 20 rearview mirror when the motor vehicle is parked."

21 3. Page 6, by inserting after line 17 the fol-
 22 lowing:

23 "Sec. ____ . EFFECTIVE DATE.

24 The provisions in section 3 of this Act which
 25 authorize the department to issue permanent
 26 handicapped identification devices to an organization
 27 transporting the handicapped or elderly and to a
 28 person in the business of transporting the handicapped
 29 or elderly take effect January 1, 1991."

30 4. Title page, line 2, by inserting after the
 31 word "devices" the following: "and providing an
 32 effective date".

33 5. By renumbering, relettering, or redesignating
 34 and correcting internal references as necessary.

S-5690

1 Amend amendment, S-5500 to House File 2371, as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1. Page 2, by inserting after line 30 the
 5 following:

6 " ____ . Page 25, by inserting before line 3, the

7 following:

8 "Sec. ____ . Section 13.7, Code 1989, is amended to
9 read as follows:

10 13.7 SPECIAL COUNSEL.

11 Compensation shall not be allowed to any person for
12 services as an attorney or counselor to an executive
13 department of the state government, or the head
14 thereof, or to a state board or commission. However,
15 the executive council may employ legal assistance, at
16 a reasonable compensation, in a pending action or
17 proceeding to protect the interests of the state, but
18 only upon a sufficient showing, in writing, made by
19 the attorney general, that the department of justice
20 cannot for reasons stated by the attorney general
21 perform the service, which reasons and action of the
22 council shall be entered upon its records. When the
23 attorney general determines that the department of
24 justice cannot perform legal service in an action or
25 proceeding, the executive council shall request the
26 department involved in the action or proceeding to
27 recommend legal counsel to represent the department.
28 If the attorney general concurs with the department
29 that the person recommended is qualified and suitable
30 to represent the department, the person recommended
31 shall be employed. If the attorney general does not
32 concur in the recommendation, the department shall
33 submit a new recommendation. This section does not
34 affect the general counsel for the utilities board of
35 the department of commerce, the legal counsel for the
36 board of optometry examiners, or the legal counsel of
37 the division of job service of the department of
38 employment services."'

39 2. Page 2, by inserting after line 32, the
40 following:

41 "'Sec. ____ . Section 258A.3, Code 1989, is amended
42 by adding the following new subsection:

43 **NEW SUBSECTION. 5.** The board of optometry
44 examiners may retain a competent attorney to serve as
45 its legal counsel as it finds necessary for the full
46 and efficient discharge of its duties. The legal
47 counsel retained by the board of optometry examiners
48 shall be the attorney for, and legal advisor of, the
49 board of optometry examiners while retained. The
50 legal counsel is exempt from the merit provisions of

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1 chapter 19A. The legal counsel retained by the board
2 of optometry examiners shall provide necessary legal
3 advice to the board and may represent the board in

4 disciplinary hearings or in actions instituted in a
 5 state or federal court challenging the validity of a
 6 rule or order of the board.””

7 3. By renumbering as necessary.

CALVIN O. HULTMAN

S-5691

1 Amend House File 2346, as passed by the House, as
 2 follows:

3 1. Page 1, by striking lines 3 through 9 and
 4 inserting the following:

5 “The individual has been paid wages for insured
 6 work during the individual’s base period in an amount
 7 at least one and ~~one-quarter~~ one-half times the wages
 8 paid to the individual during that quarter of the
 9 individual’s base period in which the individual’s
 10 wages were highest; provided that the individual has
 11 been paid wages for insured work in two calendar
 12 quarters of the individual’s base period in amounts
 13 totaling at least three and ~~five-tenths~~ one-half”.

CALVIN HULTMAN

S-5692

1 Amend amendment, S-5450, to Senate File 2371 as
 2 follows:

3 1. Page 1, by striking lines 37 through 39, and
 4 inserting the following:

5 “___ . Page 2, line 18, by striking the word
 6 “between” and inserting the following: “between
 7 among”.

8 2. By renumbering as necessary.

JULIA GENTLEMAN

S-5693

1 Amend House File 2497, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 1, by striking line 12 and inserting the
 4 following:

5 “2. The Iowa cooperative extension service in
 6 agriculture and home economics at Iowa state
 7 university of science and technology shall distribute

- 8 to".
 9 2. Page 1, by striking lines 22 through 26.
 10 3. Title page, line 1, by striking the words
 11 "regulating dealers" and inserting the following:
 12 "providing an options program for residential
 13 customers".

RAY TAYLOR

S-5694

- 1 Amend House File 2342, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 306.8, Code 1989, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The department shall
 8 provide maintenance and repair costs for roads and
 9 streets if jurisdiction and control over the roads and
 10 streets were transferred to a city with a population
 11 of one thousand five hundred or less prior to January
 12 1, 1970, and if the city is unable to provide the
 13 funding necessary to maintain and repair the roads and
 14 streets."
 15 2. By renumbering as necessary.

DONALD V. DOYLE

S-5695

- 1 Amend House amendment, S-5675, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, by striking lines 29 through 43.
 5 2. By renumbering as necessary.

JOHN P. KIBBIE
 C. JOSEPH COLEMAN
 CALVIN O. HULTMAN
 WALLY E. HORN
 JIM LIND
 KENNETH D. SCOTT
 DALE L. TIEDEN
 WILLIAM W. DIELEMAN
 BERL E. PRIEBE
 JACK RIFE
 JOHN E. SOORHOLTZ
 JACK NYSTROM

S-5696

1 Amend Senate File 2416 as follows:

2 1. Page 1, by striking lines 1 through 15, and
3 inserting the following:

4 "Section 1. Section 446.16, Code 1989, is amended
5 to read as follows:

6 446.16 BID -- PURCHASER.

7 The person who offers to pay the amount of taxes
8 which are a lien on any parcel of land or city lot for
9 the smallest portion thereof shall be the purchaser,
10 and when ~~such~~ the purchaser shall designate the
11 portion of any tract of land or city lot for which the
12 purchaser will pay the whole amount of taxes for which
13 it may be sold, the portion thus designated shall be
14 an undivided portion. The delinquent tax lien
15 transfers with the tax sale certificate, whether held
16 by the county or if paid by an individual, by
17 assignment or purchased at the tax sale.

18 Sec. 2. Section 446.29, Code 1989, is amended to
19 read as follows:

20 446.29 CERTIFICATE OF PURCHASE.

21 The treasurer shall prepare, sign, and deliver to
22 the purchaser of any real estate sold for the
23 nonpayment of taxes a certificate of purchase,
24 describing it as shown in the record of sales, giving
25 the part of each tract or lot sold, the amount of each
26 kind of tax, interest, and costs for each tract or lot
27 as described in the record, and that payment has been
28 made. Not more than one parcel or description shall
29 be entered upon each certificate of purchase. The
30 delinquent tax lien transfers with the tax sale
31 certificate, whether held by the county or if paid by
32 an individual, by assignment or purchased at the tax
33 sale.

34 Sec. 3. Section 447.9, unnumbered paragraph 2,
35 Code Supplement 1989, is amended to read as follows:

36 Service of the notice shall also be made by mail on
37 any mortgagee having a lien upon the real estate, a
38 vendor of the real estate under a recorded contract of
39 sale, a lessor who has a recorded lease or memorandum
40 of a recorded lease, and any other person who has an
41 interest of record, at the person's last known
42 address, ~~if the mortgagee, vendor, lessor, or other~~
43 ~~person has filed a request for notice, as prescribed~~
44 ~~in section 446.9, subsection 3, and on the state of~~
45 Iowa in case of an old-age assistance lien by service

46 upon the state department of human services. The
47 notice shall also be served on any city where the real
48 estate is situated.”

49 2. Title page, line 1, by inserting after the
50 words “to the” the following: “transfer of the

Page 2

1 delinquent tax liens and the”.

LARRY MURPHY

S-5697

1 Amend House File 2342, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 1 through 22 and
4 inserting the following:
5 “Section 1. Section 313.2A, subsection 4, Code
6 Supplement 1989, is amended to read as follows:
7 4. JURISDICTIONAL TRANSFERS. When the
8 construction, reconstruction, relocation, or other
9 improvement to the network of commercial and
10 industrial highways results in a change in the
11 function of a bypassed primary road, municipal
12 extension of a primary road, or other connecting road,
13 the department, upon approval of the state
14 transportation commission, shall transfer retain
15 jurisdiction of the road to the city or county as
16 appropriate for maintenance only. Before the transfer
17 takes place the department shall place the road and
18 any structures on the road in good repair for
19 continued maintenance or provide for the transfer of
20 money to the appropriate jurisdiction sufficient for
21 the repairs to the road and any structures on the
22 road. If the department cannot come to agreement with
23 the jurisdiction to which the road is transferred as
24 to the necessary repairs, they shall contract with an
25 organization in this state to provide mediation
26 services. The costs of the mediation services shall
27 be equally allocated between the parties. If after
28 submitting to mediation the parties still cannot come
29 to agreement as to the necessary repairs, the mediator
30 shall sign a statement that the parties did not reach
31 an agreement, and the parties shall then submit the
32 matter for binding arbitration to a mutually agreed-
33 upon third party. If the parties cannot agree upon a
34 third-party arbitrator, they shall submit the matter
35 to an arbitrator selected under the rules of the

36 ~~American arbitration association. Any improvements to~~
37 ~~the road or structures on the road shall become the~~
38 ~~sole responsibility of the county or city. Section~~
39 ~~306.43 does not apply to transfers of jurisdiction~~
40 ~~under this subsection."~~

MIKE CONNOLLY

S-5698

1 Amend House File 2342, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 22 the
4 following:
5 "Sec. ____ . Section 306.3, subsections 2 and 4,
6 Code 1989, are amended to read as follows:
7 2. "Primary roads" or "primary road system" means
8 those roads and streets, both inside and outside the
9 boundaries of municipalities, ~~classified under section~~
10 ~~306.1 as freeway-expressway, arterial and arterial~~
11 ~~connector designated by the federal highway~~
12 ~~administration as part of the federal aid primary~~
13 ~~highway system.~~
14 4. "Secondary roads" or "secondary road system"
15 means those roads, outside the boundaries of
16 municipalities, which are not classified as ~~trunk,~~
17 ~~trunk collector and area service under section 306.1~~
18 primary roads or interstate roads under subsections 2
19 and 3."
20 2. By renumbering as necessary.

MIKE CONNOLLY

S-5699

1 Amend House File 2342, 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 306.4, subsection 3, Code
6 Supplement 1989, is amended by adding the following
7 new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. Maintenance
9 responsibility for municipal streets, other than
10 municipal extensions of primary roads, that are
11 municipal extensions of federal-aid secondary roads in
12 cities with a population of less than one thousand
13 shall be vested in the county. Improvements to such

14 municipal streets shall be the joint responsibility of
15 the city and the county, and disputes arising between
16 the two shall be resolved by the process required
17 under this subsection."

MIKE CONNOLLY

S-5700

1 Amend House File 2342, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Sec. ____ . Section 307A.2, subsection 14, Code
6 Supplement 1989, is amended by adding the following
7 new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. When a transfer of
9 jurisdiction takes place under section 313.2A,
10 subsection 4, an interim calculation shall be made for
11 the roads transferred. The needs for such roads shall
12 be added to the total for counties affected and the
13 treasurer of state shall be notified. The additions
14 shall be considered part of the quadrennial need study
15 for the purpose of distributing funds under sections
16 312.3 and 312.5, effective July 1 following the
17 transfer of the roads."

MIKE CONNOLLY

S-5701

1 Amend House File 2342, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 306.8, Code 1989, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The department shall
8 provide maintenance and repair costs for roads and
9 streets if jurisdiction and control over the roads and
10 streets were transferred to a city with a population
11 of three thousand or less prior to January 1, 1982,
12 and if the city is unable to provide the funding
13 necessary to maintain and repair the roads and
14 streets."
15 2. By renumbering as necessary.

DONALD V. DOYLE

S-5702

- 1 Amend Senate File 2417 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "corporation" the following: "whose facilities or
- 4 indebtedness are supported in whole or in part by
- 5 property tax revenue and which is".
- 6 2. Page 1, line 12, by inserting after the word
- 7 "corporation" the following: "whose facilities or
- 8 indebtedness are supported in whole or in part by
- 9 property tax revenue and which is".
- 10 3. Page 1, line 19, by inserting after the word
- 11 "corporation" the following: "whose facilities or
- 12 indebtedness are supported in whole or in part by
- 13 property tax revenue and which is".

MICHAEL E. GRONSTAL

S-5703

- 1 Amend Senate Concurrent Resolution 129 as follows:
- 2 1. Page 1, by striking line 9 through page 2,
- 3 line 18 and inserting the following: "work toward
- 4 ascertaining funding for the development of a four-
- 5 lane highway to connect the cities of Ft. Worth, Texas
- 6 and Ft. Dodge, Iowa, more commonly referred to as "The
- 7 Avenue of the Forts."
- 8 WHEREAS, in 1990, two state senators from the great
- 9 state of Iowa gave virtually no thought to the
- 10 necessity of a road connecting these two communities;
- 11 and
- 12 WHEREAS, these state senators would desire an
- 13 increase in construction employment over a long period
- 14 of time; and
- 15 WHEREAS, these state senators would like to have a
- 16 new road built anyway; and
- 17 WHEREAS, the route the state senators propose would
- 18 start in Ft. Worth, Texas, follow U.S. highway 75/69
- 19 north to the Muskogee, Oklahoma, turnpike, to Ft.
- 20 Gibson, Oklahoma, then east upon U.S. Interstate 40 to
- 21 Ft. Smith, Arkansas, then following highway 59 north
- 22 to U.S. Highway 71, folloiwng U.S. Highway 71 north
- 23 through Missouri to U.S. Highway 54, east on Highway
- 24 54 to Ft. Scott, Kansas, north on U.S. Highway 69 in
- 25 Ft. Scott to Interstate 70 westbound, following
- 26 Interstate 70 westbound to U.S. Highway 73 to Ft.

27 Leavenworth, Kansas, then following U.S. Highway 73 to
 28 U.S. Highway 36 eastbound to St. Joseph, Missouri,
 29 following U.S. Interstate 29 at St. Joseph north to
 30 Council Bluffs, Iowa, at Council Bluffs following
 31 Interstate 80 eastbound to U.S. Interstate 35 at Des
 32 Moines, Iowa, following Interstate 35 north to U.S.
 33 highway 20 westbound to Ft. Dodge, Iowa; and
 34 WHEREAS, the expedient development of the Avenue of
 35 the Forts would benefit a lot of people who need work
 36 and want tourism; NOW THEREFORE,
 37 2. Page 2, by striking line 26 and inserting the
 38 following: "the route known as "The Avenue of the
 39 Forts.""

MICHAEL E. GRONSTAL
 C. JOSEPH COLEMAN

S-5704

1 Amend House File 2371, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 5, by striking the word "For" and
 4 inserting the following: "a. For".
 5 2. Page 2, line 8, by striking the figure
 6 "351,000" and inserting the following: "211,000".
 7 3. Page 2, by striking lines 10 and 11 and
 8 inserting the following:
 9 "b. For the displaced homemaker program:
 10 \$ 140,000".
 11 4. Page 3, line 24, by striking the figure
 12 "500,000" and inserting the following: "400,000".
 13 5. Page 3, line 25, by striking the figure "1.50"
 14 and inserting the following: "1.00".
 15 6. Page 3, line 27, by striking the figure
 16 "400,000" and inserting the following: "300,000".
 17 7. Page 4, by inserting after line 13, the
 18 following:
 19 "(3) Grants awarded under this paragraph shall be
 20 awarded on a competitive basis to fund low-income
 21 youth programs in both urban and rural areas
 22 throughout the state."
 23 8. Page 4, by striking line 14, and inserting the
 24 following:
 25 "b. Of the amount appropriated under this
 26 subsection, \$100,000".
 27 9. Page 4, line 17, by inserting after the word
 28 "state." the following: "Grants awarded under this
 29 paragraph shall be awarded on a competitive basis."
 30 10. Page 4, by striking line 18, and inserting

31 the following:

32 "c. Of the funds appropriated under this
33 subsection, 8".

34 11. Page 4, by inserting after line 20, the
35 following:

36 "d. Notwithstanding section 8.33, moneys
37 appropriated under this subsection for the fiscal year
38 beginning July 1, 1990, shall not revert to the
39 general fund of the state at the end of the fiscal
40 year but shall be available for expenditure during the
41 fiscal year beginning July 1, 1991, for the purposes
42 designated.

43 Sec. 200.

44 Notwithstanding section 8.33, moneys appropriated
45 from the jobs now account for the fiscal year
46 beginning July 1, 1989, pursuant to section 99E.32,
47 subsection 5, paragraph "w", which remain unexpended
48 on June 30, 1990, shall not revert to any fund but
49 shall be available for expenditure for the purposes
50 designated during the fiscal year beginning July 1,

Page 2

1 1990, and shall be in addition to any other moneys
2 available for those purposes."

3 12. Page 5, by inserting after line 11, the
4 following:

5 "As a condition, limitation, and qualification of
6 the appropriation under this section prior to the
7 transferral of funds to a designated area agency on
8 aging pursuant to chapter 249D, the agency shall seek
9 and receive the approval of the commission of elder
10 affairs for an existing or proposed entrepreneurial
11 activity which is in competition with private
12 enterprise if the activity results in a cash flow to
13 the agency in excess of \$5,000."

14 13. Page 5, line 24, by striking the words "A
15 local" and inserting the following: "As a condition,
16 qualification, and limitation of the funds
17 appropriated by this subsection, a local".

18 14. By striking page 5, line 31, through page 6,
19 line 6, and inserting the following:

20 "6. a. For existing retired senior volunteer
21 program projects:

22 \$ 58,000

23 b. For two additional retired senior volunteer
24 program projects:

25 \$ 25,000".

26 15. Page 7, line 20, by striking the figure
27 "838,000" and inserting the following: "829,096".

28 16. Page 7, line 33, by striking the figure
29 "1,177,000" and inserting the following: "1,171,296".
30 17. Page 9, line 14, by striking the figure
31 "2,677,000" and inserting the following: "2,484,709".
32 18. Page 9, line 15, by striking the figure
33 "79.50" and inserting the following: "78.50".
34 19. Page 9, line 32, by striking the figure
35 "50,000" and inserting the following: "10,000".
36 20. By striking page 11, line 23, through page
37 12, line 24.
38 21. Page 12, line 29, by striking the figure
39 "644,000" and inserting the following: "639,748".
40 22. Page 12, line 35, by striking the figure
41 "225,000" and inserting the following: "223,428".
42 23. Page 13, line 6, by striking the figure
43 "980,000" and inserting the following: "971,955".
44 24. Page 13, line 12, by striking the figure
45 "781,000" and inserting the following: "773,995".
46 25. Page 13, line 18, by striking the figure
47 "612,000" and inserting the following: "606,268".
48 26. Page 13, line 33, by striking the figure
49 "519,000" and inserting the following: "514,012".
50 27. Page 14, line 6, by striking the figure

Page 3

1 "3,957,000" and inserting the following: "3,945,020".
2 28. Page 14, line 17, by striking the figure
3 "149,000" and inserting the following: "124,000".
4 29. Page 15, line 12, by striking the figure
5 "1,725,000" and inserting the following: "1,750,000".
6 30. Page 15, line 16, by striking the words "the
7 areas surrounding" and inserting the following: "and
8 surrounding the areas of".
9 31. By striking page 22, line 30, through page
10 23, line 31.
11 32. By striking page 24, line 28, through page
12 25, line 2.
13 33. Page 25, by inserting before line 3, the
14 following:
15 "Sec. 100. 1989 Iowa Acts, chapter 304, section
16 1108, is amended to read as follows:
17 SEC. 1108. PRIMARY AND PREVENTIVE HEALTH CARE FOR
18 CHILDREN. If division II and section 1101 of this Act
19 are enacted, there is appropriated from the general
20 fund of the state to the Iowa department of public
21 health for the fiscal period beginning October 1,
22 1989, and ending June 30, 1990, \$300,000 and in the
23 fiscal years beginning July 1, 1990, and July 1, 1991,
24 \$450,000, or so much thereof as is necessary, to be

25 used for the purposes designated:

26 For the public purpose of providing a renewable
 27 grant, following a request for proposals, to a
 28 statewide charitable organization within the meaning
 29 of section 501(c)(3) of the Internal Revenue Code
 30 which was organized prior to April 1, 1989, and has as
 31 one of its purposes the sponsorship or support for
 32 programs designed to improve the quality, awareness,
 33 and availability of health care for the young, to
 34 serve as the funding mechanism for the provision of
 35 primary health care and preventive services to
 36 children in the state who are uninsured and who are
 37 not eligible under any public plan of health
 38 insurance, provided all of the following conditions
 39 are met:

40 1. The organization shall provide a match in
 41 advance of each state dollar provided as follows:

42 a. In the fiscal year beginning July 1, 1989, two
 43 dollars.

44 b. In the fiscal year beginning July 1, 1990,
 45 three dollars.

46 c. In the fiscal year beginning July 1, 1991, four
 47 dollars.

48 2. The organization coordinates services with new
 49 or existing public programs and services provided by
 50 or funded by appropriate state agencies in an effort

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1 to avoid inappropriate duplication of services and
 2 ensure access to care to the extent as is reasonably
 3 possible. The organization shall work with the Iowa
 4 department of public health, family and community
 5 health division, to ensure duplication is minimized.

6 3. The organization's governing board includes in
 7 its membership representatives from the executive and
 8 legislative branches of state government.

9 4. Grant funds are available as needed to provide
 10 services and shall not be used for administrative
 11 costs of the department or the grantee.

12 5. Notwithstanding section 8.33, funds
 13 appropriated in this section which are unencumbered or
 14 unobligated on June 30, 1990, shall not revert to the
 15 general fund but shall remain available to the
 16 department for the provision of maternal and child
 17 health services purposes of this section during the
 18 fiscal period beginning July 1, 1990.

19 34. Page 25, by inserting after line 24, the
 20 following:

21 "Sec. ____ .

22 Sections 100 and 200 of this Act, being deemed of
23 immediate importance, take effect upon enactment.”
24 35. Title page, line 4, by inserting after the
25 word “health” the following: “, and providing an
26 effective date”.
27 36. By renumbering as necessary.

AL STURGEON

S-5705

1 Amend the House amendment, S-5681, to Senate File
2 2328, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 4, by striking line 39 and inserting the
5 following:
6 “Sec. ____ . Section 99D.11, subsection 5, Code
7 Supplement 1989, is amended to read as follows:
8 5. As each race is run the licensee shall deduct
9 sixteen percent from the total sum wagered on all
10 horses or dogs as first winners. The balance, after
11 deducting breakage, shall be paid to the holders of
12 certificates on the winning horse or dog in the
13 proportion that the amount wagered by each certificate
14 holder bears to the total amount wagered on all horses
15 or dogs in the race as first winners. The licensee
16 may pay a larger amount if approved by the commission.
17 The licensee shall likewise receive other wagers on
18 horses or dogs ~~selected to run second, third, or both,~~
19 ~~or in places or combinations~~ the commission may
20 authorize. The method, procedure, and the authority
21 and right of the licensee, as well as the deduction
22 allowed to the licensee, shall be as specified with
23 respect to wagers upon horses or dogs selected to run
24 first. However, the commission may authorize the
25 licensee to deduct a higher percent of the total sum
26 wagered not to exceed twenty percent on multiple or
27 exotic wagering involving more than one horse or dog.
28 Sec. ____ . Section 99D.13, subsection 2, Code”.
29 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5706

1 Amend House File 2407, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 13, by inserting after the word
4 "district" the following: "or levee district".

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-5707

1 Amend the House amendment, S-5534, to Senate File
2 2306, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 17 and 18, and
5 inserting the following:
6 "____. Page 3, by striking lines 15 and 16, and
7 inserting the following: "permitted to appeal the
8 decision of the board either directly to the director
9 of the department of education or to the state board
10 under chapter 290, but not to both. If the matter is
11 to be heard by the director, or the director's
12 designee, the matter shall be heard de".

13 ____ . Page 3, line 18, by striking the words "by
14 the director, or the director's designee"."

15 2. Page 1, by inserting after line 34, the
16 following:

17 "____. Page 5, line 7, by inserting after the word
18 "years." the following: "If a request to transfer is
19 due to a change in family residence, change in the
20 state in which the family residence is located, a
21 change in a child's parents' marital status, a
22 guardianship proceeding, placement in foster care,
23 adoption, participation in a foreign exchange program,
24 or participation in a substance abuse or mental health
25 treatment program, and the child, who is the subject
26 of the request, is not currently using any provision
27 of open enrollment, the parent or guardian of the
28 child shall have the option to have the child remain
29 in the child's original district of residence under
30 open enrollment with no interruption in the child's
31 educational program. If a parent or guardian
32 exercises this option, the child's new district of
33 residence is not required to pay the lower of the two
34 district costs per pupil or other costs to the
35 receiving district until the start of the first full
36 year of enrollment of the child."

37 3. Page 1, by striking lines 37 through 43, and
38 inserting the following:

39 ""If a child, for which a request to transfer has
40 been filed with a district, has been suspended or
41 expelled in the district, ~~the receiving district named~~

42 in the request may refuse the request the child shall
43 not be permitted to transfer until the child has been
44 reinstated in the sending district. Once the child
45 has been reinstated, however, the child shall be
46 permitted to transfer in the same manner as if the
47 child had not been suspended by the sending district
48 and no record of the disciplinary action shall be
49 forwarded from the sending district to the receiving
50 district upon the child's transfer. If a child, for

Page 2

1 whom a request to transfer has been filed with a
2 district, has been expelled in the district, the child
3 shall be permitted to transfer to a receiving district
4 under this section. However, before being permitted
5 to transfer, the child shall apply for reinstatement
6 in the sending district. If the child is reinstated
7 in the sending district, no record of the disciplinary
8 action may be forwarded to the receiving district. If
9 the child is not reinstated in the sending district,
10 the receiving district shall be permitted to petition
11 the director of the department of education for
12 permission to refuse the transfer of the student to
13 the receiving district.””

14 4. Page 1, by striking lines 46 and 47, and
15 inserting the following:

16 “___ . Page 8, line 11, by inserting after the
17 word “circumstances” the following: “consistent with
18 the definition of good cause”.”

19 5. By striking page 1, line 49 through page 2,
20 line 19, and inserting the following: “inserting the
21 following: “reorganization plan, or a similar set of
22 circumstances consistent with the definition of good
23 cause. If the good cause relates to a change”.”

LARRY MURPHY

S-5708

1 Amend the amendment, S-5704, to House File 2371, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 39 the
5 following:

6 “___ . Page 12, by inserting after line 30 the
7 following:

8 “Sec. ___ . INSPECTIONS -- AUTHORIZATION OF

9 INVESTIGATOR.

- 10 As a condition, limitation and qualification of the
11 appropriation contained in this subsection, the
12 department of inspections and appeals shall assign an
13 additional investigator from the department of
14 inspections and appeals to conduct investigations
15 under the purview of the boards within the division of
16 professional licensure of the Iowa department of
17 public health.””
18 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5709

- 1 Amend the amendment, S-5704, to House File 2371, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 3 through 13.
5 2. By renumbering as necessary.

JOHN P. KIBBIE
BEVERLY A. HANNON

S-5710

- 1 Amend amendment, S-5704, to House File 2371, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 25, the
5 following:
6 “—. Page 6, line 8, by striking the figure
7 “1,531,000” and inserting the following: “1,631,000”.
8 —. Page 6, line 30, by striking the figure
9 “150,000” and inserting the following: “250,000”.
10 —. By striking page 6, line 35, through page 7,
11 line 9.”

MAGGIE TINSMAN
JULIA B. GENTLEMAN
PAUL D. PATE

S-5711

- 1 Amend the House amendment, S-5681, to Senate File
2 2328, as amended, passed and reprinted by the Senate,

3 as follows:

4 1. Page 5, by striking lines 37 through 41 and

5 inserting the following:

6 "Sec. ____ . 1989 Iowa Acts, chapter 321, section
7 42, is amended to read as follows:

8 SEC. 42. Section 477.9A, as enacted in this Act,
9 is repealed effective ~~May 1, 1990~~ June 1, 1991.

10 Sec. ____ . The legislative council shall appoint an
11 interim study committee to investigate the impact of
12 the enactment of section 477.9A on customers of
13 telephone and telegraph companies whose services are
14 deregulated under section 476.1. The study committee
15 shall report to the general assembly which convenes in
16 January of 1991."

TOM MANN, Jr.
RICHARD J. VARN

S-5712

1 Amend the amendment, S-5681, to Senate File 2328,

2 as amended, passed, and reprinted by the Senate, as

3 follows:

DIVISION S—5712A

4 1. Page 1, by inserting after line 25, the

5 following:

6 "____ . Page 3, by inserting after line 28, the

7 following:

8 "As a condition, qualification, and limitation of
9 the funds appropriated by this section, the department
10 of employment services shall direct the division of
11 industrial services to implement, by rule, procedures
12 for an informal mediation process to avoid filing
13 contested cases and for an expedited workers'
14 compensation contested case proceeding.'"

15 2. Page 1, by inserting after line 48, the
16 following:

17 "____ . Page 8, by inserting after line 29, the
18 following:

19 "Sec. 300.

20 There is appropriated from the administrative
21 contribution surcharge fund of the state to the
22 department of employment services, the lesser of
23 \$200,000 or the remaining balance in the fund at the
24 end of the fiscal year beginning July 1, 1989, and
25 ending June 30, 1990, to provide services in
26 communities where job service offices were located as

27 of July 1, 1989.””

28 3. Page 2, line 23, by striking the figure

29 “10,069,000” and inserting the following:

30 “9,700,000.””

31 4. Page 2, by inserting after line 27, the

32 following:

33 “ ____ . Page 13, line 23, by striking the figure

34 “790,320” and inserting the following: “856,600”.

35 ____ . Page 13, line 24, by striking the figure

36 “10.00” and inserting the following: “11.00”.

37 ____ . Page 13, by inserting after line 32, the

38 following:

39 “Of the amount appropriated in this section, the

40 following amounts, or so much thereof as is necessary,

41 shall be expended for the designated purposes:

42 \$29,000 for 1 administrative assistant FTE, \$20,000 to

43 contract for insurance consulting services, and

44 \$17,280 for support and capital expenses, all in

45 connection with the first year of implementing House

46 File 730, regarding errors and omission insurance for

47 real estate appraisers, if enacted by the 1990 Session

48 of the General Assembly.””

49 5. Page 4, by inserting after line 13, the

50 following:

Page 2

DIVISION S—5712A (cont'd.)

1 “”Sec. ____ . Section 86.1, Code 1989, is amended to
2 read as follows:

3 86.1 INDUSTRIAL COMMISSIONER -- TERM.

4 The ~~governor~~ director of the department of

5 employment services shall appoint, ~~subject to~~

6 ~~confirmation by the senate~~, an industrial commissioner

7 ~~whose term of office shall be six years beginning and~~

8 ~~ending as provided in section 69-19~~. The industrial

9 commissioner shall maintain an office at the seat of

10 government. The industrial commissioner must be a

11 lawyer admitted to practice in this state.

12 Sec. ____ . Section 86.2, Code 1989, is amended by

13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The commissioner may

15 appoint one or more chief deputy industrial

16 commissioners and one or more assistant deputy

17 industrial commissioners. A chief deputy industrial

18 commissioner or an assistant deputy industrial

19 commissioner shall perform such additional

20 administrative responsibilities as are deemed

21 reasonably necessary and assigned by the commissioner.

22 Sec. ____ . Section 86.4, Code 1989, is amended to
23 read as follows:

24 86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.

25 It shall be unlawful for the commissioner, or ~~any~~
26 ~~appointee of the a chief deputy industrial~~
27 commissioner while in office, to espouse the election
28 or appointment of any candidate to any political
29 office, and any person violating the provisions of
30 this section shall be guilty of a simple misdemeanor.

31 Sec. ____ . Section 90A.7, Code 1989, is amended to
32 read as follows:

33 90A.7 WRITTEN REPORT FILED -- TAX.

34 1. Every person conducting a boxing or wrestling
35 match ~~or charging an admission fee for viewing of a~~
36 ~~closed-circuit boxing or wrestling match~~ in this state
37 shall, within twenty-four hours after such match,
38 furnish to the commissioner a written report, duly
39 verified, showing the number of tickets sold for such
40 boxing or wrestling match, and the amount of gross
41 ~~proceeds thereof of such boxing or wrestling match,~~
42 and such other matters as the commissioner may
43 prescribe; and shall also within the ~~said same~~ time
44 ~~period~~ pay to the treasurer of state a tax of five
45 percent of its total gross receipts, after deducting
46 ~~any federal admission state sales~~ tax, from the sale
47 of tickets of admission to such boxing or wrestling
48 match.

49 2. Moneys collected pursuant to subsection 1 in
50 excess of the amount of moneys needed to administer

Page 3

DIVISION S—5712A (cont'd.)

1 this chapter are appropriated and shall be used by the
2 state commissioner of athletics to award grants to
3 organizations which promote amateur boxing matches in
4 this state.

5 3. The state commissioner of athletics shall adopt
6 rules pursuant to chapter 17A to establish procedures
7 for the submission of applications for grants to be
8 awarded pursuant to subsection 2, and for the awarding
9 of grants pursuant to subsection 2.

10 4. An advisory board composed of three members of
11 the golden gloves association of America, incorporated
12 -- Iowa branch, appointed by the association, and three
13 members of the United States of America amateur boxing
14 federation -- Iowa branch, appointed by the
15 federation, shall advise the state commissioner of

16 athletics regarding the awarding of grants pursuant to
 17 subsection 2."

DIVISION S—5712B

18 6. Page 5, by inserting after line 23, the
 19 following:

20 " ____ . Page 29, by inserting before line 16, the
 21 following:

22 "Sec. ____ . Section 524.1005, Code Supplement 1989,
 23 is amended by striking the section and inserting in
 24 lieu thereof the following:

25 524.1005 TRUST COMPANIES.

26 A trust company existing and operating in Iowa or
 27 its adjacent states and which is authorized to act as
 28 a trust company in Iowa or its adjacent states may act
 29 in a fiduciary capacity according to its articles of
 30 incorporation."

DIVISION S—5712A (cont'd.)

31 7. Page 5, by inserting after line 41, the
 32 following:

33 "Sec. ____ .

34 Section 300 of this Act, being deemed of immediate
 35 importance, takes effect upon enactment."

36 ____ . Title page, line 6, by inserting after the
 37 word "commission," the following: "allocating certain
 38 standing appropriations subject to certain procedures
 39 and conditions, and affecting certain regulated
 40 entities,"."

41 8. By renumbering as necessary.

RICHARD RUNNING

S-5713

1 Amend amendment, S-5704 to House File 2371, as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1. Page 4, by inserting after line 18, the
 5 following:

6 "Sec. ____ . Section 13.7, Code 1989, is amended to
 7 read as follows:

8 13.7 SPECIAL COUNSEL.

9 Compensation shall not be allowed to any person for
 10 services as an attorney or counselor to an executive
 11 department of the state government, or the head
 12 thereof, or to a state board or commission. However,

13 the executive council may employ legal assistance, at
14 a reasonable compensation, in a pending action or
15 proceeding to protect the interests of the state, but
16 only upon a sufficient showing, in writing, made by
17 the attorney general, that the department of justice
18 cannot for reasons stated by the attorney general
19 perform the service, which reasons and action of the
20 council shall be entered upon its records. When the
21 attorney general determines that the department of
22 justice cannot perform legal service in an action or
23 proceeding, the executive council shall request the
24 department involved in the action or proceeding to
25 recommend legal counsel to represent the department.
26 If the attorney general concurs with the department
27 that the person recommended is qualified and suitable
28 to represent the department, the person recommended
29 shall be employed. If the attorney general does not
30 concur in the recommendation, the department shall
31 submit a new recommendation. This section does not
32 affect the general counsel for the utilities board of
33 the department of commerce, the legal counsel for the
34 board of optometry examiners, or the legal counsel of
35 the division of job service of the department of
36 employment services."

37 2. Page 4, by inserting after line 20, the
38 following:

39 ""Sec. ____ . Section 258A.3, Code 1989, is amended
40 by adding the following new subsection:
41 NEW SUBSECTION. 5. The board of optometry
42 examiners may retain a competent attorney to serve as
43 its legal counsel as it finds necessary for the full
44 and efficient discharge of its duties. The legal
45 counsel retained by the board of optometry examiners
46 shall be the attorney for, and legal advisor of, the
47 board of optometry examiners while retained. The
48 legal counsel is exempt from the merit provisions of
49 chapter 19A. The legal counsel retained by the board
50 of optometry examiners shall provide necessary legal

Page 2

1 advice to the board and may represent the board in
2 disciplinary hearings or in actions instituted in a
3 state or federal court challenging the validity of a
4 rule or order of the board.""

CALVIN O. HULTMAN
RAY TAYLOR

S-5714

- 1 Amend the amendment, S-5712, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking lines 22 through 30.

S-5715

CALVIN O. HULTMAN

- 1 Amend the House amendment, S-5680, to Senate File
- 2 2402, as amended, passed, and reprinted by the Senate,
- 3 as follows:

DIVISION S—5715A

- 4 1. Page 1, by striking lines 6 through 8 and
- 5 inserting the following:
- 6 “___ . Page 1, by striking lines 33 and 34.”
- 7 2. Page 1, by striking lines 22 and 23.
- 8 3. Page 1, line 25, by striking the figure
- 9 “6,587,943” and inserting the following: “6,534,828”.
- 10 4. Page 1, by striking lines 31 through 38.
- 11 5. Page 1, by striking lines 41 through 44.
- 12 6. Page 2, by striking lines 4 through 8.
- 13 7. Page 2, by striking line 15 and inserting the
- 14 following:
- 15 “___ . Page 6, line 25, by striking the word
- 16 “purchase” and inserting the following:
- 17 “lease/purchase”.
- 18 ___ . Page 6, line 28, by striking the figure
- 19 “300,000” and inserting the following: “350,000”.
- 20 8. Page 2, by striking line 43.

DIVISION S—5715B

- 21 9. Page 3, by striking lines 15 and 16.

DIVISION S—5715A (cont'd.)

- 22 10. Page 3, line 20, by striking the word “shall”
- 23 and inserting the following: “may”.
- 24 11. Page 3, by striking lines 24 through 28 and
- 25 inserting the following: “recycled tire rubber.”
- 26 12. Page 4, by striking lines 2 through 16.
- 27 13. By striking page 4, line 43, through page 5,
- 28 line 10.

DON E. GETTINGS
JOE WELSH

S-5716

- 1 Amend House File 2440, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 16, by striking the words "By
- 4 January 1, 1993, adopt" and inserting the following:
- 5 "Adopt".

JEAN LLOYD-JONES
LARRY MURPHY
JOY CORNING
JOHN P. KIBBIE

S-5717

- 1 Amend amendment, S-5711, to the House amendment, S-
- 2 5681, to Senate File 2328 as amended, passed and
- 3 reprinted by the Senate as follows:
- 4 1. Page 1, line 10, by striking the words "shall
- 5 appoint" and inserting the following: "is requested
- 6 to consider the appointment of".

BILL HUTCHINS

S-5718

- 1 Amend Senate File 2421 as follows:

DIVISION S—5718A

- 2 1. Page 2, line 22, by striking the figure "864"
- 3 and inserting the following: "865".
- 4 2. Page 2, line 23, by striking the figure "86"
- 5 and inserting the following: "87".
- 6 3. Page 14, line 18, by inserting after the word
- 7 "services." the following: "The department may use
- 8 funds appropriated in this Act for medical assistance
- 9 to pay the nonfederal share of costs for services
- 10 reimbursed under medical assistance which are provided
- 11 in a psychiatric medical institution for children."
- 12 4. Page 17, line 22, by striking the figure
- 13 "4.00" and inserting the following: "3.00".
- 14 5. Page 21, by striking lines 29 through 33, and
- 15 inserting the following:

16 "a. Programs targeted to children. A program must
17 include the following: components for parental
18 involvement; parental education, including techniques
19 for encouraging sexual abstinence; outreach services
20 for recruiting parents and children into the program;
21 and the provision of transportation to program staff
22 and participants necessary for recruiting and
23 encouraging program participation."

DIVISION S—5718B

24 6. Page 33, line 6, by striking the figure
25 "2,260.50" and inserting the following: "2,259.50".

DIVISION S—5718A (cont'd.)

26 7. Page 36, line 18, by inserting after the word
27 "needs." the following: "The department shall work
28 with the department of personnel in conducting the
29 study, including any study component involving a
30 request for proposals to retain a consultant."

31 8. Page 36, line 29, by striking the figure
32 "349.95" and inserting the following: "350.95".

33 9. Page 44, line 14, by striking the word
34 "maximum".

35 10. Page 45, by inserting after line 22 the
36 following:

37 "6. As a condition, qualification, and limitation
38 of the funds appropriated in this Act, the department
39 shall develop methodologies to reimburse the actual
40 costs of providers of services under the
41 appropriations for foster care, state supplementary
42 assistance, and social services block grant
43 supplementation in this Act. The department shall
44 report to the governor and the general assembly by
45 October 1, 1991, regarding the methodologies that the
46 department has developed to achieve this purpose and
47 the estimated costs for their implementation. It is
48 the intent of the general assembly that the providers
49 shall be reimbursed for their actual costs commencing
50 in the fiscal year beginning July 1, 1993. It is the

Page 2

DIVISION S—5718A (cont'd.)

1 intent of the general assembly that the governor shall
2 propose in the governor's budget submitted to the
3 general assembly, for the fiscal years ending June 30,
4 1992; and June 30, 1993, increases for social service

5 providers that would allow for a phase-in of this
6 reimbursement system in equal steps toward full
7 implementation in the fiscal year ending June 30,
8 1994."

9 11. Page 50, line 25, by inserting after the word
10 "to" the following: "section 1, subsection 1,
11 relating to funding the employee portion of the cash
12 bonus program;"

13 12. Page 50, line 30, by inserting after the word
14 "assistance;" the following: "section 2, subsection
15 8, relating to differential reimbursement paid to
16 hospitals which provide a disproportionate share of
17 care to medical assistance recipients and related
18 provisions;"

19 13. Page 51, line 1, by inserting after the word
20 "assistance;" the following: "section 16, subsection
21 3, relating to grants administered in accordance with
22 provisions for adolescent pregnancy prevention
23 grants;"

24 14. Page 51, line 7, by inserting after the word
25 "arrangements;" the following: "section 26, relating
26 to special needs grants;"

27 15. Page 51, by inserting after line 12 the
28 following:

29 "Sec. ____ . GAMBLERS ASSISTANCE NOTIFICATION.

30 The Iowa lottery board and the state racing and
31 gaming commission shall cooperate with the gamblers
32 assistance program in developing procedures to
33 incorporate information regarding the gamblers
34 assistance program and its toll-free telephone number
35 in printed materials distributed and tickets issued by
36 the state lottery and by the licensees under the
37 authority of the commission. The commission may
38 require licensees to incorporate the information as a
39 condition of licensure."

40 16. Page 52, by striking lines 5 through 9 and
41 inserting the following:

42 "(5) For the fiscal year beginning July 1, 1990,
43 after the first seven hundred fifty thousand dollars
44 available in the fund is administered and made
45 available for use pursuant to subparagraph (1), the
46 next two hundred seventy-five thousand dollars of the
47 moneys available in the fund shall be administered by
48 the director of human services and used for juvenile
49 justice expenditures pursuant to section 232.141,
50 subsection 4."

Page 3

1 17. By renumbering as necessary.

CHARLES BRUNER

S-5719

1 Amend the House amendment, S-5672, to Senate File
2 2280, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by inserting after 22 the following:
5 "____. Page 20, by inserting after line 9 the
6 following:
7 Sec. ____ . Section 421.17, subsection 22, Code
8 Supplement 1989, is amended to read as follows:
9 22. To employ collection agencies, within ~~or~~
10 ~~without~~ the state, to collect delinquent taxes,
11 including penalties and interest, administered by the
12 department where the director finds that departmental
13 personnel are unable to collect the delinquent
14 accounts because of a taxpayer's location outside the
15 state or for any other reason. Fees for services,
16 reimbursement, or other remuneration, including
17 attorney fees, paid to collection agencies shall be
18 based upon the amount of tax, penalty, and interest
19 actually collected and shall be paid only after the
20 amount of tax, penalty, and interest is collected.
21 All funds collected must be remitted in full to the
22 department within thirty days from the date of
23 collection from a taxpayer or in a lesser time as the
24 director prescribes. The funds shall be applied
25 toward the taxpayer's account and handled as are funds
26 received by other means. An amount is appropriated
27 from the amount of tax, penalty, and interest actually
28 collected by the collection agency sufficient to pay
29 all fees for services, reimbursement, or other
30 remuneration pursuant to a contract with a collection
31 agency under this subsection. A collection agency
32 entering into a contract with the department for the
33 collection of delinquent taxes pursuant to this
34 subsection is subject to the requirements and
35 penalties of tax information confidentiality laws of
36 this state. All contracts and fees provided for in
37 this subsection are subject to the approval of the
38 governor.""

JIM LIND

S-5720

1 Amend House amendment, S-5680, to Senate File 2402,

2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40 the
5 following:

6 "____. Page 4, by striking lines 15 through 17."

JIM LIND

S-5721

1 Amend the amendment, S-5712, to the House
2 amendment, S-5681, to Senate File 2328, as amended,
3 passed and reprinted by the Senate as follows:

4 1. Page 2, by striking line 22 through page 3,
5 line 17.

JULIA GENTLEMAN

HOUSE AMENDMENT TO
SENATE FILE 2206

S-5722

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 29 the
4 following:

5 "However, if a political corporation meeting the
6 three-part test set forth in this subsection makes
7 contributions for the purpose of supporting or
8 opposing a candidate for public office or a ballot
9 issue, the political corporation shall comply with all
10 the reporting and disclosure requirements of this
11 chapter as if it were a political committee. The
12 reports shall be filed with the commission in
13 accordance with rules adopted by the commission and
14 shall include information specifically identifying all
15 sources of income of the political corporation. The
16 commission may provide by rule for the waiver of these
17 reporting and disclosure requirements in the case of a
18 political corporation which is also a candidate's
19 committee if the candidate's committee complies with
20 all reporting and disclosure provisions set forth in
21 this chapter for candidate's committees."

22 2. Page 1, by inserting after line 32 the
23 following:

24 "Sec. ____ . LEGISLATIVE DECLARATION.

25 The general assembly declares that the state has an
 26 interest in shedding the light of publicity on the
 27 financing of political campaigns, and that the
 28 reporting and disclosure requirements of this Act are
 29 enacted as part of the overall scheme of this chapter
 30 to promote that interest. The general assembly also
 31 declares that the reporting and disclosure
 32 requirements are intended to further First Amendment
 33 values by opening the basic processes of the election
 34 system to public view in a manner which is reasonable
 35 and minimally restrictive.”
 36 3. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2329

S-5723

1 Amend the Senate amendment, H-5701, to House File
 2 2329, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 36.
 5 2. Page 1, line 50, by striking the words “the
 6 state”.
 7 3. Page 2, by striking line 1.
 8 4. By striking page 2, line 9, through page 3,
 9 line 22.
 10 5. Page 3, by striking lines 41 through 43, and
 11 inserting the following: “more than forty days after
 12 the vacancy occurs. However, if within”.
 13 6. Page 4, by striking line 12 and inserting the
 14 following: “voting booths approved by the board of
 15 examiners for voting machines and electronic voting
 16 systems and furnished before the”.
 17 7. By renumbering, relettering, or redesignating
 18 and correcting internal references as necessary.

S-5724

1 Amend the amendment, S-5712, to the House
 2 amendment, S-5681, to Senate File 2328, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 3, line 30, by inserting after the word
 5 “incorporation” the following: “, subject to the
 6 prior approval of the superintendent”.

MIKE CONNOLLY

S-5725

- 1 Amend the amendment, S-5718, to Senate File 2421 as
2 follows:
3 1. Page 2, by striking lines 35 through 38, and
4 inserting the following: "in printed materials
5 distributed. The commission may require licensees to
6 have the information available in a conspicuous place
7 as a".

BERL E. PRIEBE

HOUSE AMENDMENT TO
SENATE FILE 2327

S-5726

- 1 Amend Senate File 2327, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 15 through 23.
4 2. Page 4, by striking lines 23 through 26.
5 3. Page 5, by inserting after line 8 the
6 following:
7 "As a condition, limitation, and qualification, any
8 official Iowa trade delegation led by the governor
9 which receives financial or other support from the
10 appropriation in this subsection shall be represented
11 by a bipartisan delegation of the executive council or
12 their designees."
13 4. Page 5, line 10, by striking the figure
14 "150,000" and inserting the following: "100,000".
15 5. Page 5, by striking lines 11 through 13 and
16 inserting the following:
17 "The department may contract with private groups or
18 organizations which are the most appropriate to
19 administer this program. The groups and organizations
20 participating".
21 6. Page 5, line 29, by striking the figure
22 "225,594" and inserting the following: "125,594".
23 7. Page 5, line 30, by striking the figure "4.00"
24 and inserting the following: "3.00".
25 8. Page 5, by striking lines 31 through 34.
26 9. Page 6, line 15, by striking the figure
27 "615,838" and inserting the following: "642,838".
28 10. Page 6, line 16, by striking the figure

29 "11.00" and inserting the following: "12.00".

30 11. Page 6, by inserting after line 16 the
31 following:

32 "Of the amount appropriated in this subsection, up
33 to \$27,000, and 1 FTE shall be used to assist
34 communities or groups of communities to develop and
35 implement planning efforts for community, business,
36 and economic development."

37 12. Page 7, line 20, by inserting after the word
38 "program." the following: "The conditions, criteria,
39 and limitations referred to or specified in section
40 99E.32, subsection 2, paragraph "b", apply to the
41 providing of moneys under the community economic
42 betterment program from the fund established in this
43 subsection."

44 13. Page 7, line 27, by striking the figure
45 "1,700,000" and inserting the following: "1,500,000".

46 14. Page 8, by inserting after line 5 the
47 following:

48 "_____. MICROENTERPRISE DEVELOPMENT REVOLVING FUND

49 For deposit in the microenterprise development
50 revolving fund established pursuant to section 15.248

Page 2

1 for the programs and in the amounts listed in this
2 subsection."

3 15. Page 8, line 6, by striking the figure "22."
4 and inserting the following: "a."

5 16. Page 8, line 8, by striking the figure "23."
6 and inserting the following: "b."

7 17. Page 8, line 10, by striking the figure "24."
8 and inserting the following: "c."

9 18. Page 9, by striking lines 15 through 18 and
10 inserting the following:

11 "As a condition, limitation, and qualification of
12 the appropriations made in this subsection, moneys
13 appropriated shall be used for implementation of the
14 recommendations of the statewide long-range plan for
15 developing and operating welcome centers throughout
16 the state. In addition, the department shall evaluate
17 the operation of the pilot project welcome centers
18 established pursuant to sections 15.271 and 15.272 and
19 report to the general assembly by January 15, 1991,
20 its recommendations for long-term operation of the
21 pilot project welcome centers."

22 19. Page 9, line 20, by striking the figure
23 "1,845,000" and inserting the following: "1,495,000".

24 20. Page 9, line 21, by striking the figure
25 "\$700,000" and inserting the following: "\$350,000".

26 21. Page 9, line 25, by striking the words and
27 figures "\$40,000 nor more than \$60,000" and inserting
28 the following: "\$20,000 nor more than \$50,000".

29 22. Page 9, line 27, by inserting after the word
30 "center." the following: "The department shall
31 reallocate any unencumbered or unobligated funds
32 appropriated from previous fiscal years to the
33 satellite centers for the purposes of this paragraph."

34 23. Page 9, by inserting after line 27 the
35 following:

36 "If the satellite centers are renamed or replaced
37 by other regional-based centers as a result of
38 legislation enacted by the Seventy-third General
39 Assembly, 1990 Session, the appropriation and
40 reference in this subsection and other provisions of
41 this Act shall mean the renamed or replacement
42 regional-based centers, as applicable."

43 24. Page 9, line 35, by striking the figure
44 "200,000" and inserting the following: "150,000".

45 25. Page 10, by inserting after line 12 the
46 following:

47 "As a condition, limitation, and qualification of
48 the appropriations made in this subsection, the
49 department shall not require that projects funded by
50 this program employ additional staff people."

Page 3

1 26. By striking page 11, line 19 through page 12,
2 line 23.

3 27. Page 12, line 27, by striking the figure
4 "300,000" and inserting the following: "200,000".

5 28. Page 12, by striking lines 31 and 32 and
6 inserting the following: "Iowa state university of
7 science and technology."

8 29. Page 13, by striking line 9 and inserting the
9 following: "fund created by the foundation board:".

10 30. Page 14, by striking lines 3 and 4 and
11 inserting the following: "the following kinds of
12 assistance:".

13 31. Page 14, by inserting after line 15 the
14 following: "So long as at least one of the kinds of
15 assistance described in subparagraphs (1) through (5)
16 are provided, additional assistance not described in
17 subparagraphs (1) through (5) may also be provided."

18 32. Page 15, by striking line 4 and inserting the
19 following: "created by the INTERNET board:".

20 33. Page 15, line 30, by striking the figure
21 "1,165,000" and inserting the following: "500,000".

22 34. Page 17, lines 27 and 28, by striking the

23 words "moneys are raised to assure participation" and
 24 inserting the following: "private funds are raised to
 25 locate the world food prize foundation at the Iowa
 26 state university of science and technology, and only
 27 if the foundation is structured to include substantial
 28 representation that reflects environmental concerns
 29 and sustainable agriculture".

30 35. Page 18, line 10, by striking the figure
 31 "200,000" and inserting the following: "100,000".

32 36. Page 18, by inserting after line 14 the
 33 following:

34 "Sec. ____

35 Notwithstanding section 15.251, subsection 2, there
 36 is appropriated from the jobs now account within the
 37 Iowa plan fund for economic development to the
 38 department of economic development for the fiscal year
 39 beginning July 1, 1990, and ending June 30, 1991, the
 40 following amounts, or so much thereof as is necessary,
 41 to be used for the purposes designated:

42 1. For administration of chapter 280B, including
 43 salaries, support, maintenance, and miscellaneous
 44 purposes for not more than the following full-time
 45 equivalent positions:

46	\$	125,000
47	FTEs	2.50

48 2. For a public/private partnership to provide
 49 information to employers, employees, and educators
 50 about the changing nature of the workplace and the

Page 4

1 workforce:

2	\$	30,000
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3 3. To fund a multistate trade office in Canada:

4	\$	50,000
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5 4. In addition to moneys provided for in section
 6 1, subsection 15 of this Act, to assist communities or
 7 groups of communities to develop and implement
 8 planning efforts for community, business, and economic
 9 development:

10	\$	7,650
----------	----	-------

11 5. For a riverfront development and restoration
 12 grant program to be used for construction, renovation,
 13 or restoration of existing or new structures that
 14 enhance the historic, educational, or recreational
 15 value of the riverfront area:

16	\$	150,000
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17 As a condition, limitation, and qualification of
 18 the appropriation, the department shall give priority
 19 to projects that provide at least a 2-to-1 dollar

20 match from private or other sources.

21 6. For the center for community leadership to
22 assist leaders from multicommunity clusters or
23 individual communities to develop their personal and
24 team skills in order to create and implement plans for
25 the development of their communities:

26 \$ 50,000
27 Sec. ____

28 There is appropriated from the general fund of the
29 state to the following named institutions for the
30 fiscal year beginning July 1, 1990, and ending June
31 30, 1991, the following amounts, or so much thereof as
32 is necessary, to be used for the purposes designated:

33 1. To the university of northern Iowa for the
34 decision-making science institute:
35 \$ 750,000

36 2. To the Iowa state university of science and
37 technology for funding the small business development
38 centers:
39 \$ 1,350,000

40 3. To the Iowa state university of science and
41 technology for the institute for physical research and
42 technology:
43 \$ 300,000

44 4. To the state university of Iowa for the center
45 for biocatalysis:
46 \$ 300,000

47 5. To the Iowa state university of science and
48 technology for an intensive effort of technology
49 transfer for the livestock industry as provided in
50 section 99E.32, subsection 4, paragraph "g":

Page 5

1 \$ 300,000

2 6. To the university of northern Iowa for the
3 applied technology program:

4 \$ 300,000".

5 37. Page 19, by inserting after line 2, the
6 following:

7 "Sec. ____

8 There is appropriated from the general fund of the
9 state to the Iowa department of public health for the
10 fiscal year beginning July 1, 1990, and ending June
11 30, 1991, the following amount, or so much thereof as
12 is necessary, to be used for the purposes designated:

13 For the acquisition of emergency medical services
14 equipment:
15 \$ 750,000

16 1. The funds appropriated under this section shall

17 be allocated to each county based upon the
18 apportionment of funds as follows:
19 a. 50 percent of the funds is apportioned based
20 upon the area of a county to the total area of all
21 counties.
22 b. 25 percent of the funds is apportioned based
23 upon the population of the county to the total
24 population of all counties.
25 c. 25 percent of the funds is apportioned based
26 upon the rural population of the county to the total
27 rural population of all counties.
28 2. Each county EMS association shall propose a
29 plan for spending the county's allocation and submit
30 the plan to the regional EMS council for its review
31 and comment. The regional EMS council shall review
32 the plan and shall approve, modify, or deny the plan.
33 If a request is denied, the county EMS association may
34 submit a new proposal. Upon approval by the regional
35 EMS council, the Iowa department of public health
36 shall remit the amount approved to the award
37 recipients. Each award of \$1 to a county shall
38 require a \$1 match by the county or EMS provider. The
39 Iowa department of public health shall provide
40 assistance to the regional EMS council in reviewing
41 the proposals.
42 3. For the purposes of this section, unless the
43 context otherwise requires:
44 a. "Area", "county EMS association", "EMS
45 provider", "regional EMS council", and "rural
46 population" mean the same as defined in 641 I.A.C.,
47 ch. 130.
48 b. "Emergency medical services equipment" means
49 defibrillators, nondisposable essential ambulance
50 equipment, as defined by the American college of

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1 surgeons, communications pagers, radios, and base
2 repeaters. "Emergency medical services equipment"
3 does not include ambulances, automotive parts, or
4 buildings.
5 It is the intent of the general assembly to fund an
6 additional \$750,000 in fiscal year 1992 for this
7 purpose.
8 Sec. ____
9 There is appropriated from the general fund of the
10 state to the Iowa finance authority for the fiscal
11 year beginning July 1, 1990, and ending June 30, 1991,
12 the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 For the rural community 2000 program:
15 \$ 1,600,000

16 Notwithstanding section 15.283, subsection 4, the
17 amount appropriated in this section shall be allocated
18 for traditional infrastructure under section 15.284
19 and for new infrastructure under section 15.285.

20 Sec. ____

21 There is appropriated from the general fund of the
22 state to the Iowa finance authority for the fiscal
23 year beginning July 1, 1990, and ending June 30, 1991,
24 the following amounts, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 1. To the housing trust fund, for the operation,
27 construction, and rehabilitation of homeless shelters
28 under section 220.100, subsection 2, paragraph "a":
29 \$ 1,000,000

30 a. Of the amount appropriated in this subsection,
31 as nearly as practicable, \$650,000 shall be used for
32 operating costs, including utilities, maintenance,
33 food, clothing, and other supplies, or staff support
34 services for homeless shelters; \$200,000 shall be used
35 for construction and rehabilitation of homeless
36 shelters; and \$150,000 shall be used for assistance to
37 homeless shelters that are facing closure. If the
38 moneys allocated for any of the purposes in this
39 paragraph are not used or dedicated by February 1 of
40 the fiscal year, the moneys may be reallocated for the
41 other purposes in this paragraph that have the most
42 need as determined by the Iowa finance authority.

43 b. As a condition, limitation, and qualification
44 of the \$1,000,000 appropriation to the housing trust
45 fund in this subsection and notwithstanding section
46 220.100, subsection 6, from the moneys available for
47 operating costs of and staff support services for
48 homeless shelters in paragraph "a", the Iowa finance
49 authority shall contract with a nongovernmental entity
50 to administer the funds available for operating costs

Page 7

1 of and staff support services for homeless shelters.

2 2. To the housing trust fund, to be used for the
3 programs provided in section 220.100, subsection 2,
4 paragraphs "b" and "c":
5 \$ 500,000

6 The Iowa finance authority may award reimbursement
7 for the costs incurred in submitting grant
8 applications.

9 Sec. ____

10 There is appropriated from the general fund of the

11 state to the department of human services for the
 12 fiscal year beginning July 1, 1990, and ending June
 13 30, 1991, the following amount, or so much thereof as
 14 is necessary, to be used for the purpose designated:
 15 For emergency assistance to families with dependent
 16 children under Title IV-A of the federal Social
 17 Security Act to match federal dollars for homeless
 18 prevention programs:

19 \$ 500,000

20 The emergency assistance provided for in this
 21 section shall be available only if all other publicly
 22 funded resources have been exhausted. This emergency
 23 assistance includes, but is not limited to, assisting
 24 people who face eviction, potential eviction, or
 25 foreclosure, utility shut-off or fuel shortage, loss
 26 of heating energy supply or equipment, homelessness,
 27 utility or rental deposits, or other unspecified
 28 crisis which threatens family or living arrangements.
 29 This assistance shall be available to migrant families
 30 who would otherwise meet eligibility criteria.”

31 38. Page 20, by inserting after line 10 the
 32 following:

33 “Sec. ____ . NEW SECTION. 15.112 RESTRICTIONS
 34 RELATING TO COUNCILS OF GOVERNMENTS.

35 The department shall not require a city or county
 36 to be a dues paying member of a council of
 37 governments.

38 Sec. ____ . NEW SECTION. 15.248 MICROENTERPRISE
 39 DEVELOPMENT PROGRAM -- MICROENTERPRISE DEVELOPMENT
 40 REVOLVING FUND.

41 The department shall establish, contingent on the
 42 availability of funds authorized for the program, a
 43 microenterprise development program and a
 44 microenterprise development revolving fund to provide
 45 grants, loans, loan guarantees, financial or technical
 46 assistance, or any other necessary support and
 47 assistance to a person beginning or expanding a small
 48 business, as defined in section 220.1, subsection 28.

49 For the fiscal year beginning July 1, 1990, the
 50 program shall include the following programs:

Page 8

- 1 1. The self-employment loan program under section
- 2 15.241.
- 3 2. The case management program under section
- 4 15.246.
- 5 3. The targeted small business financial
- 6 assistance program under section 15.247.
- 7 4. The department shall review the microenterprise

8 development program and may include different programs
9 than those designated in subsections 1, 2, and 3 for
10 fiscal years beginning on or after July 1, 1991.

11 5. Repayments of loans under the programs listed
12 in subsections 1, 2, and 3 received through June 30,
13 1991, shall be repaid to the Iowa community
14 development loan fund created pursuant to section
15 28.120. Repayments of loans under the programs listed
16 in subsections 1, 2, and 3 on or after July 1, 1991,
17 shall be deposited in the revolving loan fund created
18 in this section."

19 39. Page 20, by inserting after line 20 the
20 following:

21 "Sec. ____ . Section 28.120, Code 1989, is amended
22 by adding the following new subsection:
23 NEW SUBSECTION. 7. Notwithstanding subsections 5
24 and 6, for the fiscal year beginning July 1, 1990, and
25 ending June 30, 1991, five hundred thousand dollars is
26 appropriated from the Iowa community development loan
27 fund to the Iowa finance authority for an E911
28 financing program. For the fiscal year beginning July
29 1, 1991, and for each subsequent fiscal year, all
30 moneys in the Iowa community development loan fund are
31 appropriated to the Iowa finance authority for the
32 E911 financing program.

33 Sec. ____ . Section 28.154, subsection 1, paragraph
34 a, subparagraphs (5) and (6), Code Supplement 1989,
35 are amended to read as follows:

36 (5) The chairperson of the Iowa product
37 development corporation or the chairperson's designee.

38 (6) A shareholder member of the business
39 development finance corporation elected by the
40 business development finance corporation board or the
41 shareholder's designee."

42 40. By striking page 20, line 21 through page 21,
43 line 20.

44 41. Page 26, by inserting after line 20, the
45 following:

46 "Sec. ____ . Section 220.100, subsection 2,
47 paragraph a, Code 1989, is amended to read as follows:

48 a. A grant program for the homeless for the
49 construction, rehabilitation, ~~or~~ expansion, or costs
50 of operating of group home shelter for the homeless.

Page 9

1 Sec. ____ . Section 220.100, Code 1989, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 7. A homelessness advisory
4 committee is created consisting of the executive

5 director or the executive director's designee, the
 6 directors or their designees from the departments of
 7 economic development, elder affairs, human services,
 8 and human rights, and at least three individuals from
 9 the private sector to be selected by the executive
 10 director. The advisory committee shall advise the
 11 authority in coordinating programs that provide for
 12 the homeless.

13 Sec. ____ . Section 473B.1, subsection 2, as enacted
 14 by 1990 Iowa Acts, Senate File 2366, section 1, is
 15 amended by striking the subsection.

16 Sec. ____ . 1990 Iowa Acts, Senate File 2366,
 17 section 7, is amended by striking the section and
 18 inserting in lieu thereof the following:

19 SEC. 7.

20 Any of the following counties of Boone, Dallas,
 21 Jasper, Marion, Polk, Story, and Warren, or
 22 combinations of these counties may form councils of
 23 governments or associate with any existing councils of
 24 governments."

25 42. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

S-5727

1 Amend the House amendment, S-5672, to Senate File
 2 2280, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, line 45, by striking the figure
 5 "3,744,000" and inserting the following: "3,944,000".

JOHN JENSEN
 JOHN SOORHOLTZ

S-5728

1 Amend the House amendment, S-5675, to Senate File
 2 2364, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 3, by striking lines 25 through 38.

JACK RIFE
 JOHN E. SOORHOLTZ

S-5729

1 Amend House amendment, S-5675, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 3, line 35, by inserting after the word
5 "each" the following: "requesting".

JACK HESTER

S-5730

1 Amend the amendment, S-5681, to Senate File 2328,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 25, the
5 following:

6 "___ . Page 3, by inserting after line 28, the
7 following:

8 "As a condition, qualification, and limitation of
9 the funds appropriated by this section, the department
10 of employment services shall direct the division of
11 industrial services to implement, by rule, procedures
12 for an informal mediation process to avoid filing
13 contested cases and for an expedited workers'
14 compensation contested case proceeding.'"

15 2. Page 1, by inserting after line 48, the
16 following:

17 "___ . Page 8, by inserting after line 29, the
18 following:

19 "Sec. 300.

20 There is appropriated from the administrative
21 contribution surcharge fund of the state to the
22 department of employment services, the lesser of
23 \$200,000 or the remaining balance in the fund at the
24 end of the fiscal year beginning July 1, 1989, and
25 ending June 30, 1990, to provide services in
26 communities where job service offices were located as
27 of July 1, 1989.'"

28 3. Page 2, line 23, by striking the figure
29 "10,069,000" and inserting the following:
30 "9,700,000".

31 4. Page 2, by inserting after line 27, the
32 following:

33 "___ . Page 13, line 23, by striking the figure
34 "790,320" and inserting the following: "856,600".

35 ___ . Page 13, line 24, by striking the figure
36 "10.00" and inserting the following: "11.00".

37 ___ . Page 13, by inserting after line 32, the
38 following:

39 "Of the amount appropriated in this section, the
40 following amounts, or so much thereof as is necessary,

41 shall be expended for the designated purposes:
 42 \$29,000 for 1 administrative assistant FTE, \$20,000 to
 43 contract for insurance consulting services, and
 44 \$17,280 for support and capital expenses, all in
 45 connection with the first year of implementing House
 46 File 730, regarding errors and omission insurance for
 47 real estate appraisers, if enacted by the 1990 Session
 48 of the General Assembly.”
 49 5. Page 4, by inserting after line 13, the
 50 following:

Page 2

1 “Sec. ____ . Section 86.1, Code 1989, is amended to
 2 read as follows:
 3 86.1 INDUSTRIAL COMMISSIONER -- TERM.
 4 The governor director of the department of
 5 employment services shall appoint, ~~subject to~~
 6 ~~confirmation by the senate~~, an industrial commissioner
 7 ~~whose term of office shall be six years beginning and~~
 8 ~~ending as provided in section 69-19~~. The industrial
 9 commissioner shall maintain an office at the seat of
 10 government. The industrial commissioner must be a
 11 lawyer admitted to practice in this state.
 12 Sec. ____ . Section 86.2, Code 1989, is amended by
 13 adding the following new unnumbered paragraph:
 14 NEW UNNUMBERED PARAGRAPH. The commissioner may
 15 appoint one or more chief deputy industrial
 16 commissioners and one or more assistant deputy
 17 industrial commissioners. A chief deputy industrial
 18 commissioner or an assistant deputy industrial
 19 commissioner shall perform such additional
 20 administrative responsibilities as are deemed
 21 reasonably necessary and assigned by the commissioner.
 22 Sec. ____ . Section 86.4, Code 1989, is amended to
 23 read as follows:
 24 86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.
 25 It shall be unlawful for the commissioner, or ~~any~~
 26 ~~appointee of the~~ a chief deputy industrial
 27 commissioner while in office, to espouse the election
 28 or appointment of any candidate to any political
 29 office, and any person violating the provisions of
 30 this section shall be guilty of a simple
 31 misdemeanor.”
 32 6. Page 5, by inserting after line 41, the
 33 following:
 34 “Sec. ____ .
 35 Section 300 of this Act, being deemed of immediate
 36 importance, takes effect upon enactment.”
 37 ____ . Title page, line 6, by inserting after the

38 word "commission," the following: "allocating certain
39 standing appropriations subject to certain procedures
40 and conditions, and affecting certain regulated
41 entities,""
42 7. By renumbering as necessary.

RICHARD RUNNING

S-5731

1 Amend Senate File 2421 as follows:
2 1. Page 5, by inserting after line 31 the
3 following:
4 "9. As a condition, qualification, and limitation
5 of the funds appropriated in this section, a newly
6 constructed or intermediate care facility or an
7 existing intermediate care facility which has added or
8 converted beds to intermediate care use shall be
9 granted a 6-month period from the effective date of
10 licensure of the facility, the addition of beds, or
11 the conversion of beds before an occupancy limit is
12 applied to facility costs used to determine the
13 medical assistance reimbursement rate for the
14 facility. If the facility does not meet the occupancy
15 limit at the end of the 6-month period, the facility
16 shall be granted an additional 6-month period in which
17 the facility is considered for reimbursement purposes
18 to have an occupancy of at least 50 percent of its
19 capacity. For subsequent time periods, the facility
20 shall be considered to have an occupancy rate of at
21 least 80 percent of its capacity. In all cost
22 reporting periods, the medical assistance
23 reimbursement rate for an intermediate care facility
24 for the mentally retarded shall be based on an
25 occupancy of at least 80 percent of the facility's
26 capacity."
27 2. Page 52, by inserting after line 16 the
28 following:
29 "Sec. ____ . RETROACTIVE APPLICABILITY.
30 Section 2, subsection 9, of this Act applies
31 retroactively to January 1, 1989."
32 3. Title page, line 3, by striking the word
33 "matters" and inserting the following: "matters,

34 providing for retroactive applicability of certain
35 provisions,".

WILLIAM W. DIELEMAN
CHARLES BRUNER

S-5732

1 Amend Senate File 2421 as follows:
2 1. Page 52, by inserting after line 16 the
3 following:
4 "Sec. 100. Section 249A.17, Code 1989, is amended
5 to read as follows:
6 249A.17 TRANSITIONAL MEDICAL ASSISTANCE.
7 The department shall provide transitional medical
8 coverage comparable to medical assistance provided
9 under this chapter, for twelve months or for the
10 maximum period permitted under federal regulations,
11 whichever is greater, for the family of a recipient
12 who has lost eligibility for public assistance under
13 aid to families with dependent children pursuant to
14 chapter 239 prior to April 1, 1990, because of an
15 increase in earned income."
16 2. Page 52, line 18, by striking the word and
17 figure "Section 35" and inserting the following:
18 "Sections 35 and 100".
19 3. Page 52, line 19, by striking the word "takes"
20 and inserting the following: "take".
21 4. By renumbering as necessary.

CHARLES BRUNER

S-5733

1 Amend Senate File 2421 as follows:
2 1. Page 15, by striking lines 19 through 21 and
3 inserting the following: "seek federal waivers and
4 make program modifications as necessary to develop a
5 similar program for Iowa upon receiving federal
6 approval to do so."
7 2. Page 23, line 8, by striking the word "county"
8 and inserting the following: "judicial district".
9 3. Page 49, line 24, by striking the figure
10 "407,500" and inserting the following: "309,400".
11 4. Page 49, line 29, by striking the figure "27"
12 and inserting the following: "20.5".

CHARLES BRUNER

S-5734

- 1 Amend the amendment, S-5715, to the House
- 2 amendment, S-5680, to Senate File 2402, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, by inserting after line 6 the fol-
- 5 lowing:
- 6 "___ . Page 1, by striking line 18."
- 7 2. Page 1, by inserting after line 9 the fol-
- 8 lowing:
- 9 "___ . Page 1, by striking line 30."
- 10 3. Page 1, by inserting after line 11 the fol-
- 11 lowing:
- 12 "___ . Page 2, by striking line 2."
- 13 4. Page 1, by striking lines 13 through 20 and
- 14 inserting the following:
- 15 "___ . Page 2, by striking lines 16 through 37."
- 16 5. By renumbering as necessary.

RICHARD F. DRAKE
CALVIN O. HULTMAN
JACK RIFE
LINN FUHRMAN
JIM LIND

S-5735

- 1 Amend House amendment, S-5680, to Senate File 2402,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 2, line 44 through page 3,
- 5 line 14.
- 6 2. By renumbering as necessary.

JIM LIND
JACK RIFE

S-5736

- 1 Amend the House amendment, S-5675, to Senate File
- 2 2364, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, line 17, by striking the figure
- 5 "2,105,780" and inserting the following: "2,275,780".
- 6 2. Page 2, line 19, by striking the figure
- 7 "142.55" and inserting the following: "145.55".
- 8 3. Page 2, by inserting before line 32 the
- 9 following:
- 10 "___ . Page 9, by inserting before line 4 the
- 11 following:

12 " ____ . As a condition, limitation, and
 13 qualification of the appropriation under paragraph
 14 "a", \$170,000 and 3 FTEs from the appropriation shall
 15 be used for the assessment and evaluation of surface
 16 water streams and rivers."'''

PAUL D. PATE

S-5737

1 Amend the House amendment, S-5680, to Senate File
 2 2402, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 3, by inserting after line 34 the
 5 following:
 6 "Sec. ____ .
 7 The state department of transportation shall
 8 contact other states' transportation departments for
 9 the purpose of initiating a lawsuit in conjunction
 10 with the other states, to seek an injunction to
 11 prevent the United States department of transportation
 12 from impounding the states' portions of the federal
 13 gas tax."'''
 14 2. By renumbering as necessary.

RAY TAYLOR
 C. JOSEPH COLEMAN
 DALE L. TIEDEN
 RICHARD F. DRAKE
 LINN FUHRMAN
 JOHN W. JENSEN
 RICHARD VANDE HOEF
 NORMAN J. GOODWIN
 JACK NYSTROM
 WILLIAM W. DIELEMAN
 DONALD V. DOYLE
 JOHN P. KIBBIE
 DONALD E. GETTINGS
 EUGENE FRAISE
 BERL E. PRIEBE
 KENNETH D. SCOTT
 JEAN LLOYD-JONES

S-5738

1 Amend House amendment, S-5675, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 4, by inserting after line 43, the
5 following:
6 "Sec. ____ . Section 206.33, Code Supplement 1989,
7 is amended to read as follows:
8 206.33 DAMINOZIDE -- PROHIBITION.
9 A person shall not offer for sale, sell, purchase,
10 apply, or use a pesticide containing daminozide in
11 this state if the pesticide is sold, purchased,
12 applied, or used for purposes of enhancing or
13 improving a product produced to be consumed."

JIM LIND

S-5739

1 Amend the House amendment, S-5680, to Senate File
2 2402, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting before line 44 the
5 following:
6 " ____ . Page 10, line 33, by striking the figure
7 "2,883" and inserting the following: "2,889".
8 ____ . Page 11, by striking lines 5 through 8 and
9 inserting the following:
10 "(3) For parcel acquisition:
11 \$ 306,000"."

JOE WELSH

S-5740

1 Amend Senate File 2421 as follows:
2 1. Page 52, by inserting after line 11 the
3 following:
4 "Sec. ____ . Section 226.34, Code 1989, is amended
5 to read as follows:
6 226.34 INVESTIGATION OF DEATH -- NOTICE.
7 1. An investigation by the county medical examiner
8 shall be held in those cases where a death ~~shall occur~~
9 occurs suddenly and without apparent cause, or a
10 patient ~~die dies~~ and the patient's relatives ~~so~~
11 request an investigation, but in the latter case the
12 relatives making the request ~~shall be are~~ liable for
13 the expense of the ~~same investigation~~, and payment
14 ~~therefor for the investigation~~ may be required in
15 advance. ~~When If~~ a patient in ~~any a~~ mental health
16 institute ~~shall die dies~~ from any cause, the
17 superintendent of ~~said the~~ institute shall within

18 three days twenty-four hours of the date of death,
 19 send by certified mail a written notice of death to
 20 all of the following:
 21 1. a. The decedent's nearest relative.
 22 2. b. The clerk of the district court of the
 23 county from which the patient was committed; and,
 24 3. c. The sheriff of the county from which the
 25 patient was committed.
 26 d. The county attorney of the county in which the
 27 death of the patient occurred.
 28 2. Following the death of a patient, the director
 29 of human services shall notify the state medical
 30 examiner of the death.
 31 3. Following the notification of the state medical
 32 examiner of the death of a patient, the state medical
 33 examiner shall direct a team to investigate the death,
 34 if the death is a death affecting the public interest,
 35 as defined in section 331.802. The team selected by
 36 the state medical examiner may include, but is not
 37 limited to the following members:
 38 a. An advocate of the mentally ill.
 39 b. A psychiatric registered nurse.
 40 c. A psychiatric social worker.
 41 d. A forensic science expert.
 42 State agencies and offices shall cooperate with and
 43 assist the state medical examiner in fulfillment of
 44 the state medical examiner's responsibilities.
 45 4. The team appointed by the state medical
 46 examiner shall investigate the death of the patient
 47 through interviews with the superintendent of the
 48 institute, staff members, and family members, and
 49 shall review the record of the patient.
 50 5. Following the investigation by the state

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1 medical examiner's team, the state medical examiner
 2 shall submit the findings to the county attorney of
 3 the county in which the death occurred and to the
 4 clerk of the district court of the county from which
 5 the patient was committed, if the patient was
 6 involuntarily hospitalized pursuant to chapter 229.
 7 6. The county attorney or the district court shall
 8 evaluate the findings of the state medical examiner's
 9 team and shall determine if the information should be
 10 made part of the public record.
 11 7. The state medical examiner shall, without
 12 releasing confidential information relative to an
 13 individual patient, submit annually by January 15 a

14 report to the general assembly and to the department
 15 of human services of the deaths of patients in the
 16 state mental health institutes.
 17 Sec. ____ . Section 229.25, Code Supplement 1989, is
 18 amended by adding the following new subsection after
 19 subsection 3.
 20 **NEW SUBSECTION.** 4. The information is sought by a
 21 state medical examiner's team following the death of a
 22 patient pursuant to section 226.34."
 23 2. Page 52, by inserting after line 16 the
 24 following:
 25 "Sec. ____ . Section 331.802, subsections 1 and 2,
 26 Code 1989, are amended to read as follows:
 27 1. A person's death which affects the public
 28 interest as specified in subsection 3 shall be
 29 reported to the county medical examiner or the state
 30 medical examiner by the physician in attendance, any
 31 law enforcement officer having knowledge of the death,
 32 the embalmer, or any other person present. The
 33 appropriate medical examiner shall notify the city or
 34 state law enforcement agency or sheriff and take
 35 charge of the body. If the death is of a patient in a
 36 state mental health institute the appropriate medical
 37 examiner shall, in addition to notifying the city or
 38 state law enforcement agency or sheriff, also notify
 39 the county attorney and the state medical examiner.
 40 2. If a person's death affects the public
 41 interest, the county medical examiner shall conduct a
 42 preliminary investigation of the cause and manner of
 43 death, prepare a written report of the findings,
 44 promptly submit the full report to the state medical
 45 examiner on forms prescribed for that purpose, and
 46 submit a copy of the report to the county attorney.
 47 If the death is of a patient in a state mental health
 48 institute, the county medical examiner shall submit a
 49 copy of the investigation report to the county
 50 attorney, and the state medical examiner. For each

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1 preliminary investigation and the preparation and
 2 submission of the required reports, the county medical
 3 examiner shall receive a fee determined by the board
 4 plus the examiner's actual expenses. The fee and
 5 expenses shall be paid by the county for which the
 6 service is provided. The fee and expenses of the
 7 county medical examiner who performs an autopsy or
 8 conducts an investigation of a person who dies after
 9 being brought into this state for emergency medical
 10 treatment by or at the direction of an out-of-state

11 law enforcement officer or public authority shall be
12 paid by the state. A claim for payment shall be filed
13 with the Iowa department of public health.”
14 3. By renumbering as necessary.

LARRY MURPHY

S-5741

1 Amend House File 2497, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by striking line 12 and inserting the
4 following:
5 “2. The Iowa cooperative extension service in
6 agriculture and home economics at Iowa state
7 university of science and technology shall distribute
8 to”.
9 2. Title page, line 1, by striking the words
10 “regulating dealers” and inserting the following:
11 “providing an options program for residential
12 customers”.

RAY TAYLOR

S-5742

1 Amend Senate File 2421 as follows:
2 1. Page 33, line 6, by striking the figure
3 “2,260.50” and inserting the following: “2,318.50”.

CHARLES BRUNER
JOY CORNING

S-5743

1 Amend the House amendment, S-5689, to Senate File
2 2244, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 5 the
5 following:
6 “___ . Page 1, by striking lines 6 through 9, and
7 inserting the following: “No costs or other charges
8 shall be”.”
9 2. Page 2, by inserting after line 20 the
10 following:
11 “___ . Page 2, line 7, by striking the words “at a
12 later date” and inserting the following: “at a later

13 date until three years from the date of issuance”.

14 ____ . Page 3, by inserting after line 10, the
15 following:

16 “Sec. ____ . Section 321L.4, subsection 2, Code
17 Supplement 1989, is amended to read as follows:
18 2. The use of a handicapped parking space, located
19 on either public or private property as provided in
20 sections 321L.5 and 321L.6, by a motor vehicle not
21 displaying a handicapped identification device; by a
22 motor vehicle displaying such a device but not being
23 used by a handicapped person, as an operator or
24 passenger; or by a motor vehicle in violation of the
25 rules adopted by the department under section 321L.8,
26 constitutes improper use of a handicapped
27 identification device which is a misdemeanor for which
28 a fine shall be imposed upon the owner, operator, or
29 lessee of the motor vehicle or the purchaser of the
30 handicapped identification device. The fine for each
31 violation shall be ~~twenty-five~~ fifty dollars for the
32 first violation, one hundred dollars for the second
33 violation, and one hundred fifty dollars for the third
34 violation. Proof of conviction of two or more
35 violations involving improper use of a handicapped
36 identification device is grounds for revocation by the
37 court or the department of the holder's privilege to
38 possess or use the device.”

39 ____ . Page 6, by inserting after line 5 the
40 following:

41 “Sec. ____ . Section 321L.5, Code Supplement 1989,
42 is amended by adding the following new subsection:
43 **NEW SUBSECTION.** 7. An owner of a privately owned
44 parking facility shall establish a procedure whereby a
45 handicapped person as defined in section 321L.1 who is
46 aggrieved by a violation of the handicapped parking
47 requirements in this section may inform the owner of
48 the violation. If the owner fails to act upon the
49 complaint within a reasonable amount of time, the
50 complainant shall have an action against the owner for

Page 2

1 civil damages in an amount up to one hundred dollars.”

2 ____ . Page 6, by striking lines 6 through 17.”

LARRY MURPHY

S-5744

1 Amend the House amendment, S-5680, to Senate File

2 2402, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting before line 44 the
5 following:

6 " — . Page 9, by inserting before line 13 the
7 following:

8 "The funds appropriated in this subsection shall
9 remain available for obligation until June 30, 1992,
10 and once obligated shall remain available until
11 expended. Public or private entities willing to
12 donate land for scenic highway projects shall be given
13 a higher consideration."

JOE WELSH

S-5745

1 Amend the amendment, S-5678, to House File 2536, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 13, by striking the words "A
5 person" and inserting the following:

6 "1. A person".

7 2. Page 1, by striking line 16 and inserting the
8 following: "or license, shall make a ~~pro rata~~ refund
9 of as follows:

10 a. A refund of no less".

11 3. Page 1, by striking line 42 and inserting the
12 following: "school term or course.

13 This paragraph applies only to those persons
14 offering courses of instruction at the postsecondary
15 level, for profit, whose default rate for students
16 under the Stafford loan program for the previous
17 reporting period is less than one hundred ten percent
18 of the national average default rate for that program
19 for that period or six percent, whichever is more.

20 b. A refund of eighty-five percent of the tuition
21 for a terminating student to the appropriate agency
22 based upon the ratio of completed number of school
23 days to the total school days of the school term or
24 course.

25 This paragraph applies to those persons offering
26 courses of instruction at the postsecondary level, for
27 profit, who are not covered under paragraph "a".

28 2. However, if If the financial".

29 4. Page 1, line 45, by striking the word
30 "Refunds" and inserting the following:

31 "3. Refunds".

32 5. Page 2, by striking lines 4 and 5 and

33 inserting the following:

34 "4. A violation of this section is a simple
35 misdemeanor."

RICHARD VARN

S-5746

1 Amend House amendment, S-5672, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 1 the
5 following:

6 "____. Page 7, by inserting after line 7 the
7 following:

8 "11. In carrying out the requirements of 1990 Iowa
9 Acts, Senate File 2212, section 24, relating to the
10 acquisition or construction of expanded prison
11 facilities, the department of general services may
12 include the architectural and engineering costs of the
13 project as a part of the total costs of the project to
14 be financed by lease-purchase arrangements.

15 12. If personnel reductions are required in the
16 department of general services resulting from budget
17 reductions, the layoffs shall be made only after
18 service contracts with private parties have been
19 reviewed and reduced or canceled where possible."

20 2. Page 2, line 11, by striking the figure
21 "1,224,000" and inserting the following: "1,331,000".

22 3. Page 2, by striking lines 32 and 33, and
23 inserting the following:

24 "____. Page 12, by striking lines 10 through 22."

25 4. Page 2, by striking lines 36 and 37.

26 5. Page 2, line 39, by striking the figure
27 "6,259,000" and inserting the following: "6,047,156".

28 6. Page 2, line 41, by striking the figure
29 "1,712,000" and inserting the following: "1,654,000".

30 7. Page 2, line 43, by striking the figure
31 "1,304,000" and inserting the following: "1,260,000".

32 8. Page 2, line 45, by striking the figure
33 "1,878,000" and inserting the following: "1,814,000".

34 9. Page 2, line 47, by striking the figure
35 "740,000" and inserting the following: "715,000".

36 10. Page 3, by striking lines 16 through 22 and
37 inserting the following:

38 "Sec. ____ . LAYOFF AND RECALL PROCEDURES.

39 The department of personnel in consultation with
40 the department of management, the department of
41 revenue and finance, and the department of general

42 services, shall establish a program for employees of
 43 those departments whose positions are terminated as a
 44 result of this Act. The departments shall give a
 45 preference to qualified persons previously employed
 46 whose jobs were terminated as a result of this Act
 47 when hiring to fill vacant positions according to
 48 existing outplacement procedures established by the
 49 department of personnel and recall procedures
 50 established by public employee collective bargaining

Page 2

- 1 agreements.”
 2 11. By renumbering as necessary.

MICHAEL GRONSTAL

S-5747

- 1 Amend House amendment, S-5675, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

DIVISION S—5747C

- 4 1. Page 1, by inserting after line 2, the
 5 following:
 6 “___ . Page 1, line 32, by inserting before the
 7 word “From” the following: “a.”
 8 ___ . Page 1, line 35, by striking the figure
 9 “1,074,748” and inserting the following: “1,174,748”.
 10 ___ . Page 2, line 1, by striking the figure
 11 “22.0” and inserting the following: “24.0”.
 12 ___ . Page 2, by inserting after line 1 the
 13 following:
 14 “b. As a condition, limitation, and qualification
 15 of the appropriation made under paragraph “a”,
 16 \$100,000 shall be used to promote agricultural
 17 diversification and to support livestock auction
 18 reporting.””

DIVISION S—5747A

- 19 2. Page 1, by striking lines 15 and 16 and
 20 inserting the following:
 21 “(2) The legislative council is notified of the”.
 22 3. Page 1, line 20, by inserting after the word
 23 “positions” the following: “recommended by the
 24 legislative council”.

25 4. Page 2, by striking lines 3 through 14.
 26 5. Page 2, by striking lines 21 through 31 and
 27 inserting the following: "line 3."
 28 6. By striking page 2, line 44 through page 3,
 29 line 5.
 30 7. Page 3, by striking lines 8 through 13.
 31 8. By striking page 3, line 15 through page 4,
 32 line 6, and inserting the following:
 33 "___ . By striking page 12, line 34 through page
 34 13, line 14, and inserting the following:
 35 "Sec. ___ .
 36 The department of natural resources, by October 1,
 37 1990, shall conduct a public hearing in Pocahontas
 38 county relating to the possible restoration and
 39 preservation of Lizard Lake.
 40 Sec. ___ . LOWHEAD DAM REPAIR.
 41 1. There is appropriated to the department of
 42 natural resources for the fiscal year beginning July
 43 1, 1990, and ending June 30, 1991, the following
 44 amount or so much thereof as is necessary, to be used
 45 for the purpose designated:
 46 For use by the department to transfer immediately
 47 to the county board of supervisors of Jones county in
 48 order to enter into an agreement with the department
 49 to restore and repair a lowhead dam in the county:
 50 \$ 50,000

Page 2

DIVISION S—5747A (cont'd.)

1 2. The unencumbered or unobligated balance of the
 2 appropriation made for the fiscal term as provided
 3 under this section shall revert to the state treasury
 4 pursuant to section 8.33."
 5 ___ . Page 16, by inserting after line 4 the
 6 following:
 7 "Sec. ___ . 1989 Iowa Acts, chapter 311, section 9,
 8 subsection 4, unnumbered paragraph 1, is amended to
 9 read as follows:
 10 County boards of supervisors of Jones, Lyon,
 11 Jasper, or Buena Vista counties may each enter into an
 12 agreement with the department of natural resources to
 13 restore and repair lowhead dams within their counties.
 14 The department shall use moneys appropriated to the
 15 county conservation account of the Iowa resources
 16 enhancement and protection fund under section 455A.19,
 17 subsection 1, paragraph "b", subparagraph (3), as
 18 provided in 1989 Iowa Acts, House File 769. Under an
 19 agreement, Jones county is eligible to receive

20 ~~\$50,000~~, Lyon county is eligible to receive \$50,000,
 21 Jasper county is eligible to receive \$25,000, and
 22 Buena Vista is eligible to receive \$25,000.””

DIVISION S—5747B

23 9. Page 4, by striking lines 31 through 44 and
 24 inserting the following:
 25 “”Sec. 700. Section 99D.13, subsection 2, Code
 26 Supplement 1989, is amended by striking the subsection
 27 and inserting in lieu thereof the following:
 28 2. Winnings from each racetrack forfeited under
 29 subsection 1 shall escheat to the state and to the
 30 extent appropriated by the general assembly shall be
 31 used by the department of agriculture and land
 32 stewardship to administer sections 99D.22 and 99D.27.
 33 The remainder shall be paid over to the commission to
 34 be used as follows:
 35 a. To the extent that the remainder paid over to
 36 the commission is from unclaimed winnings from harness
 37 racing meetings, the amount shall be used as provided
 38 in subsection 3. However the limit provided in
 39 subsection 3 shall not be exceeded by moneys
 40 appropriated in this paragraph. Moneys which exceed
 41 the limit shall be added to moneys provided in
 42 paragraph “b”.
 43 b. To the extent that the remainder paid over to
 44 the commission is from unclaimed winnings from tracks
 45 licensed for dog or horse racing other than as
 46 provided in paragraph “a”, and from unclaimed winnings
 47 from harness racing meets which are not expended in
 48 paragraph “a”, one hundred thousand dollars shall be
 49 transferred to the department of agriculture and land
 50 stewardship to support agricultural diversification

Page 3

DIVISION S—5747B (cont'd.)

1 and livestock auction reporting. The commission shall
 2 remit remaining moneys at least annually as follows:
 3 (1) One-third of the amount to the treasurer of
 4 the city in which the racetrack is located. If a
 5 racetrack is not located in a city, the one-third
 6 share shall be deposited as provided in chapter 556.
 7 (2) One-third of the amount to the treasurer of
 8 the county in which the racetrack is located.
 9 (3) One-third of the amount to the racetrack from
 10 which the unclaimed winnings were forfeited.
 11 The amount received by a racetrack under this

12 subsection shall be used only for retiring the debt of
 13 the racetrack facilities and for capital improvements
 14 to the racetrack facilities.

15 Sec. ____ . Section 206.33, Code Supplement 1989, is
 16 amended to read as follows:

17 206.33 DAMINOZIDE -- PROHIBITION.

18 A person shall not offer for sale, sell, purchase,
 19 apply, or use a pesticide containing daminozide in
 20 this state if the pesticide is sold, purchased,
 21 applied, or used for purposes of enhancing or
 22 improving a product produced to be consumed."

DIVISION S—5747A (cont'd.)

23 10. Page 4, by inserting after line 46 the
 24 following:

25 "Sec. ____ . Section 455B.304, Code Supplement 1989,
 26 is amended by adding the following new unnumbered
 27 paragraph:

28 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the
 29 provisions of this chapter regarding the requirement
 30 of the equipping of a sanitary landfill with a
 31 leachate control system and the establishment and
 32 continuation of a postclosure account, the department
 33 shall adopt rules which provide for an exemption from
 34 the requirements to equip a sanitary landfill with a
 35 leachate control system and to establish and maintain
 36 a postclosure account if the sanitary landfill
 37 operator is a public agency, if the sanitary landfill
 38 has closed or will close by July 1, 1992, and will no
 39 longer accept waste for disposal after that date, and
 40 if at the time of closure of the sanitary landfill
 41 monitoring of the groundwater does not reveal the
 42 presence of leachate. The rules may require
 43 postclosure groundwater monitoring and shall establish
 44 the requirements for the implementation of leachate
 45 collection and control in cases in which leachate is
 46 found during postclosure monitoring. The rules shall
 47 provide for a closure completion period following the
 48 date of closure of a sanitary landfill.
 49 Notwithstanding the provisions of this paragraph, the
 50 public agency shall retain financial responsibility

Page 4

DIVISION S—5747A (cont'd.)

1 for closure and postclosure requirements applicable to
 2 sanitary disposal projects."

3 11. Page 4, line 47, by striking the words and

4 figure ""Sec. 800. Section 455A.25" and inserting the
5 following:
6 "Sec. 800. NEW SECTION. 455B.500".
7 12. Page 5, by striking lines 10 and 11 and
8 inserting the following: "conduct an evaluation of
9 the permit status of the research and may determine
10 whether a permit ought to be issued or modified before
11 the research continues.""
12 13. Page 7, by striking lines 11 through 18.

DIVISION S—5747D

13 14. Page 7, by inserting after line 28 the
14 following:
15 "Sec. ____ .
16 Notwithstanding section 99D.13 as amended by
17 section 700 of this Act, moneys required under the
18 section to be transferred to the department of
19 agriculture and land stewardship to support
20 agricultural diversification and livestock auction
21 reporting, shall instead be deposited into the general
22 fund for the fiscal year beginning on July 1, 1990,
23 and ending on June 30, 1991.""
24 15. By renumbering as necessary.

JIM RIORDAN

S-5748

1 Amend Senate File 2421 as follows:
2 1. Page 5, by inserting after line 31 the
3 following:
4 "9. As a condition, qualification, and limitation
5 of the funds appropriated in this section, a newly
6 constructed intermediate care facility or an existing
7 intermediate care facility which has added or
8 converted beds to intermediate care use shall be
9 granted a 6-month period from the date the new
10 facility, the addition of beds, or the conversion of
11 beds is approved for occupancy before an occupancy
12 limit is applied to facility costs used to determine
13 the medical assistance reimbursement rate for the
14 facility. If the facility does not meet the occupancy
15 limit at the end of the 6-month period, the facility
16 shall be granted an additional 6-month period in which
17 an occupancy limit shall not be applied if the
18 facility has an occupancy of at least 50 percent of
19 its capacity. For subsequent time periods, the
20 facility shall be considered to have an occupancy rate

21 of at least 80 percent of its capacity.”
22 2. Page 52, by inserting after line 16 the
23 following:
24 “Sec. ____ . RETROACTIVE APPLICABILITY.
25 Section 2, subsection 9, of this Act applies
26 retroactively to January 1, 1989.”
27 3. Title page, line 3, by striking the word
28 “matters” and inserting the following: “matters,
29 providing for retroactive applicability of certain
30 provisions.”

WILLIAM W. DIELEMAN
CHARLES BRUNER

S-5749

1 Amend the House amendment, S-5672, to Senate File
2 2280, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by inserting after line 22 the
5 following:
6 “ ____ . Page 20, by inserting before line 1 the
7 following:
8 “Sec. ____ . Section 333A.3, subsection 3, Code
9 1989, is amended to read as follows:
10 3. The committee shall select its own officers and
11 meet at the call of the director of the department of
12 management or at the request of a majority of the
13 board.
14 Sec. ____ . Section 384.15, subsection 2, Code 1989,
15 is amended to read as follows:
16 2. Select its officers and meet at the call of the
17 director of the department of management or upon an
18 appeal of the director's decision at the request of a
19 majority of the board.”

JOE WELSH

S-5750

1 Amend the House amendment, S-5672, to Senate File
2 2280, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by inserting after 22 the following:
5 “ ____ . Page 20, by inserting after line 9 the
6 following:
7 Sec. ____ . Section 421.17, subsection 22, Code
8 Supplement 1989, is amended to read as follows:

9 22. To employ collection agencies, within or
10 without the state, to collect delinquent taxes,
11 including penalties and interest, administered by the
12 department where the director finds that departmental
13 personnel are unable to collect the delinquent
14 accounts because of a taxpayer's location outside the
15 state or for any other reason. To employ collection
16 agencies within the state, to collect delinquent
17 taxes, including penalties and interest, administered
18 by the department where the director finds that
19 departmental personnel are unable to collect the
20 delinquent accounts of a taxpayer within the state.
21 Fees for services, reimbursement, or other
22 remuneration, including attorney fees, paid to
23 collection agencies shall be based upon the amount of
24 tax, penalty, and interest actually collected and
25 shall be paid only after the amount of tax, penalty,
26 and interest is collected. All funds collected must
27 be remitted in full to the department within thirty
28 days from the date of collection from a taxpayer or in
29 a lesser time as the director prescribes. The funds
30 shall be applied toward the taxpayer's account and
31 handled as are funds received by other means. An
32 amount is appropriated from the amount of tax,
33 penalty, and interest actually collected by the
34 collection agency sufficient to pay all fees for
35 services, reimbursement, or other remuneration
36 pursuant to a contract with a collection agency under
37 this subsection. A collection agency entering into a
38 contract with the department for the collection of
39 delinquent taxes pursuant to this subsection is
40 subject to the requirements and penalties of tax
41 information confidentiality laws of this state. All
42 contracts and fees provided for in this subsection are
43 subject to the approval of the governor."''

JIM LIND

S-5751

1 Amend the House amendment, S-5675, to Senate File
2 2364, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 38 through 42 and
5 inserting the following: "may be associated with any
6 project or improvement upon approval by the Iowa state
7 fair board."

DALE L. TIEDEN

S-5752

- 1 Amend the amendment, S-5253, to House File 677, as
2 passed by the House, as follows:
- 3 1. Page 1, by striking lines 39 through 44 and
4 inserting the following: "enforced."
- 5 2. Page 2, line 14, by inserting after the word
6 "includes" the following: "petition,"
- 7 3. Page 2, line 16, by inserting after the word
8 "duty" the following: "or to recover damages for the
9 nonperformance of any duty".
- 10 4. Page 2, line 30, by inserting after the figure
11 "16," the following: "or pursuant to open-end credit,
12 as defined in section 537.1301, subsection 28, or
13 pursuant to a home equity line of credit, as defined
14 in section 535.10".
- 15 5. Page 3, line 4, by striking the words "its
16 provisions".
- 17 6. Page 3, line 5, by inserting after the word
18 "provisions" the following: "concerning the
19 enforcement in contract law of credit agreements or
20 modifications of credit agreements. However, this
21 section does not displace any additional or other
22 requirements of contract law, which shall continue to
23 apply, with respect to the making of enforceable
24 contracts, including the requirement of consideration
25 or other basis of validation".
- 26 7. Page 3, by striking lines 8 through 11 and
27 inserting the following: "household purpose where the
28 credit extended is twenty thousand dollars or less."

RICHARD VARN

S-5753

- 1 Amend the House amendment, S-5675, Senate File
2 2364, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. By striking page 6, line 4 through page 7,
5 line 8.

EMIL HUSAK
BERL PRIEBE
JOHN SOORHOLTZ

S-5754

- 1 Amend amendment S-5747, to the House amendment, S-
- 2 5675, to Senate File 2364, as amended, passed, and
- 3 reprinted by the Senate as follows:
- 4 1. Page 1, by striking lines 31 and 32 and
- 5 inserting the following:
- 6 "____. Page 3, by striking lines 21 and 22 and
- 7 inserting the following:"

JOE J. WELSH

S-5755

- 1 Amend Senate File 2421 as follows:
- 2 1. Page 41, by inserting after line 10 the fol-
- 3 lowing:
- 4 "____. The department of human services, in
- 5 conjunction with the department of general services,
- 6 shall conduct a study to determine the feasibility of
- 7 constructing a new freestanding facility to house the
- 8 state mental health institute at Mount Pleasant. The
- 9 department of human services shall establish a
- 10 committee to study the needs of the Mount Pleasant
- 11 catchment area and make recommendations as to where
- 12 the facility should be built on the existing Mount
- 13 Pleasant campus, and as to facility size, types of
- 14 treatment programs to be provided, size of programs,
- 15 general configuration of the physical plant, and other
- 16 items necessary for the general assembly to make a
- 17 decision on funding of the construction of a new
- 18 facility. The committee membership shall be
- 19 representative of those individuals and agencies who
- 20 are responsible for the delivery of mental health
- 21 services in the southeastern quadrant of the state.
- 22 The membership shall include representatives of the
- 23 county boards of supervisors, the community mental
- 24 health centers, mental health advocate groups, union
- 25 and nonunion employees, law enforcement officials, the
- 26 institution's citizens advisory board, judicial
- 27 hospitalization referees, and other persons interested
- 28 in the study. The department shall report the
- 29 committee findings to the general assembly on or
- 30 before January 15, 1991."
- 31 2. By renumbering as necessary.

MARK HAGERLA
JOY CORNING

S-5756

1 Amend House amendment, S-5675, to Senate File 2364,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 43, the
5 following:
6 "Sec. 900. Section 206.33, Code Supplement 1989,
7 is amended to read as follows:
8 206.33 DAMINOZIDE -- PROHIBITION.
9 A person shall not offer for sale, sell, purchase,
10 apply, or use a pesticide containing daminozide in
11 this state if the pesticide is sold, purchased,
12 applied, or used for purposes of enhancing or
13 improving a product produced to be consumed."
14 2. Page 7, by inserting after line 31 the
15 following:
16 "___ . Page 18, by inserting after line 10 the
17 following:
18 "Sec. ___ . Section 900 of this Act, being deemed
19 of immediate importance, takes effect upon
20 enactment.""

JIM LIND

S-5757

1 Amend amendment S-5747, to the House amendment, S-
2 5675, to Senate File 2364, as amended, passed, and
3 reprinted by the Senate as follows:
4 1. Page 1, by striking lines 31 and 32 and
5 inserting the following:
6 "___ . Page 3, by striking lines 15 through 38 and
7 inserting the following:"

JOE J. WELSH

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2057

S-5758

1 Amend amendment, H-5667, to House File 2057, 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 1, the
7 following:

8 "Section I. Section 68B.4, Code 1989, is amended
9 to read as follows:

10 68B.4 WHEN SALES PROHIBITED.

11 ~~No~~ An official or employee of any regulatory agency
12 shall not sell, either directly or indirectly, any
13 goods or services to individuals, associations, or
14 corporations subject to the regulatory authority of
15 the agency of which the person is an official or
16 employee, except when the official or employee has met
17 all of the following conditions:

18 1. The consent of the regulatory agency for which
19 the person is an official or employee is obtained and
20 the person is not the official or employee with the
21 authority to determine whether agency consent is to be
22 given under this section.

23 2. The duties or functions performed by the
24 official or employee for the regulatory agency are not
25 related to the regulatory authority of the agency over
26 the individual, association, or corporation, or the
27 selling of goods or services by the official or
28 employee to the individuals, associations, or
29 corporations does not affect the official's or
30 employee's duties or functions at the regulatory
31 agency.

32 3. The selling of any goods or services by the
33 official or employee to an individual, association, or
34 corporation does not include advocacy on behalf of the
35 individual, association, or corporation to the
36 regulatory agency in which the person is an official
37 or employee.

38 4. The selling of any goods or services by the
39 official or employee to an individual, association, or
40 corporation does not cause the official or employee to
41 sell goods or services to the regulatory agency on
42 behalf of the individual, association, or corporation.
43 Each regulatory agency shall adopt rules specifying
44 the method by which agency consent under this section
45 may be obtained."

46 2. By renumbering as necessary.

S-5759

1 Amend Senate File 2421 as follows:

2 1. Page 52, by inserting after line 11 the
3 following:

4 "Sec. ____ . Section 234.35, unnumbered paragraph 1,
5 Code 1989, is amended to read as follows:

6 The department of human services shall be ~~initially~~
7 responsible for paying the cost of foster care for a
8 child, according to rates established pursuant to
9 section 234.38, under any of the following
10 circumstances:

11 Sec. ____ . Section 234.38, Code 1989, is amended to
12 read as follows:

13 234.38 DEPARTMENT MAY PAY FOSTER PARENTS DIRECTLY.

14 The department of human services is authorized to
15 make payments directly to foster parents for services
16 provided to children pursuant to section 234.6,
17 subsection 6, paragraph "b", or ~~sections~~ section
18 234.35 and 234.36. The rate of payment by the
19 department for foster care shall be fixed by the
20 department by rules adopted pursuant to chapter 17A.
21 Payments may be made from any money funds legally
22 available to the department for that purpose,
23 including but not limited to funds appropriated by the
24 general assembly, money funds available under section
25 234.37, and money funds received from the parent or
26 legal guardian of a child to pay for that child's
27 foster care.

28 Sec. ____ . Section 237.15, subsection 3, Code 1989,
29 is amended to read as follows:

30 3. "Child receiving foster care" means a child
31 defined in section 234.1 whose foster care placement
32 is the financial responsibility of the state pursuant
33 to section 234.35 ~~or 234.36~~, who is under the
34 guardianship of the department, or who has been
35 involuntarily hospitalized for mental illness pursuant
36 to chapter 229.

37 Sec. ____ . Section 242.7, Code 1989, is amended to
38 read as follows:

39 242.7 PLACING IN FAMILIES.

40 All children committed to and received in the state
41 training school may be placed by the department under
42 foster care arrangements, with any persons or in
43 families of good standing and character where they
44 will be properly cared for and educated. The cost of
45 foster care provided under these arrangements shall be
46 paid as provided in ~~sections~~ section 234.35 ~~and~~
47 ~~234.36~~."

48 2. Page 52, by inserting after line 16 the
49 following:

50 "Sec. ____ . Section 234.36, Code 1989, is

Page 2

- 1 repealed."
- 2 3. By renumbering as necessary.

MAGGIE TINSMAN
 MICHAEL E. GRONSTAL
 RICHARD VANDE HOEF
 LARRY MURPHY

S-5760

- 1 Amend Senate File 2421 as follows:
- 2 1. Page 15, by inserting after line 21 the
- 3 following:
- 4 "___ . As a condition, qualification, and
- 5 limitation of the funds appropriated in this section,
- 6 the department shall seek outside funding support to
- 7 continue foster care payments to foster families and
- 8 foster care youths in independent living situations,
- 9 if the youths wish to pursue a postsecondary education
- 10 upon turning 18 years of age and eligibility for
- 11 foster care payments expires. In consultation with
- 12 the family foster care advisory committee, the
- 13 department shall report on options available to the
- 14 state to provide assistance to foster families and
- 15 foster care youths who wish to pursue a postsecondary
- 16 education when the youths reach 18 years of age."
- 17 2. By renumbering as necessary.

RICHARD VANDE HOEF
 CHARLES BRUNER

S-5761

- 1 Amend House File 2342 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 306.4, subsection 3, Code
- 6 Supplement 1989, is amended by adding the following
- 7 new unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. Maintenance
- 9 responsibility for municipal streets, other than
- 10 municipal extensions of primary roads, in cities with
- 11 a population of less than one thousand shall be vested
- 12 in the county. Improvements to such municipal streets
- 13 shall be the joint responsibility of the city and the

14 county, and disputes arising between the two shall be
15 resolved by the process required under this
16 subsection.”

JEAN LLOYD-JONES

S-5762

1 Amend House File 2342, 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 306.4, subsection 3, Code
6 Supplement 1989, is amended by adding the following
7 new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. Maintenance
9 responsibility for municipal streets, other than
10 municipal extensions of primary roads, in cities with
11 a population of less than five hundred shall be vested
12 in the county. Improvements to such municipal streets
13 shall be the joint responsibility of the city and the
14 county, and disputes arising between the two shall be
15 resolved by the process required under this
16 subsection.”

JEAN LLOYD-JONES

S-5763

1 Amend House File 2342, 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 313.2A, subsection 4, Code
6 Supplement 1989, is amended to read as follows:
7 4. JURISDICTIONAL TRANSFERS. When the
8 construction, reconstruction, relocation, or other
9 improvement to the network of commercial and
10 industrial highways results in a change in the
11 function of a bypassed primary road, municipal
12 extension of a primary road, or other connecting road,
13 the department, upon approval of the state
14 transportation commission, shall transfer jurisdiction
15 of the road to the city or county as appropriate.
16 Before the transfer takes place the department shall
17 place the road and any structures on the road in good
18 repair for continued maintenance or provide for the
19 transfer of money to the appropriate jurisdiction

20 sufficient for the repairs to the road and any
21 structures on the road. If the department cannot come
22 to agreement with the jurisdiction to which the road
23 is transferred as to the necessary repairs, they shall
24 contract with an organization in this state to provide
25 mediation services. The costs of the mediation
26 services shall be equally allocated between the
27 parties. If after submitting to mediation the parties
28 still cannot come to agreement as to the necessary
29 repairs, the mediator shall sign a statement that the
30 parties did not reach an agreement, and the parties
31 shall then submit the matter for binding arbitration
32 to a mutually agreed-upon third party. If the parties
33 cannot agree upon a third-party arbitrator, they shall
34 submit the matter to an arbitrator selected under the
35 rules of the American arbitration association.
36 Section 306.43 does not apply to transfers of
37 jurisdiction under this subsection. If a transfer of
38 jurisdiction initiated by the department is not
39 concluded within one year, the department may require
40 the county to levy a local vehicle tax pursuant to
41 chapter 422C in an amount sufficient to reimburse the
42 department for the cost of continued maintenance on
43 the bypassed route.
44 Sec. 2. **NEW SECTION. 422C.1 DEFINITIONS.**
45 As used in this chapter, unless the context
46 otherwise requires:
47 1. "Department" means the state department of
48 transportation.
49 2. "Director" means the director of the state
50 department of transportation.

Page 2

1 3. "Person" means person as defined in section
2 321.1.
3 4. "Registration year" means registration year as
4 defined in section 321.1.
5 5. "Vehicle" means motor vehicle as defined in
6 section 321.1 which is subject to registration under
7 section 321.18, and which is registered with the
8 county treasurer.
9 Sec. 3. **NEW SECTION. 422C.2 AUTHORIZATION.**
10 The department may require a county to impose a
11 local vehicle tax pursuant to section 313.2A,
12 subsection 4. A local vehicle tax imposed under this
13 chapter shall be in addition to a local vehicle tax
14 which a county may impose under chapter 422B. The
15 department shall specify the rate of tax and the
16 classes, if any, that are to be exempt.

17 Sec. 4. NEW SECTION. 422C.3 IMPOSITION.

18 If required by section 313.2A, an annual local
19 vehicle tax may be imposed by a county on every
20 vehicle which is required to be registered by the
21 state and is registered with the county treasurer to a
22 person residing within the county where the tax is
23 imposed at the time of the renewal of the registration
24 of the vehicle. The local vehicle tax under this
25 chapter shall be imposed only on the renewals of
26 registrations and shall be payable during the
27 registration renewal periods provided under section
28 321.40.

29 Sec. 5. NEW SECTION. 422C.4 ADMINISTRATION.

30 The director shall inform the appropriate county
31 treasurers and provide assistance to them for the
32 collection of local vehicle taxes and any penalties,
33 crediting local vehicle tax receipts excluding
34 penalties to a "road maintenance local vehicle tax
35 fund" established in the office of the county
36 treasurer. From the local vehicle tax fund, the
37 treasurer shall remit monthly to the department the
38 amount collected from residents of the city and from
39 residents of the unincorporated area during the
40 preceding calendar month. The department shall use
41 moneys from the road maintenance local vehicle tax
42 fund only as specified under section 313.2A,
43 subsection 4.

44 Sec. 6. NEW SECTION. 422C.5 PAYMENT --
45 PENALTIES.

46 Taxpayers shall pay a local vehicle tax to the
47 county treasurer at the time of application for the
48 renewal of the registration of the vehicle under
49 chapter 321 for the registration year. The county
50 treasurer shall require a person applying for the
Page 3

1 renewal of the registration of a vehicle to state the
2 person's residence and shall not renew a registration
3 certificate of a vehicle on which a local vehicle tax
4 is due until the local vehicle tax is paid.

5 Payment of a local vehicle tax shall be evidenced
6 by a notation on the state registration certificate.
7 The director shall prescribe by rule the type of
8 notation. A local vehicle tax shall not be refunded
9 even when state registration fees are refunded.

10 Willful failure to pay a local vehicle tax is a
11 simple misdemeanor."

JEAN LLOYD-JONES

S-5764

1 Amend House File 2342, 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 331.429, Code 1989, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 3. The portion of transfers from
8 the general fund to the secondary road fund made under
9 subsection 1, paragraphs "a" and "b", that derive from
10 properties adjacent to or having access to a primary
11 road that has been bypassed due to the relocation of a
12 primary road, shall be transferred from the secondary
13 road fund to the state primary road fund. Such
14 transfers shall end if and when the county agrees to
15 accept jurisdiction of the bypassed primary road and
16 the jurisdiction is transferred."

JEAN LLOYD-JONES

S-5765

1 Amend Senate File 2421 as follows:

2 1. Page 3, line 10, by striking the figure
3 "224,350,000" and inserting the following:
4 "224,050,000".

5 2. Page 12, line 4, by striking the figure
6 "48,487,000" and inserting the following:
7 "48,787,000".

8 3. Page 44, line 32, by striking the figure "8"
9 and inserting the following: "12".

CHARLES BRUNER
ELAINE SZYMONIAK
PAT DELUHERY
JOY CORNING
RICHARD VANDE HOEF
LINN FUHRMAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2371

S-5766

1 Amend the Senate amendment, H-5909, to House File

2 2371, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 47, by striking the words
 5 "paragraph "w"" and inserting the following:
 6 "paragraph "v"".
 7 2. Page 2, by striking lines 29 through 40.
 8 3. By renumbering, relettering, or redesignating
 9 and correcting internal references as necessary.

S-5767

1 Amend the House amendment, S-5675, to Senate File
 2 2364 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 6, by striking line 30 through page 7,
 5 line 8.

JIM RIORDAN

S-5768

1 Amend Senate File 2422 as follows:
 2 1. Page 1, line 14, by striking the figure
 3 "72,500" and inserting the following: "77,300".
 4 2. Page 1, by striking lines 16 and 17 and
 5 inserting the following:
 6 "Salary for the attorney general:
 7 \$ 74,200".

JOE WELSH

S-5769

1 Amend Senate File 2420 as follows:
 2 1. Page 1, by striking line 29 and inserting the
 3 following: "exceed two percent of that line item, or
 4 one hundred thousand".

JOE J. WELSH
JOHN W. JENSEN

S-5770

1 Amend the House amendment, S-5675, to Senate File
 2 2364, as amended, passed, and reprinted by the Senate,
 3 as follows:

- 4 1. Page 1, by inserting before line 3 the
 5 following:
 6 " ____ . Page 1, line 35, by striking the figure
 7 "1,074,748" and inserting the following: "1,097,748".
 8 ____ . Page 2, line 1, by striking the figure
 9 "22.0" and inserting the following: "23.0"."

JIM RIORDAN

S-5771

- 1 Amend Senate File 2422 as follows:
 2 1. Page 5, line 18, by inserting after the word
 3 "administrator." the following: "All elected
 4 officials of the executive branch for which a specific
 5 salary has not been set in this Act shall have a
 6 salary equal to the minimum salary set for this
 7 range."
 8 2. Page 5, by striking lines 24 through 26 and
 9 inserting the following: "commissioner."

DALE L. TIEDEN

S-5772

- 1 Amend the amendment, S-5730, to the House
 2 amendment, S-5681, to Senate File 2328, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 2, line 8, by inserting after the figure
 5 "~~69-19~~" the following: "and shall direct the
 6 administrative and compliance functions and control
 7 the docket of the division of industrial services".
 8 2. Page 2, line 16, by striking the word
 9 "deputy".
 10 3. Page 2, line 18, by striking the word
 11 "deputy".

RICHARD RUNNING

S-5773

- 1 Amend the amendment, S-5730, to the House
 2 amendment, S-5681, to Senate File 2328, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 2, by striking lines 1 through 11, and
 5 inserting the following:
 6 ""Sec. ____ . Section 84A.1, subsection 2, Code

7 1989, is amended by adding the following new
 8 unnumbered paragraph:
 9 NEW UNNUMBERED PARAGRAPH. The director shall
 10 direct the administrative and compliance functions and
 11 control the docket of the division of industrial
 12 services.””””
 13 2. Page 2, line 16, by striking the word
 14 “deputy”.
 15 3. Page 2, line 18, by striking the word
 16 “deputy”.

RICHARD RUNNING

S-5774

1 Amend House File 2412, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 7 through 9, and
 4 inserting the following: “offense. However,
 5 notwithstanding section 364.3, a municipal infraction
 6 arising from noncompliance with a pretreatment
 7 standard or requirement, referred to in 40 C.F.R. §
 8 403.8, by a person engaged in industrial production or
 9 manufacturing is punishable by a civil penalty of not
 10 more than one thousand dollars for each day a
 11 violation exists or continues.
 12 A city may classify a municipal infraction, other
 13 than a violation arising from noncompliance with a
 14 pretreatment standard or requirement, as an
 15 environmental violation if the infraction is a
 16 violation of chapter 455B or a violation of a standard
 17 established by the city in consultation with the
 18 department of natural resources, or both. A municipal
 19 infraction which is classified an environmental
 20 violation is punishable by a civil penalty of not more
 21 than one thousand dollars for each occurrence. A
 22 person committing an environmental violation is not
 23 subject to a civil penalty, if all of the following
 24 conditions are satisfied:
 25 a. The violation results solely from the person
 26 conducting an initial start-up, cleaning, repairing,
 27 performing scheduled maintenance, testing, or
 28 conducting a shutdown, of either equipment causing the
 29 violation or the equipment designed to reduce or
 30 eliminate the violation.
 31 b. The person notifies the city of the violation
 32 within twenty-four hours from the time that the
 33 violation begins.
 34 c. The violation does not continue in existence

35 for more than eight hours.
 36 A city shall not enforce this section against a
 37 person committing an environmental violation, until
 38 the city offers to participate in informal
 39 negotiations with the person. If the person accepts
 40 the offer, the city and the person shall participate
 41 in good faith negotiations to resolve issues alleged
 42 to be the basis for the violation."

MIKE CONNOLLY

S-5775

1 Amend Senate File 2423 as follows:
 2 1. Page 19, by inserting after line 31, the
 3 following:
 4 "As a condition, limitation, and qualification of
 5 the moneys appropriated in this subparagraph, the
 6 state university of Iowa administration shall require
 7 the chief administrator of the state university of
 8 Iowa hospitals and clinics to cooperate with the state
 9 medical examiner in developing an accelerated
 10 forensics program at the state university of Iowa.
 11 As a condition, limitation, and qualification of
 12 moneys appropriated in this subparagraph, the state
 13 university of Iowa administration shall require the
 14 chief administrator of the state university of Iowa
 15 hospitals and clinics to permit the state medical
 16 examiner to use the state university of Iowa hospitals
 17 and clinics pathological facilities upon request."

MARK HAGERLA

S-5776

1 Amend Senate File 2423, as follows:
 2 1. Page 37, by inserting after line 33, the
 3 following:
 4 "NEW SUBSECTION. 19. Adopt rules which require
 5 each area school which establishes a new jobs training
 6 project or projects and receives funds derived from or
 7 associated with the project or projects to establish a
 8 separate account to act as a repository for any funds
 9 received and to report annually, by January 15, to the
 10 general assembly on funds received and disbursed
 11 during the preceding fiscal year in the form required
 12 by the department."
 13 2. Page 48, by striking lines 22 through 30.

14 3. By renumbering, and changing internal
15 references as necessary.

JOHN KIBBIE

S-5777

1 Amend House File 2552, 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: "with jurisdiction over the
5 site of the outlet."

6 2. Page 9, by inserting after line 3, the
7 following:

8 "Sec. ____ . Section 455B.304, Code Supplement 1989,
9 is amended by adding the following new unnumbered
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. The commission shall
12 adopt rules providing for the land application of
13 soils resulting from the remediation of underground
14 storage tank releases in the state."

15 3. Page 9, by striking lines 4 through 19.

16 4. By striking page 9, line 20, through page 10,
17 line 1.

18 5. Page 12, by inserting after line 1, the
19 following:

20 "Sec. ____ . Section 455G.9, subsection 1, paragraph
21 a, subparagraph (1), unnumbered paragraph 2, Code
22 Supplement 1989, is amended to read as follows:

23 Total payments for claims pursuant to this
24 subparagraph and subparagraph (3) are limited to no
25 more than six million dollars. Claims for eligible
26 retroactive releases shall be prorated if claims filed
27 in a permitted application period or for a particular
28 priority class of applicants exceed six million
29 dollars or the then remaining balance of six million
30 dollars. If claims remain partially or totally unpaid
31 after total payments equal six million dollars, all
32 remaining claims are void, and no entitlement exists
33 for further payment.

34 Sec. ____ . Section 455G.9, subsection 1, paragraph
35 a, Code Supplement 1989, is amended by adding the
36 following new subparagraph:

37 NEW SUBPARAGRAPH. (3) Corrective action for an
38 eligible release reported to the department of natural
39 resources on or after January 1, 1985, but prior to
40 July 1, 1987. Third-party liability is specifically
41 excluded from remedial account coverage. For a claim
42 for a release under this subparagraph, the remedial

43 program shall pay no more than the lesser of twenty-
44 five thousand dollars or one-third of the total costs
45 of corrective action for that release, subsection 4
46 notwithstanding. For a release to be eligible for
47 coverage under this subparagraph the following
48 conditions must be satisfied:

49 (a) The owner or operator applying for coverage
50 must be currently engaged in the business for which

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1 the tank connected with the release was used prior to
2 the report of the release.

3 (b) The owner or operator applying for coverage
4 shall not be a person who is maintaining, or has
5 maintained, proof of financial responsibility for
6 federal regulations through self-insurance.

7 (c) The owner or operator applying for coverage
8 shall not have claimed bankruptcy any time on or after
9 July 1, 1987.

10 (d) The claim for coverage pursuant to this
11 subparagraph must have been filed with the board prior
12 to September 1, 1990.

13 (e) The owner or operator at the time the release
14 was reported to the department of natural resources
15 must have been in compliance with then current
16 monitoring requirements, if any, or must have been in
17 the process of compliance efforts with anticipated
18 requirements, including installation of monitoring
19 devices, a new tank, tank improvements or retrofit, or
20 any combination."

21 6. Page 19, by striking lines 2 through 18, and
22 inserting the following:

23 "NEW SUBSECTION. 8. A person engaged in the
24 wholesale or retail sale of petroleum shall receive a
25 discount of eight percent on that person's annual
26 insurance premium for all tanks located at a site
27 which meets all of the following conditions:

28 a. The person maintains a tank for the purpose of
29 storing waste oil.

30 b. The person accepts waste oil from the general
31 public.

32 c. The person posts a notice at the site in a form
33 and manner approved by the administrator advertising
34 that the person will accept waste oil from the general
35 public."

36 7. Page 21, by inserting after line 9, the
37 following:

38 "Sec. ____ . Section 558.69, unnumbered paragraph 1,
39 Code 1989, is amended to read as follows:

40 With each declaration of value submitted to the
41 county recorder under chapter 428A, there shall also
42 be submitted a statement that no known wells are
43 situated on the property, or if known wells are
44 situated on the property, the statement must state the
45 approximate location of each known well and its status
46 with respect to section 159.29 or 455B.190. The
47 statement shall also state that no known disposal site
48 for solid waste, as defined in section 455B.301, which
49 has been deemed to be potentially hazardous by the
50 department of natural resources, exists on the

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1 property, or if such a known disposal site does exist,
2 the location of the site on the property. The
3 statement shall additionally state that no known
4 underground storage tank, as defined in section
5 455B.471, subsection 6, exists on the property, or if
6 a known underground storage tank does exist, the type
7 and size of the tank, and any known substance in the
8 tank. The statement shall also state that no known
9 hazardous waste as defined in section 455B.411,
10 subsection 4, or listed by the department pursuant to
11 section 455B.412, subsection 2, or section 455B.464,
12 exists on the property, or if known hazardous waste
13 does exist, that the waste is being managed in
14 accordance with rules adopted by the department of
15 natural resources. The statement shall be signed by
16 at least one of the sellers or their agents. The
17 county recorder shall refuse to record any deed,
18 instrument, or writing for which a declaration of
19 value is required under chapter 428A unless the
20 statement required by this section has been submitted
21 to the county recorder. A buyer of property shall be
22 provided with a copy of the statement submitted, and,
23 following the fulfillment of this provision, if the
24 statement submitted reveals no well, disposal site,
25 underground storage tank, or hazardous waste on the
26 property, the county recorder may destroy the
27 statement. The land application of sludges or soils
28 resulting from the remediation of underground storage
29 tank releases accomplished in compliance with
30 department of natural resources rules without a permit
31 is not required to be reported as the disposal of
32 solid waste or hazardous waste."

33 8. Page 21, lines 14 and 15, by striking the
34 words and figures "July 1, 1990" and inserting the
35 following: "the effective date of this Act".

36 9. Page 21, line 20, by striking the words "for

37 that two-month" and inserting the following: "under
38 section 455G.9, subsection 1, paragraph "a",
39 subparagraphs (1) and (3) for that".

40 10. By striking page 21, line 23, through page
41 22, line 1, and inserting the following: "balance
42 shall be distributed according to the following
43 priority:

44 1. Claims submitted pursuant to section 455G.9,
45 subsection 1, paragraph "a", subparagraph (3), first.

46 2. Claims reopened or submitted pursuant to
47 section 455G.9, subsection 1, paragraph "a",
48 subparagraph (1), second.

49 3. Claims submitted pursuant to section 455G.9,
50 subsection 1, paragraph "a", subparagraph (3), not

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1 previously accepted for payment or paid because the
2 claim was ineligible solely on the basis of section
3 455G.9, subsection 1, paragraph "a", subparagraph (3),
4 subparagraph subdivision (a), third.

5 4. If claims paid pursuant to subsections 1, 2,
6 and 3 do not exceed the remaining balance of
7 unobligated or unreserved funds of the six million
8 dollars, the remaining balance shall be distributed
9 among the claims accepted for payment which were
10 submitted on or before January 31, 1990, by increasing
11 the allowable percentage of payment contained in
12 section 455G.9, subsection 1, paragraph "a",
13 subparagraph (1) by an amount necessary to reduce the
14 remaining balance of the six million dollars allocated
15 for retroactive claims to zero.

16 If claims remain partially or totally unpaid after
17 total payments under the retroactive portion of the
18 remedial account equal six million dollars, all
19 remaining claims are void, and no entitlement exists
20 for further payment."

21 11. Page 22, by striking lines 2 and 3, and
22 inserting the following:

23 "Sec. ____.

24 This Act, being deemed of immediate importance,
25 takes effect upon enactment."

26 12. Title page, line 3, by inserting after the
27 word "fund" the following: ", and providing an
28 effective date".

29 13. By renumbering as necessary.

S-5778

1 Amend House File 2551, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 9 the
4 following:

5 "Sec. ____ . Section 422.43, subsection 11,
6 unnumbered paragraph 1, Code 1989, is amended to read
7 as follows:

8 The following enumerated services are subject to
9 the tax imposed on gross taxable services: Alteration
10 and garment repair; armored car; automobile repair;
11 battery, tire and allied; investment counseling;
12 service charges of all financial institutions; barber
13 and beauty; boat repair; car wash and wax; carpentry;
14 roof, shingle, and glass repair; dance schools and
15 dance studios; dry cleaning, pressing, dyeing, and
16 laundering; electrical and electronic repair and
17 installation; rental of tangible personal property,
18 except mobile homes which are tangible personal
19 property; excavating and grading; farm implement
20 repair of all kinds; flying service; furniture, rug,
21 upholstery repair and cleaning; fur storage and
22 repair; golf and country clubs and all commercial
23 recreation; house and building moving; household
24 appliance, television, and radio repair; jewelry and
25 watch repair; machine operator; machine repair of all
26 kinds; motor repair; motorcycle, scooter, and bicycle
27 repair; oilers and lubricators; office and business
28 machine repair; painting, papering, and interior
29 decorating; parking facilities; pipe fitting and
30 plumbing; wood preparation; licensed executive search
31 agencies; private employment agencies, excluding
32 services for placing a person in employment where the
33 principal place of employment of that person is to be
34 located outside of the state; sewing and stitching;
35 shoe repair and shoeshine; storage warehousing of raw
36 agricultural products; telephone answering service;
37 test laboratories, except tests on humans; termite,
38 bug, roach, and pest eradicators; tin and sheet metal
39 repair; turkish baths, massage, and reducing salons;
40 weighing; welding; well drilling; wrapping, packing,
41 and packaging of merchandise other than processed
42 meat, fish, fowl and vegetables; wrecking service;
43 wrecker and towing; cable pay television; campgrounds;
44 carpet and upholstery cleaning; gun and camera repair;

45 janitorial and building maintenance or cleaning; lawn
 46 care, landscaping and tree trimming and removal; pet
 47 grooming; reflexology; security and detective
 48 services; tanning beds or salons; and water
 49 conditioning and softening.”
 50 2. Page 9, line 4, by inserting after the word

Page 2

1 “property.” the following: “Subject to the previous
 2 provision, a liability is deductible whether or not
 3 the liability is legally enforceable against the
 4 decedent’s estate.”

COMMITTEE ON WAYS AND MEANS
 WILLIAM DIELEMAN, Chair

S-5779

1 Amend House File 2546, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 10 the
 4 following:

5 “Sec. ____ . RESOURCE AND REFERRAL PROGRAMS, OTHER
 6 CHILD CARE ASSISTANCE.

7 There is appropriated from the general fund of the
 8 state to the department of human services for the
 9 fiscal year beginning July 1, 1990, and ending June
 10 30, 1991, the following amounts, or so much thereof as
 11 is necessary, to be used for the purposes designated:

12 1. For grants to public agencies and private
 13 nonprofit organizations which provide child day care
 14 resource and referral programs:

15 \$ 500,000

16 As a condition, qualification, and limitation of
 17 the funds appropriated in this section, a task force
 18 is established which shall include representatives of
 19 all of the following entities: the department of
 20 human services, the child development coordinating
 21 council, the department of education, the area
 22 education agencies, the cooperative extension service
 23 of Iowa state university of science and technology,
 24 the state day care advisory committee, and child day
 25 care resource and referral agencies. The task force
 26 shall develop, and provide for dissemination of, a
 27 manual or materials to assist local school districts
 28 and communities in conducting a needs assessment for
 29 child day care services and in developing a community
 30 support structure for meeting needs identified by the

31 assessment.

32 2. For grants to fund costs relating to child day
33 care start-up, fire safety, and equipment:

34 \$ 760,000

35 The funds appropriated in this subsection shall be
36 allocated and administered as provided in sections
37 237A.13 through 237A.18. However, \$50,000 shall be
38 used for start-up grants to child day care facilities
39 located in rural counties with a population of less
40 than 20,000 or in cities with a population of less
41 than 5,000. A child day care program established by a
42 school pursuant to section 279.49 may receive a grant.
43 The order of priority for granting funds appropriated
44 in this subsection is as follows: start-up; fire
45 safety; and equipment. If available, the funds
46 appropriated in this subsection shall be matched with
47 federal funds. The department shall adopt rules to
48 implement this subsection, including a provision that
49 the maximum amount granted to a grantee is \$10,000."

50 2. Page 4, line 13, by striking the words

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1 "college aid commission" and inserting the following:
2 "department of human services".

3 3. Page 4, line 16, by inserting before the word
4 "commission" the following: "college aid".

5 4. Page 4, by striking line 23 and inserting the
6 following: "department shall report its findings,
7 including the commission's loan repayment program
8 proposal, to the general assembly".

9 5. Page 5, line 4, by striking the word "seventy"
10 and inserting the following: "sixty-five".

11 6. Page 5, line 7, by striking the word "sixty-
12 five" and inserting the following: "fifty-five".

13 7. Page 5, lines 9 and 10, by striking the words
14 "thirty thousand dollars, sixty percent" and inserting
15 the following: "thirty-five thousand dollars, fifty
16 percent."

17 8. Page 5, by striking lines 11 through 13.

18 9. Page 5, line 14, by striking the letter "f"
19 and inserting the following: "e".

20 10. Page 5, by striking lines 17 through 19 and
21 inserting the following:

22 "f. For a taxpayer with an adjusted gross income
23 of forty thousand dollars or more but less than forty-
24 five thousand dollars, thirty percent.

25 g. For a taxpayer with an adjusted gross income of
26 forty-five thousand dollars or more but less than
27 fifty thousand dollars, twenty percent.

28 h. For a taxpayer with an adjusted gross income of
29 fifty thousand dollars or more, ten percent.”

30 11. Page 5, by striking lines 25 through 32 and
31 inserting the following:

32 “3. Married taxpayers who have filed joint federal
33 returns electing to file separate returns or to file
34 separately on a combined return form must determine
35 the child and dependent care credit under subsection 1
36 based upon their combined adjusted gross income and
37 allocate the total credit amount to each spouse in the
38 proportion that each spouse’s respective adjusted
39 gross income bears to the total combined adjusted
40 gross income.

41 Sec. ____ . Section 422.16, subsection 1, unnumbered
42 paragraph 1, Code Supplement 1989, is amended to read
43 as follows:

44 Every withholding agent and every employer as
45 defined in this chapter and further defined in the
46 Internal Revenue Code, with respect to income tax
47 collected at source, making payment of wages to a
48 nonresident employee working in Iowa, or to a resident
49 employee, shall deduct and withhold from the wages an
50 amount which will approximate the employee’s annual

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1 tax liability on a calendar year basis, calculated on
2 the basis of tables to be prepared by the department
3 and schedules or percentage rates, based on the wages,
4 to be prescribed by the department. Every employee or
5 other person shall declare to the employer or
6 withholding agent the number of the employee’s or
7 other person’s personal exemptions and dependency
8 exemptions or credits to be used in applying the
9 tables and schedules or percentage rates. However, no
10 greater number of personal or dependency exemptions or
11 credits may be declared by the employee or other
12 person than the number to which the employee or other
13 person is entitled except as allowed under section
14 3402(m)(1) of the Internal Revenue Code and as allowed
15 for the child and dependent care credit provided in
16 section 422.12C. The claiming of exemptions or
17 credits in excess of entitlement is a serious
18 misdemeanor.

19 Sec. ____ . RULES.

20 The department of human services may adopt
21 administrative rules under section 17A.4, subsection
22 2, and section 17A.5, subsection 2, paragraph “b”, to
23 implement the section of this Act relating to grants
24 for child day care start-up, fire safety, and

- 25 equipment. The rules shall be effective immediately
26 upon filing, unless a later date is specified in the
27 rules. The rules shall also be published as a notice
28 of intended action as provided in section 17A.4.”
29 12. Page 6, by striking lines 9 through 15.
30 13. Title page, line 2, by striking the word
31 “credit” and inserting the following: “credit, making
32 an appropriation.”
33 14. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-5780

- 1 Amend House File 2552, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 25, the
4 following:
5 “Sec. ____ . Section 424.6, subsection 1, Code
6 Supplement 1989, is amended by adding the following
7 new unnumbered paragraph:
8 “NEW UNNUMBERED PARAGRAPH. The department shall
9 permit a credit against the charge due from a person
10 equal to the total volume of petroleum transferred or
11 sold from a tank in bulk quantities to a person for
12 deposit in a tank which is exempt, deferred, or
13 excluded pursuant to this subsection, multiplied by
14 the diminution rate multiplied by the cost factor,
15 subject to rules adopted by the board. “Bulk
16 quantities” as used in this paragraph means at least a
17 standard tanker truck load, or more.”
18 2. By renumbering as necessary.

JOHN KIBBIE

S-5781

- 1 Amend Senate File 2423, as follows:
2 1. Page 29, by striking lines 27 through 33.
3 2. By renumbering and changing internal
4 references as necessary.

JULIA GENTLEMAN
JOY CORNING

S-5782

1 Amend the House amendment, S-5726, to Senate File
2 2327, as amended, passed, reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 25 through 27 and
5 inserting the following: "locate the world food prize
6 foundation in Iowa and the foundation is structured to
7 include".

LEONARD L. BOSWELL

S-5783

1 Amend House File 2504, 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. 125.14A PERSONNEL OF A**
6 **LICENSED PROGRAM ADMITTING JUVENILES.**
7 1. If a person is being considered for licensure
8 under this chapter, or for employment involving direct
9 responsibility for a child or with access to a child
10 when the child is alone, by a program admitting
11 juveniles subject to licensure under this chapter, or
12 if a person will reside in a facility utilized by such
13 a program, and if the person has been convicted of a
14 crime under a law of any state or has a record of
15 founded child abuse, the department of human services
16 and the program for an employee of the program shall
17 perform an evaluation to determine whether the crime
18 or founded child abuse warrants prohibition of
19 licensure, employment, or residence in the facility.
20 The evaluation shall be performed in accordance with
21 procedures adopted for this purpose by the department
22 of human services.
23 2. If the department of human services determines
24 that a person has committed a crime or has a record of
25 founded child abuse and is licensed, employed by a
26 program licensed under this chapter, or resides in a
27 licensed facility the department shall notify the
28 program that an evaluation will be conducted to
29 determine whether prohibition of the person's
30 licensure, employment, or residence is warranted.
31 3. In an evaluation, the department of human
32 services and the program for an employee of the
33 program shall consider the nature and seriousness of
34 the crime or founded child abuse in relation to the
35 position sought or held, the time elapsed since the
36 commission of the crime or founded child abuse, the
37 circumstances under which the crime or founded child

38 abuse was committed, the degree of rehabilitation, the
39 likelihood that the person will commit the crime or
40 founded child abuse again, and the number of crimes or
41 founded child abuses committed by the person involved.
42 The department of human services has final authority
43 in determining whether prohibition of the person's
44 licensure, employment, or residence is warranted.
45 4. If the department of human services determines
46 that the person has committed a crime or has a record
47 of founded child abuse which warrants prohibition of
48 licensure, employment, or residence, the person shall
49 not be licensed under this chapter to operate a
50 program admitting juveniles and shall not be employed

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1 by a program or reside in a facility admitting
2 juveniles licensed under this chapter.
3 Sec. 2. Section 135H.7, subsection 2, Code
4 Supplement 1989, is amended by striking the subsection
5 and inserting in lieu thereof the following:
6 2. a. If a person is being considered for
7 licensure under this chapter, or for employment
8 involving direct responsibility for a child or with
9 access to a child when the child is alone, by a
10 licensed psychiatric institution, or if a person will
11 reside in a facility utilized by a licensee, and if
12 the person has been convicted of a crime under a law
13 of any state or has a record of founded child abuse,
14 the department of human services and the licensee for
15 an employee of the licensee shall perform an
16 evaluation to determine whether the crime or founded
17 child abuse warrants prohibition of licensure,
18 employment, or residence in the facility. The
19 evaluation shall be performed in accordance with
20 procedures adopted for this purpose by the department
21 of human services.
22 b. If the department of human services determines
23 that a person has committed a crime or has a record of
24 founded child abuse and is licensed, employed by a
25 psychiatric institution licensed under this chapter,
26 or resides in a licensed facility the department shall
27 notify the program that an evaluation will be
28 conducted to determine whether prohibition of the
29 person's licensure, employment, or residence is
30 warranted.
31 c. In an evaluation, the department of human
32 services and the licensee for an employee of the
33 licensee shall consider the nature and seriousness of
34 the crime or founded child abuse in relation to the

35 position sought or held, the time elapsed since the
36 commission of the crime or founded child abuse, the
37 circumstances under which the crime or founded child
38 abuse was committed, the degree of rehabilitation, the
39 likelihood that the person will commit the crime or
40 founded child abuse again, and the number of crimes or
41 founded child abuses committed by the person involved.
42 The department of human services has final authority
43 in determining whether prohibition of the person's
44 licensure, employment, or residence is warranted.
45 4. If the department of human services determines
46 that the person has committed a crime or has a record
47 of founded child abuse which warrants prohibition of
48 licensure, employment, or residence, the person shall
49 not be licensed under this chapter to operate a
50 psychiatric institution and shall not be employed by a

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1 psychiatric institution or reside in a facility
2 licensed under this chapter.
3 Sec. 3. Section 235A.15, subsection 2, paragraph
4 c, Code Supplement 1989, is amended by adding the
5 following new subparagraphs:
6 NEW SUBPARAGRAPH. (6) To an administrator of a
7 child foster care facility licensed under chapter 237
8 if the information concerns a person employed or being
9 considered for employment by the facility.
10 NEW SUBPARAGRAPH. (7) To an administrator of a
11 child day care facility registered or licensed under
12 chapter 237A if the information concerns a person
13 employed or being considered for employment by or
14 living in the facility.
15 NEW SUBPARAGRAPH. (8) To the superintendent of
16 the Iowa Braille and sight-saving school if the
17 information concerns a person employed or being
18 considered for employment or living in the school.
19 NEW SUBPARAGRAPH. (9) To the superintendent of
20 the school for the deaf if the information concerns a
21 person employed or being considered for employment or
22 living in the school.
23 Sec. 4. Section 235A.15, subsection 2, paragraph
24 e, Code Supplement 1989, is amended by adding the
25 following new subparagraph:
26 NEW SUBPARAGRAPH. (7) To a legally constituted
27 child protection agency in another state if the agency
28 is conducting a records check of a person who is
29 providing care to a child in the other state.
30 Sec. 5. Section 235A.18, subsection 2, unnumbered
31 paragraph 1, Code Supplement 1989, is amended to read

32 as follows:

33 Child abuse information which cannot be determined
34 by a preponderance of the evidence to be founded or
35 unfounded shall be expunged one year after the receipt
36 of the initial report of abuse and child abuse
37 information which is determined by a preponderance of
38 the evidence to be unfounded shall be expunged ~~six~~
39 ~~months after the receipt of the initial report of~~
40 abuse when it is determined to be unfounded, as a
41 result of any of the following:
42 Sec. 6. Section 235A.18, subsection 3, Code
43 Supplement 1989, is amended to read as follows:
44 3. However, if a correction of child abuse
45 information is requested under section 235A.19 and the
46 issue is not resolved at the end of the one-year ~~or~~
47 ~~six-month~~ period, the information shall be retained
48 until the issue is resolved and if the child abuse
49 information is not determined to be founded, the
50 information shall be expunged at the appropriate time

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1 under subsection 2.
2 Sec. 7. Section 237.8, subsection 2, Code
3 Supplement 1989, is amended by striking the subsection
4 and inserting in lieu thereof the following:
5 2. a. If a person is being considered for
6 licensure under this chapter, or for employment
7 involving direct responsibility for a child or with
8 access to a child when the child is alone, by a
9 licensee under this chapter, or if a person will
10 reside in a facility utilized by a licensee, and if
11 the person has been convicted of a crime under a law
12 of any state or has a record of founded child abuse,
13 the department and the licensee for an employee of the
14 licensee shall perform an evaluation to determine
15 whether the crime or founded child abuse warrants
16 prohibition of licensure, employment, or residence in
17 the facility. The evaluation shall be performed in
18 accordance with procedures adopted for this purpose by
19 the department.
20 b. If the department determines that a person has
21 committed a crime or has a record of founded child
22 abuse and is licensed, employed by a licensee, or
23 resides in a licensed facility the department shall
24 notify the licensee that an evaluation will be
25 conducted to determine whether prohibition of the
26 person's licensure, employment, or residence is
27 warranted.
28 c. In an evaluation, the department and the

29 licensee for an employee of the licensee shall
30 consider the nature and seriousness of the crime or
31 founded child abuse in relation to the position sought
32 or held, the time elapsed since the commission of the
33 crime or founded child abuse, the circumstances under
34 which the crime or founded child abuse was committed,
35 the degree of rehabilitation, the likelihood that the
36 person will commit the crime or founded child abuse
37 again, and the number of crimes or founded child
38 abuses committed by the person involved. The
39 department has final authority in determining whether
40 prohibition of the person's licensure, employment, or
41 residence is warranted.

42 d. If the department determines that the person
43 has committed a crime or has a record of founded child
44 abuse which warrants prohibition of licensure,
45 employment, or residence, the person shall not be
46 licensed under this chapter and shall not be employed
47 by a licensee or reside in a licensed facility.

48 Sec. 8. Section 237A.5, subsection 2, Code 1989,
49 is amended by striking the subsection and inserting in
50 lieu thereof the following:

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1 2. a. If a person is being considered for
2 licensure or registration under this chapter, or for
3 employment involving direct responsibility for a child
4 or with access to a child when the child is alone, by
5 a child day care facility subject to licensure or
6 registration under this chapter, or if a person will
7 reside in a facility, and if the person has been
8 convicted of a crime under a law of any state or has a
9 record of founded child abuse, the department and the
10 licensee or registrant for an employee of the licensee
11 or registrant shall perform an evaluation to determine
12 whether the crime or founded child abuse warrants
13 prohibition of licensure, registration, employment, or
14 residence in the facility. The evaluation shall be
15 performed in accordance with procedures adopted for
16 this purpose by the department.

17 b. If the department determines that a person has
18 committed a crime or has a record of founded child
19 abuse and is licensed, employed by a licensee or
20 registrant or registered under this chapter, or
21 resides in a licensed or registered facility the
22 department shall notify the licensee or registrant
23 that an evaluation will be conducted to determine
24 whether prohibition of the person's licensure,
25 registration, employment, or residence is warranted.

26 c. In an evaluation, the department and the
27 licensee or registrant for an employee of the licensee
28 or registrant shall consider the nature and
29 seriousness of the crime or founded child abuse in
30 relation to the position sought or held, the time
31 elapsed since the commission of the crime or founded
32 child abuse, the circumstances under which the crime
33 or founded child abuse was committed, the degree of
34 rehabilitation, the likelihood that the person will
35 commit the crime or founded child abuse again, and the
36 number of crimes or founded child abuses committed by
37 the person involved. The department has final
38 authority in determining whether prohibition of the
39 person's licensure, registration, employment, or
40 residence is warranted.

41 d. If the department determines that the person
42 has committed a crime or has a record of founded child
43 abuse which warrants prohibition of licensure,
44 registration, employment, or residence, the person
45 shall not be licensed or registered under this chapter
46 to operate a child day care facility and shall not be
47 employed by a licensee or registrant or reside in a
48 facility licensed or registered under this chapter.

49 Sec. 9. RULES.
50 The department of human services shall adopt rules

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1 pursuant to chapter 17A to implement the provisions of
2 this Act."

RICHARD VARN

S-5784

1 Amend the House amendment, S-5726, to Senate File
2 2327, as amended, passed and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 8, by inserting after the word
5 "governor" the following: "or any executive council
6 member".

MARK R. HAGERLA

S-5785

1 Amend the House amendment, S-5726, to Senate File
2 2327, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 8, by inserting after line 18 the fol-
5 lowing:

6 "____. Page 20, by inserting before line 11 the
7 following:

8 "Sec. ____ . Section 15.284, Code Supplement 1989,
9 is amended to read as follows:

10 15.284 TRADITIONAL INFRASTRUCTURE.

11 1. The traditional infrastructure category
12 contains projects that include, but are not limited
13 to, sewer, water, roads, bridges, airports, and other
14 projects described in section 384.24, subsection 3.

15 2. Any Iowa city, ~~or county~~, rural water district
16 created under chapter 357A, or nonprofit corporation
17 created for the purpose of operating a rural water
18 system is eligible to apply for loans or grants from
19 this category. Along with the application, the city
20 ~~or county~~ applicant shall submit the following:

21 a. A needs assessment study.

22 b. A capital improvement program.

23 c. Evidence of matching contribution of at least
24 twenty-five percent of the total project cost.

25 3. Applications must be seeking funds to improve
26 the physical assets of the traditional infrastructure
27 of the ~~political subdivision~~ applicant in aid of
28 development.

29 4. The finance division of the department shall
30 rank the applicants according to financial need, cost-
31 benefit of the project, percent of match, impact, and
32 ability to administer project.

33 5. The interest rate for a loan, if assessed, may
34 range from zero to five percent. The department may
35 charge applicants an administration fee, not to exceed
36 one percent of the principal amount of the loan or
37 grant, to be paid as a lump sum.

38 6. The department may coordinate with the
39 department of natural resources to assist ~~political~~
40 ~~subdivisions~~ applicants receiving federal or other
41 state aid for waste water treatment facilities.
42 However, the department shall not allocate more than
43 fifty percent of the moneys available to this category
44 for this purpose.

45 Sec. ____ . Section 15.288, Code Supplement 1989, is
46 amended by adding the following new unnumbered
47 paragraph:

48 NEW UNNUMBERED PARAGRAPH. For purposes of this
49 section as it relates to the traditional
50 infrastructure category under section 15.284,

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1 "political subdivision" includes a rural water
2 district created under chapter 357A or a nonprofit
3 corporation created for the purpose of operating a
4 rural water system.""

RICHARD VANDE HOEF

S-5786

1 Amend Senate File 2423 as follows:

DIVISION S—5786A

2 1. Page 38, line 21, by striking the words
3 "paragraph b,".
4 2. page 38, by inserting after line 23, the
5 following:
6 "9. a. Effective July 1, 1989, through June 30,
7 ~~1990~~ 1992, to facilitate the implementation and
8 economical operation of the educational program
9 defined in subsections 4 and 5, each school offering
10 any of grades seven through twelve, except a school
11 which offers grades one through eight as an elementary
12 school, shall meet the media center requirements
13 specified in section 256.11, subsection 9, paragraph
14 "a", Code Supplement 1987."
15 3. Page 39, line 2, by striking the figure "1991"
16 and inserting the following: "~~1991~~ 1992".

DIVISION S—5786B

17 4. Page 39, by inserting after line 9, the
18 following:
19 "Sec. ____ . Section 256.11A, subsections 2, 3 and
20 4, Code Supplement 1989, are amended to read as
21 follows:
22 2. Schools and school districts are not required
23 to meet the requirement stated in the standards
24 adopted by the state board under section 256.17, Code
25 Supplement 1987, that prohibits an individual who is
26 employed or contracted as superintendent from also
27 serving as a principal in that school or school
28 district until July 1, 1990, except as otherwise
29 provided in this subsection. Not later than January
30 1, 1990, for the school year beginning July 1, 1990,
31 the board of directors of a school district or
32 authorities in charge of a nonpublic school, may file

33 a written request with the department of education
34 that the department waive the requirement for that
35 district or school. The procedures specified in
36 subsection 5 apply to the request.
37 3. Schools and school districts unable to meet the
38 standard adopted by the state board under section
39 256.17, Code Supplement 1987, and contained in section
40 256.11, subsection 9A, effective July 1, 1989,
41 requiring that on July 1, 1989, each board operating a
42 kindergarten through grade twelve program provide an
43 articulated sequential elementary-secondary guidance
44 program may, not later than January 1, 1989, for the
45 school year beginning July 1, 1989, file a written
46 request to the department of education that the
47 department waive the requirement for that school or
48 school district. The procedures specified in
49 subsection 5 apply to the request. Not later than
50 January 1, 1990, for the school year beginning July 1,

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DIVISION S—5786B (cont'd.)

1 1990, the board or authorities may request a one-year
2 extension of the waiver. Not later than January 1,
3 1991, for the school year beginning July 1, 1991, the
4 board or authorities may request an additional one-
5 year extension of the waiver.

6 If a waiver is approved under subsection 5, the
7 school or school district shall meet the requirements
8 of section 256.11, subsection 9, paragraph "b", Code
9 Supplement 1987, for the period for which the waiver
10 is approved.

11 4. Schools and school districts are not required
12 to meet the standard adopted by the state board of
13 education under section 256.17, Code Supplement 1987,
14 and contained in section 256.11, subsection 9,
15 paragraph "b", effective July 1, 1990, that requires
16 the board to establish and operate a media services
17 program to support the total curriculum until July 1,
18 1990, except as otherwise provided in this subsection.
19 Not later than January 1, 1990, for the school year
20 beginning July 1, 1990, the board of directors of a
21 school district, or authorities in charge of a
22 nonpublic school, may file a written request with the
23 department of education that the department waive the
24 requirement for that district or school. The
25 procedures specified in subsection 5 apply to the
26 request. Not later than January 1, 1991, for the
27 school year beginning July 1, 1991, the board of

28 directors of a school district, or authorities in
 29 charge of a nonpublic school, may file a request for a
 30 one-year extension of the waiver.

31 If a waiver is approved under subsection 5, the
 32 school district or school shall meet the requirements
 33 of section 256.11, subsection 9, paragraph "a", Code
 34 Supplement 1987, for the period for which the waiver
 35 is approved."

36 5. By numbering, renumbering, and changing
 37 internal references as necessary.

JOHN P. KIBBIE
 LEONARD L. BOSWELL

S-5787

1 Amend the amendment, S-5783, to House File 2504, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 3, line 25, by striking the word
 5 "subparagraph" and inserting the following:
 6 "subparagraphs".

7 2. Page 3, by inserting after line 29 the
 8 following:

9 "NEW SUBPARAGRAPH. (8) To the legally authorized
 10 protection and advocacy agency recognized in section
 11 135C.2, if a person identified in the information as a
 12 victim or a perpetrator of abuse resides in or
 13 receives services from a facility or agency because
 14 the person is diagnosed as having a developmental
 15 disability or a mental illness."

LARRY MURPHY
 CHARLES BRUNER

S-5788

1 Amend House File 2488, 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 15.262, subsections 2 and 6,
 6 Code 1989, are amended to read as follows:

7 2. "Corporation" or "development corporation"
 8 means a private sector small business economic
 9 development corporation organized under chapter 504A
 10 or organized for pecuniary profit under chapter 496A
 11 490 and includes development corporations organized

12 under chapter 496B.

13 6. "Investor" means a private entity which invests
14 money in a corporation organized for pecuniary profit
15 under chapter ~~496A~~ 490.

16 Sec. ____ . Section 28.107, unnumbered paragraph 1,
17 Code 1989, is amended to read as follows:

18 There may be incorporated under chapter ~~496A~~ 490 a
19 corporation which shall be known as the Iowa export
20 trading company. If incorporated, this corporation
21 shall be established by the director of the Iowa
22 department of economic development. The initial board
23 of directors shall consist of the director and six
24 additional members appointed by the director. The six
25 members appointed by the director shall be
26 knowledgeable in the area of farming, exporting, or
27 marketing finance. The department may expend an
28 amount not to exceed one hundred thousand dollars
29 necessary to establish and operate the export trading
30 company until the completion of the public offering of
31 stock. The funds used shall be repaid to the
32 department upon completion of its public offering of
33 stock. Financing for the export trading company shall
34 initially come from its public offering of stock to
35 residents of this state. In preparation for this
36 sale, a detailed marketing study shall be conducted
37 which will serve as the basis for the company work
38 plan and the company prospectus. After the sale of
39 stock, provision shall be made for the election of a
40 board of directors by the stockholders to replace the
41 initial board of directors. However, the director of
42 the department shall be an ex officio member of the
43 board representing the state of Iowa. The director of
44 the department shall also serve as an agent for the
45 company.

46 Sec. ____ . Section 28.108, subsection 2, Code 1989,
47 is amended to read as follows:

48 2. The Iowa export trading company has the powers
49 necessary to fulfill the purposes of this division and
50 those provided in chapter ~~496A~~ 490 and the Export

Page 2

1 Trading Company Act of 1982, Pub. L. No. 97-290 which
2 are not inconsistent with or limited by this
3 division."

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

6 "Sec. 100. NEW SECTION. 77A.10A NOTARIAL ACTS IN
7 OTHER JURISDICTIONS OF THE UNITED STATES.

8 1. A notarial act has the same effect under the

9 law of this state as if performed by a notarial
10 officer of this state, if the notarial act is
11 performed in another state, commonwealth, territory,
12 district, or possession of the United States by any of
13 the following persons:

14 a. A notary public of that jurisdiction.

15 b. A judge, clerk, or deputy clerk of a court of
16 that jurisdiction.

17 c. Any other person authorized by the law of that
18 jurisdiction to perform notarial acts.

19 2. Notarial acts performed in other jurisdictions
20 of the United States under federal authority as
21 provided in section 77A.10B have the same effect as if
22 performed by a notarial officer of this state.

23 3. The signature and title of a person performing
24 a notarial act are prima facie evidence that the
25 signature is genuine and that the person holds the
26 designated title.

27 4. The signature and indicated title of an officer
28 listed in subsection 1, paragraph "a" or "b"
29 conclusively establish the authority of a holder of
30 that title to perform a notarial act.

31 Sec. 101. **NEW SECTION. 77A.10B NOTARIAL ACTS**
32 **UNDER FEDERAL AUTHORITY.**

33 1. A notarial act has the same effect under the
34 law of this state as if performed by a notarial
35 officer of this state, if the notarial act is
36 performed anywhere by any of the following persons
37 under authority granted by the law of the United
38 States:

39 a. A judge, clerk, or deputy clerk of a court.

40 b. A commissioned officer on active duty in the
41 military service of the United States.

42 c. An officer of the foreign service or consular
43 officer of the United States.

44 d. Any other person authorized by federal law to
45 perform notarial acts.

46 2. The signature and title of a person performing
47 a notarial act are prima facie evidence that the
48 signature is genuine and that the person holds the
49 designated title.

50 3. The signature and indicated title of an officer

Page 3

1 listed in subsection 1, paragraph "a", "b", or "c",
2 conclusively establish the authority of a holder of
3 that title to perform a notarial act.

4 4. A certificate of a notarial act on an
5 instrument to be recorded must also comply with the

6 requirements of section 331.602, subsection 1.

7 Sec. 102. NEW SECTION. 77A.10C FOREIGN NOTARIAL
8 ACTS.

9 1. A notarial act has the same effect under the
10 law of this state as if performed by a notarial
11 officer of this state, if the notarial act is
12 performed within the jurisdiction of and under
13 authority of a foreign nation or its constituent units
14 or a multinational or international organization by
15 any of the following persons:

16 a. A notary public or notary.

17 b. A judge, clerk, or deputy clerk of a court of
18 record.

19 c. Any other person authorized by the law of that
20 jurisdiction to perform notarial acts.

21 2. An "apostille" in the form prescribed by the
22 Hague convention of October 5, 1961, conclusively
23 establishes that the signature of the notarial officer
24 is genuine and that the officer holds the indicated
25 office.

26 3. A certificate by a foreign service or consular
27 officer of the United States stationed in the nation
28 under the jurisdiction of which the notarial act was
29 performed, or a certificate by a foreign service or
30 consular officer of that nation stationed in the
31 United States, conclusively establishes any matter
32 relating to the authenticity or validity of the
33 notarial act set forth in the certificate.

34 4. An official stamp or seal of the person
35 performing the notarial act is prima facie evidence
36 that the signature is genuine and that the person
37 holds the indicated title.

38 5. An official stamp or seal of an officer listed
39 in subsection 1, paragraph "a" or "b", is prima facie
40 evidence that a person with the indicated title has
41 authority to perform notarial acts.

42 6. If the title of office and indication of
43 authority to perform notarial acts appears either in a
44 digest of foreign law or in a list customarily used as
45 a source for that information, the authority of an
46 officer with that title to perform notarial acts is
47 conclusively established.

48 Sec. 103. NEW SECTION. 77A.10D CERTIFICATE OF
49 NOTARIAL ACTS.

50 1. A notarial act must be evidenced by a

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- 1 certificate signed and dated by a notarial officer.
- 2 The certificate must include identification of the

3 jurisdiction in which the notarial act is performed
4 and the title of the office of the notarial officer
5 and may include the official stamp or seal of the
6 office. If the officer is a notary public, the
7 certificate may, but need not indicate the date of
8 expiration, if any, of the commission of office. If
9 the notarial officer is a commissioned officer on
10 active duty in the military service of the United
11 States, it must also include the officer's rank.

12 2. A certificate of a notarial act is sufficient
13 if it meets the requirements of subsection 1, and is
14 in any of the following forms:

- 15 a. The short form set forth in section 77A.10E.
- 16 b. A form otherwise prescribed by the law of this
17 state, including those forms set out in chapter 558.
- 18 c. A form prescribed by the laws or regulations
19 applicable in the place in which the notarial act was
20 performed.
- 21 d. A form which sets forth the actions of the
22 notarial officer and those are sufficient to meet the
23 requirements of the designated notarial act.

24 3. By executing a certificate of a notarial act,
25 the notarial officer certifies that the officer has
26 made the determinations required by section 77A.9.

27 Sec. 104. NEW SECTION. 77A.10E SHORT FORMS.

28 The following short form certificates of notarial
29 acts are sufficient for the purposes indicated, if
30 completed with the information required by section
31 77A.10D, subsection 1.

32 1. For an acknowledgment in an individual
33 capacity:

34 State of _____

35 (County) of _____

36 This instrument was acknowledged before me on

37 _____ by _____

38 (date) (name(s) of person(s))

39 _____

40 (signature of notarial
41 officer)

42 (Seal, if any)

43 _____

44 Title (and Rank)

45 [My commission expires: ____]

46 2. For an acknowledgment in a representative
47 capacity:

48 State of _____

49 (County) of _____

50 This instrument was acknowledged before me on (date) by

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1 (name(s) of person(s)) as (type of authority, e.g., officer, ,
2 trustee, etc.) of (name of party on behalf of whom instrument
3 was executed).

4 _____
5 (signature of notarial
6 officer)

7 (Seal, if any)

8 _____
9 Title (and Rank)
10 [My commission expires: ___]

11 3. For a verification upon oath or affirmation:

12 State of _____

13 (County) of _____

14 Signed and sworn to (or affirmed) before me on

15 _____ by _____ .

16 (date) (name(s) of person(s) making statement)

17 _____
18 (signature of notarial
19 officer)

20 (Seal, if any)

21 _____
22 Title (and Rank)
23 [My commission expires: ___]

24 4. For witnessing or attesting a signature:

25 State of _____

26 (County) of _____

27 Signed or attested before me on _____ by

28 _____ (date)

29 _____

30 (name(s) of person(s))

31 _____
32 (signature of notarial
33 officer)

34 (Seal, if any)

35 _____
36 Title (and Rank)
37 [My commission expires: ___]

38 5. For attestation of a copy of a document:

39 State of _____

40 (County) of _____

41 I certify that this is a true and correct copy of a
42 document in the possession of _____ .

43 Dated _____

44 _____
45 (signature of notarial
46 officer)

47 (Seal, if any)

48
49
50

Title (and Rank)
[My commission expires: ___]

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1 3. Page 1, by inserting before line 1, the
2 following:
3 "Sec. ____ . Section 86.36, subsection 5, Code 1989,
4 is amended to read as follows:
5 5. The term nonresident employer "Nonresident
6 employer", as used in section 85.3 and this section
7 ~~shall not be construed to~~ does not mean foreign
8 corporations lawfully qualified to transact business
9 within the state of Iowa under chapter 494 or chapter
10 ~~496A~~ 490."
11 4. Page 1, by inserting after line 23, the
12 following:
13 "Sec. ____ . Section 331.602, subsection 27, Code
14 1989, is amended to read as follows:
15 27. Carry out duties relating to the recordation
16 of articles of incorporation and other instruments for
17 business corporations as provided in section ~~496A.53~~
18 490.130.
19 Sec. ____ . Section 455B.397, Code 1989, is amended
20 to read as follows:
21 455B.397 FINANCIAL DISCLOSURE.
22 Immediately upon the incurrence of any liability to
23 the state under this part, the debtor shall submit to
24 the director a report consisting of documentation of
25 the debtor's liabilities and assets, including if
26 filed, a copy of the annual report submitted to the
27 secretary of state pursuant to chapter ~~496~~ 490. A
28 subsequent report pursuant to this section shall be
29 submitted annually on April 15 for the life of the
30 debt. These reports shall be kept confidential and
31 shall not be available to the public.
32 Sec. ____ . Section 455B.430, subsection 5, Code
33 1989, is amended to read as follows:
34 5. Immediately upon the listing of real property
35 in the registry of abandoned or uncontrolled disposal
36 sites, a person liable for cleanup costs shall submit
37 to the director a report consisting of documentation
38 of the responsible person's liabilities and assets,
39 including if filed, a copy of the annual report
40 submitted to the secretary of state pursuant to
41 chapter ~~496~~ 490. A subsequent report pursuant to this
42 section shall be submitted annually on April 15 for
43 the period the site remains on the registry.
44 Sec. ____ . Section 490.120, Code Supplement 1989,

45 is amended by adding the following new subsection:
46 **NEW SUBSECTION. 10.** The secretary of state may
47 adopt rules for the electronic filing of documents and
48 the certification of electronically filed documents.
49 Sec. ____ . Section 490.122, subsection 3, paragraph
50 a, Code Supplement 1989, is amended to read as

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1 follows:

2 a. \$.~~50~~ 1.00 a page for copying.

3 Sec. ____ . Section 490.127, Code Supplement 1989,

4 is amended to read as follows:

5 490.127 EVIDENTIARY EFFECT OF COPY OF FILED
6 DOCUMENT.

7 A certificate attached to a copy of a document
8 filed by the secretary of state, bearing the secretary
9 of state's signature, which may be in facsimile, and
10 the seal of ~~this~~ the secretary of state, is conclusive
11 evidence that ~~the~~ original document is on file with
12 the secretary of state.

13 Sec. ____ . Section 490.128, subsection 2, paragraph

14 e, Code Supplement 1989, is amended to read as

15 follows:

16 e. That If it is a domestic corporation, that

17 articles of dissolution have not been filed.

18 Sec. ____ . Section 490.401, subsection 2, paragraph

19 b, Code Supplement 1989, is amended to read as

20 follows:

21 b. A corporate name reserved or registered under
22 section 490.402, ~~or~~ 490.403, ~~or~~ 504A.7.

23 Sec. ____ . Section 490.401, subsection 2, paragraph

24 c, Code Supplement 1989, is amended to read as

25 follows:

26 c. The fictitious name adopted by a foreign
27 corporation or a not-for-profit foreign corporation
28 authorized to transact business in this state because
29 its real name is unavailable.

30 Sec. ____ . Section 490.401, subsection 5, Code
31 Supplement 1989, is amended to read as follows:

32 5. This chapter does not control the use of
33 fictitious names; however, if a corporation or a
34 foreign corporation uses a fictitious name in this
35 state it shall deliver to the secretary of state for
36 filing a copy of the resolution of its board of
37 directors, certified by its secretary, adopting the
38 fictitious name."

39 5. By striking page 1, line 31, through page 2,
40 line 22, and inserting the following:

41 "1. A corporation which, as of December 30, 1989,

42 treated any of its shares which it had reacquired as
43 issued but not outstanding shares may continue to
44 treat those shares as issued but not outstanding
45 shares.

46 2. If a corporation reacquires its own shares
47 after December 30, 1989, but prior to January 1, 1991,
48 those shares shall constitute issued but not
49 outstanding shares as of and after their reacquisition
50 if either of the following is applicable:

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1 a. If the shares are reacquired, the articles of
2 incorporation contain a provision specifying that
3 reacquired shares constitute issued but not
4 outstanding shares.

5 b. Prior to January 1, 1991, the board of
6 directors adopts a resolution specifying that shares
7 reacquired after December 30, 1989, and prior to
8 January 1, 1991, constitute issued but not outstanding
9 shares.

10 3. If a corporation reacquires its own shares
11 after December 31, 1990, those shares constitute
12 issued but not outstanding shares if, at the time they
13 are reacquired by the corporation, either of the
14 following is applicable:

15 a. The articles of incorporation contain a
16 provision specifying that reacquired shares constitute
17 issued but not outstanding shares.

18 b. The board of directors has adopted a resolution
19 specifying that reacquired shares constitute issued
20 but not outstanding shares.

21 4. Unless otherwise provided in its articles of
22 incorporation, a corporation may at any time, by
23 resolution adopted by its board of directors, cancel
24 or otherwise restore to the status of authorized but
25 unissued shares any of its shares which it has
26 previously reacquired and treated as issued but not
27 outstanding shares."

28 6. Page 2, by inserting before line 23, the
29 following:

30 "Sec. ____ . Section 490.728, subsection 1, Code
31 Supplement 1989, is amended to read as follows:

32 1. Unless otherwise provided in the articles of
33 incorporation, directors are elected by a ~~plurality~~
34 majority of the votes cast by the shares entitled to
35 vote in the election at a meeting at which a quorum is
36 present.

37 Sec. ____ . Section 490.832, Code Supplement 1989,
38 is amended to read as follows:

39 490.832 INDEMNIFICATION OF PERSONAL LIABILITY --
40 DIRECTORS.

41 The articles of incorporation may contain a
42 provision eliminating or limiting the personal
43 liability of a director to the corporation or its
44 shareholders for monetary damages for breach of
45 fiduciary duty as a director, provided that the
46 provision does not eliminate or limit the liability of
47 a director for a breach of the director's duty of
48 loyalty to the corporation or its shareholders, for
49 acts or omissions not in good faith or which involve
50 intentional misconduct or a knowing violation of law,

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1 for a transaction from which the director derives an
2 improper personal benefit, or under section 490.833.
3 A provision shall not eliminate or limit the liability
4 of a director for an act or omission occurring prior
5 to the date when the provision in the articles of
6 incorporation becomes effective.

7 Sec. ____ . Section 490.1530, subsection 1, Code
8 Supplement 1989, is amended to read as follows:

9 1. The foreign corporation does not deliver its
10 annual report to the secretary of state in a form that
11 meets the requirements of section 490.1622 within
12 sixty days after it is due.

13 Sec. ____ . **NEW SECTION.** 490.1705 REINSTATEMENT OF
14 CORPORATIONS EXISTING PRIOR TO DECEMBER 31, 1989.

15 1. A corporation subject to this chapter, whose
16 certificate of incorporation was canceled pursuant to
17 former section 496A.130 after December 30, 1981, and
18 before December 31, 1989, may apply to the secretary
19 of state for reinstatement pursuant to section
20 490.1422 on or before December 31, 1991.

21 2. A corporation whose certificate of
22 incorporation was canceled pursuant to former section
23 496A.130 after December 30, 1979, and before December
24 31, 1981, may apply to the secretary of state for
25 reinstatement pursuant to section 490.1422 at any time
26 within ten years of the date of the issuance of the
27 certificate of cancellation.

28 3. A corporation whose corporate rights have been
29 canceled and forfeited in the manner provided in
30 section 496.9 prior to December 31, 1989, or which has
31 a right to renew pursuant to sections 491.25 through
32 491.28, may apply to the secretary of state for
33 reinstatement pursuant to section 490.1422 on or
34 before December 31, 1991.

35 4. This section applies to all reinstatements

36 delivered to the office of the secretary of state for
37 filing on or after December 31, 1989.

38 Sec. ____ . Section 491.3, subsection 8, Code 1989,
39 is amended to read as follows:

40 8. A corporation organized under or subject to
41 this chapter may make indemnification as provided in
42 section ~~496A.4A~~ 490.832 and sections 490.850 through
43 490.858.

44 Sec. ____ . Section 491.16, Code 1989, is amended to
45 read as follows:

46 491.16 INDEMNIFICATION OF OFFICERS, DIRECTORS,
47 EMPLOYEES, AND AGENTS -- INSURANCE.

48 ~~The provisions of section 496A.4A shall~~ Section
49 490.832 and sections 490.850 through 490.858 apply to
50 corporations organized under or subject to this

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1 chapter.

2 Sec. ____ . Section 496C.2, unnumbered paragraph 1,
3 Code 1989, is amended to read as follows:

4 ~~As~~ For words used in this chapter, unless the
5 context otherwise requires, the definitions contained
6 in the Iowa business corporation Act [~~chapter 496A~~],
7 chapter 490, apply, and:

8 Sec. ____ . Section 496C.5, Code 1989, is amended to
9 read as follows:

10 496C.5 CORPORATE NAME.

11 The corporate name of a professional corporation,
12 the corporate name of a foreign professional
13 corporation or its name as modified for use in this
14 state, and any ~~assumed~~ fictitious name or trade name
15 adopted by a professional corporation or foreign
16 professional corporation shall contain the words
17 "professional corporation" or the abbreviation "P.C.",
18 and except for the addition of such words or
19 abbreviation, shall be a name which could lawfully be
20 used by a licensed individual or by a partnership of
21 licensed individuals in the practice in this state of
22 a profession which the corporation is authorized to
23 practice. Each regulating board may by rule or
24 regulation adopt additional requirements as to the
25 corporate names and ~~assumed~~ fictitious or trade names
26 of professional corporations and foreign professional
27 corporations which are authorized to practice a
28 profession which is within the jurisdiction of the
29 regulating board.

30 Sec. ____ . Section 504A.4, subsection 14, Code
31 1989, is amended to read as follows:

32 14. A corporation operating under this chapter may

33 indemnify any present or former director, officer,
34 employee, member, or volunteer in the manner and in
35 the instances authorized in section ~~496A-4A~~ 490.832
36 and sections 490.850 through 490.858.

37 Sec. ____ . Section 504A.6, subsection 5, Code
38 Supplement 1989, is amended to read as follows:

39 5. This chapter does not control the use of
40 fictitious names; however, if a corporation or a
41 foreign corporation uses a fictitious name in this
42 state it shall deliver to the secretary of state for
43 filing a copy of the resolution of its board of
44 directors, certified by its secretary, adopting the
45 fictitious name.

46 Sec. ____ . Section 508B.2, unnumbered paragraph 2,
47 Code 1989, is amended to read as follows:

48 A plan of conversion may provide that a mutual
49 company may convert into a domestic stock company,
50 convert and merge, or convert and consolidate with a

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1 domestic stock company, as provided in chapter 490 or
2 491 or 496A, whichever is applicable. However, the
3 mutual company is not required to comply with sections
4 491.102 through 491.105 or sections ~~496A-68~~ through
5 ~~496A-70~~ 490.1101 and 490.1103 relating to approval of
6 merger or consolidation plans by boards of directors
7 and shareholders, if at the time of approval of the
8 plan of conversion the board of directors approves the
9 merger or consolidation and if at the time of approval
10 of the plan by policyholders as provided in section
11 508B.6, the policyholders approve the merger or
12 consolidation. This chapter supersedes any
13 conflicting provisions of chapters 521 and 521A. A
14 mutual company may convert, merge, or consolidate as
15 part of a plan of conversion in which a majority or
16 all of the common shares of the stock company are
17 acquired by another corporation, which may be a
18 corporation organized for that purpose, or in which
19 the new stock company consolidates with a stock
20 company to form another stock company.

21 Sec. ____ . Section 514.23, subsection 1, unnumbered
22 paragraph 1, Code 1989, is amended to read as follows:

23 A corporation organized and governed by this
24 chapter may become a mutual insurer under a plan which
25 is approved by the commissioner of insurance. The
26 plan shall state whether the insurer will be organized
27 as a for-profit corporation pursuant to chapter 490 or
28 ~~491 or 496A~~ or a nonprofit corporation pursuant to
29 chapter 504A. Upon consummation of the plan, the

30 corporation shall ~~thereafter~~ fully comply with the
31 requirements of the law that apply to a mutual
32 insurance company. If the insurer is to be organized
33 under chapter 504A, then at least seventy-five percent
34 of the initial board of directors of the mutual
35 insurer so formed shall be policyholders who are also
36 nonproviders of health care. All directors comprising
37 this initial board of directors shall be selected by
38 an independent committee appointed by the state
39 commissioner of insurance. This independent committee
40 shall consist of seven to eleven persons who are
41 current policyholders, who are nonproviders of health
42 care, and who are not directors of ~~any a~~ corporation
43 subject to this chapter. For purposes of this
44 subsection, a "nonprovider of health care" is an
45 individual who is not any of the following:
46 Sec. ____ . Section 524.303, subsection 2, Code
47 1989, is amended to read as follows:
48 2. Applicable fees, payable to the secretary of
49 state as specified in section ~~496A.124~~ 490.122, for
50 the filing and recording of the articles of

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1 incorporation.
2 Sec. ____ . Section 524.306, Code 1989, is amended
3 to read as follows:
4 524.306 ISSUANCE OF CERTIFICATE OF INCORPORATION.
5 The receipt of the approved articles of
6 incorporation of a state bank by the secretary of
7 state ~~shall constitute~~ constitutes filing ~~thereof~~ with
8 that office. The secretary of state shall record the
9 articles of incorporation and forward a copy ~~thereof~~
10 of them to the county recorder of the county in which
11 the state bank is to have its principal place of
12 business ~~who~~. The county recorder shall record ~~same~~
13 the articles, all as required by section ~~496A.53~~
14 sections 490.120 and 490.130. The secretary of state
15 upon the filing of ~~such the~~ articles of incorporation
16 shall issue a certificate of incorporation and send
17 the ~~same~~ certificate to the incorporators.
18 Sec. ____ . Section 524.801, subsection 8, Code
19 1989, is amended to read as follows:
20 8. To indemnify ~~any a~~ director, officer, or
21 employee, or a former director, officer, or employee
22 of the state bank in the manner and in the instances
23 authorized by section ~~496A.4A~~ 490.832 and sections
24 490.850 through 490.858.
25 Sec. ____ . Section 524.1305, subsections 5 and 6,
26 Code 1989, are amended to read as follows:

27 5. Safe-deposit boxes, the contents of which have
28 not been removed by the owners after the date
29 specified in the notice given under paragraph "b" of
30 subsection 2 of this section, shall be opened under
31 the supervision of the superintendent and the contents
32 placed in sealed packages which, together with
33 unclaimed property held by the state bank in
34 safekeeping, shall be transmitted to the treasurer of
35 state. Amounts due to depositors who are unknown, or
36 who are under a disability and there is no person
37 legally competent to receive ~~such~~ the amount, or who
38 cannot be found after the exercise of reasonable
39 diligence, shall be transmitted to the treasurer of
40 state, together with a statement giving the name of
41 the person, if known, entitled to ~~such~~ the amount, the
42 person's last known address, the amount due ~~such~~ the
43 person, and ~~such~~ other information about ~~such~~ the
44 person as the treasurer of state may reasonably
45 require. All property transmitted to the treasurer of
46 state pursuant to this subsection shall be treated as
47 abandoned, retained by the treasurer of state, and
48 subject to claim, in the manner provided for in
49 sections 556.14 to 556.21. All amounts due creditors
50 described in section ~~496A.101~~ 490.1440 shall be

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1 deposited with the treasurer of state in accordance
2 with ~~the provisions~~ of that section. Such amounts
3 shall be retained by the treasurer of state and are
4 subject to claim in the manner provided for in ~~said~~
5 section ~~496A.101~~ 490.1440.

6 6. Upon approval by the superintendent, assets
7 remaining after the performance of all obligations of
8 the state bank under subsections 3, 4, and 5 of this
9 section shall be distributed to its shareholders
10 according to their respective rights and preferences.
11 Partial distributions to shareholders may be made
12 prior to such time only if, and to the extent,
13 approved by the superintendent. All amounts due
14 shareholders described in section ~~496A.101~~ 490.1440
15 shall be deposited with the treasurer of state in
16 accordance with ~~the provisions~~ of that section. Such
17 amounts shall be retained by the treasurer of state
18 and are subject to claim in the manner provided for in
19 said section ~~496A.101~~ 490.1440.

20 Sec. ____ . Section 524.1306, subsection 1, Code
21 1989, is amended to read as follows:

22 1. A state bank may, at any time prior to the
23 issuance of the approved copy of the statement of

24 intent to dissolve by the secretary of state, revoke
25 voluntary dissolution proceedings ~~by consent of the~~
26 ~~shareholders in the manner as~~ provided for in section
27 ~~496A.85 or by act of the state bank as provided for in~~
28 ~~section 496A.86; except that the vote taken on the~~
29 ~~resolution referred to in subsection 3 of section~~
30 ~~496A.86 shall be adopted only upon the affirmative~~
31 ~~vote of the holders of at least three-fourths of the~~
32 ~~shares entitled to vote thereon 490.1404.~~

33 Sec. ____ . Section 524.1309, Code 1989, is amended
34 to read as follows:

35 524.1309 BECOMING SUBJECT TO CHAPTER ~~496A~~ 490.

36 In lieu of the dissolution procedure prescribed in
37 sections 524.1303 to 524.1308, a state bank may cease
38 to carry on the business of banking and, after
39 compliance with ~~the provisions~~ of this section,
40 continue as a corporation subject to ~~the provisions of~~
41 chapter ~~496A~~ 490.

42 1. A state bank which has commenced business may
43 propose to voluntarily cease to carry on the business
44 of banking and become a corporation subject to ~~the~~
45 ~~provisions of chapter 496A~~ 490 upon the affirmative
46 vote of the holders of at least three-fourths of the
47 shares entitled to vote thereon, adopting a plan
48 involving both a provision for acquisition of its
49 assets and assumption of its liabilities by another
50 state bank or national bank and a provision for

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1 continuance of its business if acquisition of its
2 assets and assumption of its liabilities is not
3 effected, or any other plan providing for the
4 cessation of banking business and the payment of its
5 liabilities.

6 2. The application to the superintendent for
7 approval of a plan described in subsection 1 of this
8 section shall be treated by the superintendent in the
9 same manner as an application for approval of a plan
10 of dissolution under subsection 2 of section 524.1303,
11 and shall be subject to ~~the provisions of~~ subsection 3
12 of section 524.1303.

13 3. Immediately upon adoption and approval of a
14 plan to voluntarily cease to carry on the business of
15 banking and become a corporation subject to ~~the~~
16 ~~provisions of chapter 496A~~ 490, the state bank shall
17 deliver to the superintendent a statement of its
18 intent to cease to carry on the business of banking
19 and become a corporation subject to ~~the provisions of~~
20 ~~said chapter 490~~, which shall be signed by two of its

21 duly authorized officers and shall contain the name of
22 the state bank, the post-office address of its
23 principal place of business, the name and address of
24 its officers and directors, the number of shares
25 entitled to vote on the plan and the number of shares
26 voted for or against the plan, respectively, the
27 nature of the business to be conducted by the
28 corporation under ~~the provisions of said chapter 490,~~
29 and the general nature of the assets to be held by
30 ~~such the~~ corporation.

31 4. If the statement of intent to cease to carry on
32 the business of banking and become a corporation
33 subject to ~~the provisions of chapter 496A 490~~
34 satisfies the requirements of this section, the
35 superintendent shall deliver the statement with
36 written approval to the secretary of state who shall
37 issue to the state bank an approved copy of ~~such the~~
38 statement. Upon the issuance of an approved copy of
39 the statement of intent, the state bank shall
40 immediately surrender to the superintendent its
41 authorization to do business as a bank and shall cease
42 to accept deposits or carry on the banking business
43 except insofar as may be necessary for it to complete
44 the settlement of its affairs as a state bank in
45 accordance with subsection 5.

46 5. The board of directors ~~shall~~ have full power to
47 complete the settlement of the affairs of the state
48 bank. Within thirty days after the issuance of an
49 approved copy of the statement of intent to cease to
50 carry on the business of banking and become a

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1 corporation subject to ~~the provisions of chapter 496A~~
2 ~~490~~, the state bank shall give notice of its intent to
3 persons described in subsection 2 of section 524.1305
4 and in the manner provided for in that subsection. In
5 completing the settlement of its affairs as a state
6 bank the state bank shall also follow the procedure
7 prescribed in subsections 3, 4 and 5 of section
8 524.1305.

9 6. Upon approval by the superintendent, assets
10 remaining after the performance of all obligations
11 described in this section, except those which the
12 state bank wishes to retain when it becomes a
13 corporation subject to ~~the provisions of chapter 496A~~
14 ~~490~~, shall be distributed to its shareholders
15 according to their respective rights and preferences.

16 7. Upon completion of all the requirements of this
17 section, the state bank shall deliver to the

18 superintendent articles of intent to be subject to
19 chapter ~~496A 490~~, together with the applicable filing
20 and recording fees, which shall set forth that the
21 state bank has complied with ~~the provisions of this~~
22 section, that it has ceased to carry on the business
23 of banking, and the information required by section
24 ~~496A.49 490.202~~ relative to the contents of articles
25 of incorporation under chapter ~~496A 490~~. If the
26 superintendent finds that the state bank has complied
27 with ~~the provisions of this section and that the~~
28 articles of intent to be subject to ~~said chapter 490~~
29 satisfy the requirements of this section, the
30 superintendent shall deliver them to the secretary of
31 state for filing and recording in the secretary of
32 state's office, and ~~the same they~~ shall be filed and
33 recorded in the office of the county recorder.

34 8. Upon the filing of the articles of intent to be
35 subject to chapter ~~496A 490~~, the state bank shall
36 cease to be a state bank subject to ~~the provisions of~~
37 this chapter, and shall cease to have the powers of a
38 state bank subject to this chapter and shall become a
39 corporation subject to ~~the provisions of chapter 496A~~
40 ~~490~~. The secretary of state shall issue a certificate
41 as to the filing of the articles of intent to be
42 subject to ~~the provisions of chapter 496A 490~~, and
43 send the ~~same certificate~~ to the corporation or its
44 representative. The articles of intent to be subject
45 to chapter ~~496A 490~~ shall be the articles of
46 incorporation of the corporation. The provisions of
47 chapter ~~496A 490~~ becoming applicable to a corporation
48 formerly doing business as a state bank shall not
49 affect any right accrued or established, or liability
50 or penalty incurred under ~~the provisions of this~~

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1 chapter prior to the filing with the secretary of
2 state of the articles of intent to be subject to
3 chapter ~~496A 490~~.

4 9. A shareholder of a state bank who objects, in
5 the manner prescribed by section ~~496A.78 490.1323 or~~
6 ~~490.1328~~, to adoption by the state bank of a plan to
7 cease to carry on the business of banking and to
8 continue as a corporation subject to ~~the provisions of~~
9 chapter ~~496A 490~~, ~~shall be is~~ entitled to the rights
10 and remedies of a dissenting shareholder provided for
11 in ~~that section chapter 490, division XIII~~.

12 10. A state bank may, at any time prior to the
13 issuance of the approved copy of the statement of
14 intent to cease to carry on the business of banking

15 and become a corporation subject to the provisions of
16 chapter ~~496A~~ 490, revoke ~~such the~~ proceedings in the
17 manner prescribed by section 524.1306.

18 Sec. ____ . Section 524.1310, Code 1989, is amended
19 to read as follows:

20 524.1310 INVOLUNTARY DISSOLUTION AFTER
21 COMMENCEMENT OF BUSINESS -- SUPERINTENDENT AS
22 RECEIVER.

23 In a situation in which the superintendent has
24 required, in accordance with the provisions of section
25 524.226, that the state bank cease to carry on its
26 business, the superintendent shall apply to the
27 district court for the county in which the state bank
28 is located for appointment as receiver for the state
29 bank. The district court shall appoint the
30 superintendent as receiver unless the superintendent
31 has tendered ~~such the~~ appointment to the federal
32 deposit insurance corporation as provided for in
33 section 524.1313, in which case the district court
34 shall appoint the federal deposit insurance
35 corporation as receiver. The affairs of the state
36 bank shall thereafter be under the direction of the
37 district court, and the assets ~~thereof of the state~~
38 bank shall be distributed in accordance with the
39 provisions of section 524.1312. All amounts due
40 creditors and shareholders described in section
41 ~~496A.101~~ 490.1440 shall be deposited with the
42 treasurer of state in accordance with the provisions
43 of that section. Such amounts shall be retained by
44 the treasurer of state and subject to claim in the
45 manner provided for in section ~~496A.101~~ 490.1440.
46 Amounts due to depositors who are unknown, or who are
47 under a disability and there is no person legally
48 competent to receive ~~such the~~ amount, or who cannot be
49 found after the exercise of reasonable diligence,
50 shall be transmitted to the treasurer of state in the

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1 manner required by section 524.1305, subsection 5.
2 Such property shall be treated as abandoned, retained
3 by the treasurer of state, and is subject to claim, in
4 the manner provided for in sections 556.14 to 556.21.
5 The attorney general, or ~~such~~ assistants ~~as shall be~~
6 appointed by the court, shall represent the
7 superintendent in all proceedings connected with ~~such~~
8 the receivership.
9 Sec. ____ . Section 524.1402, subsection 3,
10 paragraph b, Code 1989, is amended to read as follows:
11 b. Applicable fees payable to the secretary of

12 state, as specified in section ~~496A.124~~ 490.122, for
 13 the filing and recording of the articles of merger or
 14 consolidation.

15 Sec. ____ . Section 524.1406, subsection 1, Code
 16 1989, is amended to read as follows:

17 1. A shareholder of a state bank, which is a party
 18 to a proposed merger or consolidation plan which will
 19 result in a state bank subject to this chapter, who
 20 objects to the plan in the manner prescribed by
 21 section ~~496A.78~~ 490.1323 or 490.1328, shall be ~~is~~
 22 entitled to the rights and remedies of a dissenting
 23 shareholder as provided in ~~that section~~ chapter 490,
 24 division XIII. Shares acquired by a state bank
 25 pursuant to payment of ~~the their~~ agreed value ~~therefor~~
 26 or to payment of the judgment entered therefor,
 27 pursuant to ~~section 496A.78~~ chapter 490, division
 28 XIII, shall be sold at public or private sale, within
 29 one year from the time of their purchase or
 30 acquisition, unless the time is extended by the
 31 superintendent.

32 Sec. ____ . Section 524.1408, Code 1989, is amended
 33 to read as follows:

34 524.1408 MERGER OF CORPORATION SUBSTANTIALLY OWNED
 35 BY A STATE BANK.

36 ~~Any~~ A state bank owning at least ninety-five
 37 percent of the outstanding shares, of each class, of
 38 another corporation which it is authorized to own
 39 under ~~the provisions~~ of this chapter, may merge ~~such~~
 40 the other corporation into itself without approval by
 41 a vote of the shareholders of either the state bank or
 42 the subsidiary corporation. The board of directors of
 43 the state bank shall approve a plan of merger, mail to
 44 shareholders of record of the subsidiary corporation,
 45 and prepare and execute articles of merger in the
 46 manner provided for in section ~~496A.72~~ 490.1104. The
 47 articles of merger, together with the applicable
 48 filing and recording fees, shall be delivered to the
 49 superintendent who shall, if the superintendent
 50 approves of the proposed merger and if the

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1 superintendent finds the articles of merger satisfy
 2 the requirements of this section, deliver them to the
 3 secretary of state for filing and recording in the
 4 secretary of state's office, and ~~the same~~ they shall
 5 be filed in the office of the county recorder. The
 6 secretary of state upon filing the articles of merger
 7 shall issue a certificate of merger and send the ~~same~~
 8 certificate to the state bank and a copy ~~thereof~~ of it

9 to the superintendent.

10 Sec. ____ . Section 524.1410, subsection 3, Code
11 1989, is amended to read as follows:

12 3. The applicable fee payable to the secretary of
13 state, ~~by reason of subsection 17 of under section~~
14 ~~496A.124 490.122~~, for the filing and recording of the
15 articles of conversion.

16 Sec. ____ . Section 524.1902, Code 1989, is amended
17 to read as follows:

18 524.1902 APPLICABILITY OF OTHER CHAPTERS.

19 The ~~provisions of chapters Chapters 490, 491, 492,~~
20 ~~and 493, and 496A shall do~~ not apply to banks except
21 ~~insofar as is provided by this chapter.~~

22 Sec. ____ . Section 533.4, subsection 27, Code 1989,
23 is amended to read as follows:

24 27. To provide indemnity for the director,
25 officer, or employee in the same fashion that a
26 corporation organized under chapter ~~496A 490~~ could
27 under section ~~496A.4A, provided that sections 490.832~~
28 ~~and 490.850 through 490.858; however, where section~~
29 ~~496A.4A provides those sections provide~~ for action by
30 shareholders the ~~section provision~~ is applicable to
31 action by members of the credit union and where the
32 ~~section has sections have~~ reference to the corporation
33 organized under chapter ~~496A 490, it the provision~~ is
34 applicable to the association organized under this
35 chapter.

36 Sec. ____ . Section 533.22, subsection 2, Code 1989,
37 is amended to read as follows:

38 2. All amounts due to members who are unknown, or
39 who are under a disability and there is no person
40 legally competent to receive ~~such the~~ amounts, or who
41 cannot be found after the exercise of reasonable
42 diligence, shall be transmitted to the treasurer of
43 state who shall hold ~~such the~~ amounts in the manner
44 prescribed by chapter 556. All amounts due to
45 creditors as described in section ~~496A.101 490.1440~~
46 shall be transmitted to the treasurer of state in
47 accordance with ~~the provisions of~~ that section and
48 shall be retained by the treasurer of state and
49 subject to claim as provided for in that section.

50 Sec. ____ . Section 534.102, subsection 26, Code

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1 1989, is amended to read as follows:

2 26. "Service corporation" means a corporation
3 which is organized under chapter ~~496A 490~~ and which is
4 owned in any part by one or more state associations or
5 federal associations or a combination of these.

6 Sec. ____ . Section 534.501, subsection 1, paragraph
7 g, and subsection 4, Code 1989, is amended to read as
8 follows:

9 g. If a stock association, the information
10 specified in section ~~496A.49~~, subsections 4, 5, 6, and
11 ~~7 490.202~~ and sections ~~490.601 through 490.602~~.
12 4. AMENDMENT PROCEDURE. The procedure for
13 amending articles of incorporation or adopting
14 restated articles for mutual associations is that
15 specified in section 504A.35, and for stock
16 associations it is that specified in section 490.726
17 and sections ~~496A.56 and 496A.57~~ 490.1003 through
18 490.1005.

19 Sec. ____ . Section 534.504, Code 1989, is amended
20 to read as follows:

21 534.504 MEETINGS OF STOCKHOLDERS.
22 Sections ~~496A.27, 496A.28, 496A.29, 496A.30,~~
23 ~~496A.31, 496A.32, and 496A.33~~ 490.701 through 490.731
24 apply to stock associations.

25 Sec. ____ . Section 534.508, subsection 1, Code
26 1989, is amended to read as follows:

27 1. IN GENERAL. Sections ~~496A.14, 496A.15,~~
28 ~~496A.16, 496A.17, 496A.18, 496A.19, 496A.21, 496A.22,~~
29 ~~496A.23, 496A.24, and 496A.25~~ 490.601 through 490.604,
30 490.620 through 490.624, 490.625, 490.628, 490.630,
31 and 490.1704 apply to stock associations.

32 Sec. ____ . Section 534.605, subsection 4, Code
33 1989, is amended to read as follows:

34 4. ~~Any~~ An association operating under this chapter
35 ~~shall have the power to~~ may indemnify any present or
36 former director, officer, or employee in the manner
37 and in the instances authorized in section ~~496A.4A~~
38 490.832 and sections 490.850 through 490.858. If the
39 association is a mutual association, the references in
40 section ~~496A.4A~~ those sections to stockholder shall be
41 deemed to be references to members.

42 Sec. ____ . Section 534.607, Code 1989, is amended
43 to read as follows:

44 534.607 INDEMNIFICATION.
45 Except as otherwise provided in section 534.602,
46 section ~~496A.4A~~ applies 490.832 and sections 490.850
47 through 490.858 apply to associations incorporated
48 under this chapter.

49 Sec. ____ . Section 556.6, Code 1989, is amended to
50 read as follows:

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1 556.6 PROPERTY OF BUSINESS ASSOCIATIONS AND
2 BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF

3 DISSOLUTION.

4 Except as provided in section ~~496A.101~~ 490.1440,
5 all intangible personal property distributable in the
6 course of a voluntary dissolution of a business
7 association, banking organization, or financial
8 organization organized under the laws of or created in
9 this state, that is unclaimed by the owner within one
10 year after the date for final distribution, is
11 presumed abandoned."

12 7. Page 2, line 28, by inserting after the word
13 "chapter" the following: "or chapter 77A".

14 8. Page 2, by inserting after line 34, the
15 following:

16 "Sec. ____ . Section 602.8102, subsection 68, Code
17 Supplement 1989, is amended to read as follows:

18 68. Certify a copy of a decree of dissolution of a
19 business corporation to the secretary of state ~~and the~~
20 ~~recorder of the county in which the corporation is~~
21 ~~located~~ as provided in section ~~496A.100~~ 490.1433.

22 Sec. ____ . Chapter 496, Code 1989, is repealed."

23 9. Page 2, by inserting after line 34, the
24 following:

25 "Sec. ____ .

26 Section 4 and sections 100 through 104 of this Act,
27 being deemed of immediate importance, take effect upon
28 enactment, and apply to notarial acts performed on or
29 after the effective date of this Act."

30 10. Title page, line 1, by inserting after the
31 word "to" the following: "corporate law and
32 procedures, including".

33 11. Title page, line 4, by inserting after the
34 word "Act" the following: ", and including an
35 effective date".

36 12. By renumbering, relettering, and
37 redesignating as necessary.

RICHARD VARN

S-5789

1 Amend Senate File 2422 as follows:

2 1. Page 1, by inserting after line 17 the
3 following:

4 "c. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
5 Salary for the secretary of agriculture:

6 \$ 59,400

7 d. OFFICE OF THE AUDITOR OF STATE

8 Salary for the auditor of state:

9 \$ 59,400

10 e. OFFICE OF THE SECRETARY OF STATE
 11 Salary for the secretary of state:
 12 \$ 59,400
 13 f. OFFICE OF THE TREASURER OF STATE
 14 Salary for the treasurer of state:
 15 \$ 59,400
 16 2. Page 5, by striking lines 24 through 26 and
 17 inserting the following: "commissioner."

DALE TIEDEN
 RICHARD F. DRAKE

S-5790

1 Amend Senate File 2423 as follows:
 2 1. Page 48, by inserting after line 13, the
 3 following:
 4 "Sec. ____ . Section 279.10, subsection 1, Code
 5 1989, is amended to read as follows:
 6 1. The school year shall begin on the first day of
 7 July and each regularly established elementary and
 8 secondary school shall begin no sooner than a day
 9 during the calendar week in which the first day of
 10 September falls but no later than the first Monday in
 11 December. However, if the first day of September
 12 falls on a Sunday, school may begin on a day during
 13 the calendar week which immediately precedes the first
 14 day of September. School shall continue for at least
 15 one hundred eighty days, except as provided in
 16 subsection 3, and may be maintained during the entire
 17 calendar year. A school corporation may begin
 18 employment of personnel for in-service training and
 19 development purposes before the date to begin
 20 elementary and secondary school."
 21 2. By numbering, renumbering, and changing
 22 internal references as necessary.

WILMER RENSINK

S-5791

1 Amend House File 2551, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by inserting after line 32 the
 4 following:
 5 "Sec. ____ . Section 422.45, subsection 17, Code
 6 Supplement 1989, is amended to read as follows:
 7 17. The gross receipts from the sale of horses;

8 commonly known as draft horses, when purchased for use
9 and so used as a draft horse."

RAY TAYLOR

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2522

S-5792

1 Amend the Senate amendment, H-5868, to House File
2 2522, as passed by the House, as follows:
3 1. Page 1, line 7, by inserting after the word
4 "fee" the following: "of thirty dollars".
5 2. Page 1, line 10, by inserting after the word
6 "disabled" the following: "in combat".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2500

S-5793

1 Amend the Senate amendment, H-5874, to House File
2 2500, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 10 and 11.
5 2. Page 1, by striking lines 27 through 38.
6 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2326

S-5794

1 Amend Senate File 2326, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 1, line 3, by striking the word "Develop"
7 and inserting the following: "Establish by July 1,
8 1991, a six-month pilot project to develop".
9 3. Page 1, line 4, by inserting after the word

10 "guidelines" the following: "which are consistent
11 with the dietary guidelines for Americans recommended
12 dietary allowances established by the national
13 research council and regulations adopted by the United
14 States department of agriculture".

15 4. Page 1, line 9, by inserting after the words
16 "saturated fat," the following: "sugar, sodium,
17 fiber,".

18 5. Page 1, line 10, by striking the word
19 "provide" and inserting the following: "encourage".

20 6. Page 1, line 12, by inserting after the words
21 "saturated fat," the following: "sugar, sodium,".

22 7. Page 1, line 15, by inserting after the figure
23 "1990." the following: "If, however, dietary
24 guidelines for children are published by the United
25 States department of agriculture and department of
26 health and human services, the nutrition guidelines
27 used in the pilot project shall conform to the new
28 federal dietary guidelines for children. The
29 department shall, through establishment of the pilot
30 project, determine the feasibility of extending the
31 nutrition guidelines established in the project to
32 other schools and school districts in the state. In
33 determining the feasibility of extending the nutrition
34 guidelines, the department shall consult with school
35 food service directors in the state. The department
36 shall submit a report to the general assembly
37 outlining and describing the proposed pilot project,
38 including the proposed pilot project guidelines, by
39 January 1, 1991, and shall submit, at the conclusion
40 of the pilot project, a report, along with any
41 recommendations, relating to the modification of those
42 guidelines and the feasibility of extending the
43 guidelines to other schools and school districts.

44 8. Page 1, by inserting after line 15, the
45 following:

46 "NEW SUBSECTION. 40. Provide educational
47 resources and technical assistance to schools relating
48 to the implementation of the nutritional guidelines
49 for food and beverages sold on public school grounds
50 or on the grounds of nonpublic schools receiving funds

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1 under section 283A.10."

2 9. Page 1, line 22, by striking the words "under
3 section 256.9".

4 10. Page 3, by striking lines 19 through 29.

5 11. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 390

S-5795

- 1 Amend Senate File 390, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 2,
4 line 21.
- 5 2. Page 2, line 31, by striking the words "five
6 two" and inserting the following: "five".
- 7 3. By striking page 3, line 18 through page 6,
8 line 4, and inserting the following:
- 9 "Sec. ____ . Section 654.16, Code 1989, is amended
10 by striking the section and inserting in lieu thereof
11 the following:
- 12 654.16 SEPARATE REDEMPTION OF HOMESTEAD.
- 13 If a sheriff's sale is ordered on agricultural land
14 used for farming, as defined in section 175.2, the
15 mortgagor may, by a date set by the court but not
16 later than ten days before the sale, designate to the
17 court the portion of the land which the mortgagor
18 claims as a homestead. The homestead may be any
19 contiguous portion of forty acres or less of the real
20 estate subject to the sheriff's sale. The homestead
21 shall contain the residence of the mortgagor and shall
22 be as compact as practicable.
- 23 If a homestead is designated, the court shall
24 determine the fair market value of the designated
25 homestead before the sheriff's sale. The court may
26 consult with the county appraisers appointed pursuant
27 to section 450.24, or with one or more independent
28 appraisers, to determine the fair market value of the
29 designated homestead.
- 30 The mortgagor may redeem the designated homestead
31 by tendering the lesser of either any amount
32 separately bid for the designated homestead at the
33 sheriff's sale pursuant to procedures set forth in
34 chapter 628, or the fair market value, as determined
35 pursuant to this section, of the designated homestead
36 at any time within one year from the date of the
37 sheriff's sale, pursuant to the procedures set forth
38 in chapter 628.
- 39 Sec. ____ . NEW SECTION. 654.16A RIGHT OF FIRST
40 REFUSAL FOLLOWING RECORDING OF SHERIFF'S DEED TO
41 AGRICULTURAL LAND.
- 42 1. Not later than the time a sheriff's deed to
43 agricultural land used for farming, as defined in

44 section 175.2, is recorded, the grantee recording the
45 sheriff's deed shall notify the mortgagor of the
46 mortgagor's right of first refusal. The grantee shall
47 record the sheriff's deed within one year and sixty
48 days from the date of the sheriff's sale. A copy of
49 this section, titled "Notice of Right of First
50 Refusal" is sufficient notice.

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1 2. If, after a sheriff's deed is recorded, the
2 grantee proposes to sell or otherwise dispose of the
3 agricultural land, in a transaction other than a
4 public auction, the grantee shall first offer the
5 mortgagor the opportunity to repurchase the
6 agricultural land on the same terms and at the same
7 price that the grantee proposes to sell or dispose of
8 the agricultural land. If the grantee seeks to sell
9 or otherwise dispose of the agricultural land by
10 public auction, the mortgagor must be given sixty
11 days' notice of all of the following:

- 12 a. The date, time, place, and procedures of the
13 auction sale.
- 14 b. Any minimum terms or limitations imposed upon
15 the auction.

16 3. The grantee is not required to offer the
17 mortgagor financing for the purchase of the
18 agricultural land.

19 4. The mortgagor has ten business days after being
20 given notice of the terms and price of the proposed
21 sale or disposition, other than a public auction, in
22 which to exercise the right to repurchase the
23 agricultural land by submitting a binding offer to the
24 grantee on the same terms as the proposed sale or
25 other disposition, with closing to occur within thirty
26 days after the offer unless otherwise agreed by the
27 grantee. After the expiration of either the period
28 for offer or the period for closing, without
29 submission of an offer or a closing occurring, the
30 grantee may sell or otherwise dispose of the
31 agricultural land to any other person on the terms
32 upon which it was offered to the mortgagor.

33 5. Notice of the mortgagor's right of first
34 refusal, a proposed sale, auction, or other
35 disposition, or the submission of a binding offer by
36 the mortgagor, is considered given on the date that
37 notice or offer is personally served on the other
38 party or on the date that notice or offer is mailed to
39 the other party's last known address by registered or
40 certified mail, return receipt requested. The right

41 of first refusal provided in this section is not
 42 assignable, but may be exercised by the mortgagor's
 43 successor in interest, receiver, personal
 44 representative, executor, or heir only in case of
 45 bankruptcy, receivership, or death of the mortgagor."
 46 4. Page 6, by striking lines 7 through 10.
 47 5. Page 6, lines 11 and 12, by striking the words
 48 and figure "section 3 of".
 49 6. Page 6, lines 17 and 18, by striking the words
 50 and figure "section 4 of".

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1 7. Page 6, by inserting after line 21 the
 2 following:
 3 "Sec. ____
 4 Section 654.16A applies to all foreclosure actions
 5 filed on or after the effective date of this Act, and
 6 is retroactive to all foreclosure actions for which a
 7 sheriff's sale has not been held on the effective date
 8 of this Act."

HOUSE AMENDMENT TO
 SENATE FILE 2379

S-5796

1 Amend Senate File 2379, 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 455B.131, Code 1989, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 10. "Earthen waste slurry storage
 8 basin" means an uncovered and exclusively earthen
 9 cavity which, on a regular basis, receives waste
 10 discharges from a confinement animal feeding operation
 11 if accumulated wastes from the basin are completely
 12 removed at least twice each year.
 13 Sec. 2. Section 455B.134, subsection 3, paragraph
 14 e. subparagraph (1), unnumbered paragraphs 1 and 2,
 15 Code 1989, are amended to read as follows:
 16 Notwithstanding any other provision of division II
 17 of this chapter, the following siting requirements
 18 shall apply to anaerobic lagoons and earthen waste
 19 slurry storage basins:
 20 Anaerobic lagoons or earthen waste slurry storage
 21 basins, which are used in connection with animal

22 feeding operations containing less than six hundred
23 twenty-five thousand pounds live animal weight
24 capacity of animal species other than beef cattle or
25 containing less than one million six hundred thousand
26 pounds live animal weight capacity of beef cattle,
27 shall be located at least one thousand two hundred
28 fifty feet from a residence not owned by the owner of
29 the feeding operation or from a public use area other
30 than a public road. Anaerobic lagoons or earthen
31 waste slurry storage basins, which are used in
32 connection with animal feeding operations containing
33 six hundred twenty-five thousand pounds or more live
34 animal weight capacity of animal species other than
35 beef cattle or containing one million six hundred
36 thousand pounds or more live animal weight capacity of
37 beef cattle, shall be located at least one thousand
38 eight hundred seventy-five feet from a residence not
39 owned by the owner of the feeding operation or from a
40 public use area other than a public road. For the
41 purpose of this paragraph the determination of live
42 animal weight capacity shall be based on the average
43 animal weight capacity during a production cycle and
44 the maximum animal capacity of the animal feeding
45 operation. These separation distances apply to the
46 construction of new facilities and the expansion of
47 existing facilities.

48 Sec. 3. Section 455B.134, subsection 3, paragraph
49 e, subparagraph (2), Code 1989, is amended to read as
50 follows:

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1 (2) A person may build or expand an anaerobic
2 lagoon or an earthen waste slurry storage basin closer
3 to a residence not owned by the owner of the anaerobic
4 lagoon or to a public use area than is otherwise
5 permitted by subparagraph (1) of this paragraph, if
6 the affected landowners enter into a written agreement
7 with the anaerobic lagoon owner to waive the
8 separation distances under such terms the parties
9 negotiate. The written agreement becomes effective
10 only upon recording in the office of the recorder of
11 deeds of the county in which the residence is located.

12 Sec. 4.

13 This Act applies to earthen waste slurry storage
14 basins constructed on or after July 1, 1990."

15 2. Title page, line 1, by striking the words
16 "anaerobic lagoons" and inserting the following:
17 "earthen waste slurry storage basins".

S-5797

- 1 Amend Senate File 2422 as follows:
- 2 1. Page 1, by striking lines 16 and 17 and
- 3 inserting the following:
- 4 "Salary for the attorney general:
- 5 \$ 71,750".

DALE TIEDEN
JOE WELSH

S-5798

- 1 Amend Senate File 2423, as follows:
- 2 1. Page 16, line 27, by inserting after the
- 3 figure "1992," the following: "for expenditures
- 4 incurred by school districts during the previous
- 5 fiscal year".

RICHARD VARN

S-5799

- 1 Amend House File 2552, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by inserting after line 1 the
- 4 following:
- 5 "Sec. ____ . Section 424.2, subsection 12, Code
- 6 Supplement 1989, is amended to read as follows:
- 7 12. "Tank" means an underground storage tank
- 8 subject to regulation under chapter 455G or an above-
- 9 ground storage tank, as defined in section 101.21, if
- 10 the aboveground storage tank is used in the retail
- 11 sale of motor vehicle fuels."
- 12 2. Page 19, line 1, by striking the word "sub-
- 13 section" and inserting the following: "subsections".
- 14 3. Page 19, by inserting after line 18, the
- 15 following:
- 16 "NEW SUBECTION. 9. The board may offer an
- 17 insurance policy to an owner or operator of a
- 18 petroleum aboveground storage tank on the same terms
- 19 and conditions as for a petroleum underground storage
- 20 tank."
- 21 4. By renumbering as necessary.

MARK HAGERLA

S-5800

- 1 Amend Senate File 2423 as follows:
- 2 1. Page 16, line 23, by striking the figure
- 3 "91,007,985" and inserting the following:
- 4 "92,007,985".

MAGGIE TINSMAN
MIKE CONNOLLY
ELAINE SZYMONIAK
JOY CORNING
JACK RIFE
RAY TAYLOR
LARRY MURPHY

S-5801

- 1 Amend Senate File 2338 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 97A.4, unnumbered paragraph 1,
- 5 Code 1989, is amended to read as follows:
- 6 ~~The board of trustees shall fix and determine by~~
- 7 ~~proper rules how much service in any year shall be~~
- 8 ~~Service for fewer than six months of a year is not~~
- 9 ~~creditable as service. Service of six months or more~~
- 10 ~~of a year is~~ equivalent to one year of service, but in
- 11 no case shall more than one year of service be
- 12 creditable for all service in one calendar year, nor
- 13 shall the board of trustees allow credit as service
- 14 for any period of more than one month duration during
- 15 which the member was absent without pay.
- 16 Sec. 2. Section 97A.5, subsection 8, Code 1989, is
- 17 amended to read as follows:
- 18 8. MEDICAL BOARD. The board of trustees shall
- 19 designate a medical board to be composed of three
- 20 physicians who shall arrange for and pass upon the
- 21 medical examinations required under the provisions of
- 22 this chapter and shall report in writing to the board
- 23 of trustees, its conclusions and recommendations upon
- 24 all matters duly referred to it. Each report of a
- 25 medical examination under section 97A.6, subsections 3
- 26 and 5, shall include the medical board's rating as to
- 27 the extent of the member's physical impairment.
- 28 Sec. 3. Section 97A.6, subsection 1, paragraph b,
- 29 Code 1989, is amended to read as follows:
- 30 b. Any member in service who has been a member of
- 31 the retirement system ~~fifteen~~ four or more years and

32 whose employment is terminated prior to the member's
 33 retirement, other than by death or disability, shall
 34 upon attaining retirement age, receive a service
 35 retirement allowance of ~~fifteen~~ four twenty-seconds of
 36 the retirement allowance the member would receive at
 37 retirement if the member's employment had not been
 38 terminated, and an additional one twenty-second of
 39 such retirement allowance for each additional year of
 40 service not exceeding twenty-two years of service.
 41 The amount of the retirement allowance shall be
 42 calculated in the manner provided in this paragraph
 43 using the average final compensation at the time of
 44 termination of employment.

45 Sec. 4. Section 97A.6, subsection 2, Code 1989, is
 46 amended to read as follows:

47 2. ALLOWANCE ON SERVICE RETIREMENT.

48 a. Upon retirement from service prior to July 1,
 49 1990, a member shall receive a service retirement
 50 allowance which shall consist of a pension which shall

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1 ~~equal one-half equals~~ fifty percent of the member's
 2 average final compensation.

3 b. Upon retirement from service on or after July
 4 1, 1990, a member shall receive a service retirement
 5 allowance which shall consist of a pension which
 6 equals fifty-two percent of the member's average final
 7 compensation.

8 c. Commencing July 1, 1991, the board of trustees
 9 shall increase the percentage multiplier of the
 10 member's average final compensation by an additional
 11 percentage each July 1, which is equivalent to the
 12 additional percentage, if any, provided by the Iowa
 13 public employees' retirement system under section
 14 97B.49, subsection 5, paragraph "b", for the
 15 succeeding fiscal year, until reaching sixty percent
 16 of the member's average final compensation.

17 d. Commencing July 1, 1990, if the member has
 18 completed more than twenty-two years of creditable
 19 service, the service retirement allowance shall
 20 consist of a pension which equals the amount provided
 21 in paragraphs "b" and "c", and the member shall also
 22 be eligible for a social security replacement benefit
 23 upon attaining the age of sixty-five years, which
 24 shall consist of an additional percentage as set forth
 25 below:

26 (1) For a member who terminates service, other
 27 than by death or disability, on or after July 1, 1990,

28 but before July 1, 1991, and who does not withdraw the
29 member's contributions pursuant to section 97A.16,
30 upon the member's attaining the age of sixty-five
31 years there shall be added three-tenths percent of the
32 member's average final compensation for each year of
33 service over twenty-two years, excluding years of
34 service after the member's fifty-fifth birthday.
35 However, this subparagraph does not apply to more than
36 eight additional years of service.

37 (2) For a member who terminates service, other
38 than by death or disability, on or after July 1, 1991,
39 but before July 1, 1992, and who does not withdraw the
40 member's contributions pursuant to section 97A.16,
41 upon the member's attaining the age of sixty-five
42 years there shall be added six-tenths percent of the
43 member's average final compensation for each year of
44 service over twenty-two years, excluding years of
45 service after the member's fifty-fifth birthday.
46 However, this subparagraph does not apply to more than
47 eight additional years of service.

48 (3) For a member who terminates service, other
49 than by death or disability, on or after July 1, 1992,
50 but before July 1, 1993, and who does not withdraw the

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1 member's contributions pursuant to section 97A.16,
2 upon the member's attaining the age of sixty-five
3 years there shall be added nine-tenths percent of the
4 member's average final compensation for each year of
5 service over twenty-two years, excluding years of
6 service after the member's fifty-fifth birthday.
7 However, this subparagraph does not apply to more than
8 eight additional years of service.

9 (4) For a member who terminates service, other
10 than by death or disability, on or after July 1, 1993,
11 but before July 1, 1994, and who does not withdraw the
12 member's contributions pursuant to section 97A.16,
13 upon the member's attaining the age of sixty-five
14 years there shall be added one and two-tenths percent
15 of the member's average final compensation for each
16 year of service over twenty-two years, excluding years
17 of service after the member's fifty-fifth birthday.
18 However, this subparagraph does not apply to more than
19 eight additional years of service.

20 (5) For a member who terminates service, other
21 than by death or disability, on or after July 1, 1994,
22 and who does not withdraw the member's contributions
23 pursuant to section 97A.16, upon the member's

24 attaining the age of sixty-five years there shall be
25 added one and five-tenths percent of the member's
26 average final compensation for each year of service
27 over twenty-two years, excluding years of service
28 after the member's fifty-fifth birthday. However,
29 this subparagraph does not apply to more than eight
30 additional years of service.

31 Sec. 5. Section 97A.6, subsection 6, Code 1989, is
32 amended to read as follows:

33 6. RETIREMENT AFTER ACCIDENT.

34 a. Upon retirement for accidental disability prior
35 to July 1, 1990, a member shall receive an accidental
36 disability retirement allowance which shall consist of
37 a pension equal to sixty-six and two-thirds percent of
38 the member's average final compensation.

39 b. Upon retirement for accidental disability on or
40 after July 1, 1990, a member shall receive an
41 accidental disability retirement allowance which shall
42 consist of a pension equal to sixty percent of the
43 member's average final compensation.

44 Sec. 6. Section 97A.6, subsection 8, paragraph a,
45 Code 1989, is amended to read as follows:

46 a. Upon the receipt of proof of the death of a
47 member in service, or a member not in service who has
48 completed fifteen four or more years of service as
49 provided in subsection 1, paragraph "b", there shall
50 be paid to the person designated by the member to the

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1 board of trustees as the member's beneficiary if the
2 member has had one or more years of membership service
3 and no pension is payable under subsection 9, an
4 amount equal to fifty percent of the compensation
5 earned by the member during the year immediately
6 preceding the member's death if the member is in
7 service, or an amount equal to fifty percent of the
8 compensation earned by the member during the member's
9 last year of service if the member is not in service.

10 Sec. 7. Section 97A.6, subsection 14, paragraph a,
11 subparagraphs (1), (2), and (3), Code 1989, are
12 amended to read as follows:

13 (1) Twenty-five percent for members receiving a
14 service retirement allowance and for beneficiaries
15 receiving a pension under subsection 9 of this
16 section. However, effective July 1, 1990, for members
17 who retired before that date, thirty percent shall be
18 the applicable percentage for members and
19 beneficiaries under this subparagraph.

20 (2) Twenty Twenty-five percent for members with

21 five or more years of membership service who are
22 receiving an ordinary disability retirement allowance.
23 However, effective July 1, 1984, for members who
24 retired before July 1, 1979, and effective July 1,
25 1988, for members who retire on or after July 1, 1988,
26 twenty-five percent shall be used for members who are
27 receiving an ordinary disability retirement allowance.
28 However, effective July 1, 1990, for members who
29 retired before that date, thirty percent shall be the
30 applicable percentage for members under this
31 subparagraph.

32 (3) Twelve and one-half percent for members with
33 less than five years of membership service who are
34 receiving an ordinary disability retirement allowance,
35 and for beneficiaries receiving a pension under
36 subsection 8 of this section. However, effective July
37 1, 1990, for members who retired before that date,
38 fifteen percent shall be the applicable percentage for
39 members and beneficiaries under this subparagraph.

40 Sec. 8. Section 97A.6, Code 1989, is amended by
41 adding the following new subsection:

42 **NEW SUBSECTION. 15. REMARRIAGE OF SURVIVING**

43 **SPOUSE.** Effective July 1, 1990, for a member who died
44 prior to July 1, 1988, if the member's surviving
45 spouse remarried prior to July 1, 1988, the remarriage
46 does not make the spouse ineligible under subsection
47 8, paragraph "c", subparagraphs (1) and (2), to
48 receive benefits under subsections 8, 9, 12, and 14.

49 Sec. 9. Section 97A.6, Code 1989, is amended by
50 adding the following new subsection:

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1 **NEW SUBSECTION. 16.** Notwithstanding any other
2 provision of this chapter, a member's average final
3 compensation shall be computed using only the covered
4 portion of the member's earnable compensation for each
5 applicable year as shown in the following paragraphs.
6 However, the average final compensation of a member in
7 active service on June 30, 1990, shall not be lower
8 than it would have been if the computation had been
9 made as of June 30, 1990, on the basis of the member's
10 earnable compensation for years ending on or before
11 that date.

12 a. For each calendar year beginning prior to
13 January 1, 1990, the covered portion of the member's
14 earnable compensation is the entire amount of the
15 member's earnable compensation.

16 b. For the calendar year beginning January 1,
17 1990, the covered portion of the member's earnable

18 compensation is the entire amount of the member's
19 earnable compensation or twenty-eight thousand
20 dollars, whichever is less.

21 c. For the calendar year beginning January 1,
22 1991, the covered portion of the member's earnable
23 compensation is the entire amount of the member's
24 earnable compensation or thirty-one thousand dollars,
25 whichever is less.

26 d. For the calendar year beginning January 1,
27 1992, the covered portion of the member's earnable
28 compensation is the entire amount of the member's
29 earnable compensation or thirty-four thousand dollars,
30 whichever is less.

31 e. For the calendar year beginning January 1,
32 1993, the covered portion of the member's earnable
33 compensation is the entire amount of the member's
34 earnable compensation or thirty-seven thousand
35 dollars, whichever is less.

36 f. For the calendar year beginning January 1,
37 1994, and each calendar year thereafter, the covered
38 portion of the member's earnable compensation is the
39 entire amount of the member's earnable compensation or
40 forty thousand dollars, whichever is less.

41 Sec. 10. NEW SECTION. 97A.6A OPTIONAL RETIREMENT
42 BENEFITS.

43 In lieu of the retirement benefits and refund of
44 contributions provided for members of the system and
45 the members' beneficiaries under sections 97A.6 and
46 97A.16, members may elect to receive an optional
47 retirement benefit during the member's lifetime and
48 have the optional retirement benefit, or a designated
49 fraction of the optional retirement benefit, continued
50 and paid to the members beneficiary after the member's

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1 death and during the lifetime of the beneficiary. The
2 optional retirement benefit shall be determined at the
3 time of the member's retirement based upon whether the
4 member retires under service retirement, accidental
5 disability, or ordinary disability.

6 The member shall make the election request in
7 writing to the board of trustees prior to retirement.
8 The election is subject to the approval of the board
9 of trustees. If the member is married, the election
10 of an option under this section requires the written
11 acknowledgement of the member's spouse. The member
12 may revoke the election prior to retirement by written
13 request to the board of trustees, but cannot revoke
14 the election after retirement. The election request

15 applies to retirement under service retirement,
16 accidental disability and ordinary disability,
17 whichever is applicable at the time of the member's
18 retirement.

19 Optional retirement benefits shall be the actuarial
20 equivalent of the amounts of the retirement benefits
21 payable to members and beneficiaries under section
22 97A.6. The actuarial equivalent shall be based on the
23 mortality and interest assumptions set out in section
24 97A.5.

25 If the member dies without a beneficiary prior to
26 retirement or prior to receipt in benefits of an
27 amount equal to the total amount remaining to the
28 member's credit at the time of separation from
29 service, the election is null and void.

30 If the member dies with a beneficiary prior to
31 retirement, the election remains valid and the
32 beneficiary is entitled to receive the retirement
33 benefit beginning at the death of the member.

34 If the member dies with a beneficiary and the
35 beneficiary subsequently dies prior to receipt in
36 retirement benefits by both the member and the
37 beneficiary of an amount equal to the total amount
38 remaining to the member's credit at the time of
39 separation from service, the election remains valid.

40 For the purpose of this section, "beneficiary"
41 means a spouse, child, or a dependent parent.

42 Sec. 11. Section 97A.8, subsection 1, paragraphs
43 b, c, and f, Code 1989, are amended to read as
44 follows:

45 b. On the basis of the rate of interest and of
46 ~~such the~~ mortality, interest, and other tables as
47 ~~shall be~~ adopted by the board of trustees, the state
48 commissioner of insurance shall make each valuation
49 required by this chapter and shall immediately after
50 making such valuation, determine the "normal

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1 contribution rate". The normal contribution rate shall
2 be the rate percent of the earnable compensation of
3 all members obtained by deducting from the total
4 liabilities of the fund the sum of the amount of the
5 funds in hand to the credit of the fund and dividing
6 the remainder by one percent of the present value of
7 the prospective future compensation of all members as
8 computed on the basis of the rate of interest and of
9 mortality and service tables adopted by the board of
10 trustees, all reduced by the employee contribution
11 made pursuant to ~~paragraph "f"~~ of this subsection.

12 However, the normal rate of contribution shall not be
 13 less than seventeen and five hundredths percent. The
 14 normal rate of contribution shall be determined by the
 15 state commissioner of insurance after each valuation.

16 c. The total amount payable in each year to the
 17 pension accumulation fund shall not be less than the
 18 rate percent known as the normal contribution rate of
 19 the total compensation earnable by all members during
 20 the year; provided, however, that or eighteen and two-
 21 tenths percent of such total compensation earnable by
 22 all members during the year, whichever is less.
 23 However, the aggregate payment by the state shall be
 24 sufficient when combined with the amount in the fund
 25 to provide the pensions and other benefits payable out
 26 of the fund during the then current year.

27 The system shall develop a financial plan for
 28 making the system actuarially sound on or before June
 29 30, 1996. The plan shall be submitted to the general
 30 assembly on or before January 1, 1991. As used in
 31 this paragraph, "actuarially sound" means that the
 32 accrued assets equal the accrued benefits.

33 Notwithstanding any other provision of this
 34 chapter, beginning July 1, 1996, and each fiscal year
 35 thereafter, the normal contribution rate shall be
 36 equivalent to the employer contribution rate provided
 37 under section 411.8, subsection 1, paragraph "b", for
 38 the statewide fire and police retirement system for
 39 the applicable fiscal year.

40 f. Except as otherwise provided in paragraph "h":
 41 (1) An amount equal to three and one-tenth percent
 42 of each member's compensation from the earnable
 43 compensation of the member shall be paid to the
 44 pension accumulation fund for the fiscal year
 45 beginning July 1, 1989.

46 (2) An amount equal to four and four-tenths
 47 percent of each member's compensation from the
 48 earnable compensation of the member shall be paid to
 49 the pension accumulation fund for the fiscal year
 50 beginning July 1, 1990.

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1 (3) An amount equal to five and seven-tenths
 2 percent of each member's compensation from the
 3 earnable compensation of the member shall be paid to
 4 the pension accumulation fund for the fiscal year
 5 beginning July 1, 1991.

6 (4) An amount equal to seven percent of each
 7 member's compensation from the earnable compensation
 8 of the member shall be paid to the pension

9 accumulation fund for the fiscal year beginning July
10 1, 1992.

11 (5) An amount equal to eight and three-tenths
12 percent of each member's compensation from the
13 earnable compensation of the member shall be paid to
14 the pension accumulation fund for the fiscal year
15 beginning July 1, 1993.

16 (6) An amount equal to nine and six-tenths percent
17 of each member's compensation from the earnable
18 compensation of the member shall be paid to the
19 pension accumulation fund for the fiscal year
20 beginning July 1, 1994.

21 (7) An amount equal to ten and nine-tenths percent
22 of each member's compensation from the earnable
23 compensation of the member shall be paid to the
24 pension accumulation fund for the fiscal year
25 beginning July 1, 1995.

26 (8) Notwithstanding any other provision of this
27 chapter, beginning July 1, 1996, and each fiscal year
28 thereafter, the member's contribution rate shall be
29 equivalent to the member's contribution rate provided
30 under section 411.8, subsection 1, paragraph "f", for
31 the statewide fire and police retirement system for
32 the applicable fiscal year.

33 Sec. 12. Section 97A.8, subsection 1, Code 1989,
34 is amended by adding the following new paragraph:
35 NEW PARAGRAPH. h. Notwithstanding the provisions
36 of paragraph "f", the following transition percentages
37 apply to members' contributions as specified:

38 (1) For members who on July 1, 1990, have attained
39 the age of forty-nine years or more, an amount equal
40 to ten and nine-tenths percent of each member's
41 compensation from the earnable compensation of the
42 member shall be paid to the pension accumulation fund
43 for the fiscal year beginning July 1, 1990, and each
44 fiscal year thereafter.

45 (2) For members who on July 1, 1990, have attained
46 the age of forty-eight years but have not attained the
47 age of forty-nine years, an amount equal to nine and
48 six-tenths percent shall be paid for the fiscal year
49 beginning July 1, 1990, and an amount equal to ten and
50 nine-tenths percent shall be paid for the fiscal year

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1 beginning July 1, 1991, and each fiscal year
2 thereafter.

3 (3) For members who on July 1, 1990, have attained
4 the age of forty-seven years but have not attained the
5 age of forty-eight years, an amount equal to eight and

6 three-tenths percent shall be paid for the fiscal year
7 beginning July 1, 1990, an amount equal to nine and
8 six-tenths percent shall be paid for the fiscal year
9 beginning July 1, 1991, and an amount equal to ten and
10 nine-tenths percent shall be paid for the fiscal year
11 beginning July 1, 1992, and each fiscal year
12 thereafter.

13 (4) For members who on July 1, 1990, have attained
14 the age of forty-six years but have not attained the
15 age of forty-seven years, an amount equal to seven
16 percent shall be paid for the fiscal year beginning
17 July 1, 1990, an amount equal to eight and three-
18 tenths percent shall be paid for the fiscal year
19 beginning July 1, 1991, an amount equal to nine and
20 six-tenths percent shall be paid for the fiscal year
21 beginning July 1, 1992, and an amount equal to ten and
22 nine-tenths percent shall be paid for the fiscal year
23 beginning July 1, 1993, and each fiscal year
24 thereafter.

25 (5) For members who on July 1, 1990, have attained
26 the age of forty-five years but have not attained the
27 age of forty-six years, an amount equal to five and
28 seven-tenths percent shall be paid for the fiscal year
29 beginning July 1, 1990, an amount equal to seven
30 percent shall be paid for the fiscal year beginning
31 July 1, 1991, an amount equal to eight and three-
32 tenths percent shall be paid for the fiscal year
33 beginning July 1, 1992, an amount equal to nine and
34 six-tenths percent shall be paid for the fiscal year
35 beginning July 1, 1993, and an amount equal to ten and
36 nine-tenths percent shall be paid for the fiscal year
37 beginning July 1, 1994, and each fiscal year
38 thereafter.

39 Sec. 13. Section 97A.8, subsection 1, Code 1989,
40 is amended by adding the following new paragraph:
41 NEW PARAGRAPH. i. Notwithstanding any other
42 provision of this chapter, employer and employee
43 contributions shall be computed on only the covered
44 portion of the member's earnable compensation for the
45 applicable year as shown in the following
46 subparagraphs:

47 (1) For the calendar year beginning January 1,
48 1990, the covered portion of the member's earnable
49 compensation is twenty-eight thousand dollars.

50 (2) For the calendar year beginning January 1,

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1 1991, the covered portion of the member's earnable
2 compensation is thirty-one thousand dollars.

3 (3) For the calendar year beginning January 1,
4 1992, the covered portion of the member's earnable
5 compensation is thirty-four thousand dollars.

6 (4) For the calendar year beginning January 1,
7 1993, the covered portion of the member's earnable
8 compensation is thirty-seven thousand dollars.

9 (5) For the calendar year beginning January 1,
10 1994, and each calendar year thereafter, the covered
11 portion of the member's earnable compensation is forty
12 thousand dollars.

13 Sec. 14. Section 97A.15, subsection 2, paragraph
14 g, Code 1989, is amended to read as follows:

15 g. "Member who became vested" and "vested member"
16 mean a member who has been a member of the retirement
17 system ~~fifteen~~ four or more years and is entitled to
18 benefits under this chapter.

19 Sec. 15. NEW SECTION. 97A.16 WITHDRAWAL OF
20 CONTRIBUTIONS.

21 Commencing July 1, 1990, if an active member, in
22 service on or after that date, terminates service,
23 other than by death or disability, the member may
24 elect to withdraw the member's contributions under
25 section 97A.8, subsection 1, paragraphs "f" and "h",
26 together with interest thereon at a rate determined by
27 the board of trustees. If a member withdraws
28 contributions as provided in this section, the member
29 shall be deemed to have waived all claims for other
30 benefits from the system for the period of membership
31 service for which the contributions are withdrawn.

32 Sec. 16. Section 97B.15, Code 1989, is amended to
33 read as follows:

34 97B.15 RULES.

35 The department may ~~make~~ adopt rules under chapter
36 17A and establish procedures, not inconsistent with
37 this chapter, which are necessary or appropriate to
38 implement this chapter and shall adopt reasonable and
39 proper rules to regulate and provide for the nature
40 and extent of the proofs and evidence and the method
41 of taking and furnishing the proofs and evidence in
42 order to establish the right to benefits under this
43 chapter. The department may adopt rules to conform
44 the requirements for receipt of retirement benefits
45 under this chapter to the mandates of applicable
46 federal statutes and regulations ~~governing age~~
47 ~~discrimination or the taxation of distributions.~~

48 Sec. 17. Section 97B.41, subsection 1, paragraph
49 b, subparagraph (9), Code 1989, is amended by striking
50 the subparagraph and inserting in lieu thereof the

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1 following:

2 (9) For the calendar year beginning January 1,
3 1989, and ending December 31, 1989, wages not in
4 excess of twenty-six thousand dollars.

5 Sec. 18. Section 97B.41, subsection 1, paragraph
6 b, Code 1989, is amended by adding the following new
7 subparagraphs after subparagraph (9) and renumbering
8 the subsequent subparagraphs:

9 NEW SUBPARAGRAPH. (10) For the calendar year
10 beginning January 1, 1990, and ending December 31,
11 1990, wages not in excess of twenty-eight thousand
12 dollars.

13 NEW SUBPARAGRAPH. (11) Commencing January 1,
14 1991, for each calendar year, the department shall
15 increase the covered wages limitation from the
16 previous calendar year by three thousand dollars if
17 the annual actuarial valuation of the assets and
18 liabilities of the retirement system indicates that
19 the cost of the increase in covered wages can be
20 absorbed within the employer and employee contribution
21 rates in effect under section 97B.11. However,
22 covered wages shall not exceed forty thousand dollars
23 for a calendar year.

24 Sec. 19. Section 97B.41, subsection 3, paragraph
25 b, subparagraph (1), Code 1989, is amended by striking
26 the subparagraph and inserting in lieu thereof the
27 following:

28 (1) Elective officials in positions for which the
29 compensation is on a fee basis, elective officials of
30 school districts, elective officials of townships, and
31 elective officials of other political subdivisions who
32 are in part-time positions, unless the elective
33 official makes an application to the department to be
34 covered under this chapter. An elective official who
35 made an application to the department to be covered
36 under this chapter may terminate membership under this
37 chapter by informing the department in writing of the
38 member's termination. A county attorney is an
39 employee for purposes of this chapter whether that
40 county attorney is employed on a full-time or part-
41 time basis.

42 Graduate medical students while serving as interns
43 or resident doctors in training at any hospital, or
44 county medical examiners and deputy county medical
45 examiners under chapter 331, division V, part 8.

46 Sec. 20. Section 97B.41, subsection 10, Code 1989,
47 is amended to read as follows:

48 10. a. "Vested member" means a member who

49 terminated employment in accordance with one of the
50 following paragraphs meets one of the following

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1 requirements:

- 2 a. (1) Prior to July 1, 1965, after having had
3 attained the age of forty-eight and completed at least
4 eight years of service.
- 5 b. (2) Between July 1, 1965 and June 30, 1973,
6 after having had completed at least eight years of
7 service.
- 8 e. (3) On or after July 1, 1973, after having has
9 completed at least four years of service.
- 10 d. (4) After having Has attained the age of fifty-
11 five.
- 12 e. (5) On or after July 1, 1988, an inactive
13 member who had accumulated, as of the date of the
14 member's last termination of employment, years of
15 membership service equal to or exceeding the years of
16 membership service specified in this subsection for
17 qualifying as a vested member on that date of
18 termination.
- 19 b. "Active vested member" means an active member
20 who has attained sufficient membership service to
21 achieve vested status.
- 22 c. "Inactive vested member" means an inactive
23 member who was a vested member at the time of
24 termination of employment.
- 25 Sec. 21. Section 97B.41, subsection 15, Code 1989,
26 is amended to read as follows:
- 27 15. "Years of prior service" means the total of
28 all periods of prior service of a member. In the
29 determination of such total years of prior service any
30 fraction of the total in excess of an integral number
31 of years which is at least six months shall be deemed
32 to be a complete year and any smaller fraction shall
33 be disregarded. In computing credit for prior
34 service, service of less than a full quarter shall be
35 rounded up to a full quarter. Where a member had
36 prior service as a teacher, a full year of service
37 shall be granted that member if the member had three
38 quarters of service and a contract for employment the
39 following school year.
- 40 Sec. 22. Section 97B.41, subsection 21, Code 1989,
41 is amended by striking the subsection.
- 42 Sec. 23. Section 97B.43, unnumbered paragraph 3,
43 Code 1989, is amended to read as follows:
- 44 Each individual who as of on or after July 1, 1978,

45 was an active, vested, or retired member and who (1)
46 made application for and received a refund of
47 contributions made under the abolished system or (2)
48 has on deposit with the retirement fund contributions
49 made under the abolished system shall be entitled to
50 credit for years of prior service in the determination

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1 of retirement allowance payments by filing a written
2 election with the department on or after July 1, 1978,
3 and by redepositing any withdrawn contributions under
4 the abolished system together with interest as stated
5 in this paragraph. Any individual who ~~as of on or~~
6 after July 1, 1978, is a retired member and who made
7 application for and received a refund of contributions
8 made under the abolished system, may, by filing a
9 written election with the department on or after July
10 1, 1978, have the department retain fifty percent of
11 the monthly increase in retiree benefits that will
12 accrue to the individual because of prior service. If
13 the monthly increase in retirement benefits is less
14 than ten dollars, the department shall retain five
15 dollars of the scheduled increase, and if the monthly
16 increase is less than five dollars, the provisions of
17 this paragraph shall not apply. The department shall
18 continue to retain such funds until the withdrawn
19 contributions, together with interest accrued to the
20 month in which the written election is filed, have
21 been repaid. Due notice of this provision shall be
22 sent to all retired members ~~as of on or after~~ July 1,
23 1978. However, this paragraph shall not apply to any
24 person who received a refund of any membership service
25 contributions unless the person repaid the membership
26 service contributions pursuant to section 97B.74;
27 ~~provided, however, that but~~ a refund of contributions
28 remitted for the calendar quarter ending September 30,
29 1953 which was based entirely upon employment which
30 terminated prior to July 4, 1953 shall not be
31 considered as a refund of membership service
32 contributions. The interest to be paid into the fund
33 shall be compounded at the rates credited to member
34 accounts from the date of payment of the refund of
35 contributions under the abolished system to the date
36 the member redeposits the refunded amount. The
37 provisions of the first paragraph of this section
38 relating to the consideration given to credited
39 amounts shall apply to the redeposited amounts or to
40 amounts left on deposit. Effective July 1, 1978, the
41 provisions of this paragraph shall apply to each

42 individual who ~~as of~~ on or after July 1, 1978, was an
43 active, vested, or retired member, but who was not in
44 service on July 4, 1953. The period for filing the
45 written election with the department and repositing
46 any withdrawn contributions together with interest
47 accrued shall commence July 1, 1978. A member who is
48 a retired member ~~as of~~ on or after July 1, 1978 may
49 file written election with the department on or after
50 July 1, 1978 to have the department retain fifty

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1 percent of the monthly increase as provided in this
2 paragraph.

3 Sec. 24. Section 97B.48, subsection 1, Code 1989,
4 is amended to read as follows:

5 1. Retirement allowances shall be paid monthly,
6 except that an allowance of less than ~~one hundred~~
7 twenty two hundred forty dollars a year ~~shall may, at~~
8 the member's option, be paid as a lump sum in an
9 actuarial equivalent amount. Receipt of the lump-sum
10 payment by a member shall terminate any and all
11 entitlement for the period of service covered of the
12 ~~said~~ member under this chapter.

13 Sec. 25. Section 97B.48, subsection 3, Code 1989,
14 is amended to read as follows:

15 3. If, after the first day of the month in which
16 the member attains the age of fifty-five years and
17 until the member's sixty-fifth birthday, a member who
18 is retired under this chapter is in regular full-time
19 employment, the member's retirement allowance shall be
20 suspended for as long as the member remains in
21 employment. However, effective January 1, ~~1989~~ 1991,
22 employment is not full-time employment until the
23 member receives remuneration in an amount in excess of
24 six thousand ~~one hundred twenty eight hundred forty~~
25 dollars for a calendar year. Effective the first of
26 the month in which a member attains the age of sixty-
27 five years, a retired member may receive a retirement
28 allowance after return to covered employment
29 regardless of the amount of remuneration received. As
30 of the first of the month in which the member attains
31 the age of seventy years, the member may receive a
32 retirement allowance determined under section 97B.49,
33 regardless of the amount of remuneration received.
34 Upon a retirement after reemployment, a retired member
35 may have the retired member's retirement allowance
36 redetermined under this section or section 97B.49 or
37 97B.50, whichever is applicable, based upon the
38 addition of credit for the years of membership service

39 of the employee after reemployment, the covered wage
 40 during reemployment, and the age of the employee after
 41 reemployment. The retired member shall not receive a
 42 retirement allowance based upon more than a total of
 43 thirty years of service.

44 Sec. 26. Section 97B.49, subsection 5, Code 1989,
 45 is amended to read as follows:

46 5. a. For each active member retiring on or after
 47 July 1, 1986, and before July 1, 1990, with four or
 48 more complete years of service, a monthly benefit
 49 shall be computed which is equal to one-twelfth of an
 50 amount equal to fifty percent of the three-year

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1 average covered wage multiplied by a fraction of years
 2 of service.

3 b. For each active member retiring on or after
 4 July 1, 1990, with four or more complete years of
 5 service, a monthly benefit shall be computed which is
 6 equal to one-twelfth of an amount equal to fifty-two
 7 percent of the three-year average covered wage
 8 multiplied by a fraction of years of service.
 9 Commencing July 1, 1991, the department shall
 10 increase the percentage multiplier of the three-year
 11 average covered wage by an additional two percent each
 12 July 1 until reaching sixty percent of the three-year
 13 average covered wage if the annual actuarial valuation
 14 of the retirement system indicates for that year that
 15 the cost of this increase in the percentage of the
 16 three-year average covered wage used in computing
 17 retirement benefits can be absorbed within the
 18 employer and employee contribution rates in effect
 19 under section 97B.11.

20 c. For the purposes of this subsection, "fraction
 21 of years of service" means a number, not to exceed
 22 one, equal to the sum of the years of membership
 23 service and the number of years of prior service
 24 divided by thirty years.

25 d. If benefits under this subsection commence on
 26 an early retirement date, the amount of benefit shall
 27 be reduced in accordance with section 97B.50.

28 Sec. 27. Section 97B.49, subsection 13, paragraphs
 29 a and b, Code 1989, are amended to read as follows:

30 a. A member who retired from the system between
 31 January 1, 1976, and June 30, 1982, or a contingent
 32 annuitant or beneficiary of such a member, shall
 33 receive with the November ~~1988~~ 1990 and the November
 34 ~~1989~~ 1991 monthly benefit payments a retirement
 35 dividend equal to ~~eighty~~ one hundred forty percent of

36 the monthly benefit payment the member received for
 37 the preceding June, or the most recently received
 38 benefit payment, whichever is greater. The retirement
 39 dividend does not affect the amount of a monthly
 40 benefit payment.

41 b. Each member who retired from the system between
 42 July 4, 1953, and December 31, 1975, or a contingent
 43 annuitant or beneficiary of such a member, shall
 44 receive with the November ~~1988~~ 1990 and the November
 45 ~~1989~~ 1991 monthly benefit payments a retirement
 46 dividend equal to one hundred ~~twenty eight~~ eighty percent of
 47 the monthly benefit payment the member received for
 48 the preceding June, or the most recently received
 49 benefit payment, whichever is greater. The retirement
 50 dividend does not affect the amount of a monthly

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1 benefit payment.

2 Sec. 28. Section 97B.49, subsection 13, paragraph
 3 c, Code 1989, is amended to read as follows:

4 c. Notwithstanding the determination of the amount
 5 of a retirement dividend under paragraph "a", or "b",
 6 or "d", a retirement dividend shall not be less than
 7 twenty-five dollars.

8 Sec. 29. Section 97B.49, subsection 13, Code 1989,
 9 is amended by adding the following new paragraph after
 10 paragraph c and relettering the subsequent paragraphs:
 11 NEW PARAGRAPH. d. A member who retired from the
 12 system between July 1, 1982, and June 30, 1986, or a
 13 contingent annuitant or beneficiary of such a member,
 14 shall receive with the November 1990 and the November
 15 1991 monthly benefit payments a retirement dividend
 16 equal to twenty-four percent of the monthly benefit
 17 payment the member received for the preceding June, or
 18 the most recently received benefit payment, whichever
 19 is greater. The retirement dividend does not affect
 20 the amount of a monthly benefit payment.

21 Sec. 30. Section 97B.49, subsection 15, Code 1989,
 22 is amended to read as follows:

23 15. In lieu of the monthly benefit computed under
 24 subsections 1 and 3 as applicable, or subsection 5;
 25 ~~for:~~

26 a. For each active member retiring on or after
 27 July 1, 1988, and before July 1, 1990, who is at least
 28 fifty-five years of age and has completed at least
 29 thirty years of membership service and prior service,
 30 and for which the sum of the number of years of
 31 membership service and prior service and the member's
 32 age in years as of the member's last birthday equals

33 or exceeds ninety-two, a monthly benefit shall be
 34 computed which is equal to one-twelfth of fifty
 35 percent of the three-year average covered wage of the
 36 member.

37 b. For each active member retiring on or after
 38 July 1, 1990, who is at least fifty-five years of age
 39 and has completed at least thirty years of membership
 40 service and prior service, and for which the sum of
 41 the number of years of membership service and prior
 42 service and the member's age in years as of the
 43 member's last birthday exceeds ninety-two, a monthly
 44 benefit shall be computed which is equal to one-
 45 twelfth of the same percentage of the three-year
 46 average covered wage of the member as is provided in
 47 subsection 5.

48 Sec. 31. Section 97B.49, subsection 16, paragraphs
 49 a, b, and c, Code 1989, are amended to read as
 50 follows:

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1 16. a. Notwithstanding other provisions of this
 2 chapter, a:
 3 (1) A member who is or has been employed in a
 4 protection occupation who retires on or after July 1,
 5 1988, and before July 1, 1990, and at the time of
 6 retirement is at least fifty-five years of age and has
 7 completed at least twenty-five years of membership
 8 service in a protection occupation, may elect to
 9 receive in lieu of the receipt of any benefits under
 10 subsection 5 or 15, a monthly retirement allowance
 11 equal to one-twelfth of fifty percent of the member's
 12 three-year average covered wage as a member who has
 13 been employed in a protection occupation, with
 14 benefits payable during the member's lifetime.
 15 (2) A member who is or has been employed in a
 16 protection occupation who retires on or after July 1,
 17 1990, and at the time of retirement is at least fifty-
 18 five years of age and has completed at least twenty-
 19 five years of membership service in a protection
 20 occupation, may elect to receive in lieu of the
 21 receipt of any benefits under subsection 5 or 15, a
 22 monthly retirement allowance equal to one-twelfth of
 23 fifty-two percent of the member's three-year average
 24 covered wage as a member who has been employed in a
 25 protection occupation, with benefits payable during
 26 the member's lifetime.
 27 (3) Commencing July 1, 1991, the department shall
 28 increase the percentage multiplier of the three-year
 29 average covered wage by an additional two percent each

30 July 1 until reaching sixty percent of the three-year
31 average covered wage.

32 b. Notwithstanding other provisions of this
33 chapter, a:

34 (1) A member who retires from employment as a
35 county sheriff or deputy sheriff who retires on or
36 after July 1, 1988, and before July 1, 1990, and at
37 the time of retirement is at least fifty-five years of
38 age and has completed at least twenty-two years of
39 membership service, may elect to receive in lieu of
40 the receipt of any benefits under subsection 5 or 15,
41 a monthly retirement allowance equal to one-twelfth of
42 fifty percent of the member's three-year average
43 covered wage as a member, with benefits payable during
44 the member's lifetime.

45 (2) A member who retires from employment as a
46 county sheriff or deputy sheriff who retires on or
47 after July 1, 1990, and at the time of retirement is
48 at least fifty-five years of age and has completed at
49 least twenty-two years of membership service, may
50 elect to receive in lieu of the receipt of any

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1 benefits under subsection 5 or 15, a monthly
2 retirement allowance equal to one-twelfth of the same
3 percentage of the member's three-year average covered
4 wage as is provided in paragraph "a", with benefits
5 payable during the member's lifetime.

6 (3) The years of membership service required under
7 this paragraph shall include membership service as a
8 sheriff or deputy sheriff and membership service under
9 employment in a protection occupation included in
10 paragraph "d", subparagraph (2).

11 (4) For the purposes of this subsection, sheriff
12 means a county sheriff as defined in section 39.17 and
13 deputy sheriff means a deputy sheriff appointed
14 pursuant to section 341.1 prior to July 1, 1981, or
15 section 331.903 on or after July 1, 1981.

16 c. A member covered under this subsection who
17 retires on or after July 1, 1988, and before July 1,
18 1990, and has not completed the twenty-five years of
19 membership service required under paragraph "a", or
20 twenty-two years of membership service required under
21 paragraph "b", is eligible to receive a monthly
22 retirement allowance equal to one-twelfth of fifty
23 percent of the member's three-year average covered
24 wage as a member employed in a protection occupation,
25 or as a sheriff or deputy sheriff, multiplied by a

26 fraction of years of service.

27 A member covered under this subsection who retires
 28 on or after July 1, 1990, and has not completed the
 29 twenty-five years of membership service required under
 30 paragraph "a", or twenty-two years of membership
 31 service required under paragraph "b", is eligible to
 32 receive a monthly retirement allowance equal to one-
 33 twelfth of the same percentage of the member's three-
 34 year average covered wage as is provided in paragraph
 35 "a", multiplied by a fraction of years of service.

36 PARAGRAPH DIVIDED. For the purpose of this
 37 subsection, "fraction of years of service" means a
 38 number, not to exceed one, equal to the sum of the
 39 years of membership service for a member retiring in a
 40 protection occupation, divided by twenty-five years,
 41 or the sum of the years of membership service for a
 42 member retiring as a sheriff or deputy sheriff divided
 43 by twenty-two years.

44 Sec. 32. Section 97B.50, subsection 2, Code 1989,
 45 is amended to read as follows:

46 2. a. A member who retires from the system due to
 47 disability and commences receiving disability benefits
 48 pursuant to the United States Social Security Act (42
 49 U.S.C.), as amended to July 1, 1978, who is eligible
 50 for early retirement, but has not reached the normal

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1 retirement date, shall receive full benefits under
 2 section 97B.49 and shall not have benefits reduced
 3 upon retirement as required under subsection 1
 4 regardless of whether the member has completed thirty
 5 or more years of membership service. This section
 6 takes effect July 1, 1987 for a member meeting the
 7 requirements of this ~~subsection~~ paragraph who retired
 8 from the system at any time between July 4, 1953 and
 9 June 30, 1987.

10 Effective July 1, 1990, for members terminating on
 11 or after July 4, 1953, a member who terminates covered
 12 employment due to disability and commences receiving
 13 disability benefits pursuant to the United States
 14 Social Security Act (42 U.S.C.), who has not attained
 15 the age of fifty-five years, is eligible to receive
 16 benefits under section 97B.49, reduced by twenty-five
 17 hundredths of one percent for each month that the
 18 retirement date precedes the first day of the month in
 19 which the member attains the age of fifty-five.
 20 However, the benefits shall be suspended during any
 21 period in which the member returns to covered
 22 employment. Eligible members are entitled to receipt

23 of retroactive adjustment payments for no more than
24 six months immediately preceding the month after July
25 1, 1990, in which written notice was submitted to the
26 department.

27 b. A member who retires from the system due to
28 disability and commences receiving disability benefits
29 pursuant to the United States Railroad Retirement Act
30 (45 U.S.C. § 231 et seq.) who is eligible for early
31 retirement but has not reached the normal retirement
32 date, shall receive full benefits under section 97B.49
33 and shall not have benefits reduced upon retirement as
34 required under subsection 1 regardless of whether the
35 member has completed thirty or more years of
36 membership service. This section takes effect July 1,
37 1990, for a member meeting the requirements of this
38 paragraph who retired from the system at any time
39 since July 4, 1953. However, eligible members are
40 entitled to receipt of retroactive adjustment payments
41 for no more than six months immediately preceding the
42 month after July 1, 1990, in which written notice was
43 submitted to the department.

44 Effective July 1, 1990, for members terminating on
45 or after July 4, 1953, a member who terminates covered
46 employment due to disability and commences receiving
47 disability benefits pursuant to the United States
48 Railroad Retirement Act (45 U.S.C. § 231 et seq.), who
49 has not attained the age of fifty-five years, is
50 eligible to receive benefits under section 97B.49,

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1 reduced by twenty-five hundredths of one percent for
2 each month that the retirement date precedes the first
3 day of the month in which the member attains the age
4 of fifty-five. However, the benefits shall be
5 suspended during any period in which the member
6 returns to covered employment. Eligible members are
7 entitled to receipt of retroactive adjustment payments
8 for no more than six months immediately preceding the
9 month after July 1, 1990, in which written notice was
10 submitted to the department.

11 Sec. 33. Section 97B.52, subsection 3, Code 1989,
12 is amended to read as follows:

13 3. a. Other than as provided above in subsections
14 1 and 2 of this section, or section 97B.51, all rights
15 to any benefits under the retirement system will shall
16 cease upon the death of a member.

17 b. If a death benefit is due and payable, interest
18 shall continue to accumulate through the month
19 preceding the month in which payment is made to the

20 designated beneficiary, heirs at law, or to the estate
21 unless the payment of the death benefit is delayed
22 because of a dispute between alleged heirs, in which
23 case the benefit due and payable shall be placed in a
24 noninterest bearing escrow account until the
25 beneficiary is determined in accordance with this
26 section.

27 Sec. 34. NEW SECTION. 97B.53A DUTY OF
28 DEPARTMENT.

29 Effective July 1, 1991, upon a member's termination
30 of covered employment prior to the member's
31 retirement, the department shall send the member by
32 first class mail, to the member's last known mailing
33 address, a notice setting forth the balance and status
34 of the member's account and an explanation of the
35 courses of action available to the member under this
36 chapter.

37 Sec. 35. Section 97B.73, Code 1989, is amended to
38 read as follows:

39 97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS.

40 A vested or retired member who was ~~a member of a~~
41 public retirement system in public employment in
42 another state but was not vested or retired under that
43 system may or in the federal government, or who was a
44 member of another public retirement system in this
45 state, but who was not retired under that system, upon
46 submitting verification of membership and service in
47 the other public retirement system to the department,
48 including proof that the member has no further claim
49 upon a retirement benefit from that other public
50 system, may make employer and employee contributions

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1 to the system for the period of service in the other
2 public retirement system and receive credit for
3 membership service in this system equivalent to the
4 number of years of service in the other public
5 retirement system. The contributions paid by the
6 ~~vested or retired member for service in the other~~
7 public retirement system shall be equal to the
8 accumulated contributions as defined in section
9 97B.41, subsection 12, by the member for that period
10 of service and the employer contribution for that
11 period of service that would have been contributed by
12 the vested or retired member and the employer plus
13 interest on the contributions that would have accrued
14 if the member had been a member of this system earning
15 the same wages earned under the other system for the
16 period from the date of service of the member in the

17 other public retirement system to the date of payment
 18 of the contributions by the member equal to two
 19 percent plus the interest dividend rate applicable for
 20 each year contribution payable shall be based upon the
 21 member's covered wages for the most recent full
 22 calendar year at the applicable rates in effect for
 23 that calendar year under sections 97B.11 and 97B.49
 24 and multiplied by the member's years of service in
 25 other public employment.

26 This section is applicable to a vested or retired
 27 member who was a member of a public retirement system
 28 established in sections 294.8, 294.9, and 294.10 but
 29 was not vested or retired under that system.

30 A member vested under another public system must
 31 wave, on a form provided by the Iowa public
 32 employees' retirement system, all rights to a
 33 retirement benefit under that other public system
 34 before receiving credit in this system for those years
 35 of service in the other public system.

36 Effective July 1, 1988, a member eligible for an
 37 increased retirement allowance because of the payment
 38 of contributions under this section is entitled to
 39 receipt of retroactive adjustment payments for no more
 40 than six months immediately preceding the month in
 41 which written notice was submitted to the department.

42 Sec. 36. Section 97B.74, unnumbered paragraphs 1
 43 and 2, Code 1989, are amended to read as follows:

44 An Effective January 1, 1991, an active, vested, or
 45 retired member who at any time between July 4, 1953
 46 and July 1, 1973 was a member of the system at any
 47 time on or after July 4, 1953, but who did not meet
 48 the requirements to be a vested member for that period
 49 of membership service, and who received a refund of
 50 the member's contributions for that period of

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1 membership service, may elect in writing to the
 2 department to make contributions to the system for
 3 that period of membership service for which a refund
 4 of contributions was made. The contributions repaid
 5 by the member for such service shall be equal to the
 6 accumulated contributions, as defined in section
 7 97B.41, subsection 12, received by the member for that
 8 period of membership service plus interest on the
 9 accumulated contributions for the period from the date
 10 of receipt by the member to the date of repayment
 11 equal to two percent plus the interest dividend rate
 12 applicable for each year compounded annually.
 13 The provisions of this section are only available

14 to a member if that member's total years of membership
 15 and prior service, with the addition of service for
 16 that period of membership service for which
 17 contributions are repaid, equals or exceeds fifteen
 18 years. An active member must have at least one
 19 quarter's reportable wages on file and have membership
 20 service, including that period of membership service
 21 for which a refund of contributions was made,
 22 sufficient to give the member vested status.

23 Sec. 37. NEW SECTION. 97D.1 GUIDING GOALS FOR
 24 FUTURE CHANGES IN PUBLIC RETIREMENT SYSTEMS -- SOCIAL
 25 SECURITY -- PORTABILITY.

26 1. The general assembly declares that legislative
 27 proposals for changes in specific public retirement
 28 systems should be considered within the context of all
 29 public retirement systems within the state, with
 30 emphasis on equity and equality among the systems.
 31 The following list of guiding goals shall apply to the
 32 consideration of proposed changes:

33 a. Select those benefit enhancement options which
 34 most successfully deliver the greatest good to the
 35 greatest number of employees.

36 b. Choose those options which best correct
 37 existing inequities between and among the various
 38 retirement groups in the state.

39 c. Determine those options which most ably serve
 40 the twin objectives of attracting and retaining
 41 quality employees.

42 d. Avoid enacting further incentives toward
 43 earlier retirement with full benefits.

44 e. Avoid further splintering of benefits by
 45 disproportionate enhancement of benefits for one group
 46 beyond those available to another.

47 2. The public retirement systems committee
 48 established by section 97B.76 shall periodically weigh
 49 the advantages and disadvantages of establishing
 50 participation in the federal social security system

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1 for the members of public retirement systems operating
 2 under chapters 97A and 411 and the impact of such a
 3 change on total contributions and benefits.

4 3. The public retirement systems committee
 5 established by section 97B.76 shall consider proposals
 6 to achieve greater portability of pension benefits
 7 between the various public retirement systems in the
 8 state. Special attention should be given to the
 9 actuarial cost of transfers of value from one system
 10 to another.

11 Sec. 38. NEW SECTION. 97D.2 ANALYSIS OF COST OF
12 PROPOSED CHANGES.

13 When the public retirement systems committee
14 established by section 97B.76 or a standing committee
15 of the senate or house of representatives receives a
16 proposal for a change in a public retirement system
17 within this state, the committee shall require the
18 development of actuarial information concerning the
19 costs of the proposed change. If the proposal affects
20 police and fire retirement under chapter 411, the
21 committee shall arrange for the services of an
22 actuarial consultant to assist in developing the
23 information.

24 Sec. 39. NEW SECTION. 97D.3 NEWLY HIRED PEACE
25 OFFICERS, POLICE OFFICERS, AND FIRE FIGHTERS AFTER
26 JULY 1, 1991.

27 Notwithstanding sections 97A.3 and 411.3, all
28 persons newly hired as peace officers, as defined in
29 section 97A.1, police officers, and fire fighters
30 after July 1, 1991, shall be members of the Iowa
31 public employees' retirement system under chapter 97B,
32 rather than members of retirement systems under
33 chapters 97A and 411. Such members shall have federal
34 social security coverage in addition to coverage under
35 the Iowa public employees' retirement system and shall
36 have the same benefits as county sheriffs and deputy
37 sheriffs under section 97B.49, subsection 16,
38 paragraph "b".

39 Sec. 40. Section 410.6, unnumbered paragraph 2,
40 Code 1989, is amended to read as follows:

41 Upon the adoption of any increase in pension
42 benefits effective subsequent to the date of a
43 member's retirement, the amount payable to each member
44 as regular pension shall be increased by an amount
45 equal to ~~fifty~~ sixty percent of any increase in the
46 pension benefits for the rank at which the member
47 retired.

48 Sec. 41. Section 411.1, subsections 1, 4, 5, 14,
49 16, 17, and 18, Code 1989, are amended to read as
50 follows:

Page 24

- 1 1. "Retirement system" or "system" shall mean
2 either means the statewide fire or the and police
3 retirement system established by this chapter for the
4 fire fighters and police officers of the said cities
5 as defined described in section 411.2, its board of
6 trustees, and its appointed representatives.
- 7 4. "Member" shall mean means a member of either

8 the police or fire retirement systems system as
 9 defined by section 411.3.

10 5. "Board of fire trustees" and "board of police
 11 trustees" shall mean means the boards board provided
 12 in section 411-5 created by section 411.36 to
 13 administer direct the establishment and administration
 14 of the fire retirement system and the police
 15 retirement system respectively.

16 14. "Pensions" shall mean means annual payments
 17 for life derived from appropriations provided by the
 18 said participating cities and the state and from
 19 contributions of the members which are deposited in
 20 the pension accumulation fire and police retirement
 21 fund. All pensions shall be paid in equal monthly
 22 installments.

23 16. "Pension reserve" shall mean means the present
 24 value of all payments to be made on account of any
 25 pension, or benefit in lieu of a pension, granted
 26 under the provisions of this chapter, upon the basis
 27 of such mortality tables as shall be adopted by the
 28 boards of trustees system, and interest computed at
 29 rates the rate adopted established by the boards upon
 30 the recommendation of the actuary.

31 17. "Actuarial equivalent" shall mean means a
 32 benefit of equal value, when computed upon the basis
 33 of mortality tables adopted by the boards of trustees
 34 system, and interest computed at rates the rate
 35 adopted established by the boards upon the
 36 recommendation of the actuary.

37 18. "City" or "cities" shall mean means any city
 38 or cities in which fire or police retirement systems
 39 are established participating in the statewide fire
 40 and police retirement system as required by this
 41 chapter.

42 Sec. 42. Section 411.2, Code 1989, is amended to
 43 read as follows:

44 411.2 NAME AND DATE OF ESTABLISHMENT PARTICIPATION
 45 IN RETIREMENT SYSTEM.

46 1. In any Except as provided in subsections 2
 47 through 5, each city in which the fire fighters or
 48 police officers are or shall be appointed under the
 49 civil service law of this state, there are hereby
 50 created and established two separate retirement or

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1 pension systems shall participate in the retirement
 2 system established by this chapter for the purpose of
 3 providing retirement allowances only for fire fighters

4 or police officers, or both, of said the cities who
5 shall be are so appointed after the date this chapter
6 takes effect the city comes under the retirement
7 system, or benefits to their dependents. Each such
8 system shall be under the management of a board of
9 trustees hereinafter described, and shall be known as
10 the "fire retirement system of (name of
11 city)"; and the "police retirement system of
12 (name of city)", and by such names all of
13 their business shall be transacted, all funds
14 invested, and all cash and securities and other
15 property held. The retirement systems so created shall
16 begin operation as of the first day of the month in
17 which said systems are there established by this
18 chapter.

19 2. A city whose population was under eight
20 thousand prior to the results of the federal census
21 conducted in 1990 is not required to come under the
22 retirement system established by this chapter upon
23 attaining a population of eight thousand or more.

24 3. A city which did not have a paid fire
25 department on the effective date of this Act is not
26 required to come under the retirement system
27 established by this chapter upon establishing a paid
28 fire department.

29 4. A city which did not have a paid police
30 department on the effective date of this Act is not
31 required to come under the retirement system
32 established by this chapter upon establishing a paid
33 police department.

34 5. If a city's fire fighters or police officers,
35 or both, are appointed under the civil service law of
36 this state but the city is not operating a city fire
37 or police retirement system, or both, under this
38 chapter on the effective date of this Act, the city is
39 not required to come under the statewide fire and
40 police retirement system established by this chapter.

41 Sec. 43. Section 411.3, subsection 1, Code 1989,
42 is amended to read as follows:

43 1. All persons who become police officers or fire
44 fighters after the date the city is required to come
45 under the retirement systems are established by this
46 chapter system, shall become members thereof of the
47 retirement system as a condition of their employment,
48 except that a police chief or a fire chief who would
49 not complete twenty-two years of service under this
50 chapter by the time the chief attains fifty-five years

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1 of age shall, upon written request to the board of
2 trustees system, be exempt from this chapter.
3 Notwithstanding section 97B.41, a police chief or fire
4 chief who is exempt from this chapter is exempt from
5 chapter 97B. Members of the system established in
6 this chapter shall not be required to make
7 contributions under any other pension or retirement
8 system of a city, county, or the state of Iowa,
9 anything to the contrary notwithstanding.

10 Sec. 44. Section 411.4, Code 1989, is amended to
11 read as follows:

12 411.4 SERVICE CREDITABLE.

13 The board of trustees shall fix and determine by
14 proper rules and regulations how much service in any
15 year shall be Service for fewer than six months of a
16 year is not creditable as service. Service of six
17 months or more of a year is equivalent to one year of
18 service, but in no case shall more than one year of
19 service be creditable for all service in one calendar
20 year, nor shall the board of trustees system allow
21 credit as service for any period of more than one
22 month duration during which the member was absent
23 without pay.

24 The board of trustees system shall credit as
25 service for a member of the system a previous period
26 of service for which the member had withdrawn the
27 member's accumulated contributions, as defined in
28 section 411.21.

29 Sec. 45. Section 411.5, Code 1989, is amended to
30 read as follows:

31 411.5 ADMINISTRATION.

32 1. BOARDS BOARD. The general administration and
33 the responsibility for the establishment and proper
34 operation of the retirement systems and for making
35 effective the provisions of this chapter are hereby
36 system is vested in a the board of fire trustees to
37 administer the system relating to fire fighters and a
38 board of police trustees to administer the system
39 relating to police officers created by section 411.36.
40 The said boards shall be constituted as follows: The
41 system shall be administered under the direction of
42 the board.

43 a. The chief officer of the fire department, the
44 city treasurer, two fire fighters elected by secret
45 ballot by the members of the department who are
46 entitled to participate in a fire retirement system
47 established by law, and three citizens who do not hold
48 another public office, who shall be appointed by the

49 mayor with the approval of the city council; shall
50 serve as the members of the board of trustees of the

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1 fire retirement system.

2 b. The chief officer of the police department, the
3 city treasurer, two police officers elected by secret
4 ballot by the members of the department who are
5 entitled to participate in a police retirement system
6 established by law; and three citizens who do not hold
7 another public office, who shall be appointed by the
8 mayor with the approval of the city council; shall
9 serve as the members of the board of trustees of the
10 police retirement system.

11 c. The three citizens appointed by the mayor shall
12 serve on both of the boards.

13 d. Upon the taking effect of this chapter, such
14 members of each said department in said cities shall
15 elect by secret ballot two active members of each such
16 department to serve as members of said respective
17 boards; one of whom shall serve until the first Monday
18 in April of the second year, and one until the first
19 Monday in April of the fourth year. Thereafter each
20 such department shall, every second year, on such date
21 and in such manner as shall be prescribed by said
22 board of trustees; elect by ballot one such member to
23 serve for a term of four years.

24 e. Beginning July 1, 1986, upon the taking effect
25 of this chapter, the mayor, with the approval of the
26 city council, shall appoint three citizens who do not
27 hold any other public office, to serve as members of
28 the boards of trustees; one of whom shall serve until
29 the first Monday in April of the second year, one
30 until the first Monday in April of the third year, and
31 one until the first Monday in April of the fourth
32 year. Thereafter, appointments shall be made for
33 four-year terms.

34 f. If a vacancy occurs in the office of trustee,
35 the vacancy shall be filled for the unexpired term in
36 the same manner as the office was previously filled.

37 2. VOTING. Each trustee shall be entitled to one
38 vote on each board. Four concurring votes shall be
39 necessary for a decision by the trustees at any
40 meeting of either board.

41 § 2. COMPENSATION. The trustees, other than the
42 secretary, shall serve as such without compensation,
43 but they shall be reimbursed from the expense fire and
44 police retirement fund for all necessary expenses

45 which they may incur through service on the board.
 46 4 3. RULES. Subject to the limitations of this
 47 chapter, ~~each the~~ board of trustees shall; ~~from time~~
 48 ~~to time; establish~~ adopt rules and regulations for the
 49 establishment and administration of funds the system
 50 and the fire and police retirement fund created by

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1 this chapter, and for the transaction of its business.
 2 5 4. ORGANIZATION -- EMPLOYEES. ~~Each The~~ board of
 3 trustees shall elect from its membership a
 4 chairperson, and shall, by majority vote of its
 5 members, appoint a secretary; who may, but need not,
 6 be, one of its members. ~~It The~~ system shall engage
 7 such actuarial and other services as ~~shall be are~~
 8 required to transact the business of the retirement
 9 system. The compensation of all persons engaged by
 10 ~~each board of trustees the system~~ and all other
 11 expenses of ~~each the~~ board ~~of trustees~~ necessary for
 12 the operation of the retirement system; shall be paid
 13 at such rates and in such amounts as ~~each the~~ board of
 14 trustees ~~shall approve approves~~.

15 6 5. DATA. ~~Each board of trustees The system~~
 16 shall keep in convenient form such data as ~~shall be is~~
 17 necessary for actuarial valuation of the ~~various funds~~
 18 ~~of the retirement system fire and police retirement~~
 19 fund and for checking the experience of the retirement
 20 system.

21 7 6. RECORDS -- REPORTS. ~~Each The~~ board of
 22 trustees shall keep a record of all its proceedings,
 23 which record shall be open to public inspection. It
 24 shall ~~annually make a~~ submit an annual report to the
 25 governor, the general assembly, and the city council
 26 showing the fiscal transactions of the retirement
 27 system for the preceding fiscal year, the amount of
 28 the accumulated cash and securities of the system; and
 29 the last balance sheet showing the financial condition
 30 of the system by means of an actuarial valuation of
 31 the assets and liabilities of each participating city
 32 concerning the financial condition of the retirement
 33 system, its current and future liabilities, and the
 34 actuarial valuation of the system.

35 8 7. LEGAL ADVISER ADVISOR. The city attorney or
 36 solicitor of a city shall serve as the legal adviser
 37 of the board of trustees at the request of the board
 38 or the board of trustees system may employ or retain
 39 an attorney on a per diem basis to serve as the
 40 system's legal advisor and to represent the board of
 41 trustees when; in the opinion of the board of

42 trustees, there is a conflict of interest between the
 43 board of trustees and the city council system. The
 44 costs of an attorney employed or retained by the board
 45 of trustees system shall be paid from the expense fire
 46 and police retirement fund created in section 411.8.
 47 9 8. MEDICAL BOARD. The board of fire trustees
 48 and the board of police trustees jointly system shall
 49 designate a medical board to be composed of three
 50 physicians who shall arrange for and pass upon all

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1 medical examinations required under the provisions of
 2 this chapter, except that for examinations required
 3 because of disability three physicians from the
 4 University of Iowa hospitals and clinics who shall
 5 pass upon the medical examinations required for
 6 disability retirements, and shall report to the system
 7 in writing to each board of trustees, respectively,
 8 its conclusions and recommendations upon all matters
 9 duly referred to it. Each report of a medical
 10 examination under section 411.6, subsections 3 and 5,
 11 shall include the medical board's rating as to the
 12 extent of the member's physical impairment.
 13 10 9. DUTIES OF ACTUARY. The actuary shall be the
 14 technical adviser advisor of the board of trustees
 15 system on matters regarding the operation of the funds
 16 created by the provisions of this chapter fire and
 17 police retirement fund and shall perform such other
 18 duties as are required in connection therewith with
 19 the operation of the system.
 20 11. TABLES - RATES. Immediately after the
 21 establishment of each retirement system, the The
 22 actuary shall make such investigation of anticipated
 23 interest earnings and of the mortality, service, and
 24 compensation experience of the members of the system
 25 as the actuary shall recommend recommends and the
 26 board of trustees shall authorize, and on the basis of
 27 such the investigation the actuary system shall
 28 recommend for adoption by the board of trustees adopt
 29 such tables and such rates as are required in
 30 subsection 12 of this section 11. The board of
 31 trustees shall adopt the rate of interest and tables,
 32 and certify rates of contribution to be used by the
 33 system.
 34 12 10. ACTUARIAL INVESTIGATION -- TABLES -- RATES.
 35 In the year 1988, and at At least once in each five-
 36 year period thereafter, the actuary shall make an
 37 actuarial investigation into the mortality, service,
 38 and compensation experience of the members and

39 beneficiaries of the retirement system, and the
 40 interest and other earnings on the moneys and other
 41 assets of the retirement system, and shall make a
 42 valuation of the assets and liabilities of the funds
 43 of the system fire and police retirement fund, and
 44 taking into account on the basis of the results of
 45 such the investigation and valuation, the board of
 46 trustees system shall do all of the following:

- 47 a. Adopt for the retirement system such interest
 48 rate, mortality and other tables as shall be are
 49 deemed necessary;
 50 b. Certify the rates of contribution payable by

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1 the said cities in accordance with section 411.8 of
 2 this chapter.

3 c. Certify the rates of contributions payable by
 4 the members in accordance with section 411.8.

5 ~~13 11. VALUATION. On the basis of such the rate~~
 6 ~~of interest and such tables as the boards of trustees~~
 7 ~~shall adopt adopted, the actuary shall make an annual~~
 8 ~~valuation of the assets and liabilities of the funds~~
 9 ~~of the fire and police retirement systems fund created~~
 10 ~~by this chapter.~~

11 ~~14. COMMISSIONER OF INSURANCE. Within five days~~
 12 ~~following its submission to the city council, each~~
 13 ~~board of trustees shall transmit to the commissioner~~
 14 ~~of insurance a copy of the report submitted to the~~
 15 ~~city council and the amount of contributions deposited~~
 16 ~~in the pension accumulation fund by the city. The~~
 17 ~~commissioner of insurance shall review the report and~~
 18 ~~the adequacy of the contribution of the city. The~~
 19 ~~commissioner of insurance shall inform the city~~
 20 ~~council of each city in which the contribution of a~~
 21 ~~city is deemed to be inadequate.~~

22 ~~Sec. 46. Section 411.6, subsection 1, unnumbered~~
 23 ~~paragraph 1 and paragraph a, Code 1989, are amended to~~
 24 ~~read as follows:~~

25 SERVICE RETIREMENT BENEFIT. Retirement of a member
 26 on a service retirement allowance shall be made by
 27 each board of trustees the system as follows:

- 28 a. Any member in service may retire upon written
 29 application to the board of police or fire trustees as
 30 the case may be system, setting forth at what time,
 31 not less than thirty nor more than ninety days
 32 subsequent to the execution and filing of the
 33 application, the member desires to be retired.
 34 However, the member at the time specified for
 35 retirement shall have attained the age of fifty-five

36 and shall have served twenty-two years or more, and
37 notwithstanding that, during the period of
38 notification, the member may have separated from the
39 service.

40 Sec. 47. Section 411.6, subsection 1, paragraph b,
41 Code 1989, is amended to read as follows:

42 b. Any member in service who has been a member of
43 the retirement system ~~fifteen~~ four or more years and
44 whose employment is terminated prior to the member's
45 retirement, other than by death or disability, shall
46 upon attaining retirement age, receive a service
47 retirement allowance of ~~fifteen~~ four twenty-seconds of
48 the retirement allowance the member would receive at
49 retirement if the member's employment had not been
50 terminated, and an additional one twenty-second of

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1 such retirement allowance for each additional year of
2 service not exceeding twenty-two years of service.
3 The amount of the retirement allowance shall be
4 calculated in the manner provided in this paragraph
5 using the average final compensation at the time of
6 termination of employment.

7 Sec. 48. Section 411.6, subsection 2, Code 1989,
8 are amended to read as follows:

9 **2. ALLOWANCE ON SERVICE RETIREMENT.**

10 a. Upon retirement from service, prior to July 1,
11 1990, a member shall receive a service retirement
12 allowance which shall consist of a pension given by
13 the city which shall equal ~~one-half~~ equals fifty
14 percent of the member's average final compensation.

15 b. Upon retirement from service on or after July
16 1, 1990, a member shall receive a service retirement
17 allowance which shall consist of a pension which
18 equals fifty-two percent of the member's average final
19 compensation.

20 c. Commencing July 1, 1991, the system shall
21 increase the percentage multiplier of the member's
22 average final compensation by an additional percentage
23 each July 1, which is equivalent to the additional
24 percentage, if any, provided by the Iowa public
25 employees' retirement system under section 97B.49,
26 subsection 5, paragraph "b", for the succeeding fiscal
27 year, until reaching sixty percent of the member's
28 average final compensation.

29 d. Commencing July 1, 1990, if the member has
30 completed more than twenty-two years of creditable
31 service, the service retirement allowance shall
32 consist of a pension which equals the amount provided

33 in paragraphs "b" and "c", and the member shall also
34 be eligible for a social security replacement benefit
35 upon attaining the age of sixty-five years, which
36 shall consist of an additional percentage as set forth
37 below:

38 (1) For a member who terminates service, other
39 than by death or disability, on or after July 1, 1990,
40 but before July 1, 1991, and who does not withdraw the
41 member's contributions pursuant to section 411.23,
42 upon the member's attaining the age of sixty-five
43 years there shall be added three-tenths percent of the
44 member's average final compensation for each year of
45 service over twenty-two years, excluding years of
46 service after the member's fifty-fifth birthday.
47 However, this subparagraph does not apply to more than
48 eight additional years of service.

49 (2) For a member who terminates service, other
50 than by death or disability, on or after July 1, 1991,

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1 but before July 1, 1992, and who does not withdraw the
2 member's contributions pursuant to section 411.23,
3 upon the member's attaining the age of sixty-five
4 years there shall be added six-tenths percent of the
5 member's average final compensation for each year of
6 service over twenty-two years, excluding years of
7 service after the member's fifty-fifth birthday.
8 However, this subparagraph does not apply to more than
9 eight additional years of service.

10 (3) For a member who terminates service, other
11 than by death or disability, on or after July 1, 1992,
12 but before July 1, 1993, and who does not withdraw the
13 member's contributions pursuant to section 411.23,
14 upon the member's attaining the age of sixty-five
15 years there shall be added nine-tenths percent of the
16 member's average final compensation for each year of
17 service over twenty-two years, excluding years of
18 service after the member's fifty-fifth birthday.
19 However, this subparagraph does not apply to more than
20 eight additional years of service.

21 (4) For a member who terminates service, other
22 than by death or disability, on or after July 1, 1993,
23 but before July 1, 1994, and who does not withdraw the
24 member's contributions pursuant to section 411.23,
25 upon the member's attaining the age of sixty-five
26 years there shall be added one and two-tenths percent
27 of the member's average final compensation for each
28 year of service over twenty-two years, excluding years
29 of service after the member's fifty-fifth birthday.

30 However, this subparagraph does not apply to more than
31 eight additional years of service.

32 (5) For a member who terminates service, other
33 than by death or disability, on or after July 1, 1994,
34 and who does not withdraw the member's contributions
35 pursuant to section 411.23, upon the member's
36 attaining the age of sixty-five years there shall be
37 added one and five-tenths percent of the member's
38 average final compensation for each year of service
39 over twenty-two years, excluding years of service
40 after the member's fifty-fifth birthday. However,
41 this subparagraph does not apply to more than eight
42 additional years of service.

43 Sec. 49. Section 411.6, subsection 3, Code 1989,
44 is amended to read as follows:

45 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon
46 the application, to the system, of a member in service
47 or of the chief of the police or fire departments,
48 respectively, any member shall be retired by the
49 respective board of trustees system, not less than
50 thirty and not more than ninety days next following

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1 the date of filing such the application, on an
2 ordinary disability retirement allowance, provided;
3 that if the medical board after a medical examination
4 of such the member shall certify certifies that said
5 the member is mentally or physically incapacitated for
6 further performance of duty, that such the incapacity
7 is likely to be permanent, and that such the member
8 should be retired.

9 Sec. 50. Section 411.6, subsection 5, unnumbered
10 paragraphs 1 and 2, Code 1989, are amended to read as
11 follows:

12 ACCIDENTAL DISABILITY BENEFIT. Upon application,
13 to the system, of a member in service or of the chief
14 of the police or fire departments, respectively, any
15 member who has become totally and permanently
16 incapacitated for duty as the natural and proximate
17 result of an injury or disease incurred in or
18 aggravated by the actual performance of duty at some
19 definite time and place, or while acting pursuant to
20 order, outside of the city by which the member is
21 regularly employed, shall be retired by the respective
22 board of trustees system, provided; that if the
23 medical board shall certify certifies that such the
24 member is mentally or physically incapacitated for
25 further performance of duty, that such the incapacity
26 is likely to be permanent, and that such the member

27 should be retired.

28 ~~Should If~~ a member in service or the chief of the
 29 police or fire departments ~~become~~ becomes
 30 incapacitated for duty as a natural or proximate
 31 result of an injury or disease incurred in or
 32 aggravated by the actual performance of duty at some
 33 definite time or place or while acting, pursuant to
 34 order, outside the city by which the member is
 35 regularly employed, the member ~~shall~~, upon being found
 36 to be temporarily incapacitated following ~~an a~~ medical
 37 examination ~~by the board of trustees, be as directed~~
 38 by the system, is entitled to receive the member's
 39 full pay and allowances from the city's general fund
 40 until re-examined ~~by the board as directed by the~~
 41 system and found to be fully recovered or permanently
 42 disabled.

43 Sec. 51. Section 411.6, subsection 6, Code 1989,
 44 is amended to read as follows:

45 6. RETIREMENT AFTER ACCIDENT.

46 a. Upon retirement for accidental disability prior
 47 to July 1, 1990, a member shall receive an accidental
 48 disability retirement allowance which shall consist of
 49 a pension equal to sixty-six and two-thirds percent of
 50 the member's average final compensation.

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1 b. Upon retirement for accidental disability on or
 2 after July 1, 1990, a member shall receive an
 3 accidental disability retirement allowance which shall
 4 consist of a pension equal to sixty percent of the
 5 member's average final compensation.

6 Sec. 52. Section 411.6, subsection 7, unnumbered
 7 paragraph 1, Code 1989, is amended to read as follows:

8 RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT
 9 OF DISABILITY. Once each year during the first five
 10 years following the retirement of a member on a
 11 disability retirement allowance, and once in every
 12 three-year period thereafter, the respective board of
 13 trustees system may, and upon the member's application
 14 shall, require any disability beneficiary who has not
 15 yet attained age fifty-five to undergo a medical
 16 examination at a place designated by the medical
 17 board. ~~Such~~ The examination shall be made by the
 18 medical board or in special cases, by an additional
 19 physician or physicians designated by such board.
 20 ~~Should If~~ any disability beneficiary who has not
 21 attained the age of fifty-five ~~refuse~~ refuses to
 22 submit to ~~such~~ the medical examination, the member's
 23 allowance may be discontinued until withdrawal of such

24 refusal, and ~~should if the refusal continue~~ continues
25 for one year all rights in and to the member's pension
26 may be revoked by the ~~respective board of trustees~~
27 system.

28 Sec. 53. Section 411.6, subsection 7, paragraph a,
29 unnumbered paragraph 2, Code 1989, is amended to read
30 as follows:

31 A beneficiary retired under this paragraph, in
32 order to be eligible for continued receipt of
33 retirement benefits, shall no later than May 15 of
34 each year submit to the ~~board of trustees~~ system a
35 copy of the beneficiary's federal individual income
36 tax return for the preceding year.

37 Sec. 54. Section 411.6, subsection 8, paragraph a,
38 Code 1989, is amended to read as follows:

39 a. Upon the receipt of proof of the death of a
40 member in service, or a member not in service who has
41 completed ~~fifteen~~ four or more years of service as
42 provided in subsection 1, paragraph "b", there shall
43 be paid to the person designated by the member to the
44 ~~board of trustees~~ system as the member's beneficiary
45 if the member has had one or more years of membership
46 service and no pension is payable under subsection 9,
47 an amount equal to fifty percent of the compensation
48 earnable by the member during the year immediately
49 preceding the member's death if the member is in
50 service, or an amount equal to fifty percent of the

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1 compensation earned by the member during the member's
2 last year of service if the member is not in service.

3 Sec. 55. Section 411.6, subsection 8, paragraph c,
4 Code 1989, is amended to read as follows:

5 c. The pension under paragraph "b" may be selected
6 only by the following beneficiaries:

7 (1) The spouse.

8 (2) If there is no spouse, or if the spouse dies
9 and there is a child of a member, then the guardian of
10 the member's child or children, divided as the ~~board~~
11 of trustees system determines, to continue as a joint
12 and survivor pension until every child of the member
13 dies or attains the age of eighteen, or twenty-two if
14 applicable.

15 (3) If there is no surviving spouse or child, then
16 the member's dependent father or mother, or both, as
17 the ~~board of trustees~~ system determines, to continue
18 until remarriage or death.

19 Sec. 56. Section 411.6, subsection 9, unnumbered
20 paragraph 1, Code 1989, is amended to read as follows:

21 ACCIDENTAL DEATH BENEFIT. If, upon the receipt of
 22 evidence and proof ~~from the chief of the police or~~
 23 ~~fire department~~ that the death of a member in service
 24 ~~or the chief of police or fire departments~~ was the
 25 natural and proximate result of an injury or disease
 26 incurred in or aggravated by the actual performance of
 27 duty at some definite time and place, or while acting
 28 pursuant to order, outside of the city by which the
 29 member is regularly employed, the ~~board of trustees~~
 30 ~~shall decide~~ system decides that death was so caused
 31 in the performance of duty there shall be paid, in
 32 lieu of the ordinary death benefit provided in
 33 subsection 8 ~~of this section~~, to the member's estate
 34 or to such person having an insurable interest in the
 35 member's life as the member ~~shall have~~ has nominated
 36 by written designation duly executed and filed with
 37 the ~~respective board of trustees~~ system the benefits
 38 set forth in paragraphs "a" and "b" of this
 39 subsection:

40 Sec. 57. Section 411.6, subsection 12, paragraph
 41 a, subparagraphs (1), (2), and (3), Code 1989, are
 42 amended to read as follows:

43 (1) Twenty-five percent for members receiving a
 44 service retirement allowance and for beneficiaries
 45 receiving a pension under subsection 9 of this
 46 section. However, effective July 1, 1990, for members
 47 who retired before that date, thirty percent shall be
 48 the applicable percentage for members and
 49 beneficiaries under this subparagraph.

50 (2) Twenty ~~Twenty-five~~ percent for members with

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1 five or more years of membership service who are
 2 receiving an ordinary disability retirement allowance.
 3 However, effective July 1, 1984, for members who
 4 retired before July 1, 1979, and effective July 1,
 5 1988, for members who retire on or after July 1, 1988,
 6 twenty-five percent shall be used for members who are
 7 receiving an ordinary disability allowance. However,
 8 effective July 1, 1990, for members who retired before
 9 that date, thirty percent shall be the applicable
 10 percentage for members under this subparagraph.

11 (3) Twelve and one-half percent for members with
 12 less than five years of membership service who are
 13 receiving an ordinary disability retirement allowance,
 14 and for beneficiaries receiving a pension under
 15 subsection 8 of this section. However, effective July
 16 1, 1990, for members who retired before that date,
 17 fifteen percent shall be the applicable percentage for

18 members and beneficiaries under this subparagraph.

19 Sec. 58. Section 411.6, Code 1989, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 13. REMARRIAGE OF SURVIVING
22 SPOUSE. Effective July 1, 1990, for a member who died
23 prior to July 1, 1988, if the member's surviving
24 spouse remarried prior to July 1, 1988, the remarriage
25 does not make the spouse ineligible under subsection
26 8, paragraph "c", subparagraphs (1) and (2), to
27 receive benefits under subsections 8, 9, 11, and 12.

28 Sec. 59. Section 411.6, Code 1989, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 14. Notwithstanding any other
31 provision of this chapter, a member's average final
32 compensation shall be computed using only the covered
33 portion of the member's earnable compensation for each
34 applicable year as shown in the following paragraphs.
35 However, the average final compensation of a member in
36 active service on June 30, 1990, shall not be lower
37 than it would have been if the computation had been
38 made as of June 30, 1990, on the basis of the member's
39 earnable compensation for years ending on or before
40 that date.

41 a. For each calendar year beginning prior to
42 January 1, 1990, the covered portion of the member's
43 earnable compensation is the entire amount of the
44 member's earnable compensation.

45 b. For the calendar year beginning January 1,
46 1990, the covered portion of the member's earnable
47 compensation is the entire amount of the member's
48 earnable compensation or twenty-eight thousand
49 dollars, whichever is less.

50 c. For the calendar year beginning January 1,

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1 1991, the covered portion of the member's earnable
2 compensation is the entire amount of the member's
3 earnable compensation or thirty-one thousand dollars,
4 whichever is less.

5 d. For the calendar year beginning January 1,
6 1992, the covered portion of the member's earnable
7 compensation is the entire amount of the member's
8 earnable compensation or thirty-four thousand dollars,
9 whichever is less.

10 e. For the calendar year beginning January 1,
11 1993, the covered portion of the member's earnable
12 compensation is the entire amount of the member's
13 earnable compensation or thirty-seven thousand
14 dollars, whichever is less.

15 f. For the calendar year beginning January 1,
16 1994, and each calendar year thereafter, the covered
17 portion of the member's earnable compensation is the
18 entire amount of the member's earnable compensation or
19 forty thousand dollars, whichever is less.

20 Sec. 60. NEW SECTION. 411.6A OPTIONAL RETIREMENT
21 BENEFITS.

22 In lieu of the retirement benefits and refund of
23 contributions provided for members of the system and
24 the members' beneficiaries under sections 411.6 and
25 411.23, members may elect to receive an optional
26 retirement benefit during the member's lifetime and
27 have the optional retirement benefit, or a designated
28 fraction of the optional retirement benefit, continued
29 and paid to the member's beneficiary after the
30 member's death and during the lifetime of the
31 beneficiary. The optional retirement benefit shall be
32 determined at the time of the member's retirement
33 based upon whether the member retires under service
34 retirement, accidental disability, or ordinary
35 disability.

36 The member shall make the election request in
37 writing to the board of trustees prior to retirement.
38 The election is subject to the approval of the board
39 of trustees. If the member is married, the election
40 of an option under this section requires the written
41 acknowledgement of the member's spouse. The member
42 may revoke the election prior to retirement by written
43 request to the board of trustees, but cannot revoke
44 the election after retirement. The election request
45 applies to retirement under service retirement,
46 accidental disability and ordinary disability,
47 whichever is applicable at the time of the member's
48 retirement.

49 Optional retirement benefits shall be the actuarial
50 equivalent of the amounts of the retirement benefits

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1 payable to members and beneficiaries under section
2 411.6. The actuarial equivalent shall be based on the
3 mortality and interest assumptions set out in section
4 411.5.

5 If the member dies without a beneficiary prior to
6 retirement or prior to receipt in benefits of an
7 amount equal to the total amount remaining to the
8 member's credit at the time of separation from
9 service, the election is null and void.

10 If the member dies with a beneficiary prior to
11 retirement, the election remains valid and the

12 beneficiary is entitled to receive the retirement
 13 benefit beginning at the death of the member.
 14 If the member dies with a beneficiary and the
 15 beneficiary subsequently dies prior to receipt in
 16 retirement benefits by both the member and the
 17 beneficiary of an amount equal to the total amount
 18 remaining to the member's credit at the time of
 19 separation from service, the election remains valid.

20 For the purpose of this section, "beneficiary"
 21 means a spouse, child, or a dependent parent.
 22 Sec. 61. Section 411.7, Code 1989, is amended to
 23 read as follows:

24 411.7 MANAGEMENT OF FUNDS.

25 1. The ~~respective boards~~ board of trustees shall
 26 ~~be is the trustees trustee of the several funds fire~~
 27 ~~and police retirement fund created by this chapter as~~
 28 ~~provided in section 411.8 and shall have full power to~~
 29 ~~invest and reinvest such funds annually establish an~~
 30 ~~investment policy to govern the investment and~~
 31 ~~reinvestment of the moneys in the fund,~~ subject to the
 32 terms, conditions, limitations and restrictions
 33 imposed by subsection 2 of this section, and subject,
 34 Subject to like terms, conditions, limitations, and
 35 restrictions ~~said trustees shall have the system has~~
 36 full power to hold, purchase, sell, assign, transfer,
 37 or dispose of any of the securities and investments in
 38 which ~~any of the funds created herein shall have fund~~
 39 ~~has~~ been invested, as well as of the proceeds of ~~said~~
 40 ~~the~~ investments and any moneys belonging to ~~said funds~~
 41 ~~the fund.~~

42 2. The ~~city treasurer may secretary of the board~~
 43 ~~of trustees shall~~ invest, ~~at the direction of in~~
 44 ~~accordance with the investment policy established by~~
 45 the ~~respective boards~~ board of trustees, ~~a the~~ portion
 46 of the ~~funds fund~~ established in section 411.8 which
 47 in the judgment of the ~~respective boards are board is~~
 48 not needed for current payment of benefits under this
 49 chapter in investments authorized in section 97B.7,
 50 subsection 2, paragraph "b", for moneys in the Iowa

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1 public employees' retirement fund.
 2 The ~~board of trustees may negotiate a joint~~
 3 ~~agreement under chapter 28E with another board of~~
 4 ~~trustees, a utility board, a city council, or all of~~
 5 ~~these, that provides for the joint investment of~~
 6 ~~moneys under the control of the boards of trustees,~~
 7 ~~the utility board, and the city council. The~~
 8 ~~investment of the moneys is subject to this section~~

9 and section 452.10 and to the limitations stated in
10 the joint agreement.

11 3. The treasurer of the said cities shall be
12 secretary of the board of trustees is the custodian of
13 the several funds fire and police retirement fund.
14 All payments from said funds the fund shall be made by
15 the treasurer secretary only upon vouchers signed by
16 two persons designated by the respective board of
17 trustees. A duly attested copy of the resolution of
18 the respective board of trustees designating such
19 persons and bearing on its face specimen signatures of
20 such persons shall be filed with the treasurer as the
21 treasurer's authority for making payments upon such
22 vouchers. No voucher shall be drawn unless it shall
23 previously have been allowed by resolution of the
24 respective board of trustees. The system may select
25 master custodian banks to provide custody of the
26 assets of the retirement system.

27 4. For the purpose of meeting disbursements for
28 pensions, annuities, and other payments, there may be
29 kept available cash not exceeding ten percent of the
30 total amount in the several funds of the retirement
31 system on deposit in one or more banks or trust
32 companies in said cities, organized under the laws of
33 the state of Iowa, or of the United States, provided,
34 that the amount on deposit in any one bank or trust
35 company shall not exceed twenty-five percent of the
36 paid-up capital and surplus of such bank or trust
37 company.

38 5 4. No trustee and no A member or employee of
39 the board of trustees shall not have any direct
40 interest in the gains or profits of any investment
41 made by the respective boards board of trustees, other
42 than as a member of the system. No A trustee shall
43 not receive any pay or emolument for the trustee's
44 services except as secretary. No trustee A member or
45 employee of either the board of trustees shall not
46 directly or indirectly for the trustee or employee or
47 as an agent in any manner use the assets of the
48 retirement system except to make such current and
49 necessary payments as are authorized by the board of
50 trustees, nor shall any trustee or employee of the

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1 boards system become an endorser or surety or become
2 in any manner an obligor for moneys loaned by or
3 borrowed from the respective board of trustees system.
4 Sec. 62. Section 411.8, unnumbered paragraph 1,
5 Code 1989, is amended to read as follows:

6 All the assets of ~~each~~ the retirement system
7 created and established by this chapter shall be
8 credited ~~according to the purpose for which they are~~
9 ~~held to one of three funds, namely, the pension~~
10 ~~accumulation fund, the pension reserve fund, and the~~
11 ~~expense fund to the fire and police retirement fund,~~
12 ~~which is hereby created. As used in this section,~~
13 ~~"fund" means the fire and police retirement fund.~~
14 Sec. 63. Section 411.8, subsection 1, unnumbered
15 paragraph 1 and paragraph a, Code 1989, are amended to
16 read as follows:

17 ~~PENSION ACCUMULATION FUND. The pension~~
18 ~~accumulation fund shall be the fund in which shall be~~
19 ~~accumulated at~~ All moneys for the payment of all
20 pensions and other benefits payable from contributions
21 made by the ~~said participating cities, the state, and~~
22 ~~the members and from which shall be paid the lump sum~~
23 ~~death shall be accumulated in the fund. The refunds~~
24 ~~and benefits for all members payable from the said~~
25 ~~contributions and beneficiaries shall be payable from~~
26 ~~the fund. Contributions to and payments from the~~
27 ~~pension accumulation fund shall be as follows:~~

28 a. On account of each member there shall be paid
29 annually into the ~~pension accumulation fund~~ by the
30 ~~said participating cities~~ an amount equal to a certain
31 percentage of the earnable compensation of the member
32 to be known as the "normal contribution". The rate
33 percent of such contribution shall be fixed on the
34 basis of the liabilities of the retirement system as
35 shown by annual actuarial valuations.

36 Sec. 64. Section 411.8, subsection 1, paragraph b,
37 Code 1989, is amended to read as follows:

38 b. On the basis of the rate of interest and of
39 ~~such~~ the mortality, interest and other tables as shall
40 be adopted by the ~~boards of trustees system,~~ the
41 actuary engaged by the ~~said boards system~~ to make each
42 valuation required by this chapter, shall immediately
43 after making such valuation, determine the "normal
44 contribution rate". ~~The~~ Except as otherwise provided
45 in this lettered paragraph, the normal contribution
46 rate shall be the rate percent of the earnable
47 compensation of all members obtained by deducting from
48 the total liabilities of the fund the amount of the
49 funds in hand to the credit of the fund and dividing
50 the remainder by one percent of the present value of

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1 the prospective future compensation of all members as
2 computed on the basis of the rate of interest and of

3 mortality and service tables adopted by the boards of
4 trustees, all reduced by the employee contribution
5 made pursuant to paragraph "f" of this subsection.
6 However, the normal rate of contribution shall not be
7 less than seventeen and five hundredths percent.
8 Beginning July 1, 1996, and each fiscal year
9 thereafter, the normal contribution rate shall be the
10 rate percent of the earnable compensation of all
11 members obtained by deducting from the total
12 liabilities of the fund the amount of the funds in
13 hand to the credit of the fund and dividing the
14 remainder by one percent of the present value of the
15 prospective future compensation of all members as
16 computed on the basis of the rate of interest and of
17 mortality and service tables adopted, multiplied by
18 six-tenths, or seventeen and five hundredths percent,
19 whichever is greater.
20 Beginning July 1, 1996, and each fiscal year
21 thereafter, for the purpose of computing the employer
22 contribution under this chapter, the percentage
23 contribution rate for medicare payments shall be
24 calculated by dividing the total annual medicare
25 contribution by one hundredth of the total annual
26 earnable compensation and multiplying by six-tenths.
27 This percentage shall be added to the normal
28 contribution rate and used to determine the total
29 amount which the employer contributes.
30 PARAGRAPH DIVIDED. The normal rate of contribution
31 total amount to be contributed by the employer shall
32 be determined by the actuary after each valuation.
33 Sec. 65. Section 411.8, subsection 1, paragraphs
34 c, d, and e, Code 1989, are amended to read as
35 follows:
36 c. The total amount payable in each year to the
37 ~~pension accumulation~~ fund shall be not less than the
38 rate percent known as the normal contribution rate of
39 the total compensation earnable by all members during
40 the year, ~~provided, however, that~~ but the aggregate
41 payment by the ~~said participating cities shall~~ must be
42 sufficient when combined with the amount in the fund
43 to provide the pensions and other benefits payable out
44 of the fund during the then current year.
45 d. All lump-sum death benefits on account of death
46 in active service payable from contributions of the
47 said cities shall be paid from the ~~pension~~
48 ~~accumulation~~ fund.
49 e. Upon the retirement or death of a member an
50 amount equal to the pension reserve on any pension

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1 payable to the member or on account of the member's
2 death shall be transferred from the pension
3 accumulation fund to the pension reserve fund.

4 Sec. 66. Section 411.8, subsection 1, paragraph f,
5 Code 1989, is amended to read as follows:

6 f. Except as otherwise provided in paragraph "h":

7 (1) An amount equal to three and one-tenth percent
8 of each member's compensation from the earnable
9 compensation of the member shall be paid to the
10 pension accumulation fund for the fiscal year
11 beginning July 1, 1989.

12 (2) An amount equal to four and four-tenths
13 percent of each member's compensation from the
14 earnable compensation of the member shall be paid to
15 the fund for the fiscal year beginning July 1, 1990.

16 (3) An amount equal to five and seven-tenths
17 percent of each member's compensation from the
18 earnable compensation of the member shall be paid to
19 the fund for the fiscal year beginning July 1, 1991.

20 (4) An amount equal to seven percent of each
21 member's compensation from the earnable compensation
22 of the member shall be paid to the fund for the fiscal
23 year beginning July 1, 1992.

24 (5) An amount equal to eight and three-tenths
25 percent of each member's compensation from the
26 earnable compensation of the member shall be paid to
27 the fund for the fiscal year beginning July 1, 1993.

28 (6) An amount equal to nine and six-tenths percent
29 of each member's compensation from the earnable
30 compensation of the member shall be paid to the fund
31 for the fiscal year beginning July 1, 1994.

32 (7) An amount equal to ten and nine-tenths percent
33 of each member's compensation from the earnable
34 compensation of the member shall be paid to the fund
35 for the fiscal year beginning July 1, 1995.

36 (8) Beginning July 1, 1996, and each fiscal year
37 thereafter, the member's contribution rate shall be
38 the rate percent of the earnable compensation of all
39 members obtained by deducting from the total
40 liabilities of the fund the amount of the funds in
41 hand to the credit of the fund and dividing the
42 remainder by one percent of the present value of the
43 prospective future compensation of all members as
44 computed on the basis of the rate of interest and of
45 mortality and service tables adopted, multiplied by
46 four-tenths, or ten and nine-tenths percent, whichever
47 is greater.

48 Beginning July 1, 1996, and each fiscal year
 49 thereafter, an amount equal to the member's
 50 contribution rate times each member's compensation

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1 shall be paid to the fund from the earnable
 2 compensation of the member. Beginning July 1, 1996,
 3 and each fiscal year thereafter, for the purpose of
 4 computing the employee contribution under this
 5 chapter, the percentage contribution rate for medicare
 6 payments shall be calculated by dividing the total
 7 annual medicare contribution by one hundredth of the
 8 total annual earnable compensation and multiplying by
 9 four-tenths. This percentage shall be added to the
 10 member's contribution rate and used to determine the
 11 total amount which the member contributes.
 12 The total amount to be contributed by the member
 13 shall be determined by the actuary after each
 14 valuation.

15 Sec. 67. Section 411.8, subsection 1, paragraph g,
 16 Code 1989, is amended to read as follows:

17 g. ~~Each board of trustees~~ The system shall certify
 18 to the superintendent of public safety as defined in
 19 this chapter and the superintendent of public safety
 20 as defined in this chapter shall cause to be deducted
 21 from the earnable compensation of each member the
 22 contribution required under ~~paragraph "f"~~ of this
 23 subsection and shall forward the contributions to the
 24 ~~board of trustees system~~ for recording and for deposit
 25 in the pension accumulation fund.

26 The deductions provided for under this ~~subsection~~
 27 ~~paragraph~~ shall be made notwithstanding that the
 28 minimum compensation provided by law for any member is
 29 reduced. Every member is deemed to consent to the
 30 deductions made under this ~~section~~ paragraph.

31 Sec. 68. Section 411.8, subsection 1, Code 1989,
 32 is amended by adding the following new paragraph:

33 NEW PARAGRAPH. h. Notwithstanding the provisions
 34 of paragraph "f", the following transition percentages
 35 apply to members' contributions as specified:

36 (1) For members who on July 1, 1990, have attained
 37 the age of forty-nine years or more, an amount equal
 38 to ten and nine-tenths percent of each member's
 39 compensation from the earnable compensation of the
 40 member shall be paid to the fund for the fiscal year
 41 beginning July 1, 1990, and each subsequent fiscal
 42 year until the fiscal year beginning July 1, 1996,
 43 when paragraph "f", subparagraph (8), applies.

44 (2) For members who on July 1, 1990, have attained

45 the age of forty-eight years but have not attained the
46 age of forty-nine years, an amount equal to nine and
47 six-tenths percent shall be paid for the fiscal year
48 beginning July 1, 1990, and an amount equal to ten and
49 nine-tenths percent shall be paid for the fiscal year
50 beginning July 1, 1991, and each subsequent fiscal

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1 year thereafter until the fiscal year beginning July
2 1, 1996, when paragraph "f", subparagraph (8),
3 applies.

4 (3) For members who on July 1, 1990, have attained
5 the age of forty-seven years but have not attained the
6 age of forty-eight years, an amount equal to eight and
7 three-tenths percent shall be paid for the fiscal year
8 beginning July 1, 1990, an amount equal to nine and
9 six-tenths percent shall be paid for the fiscal year
10 beginning July 1, 1991, and an amount equal to ten and
11 nine-tenths percent shall be paid for the fiscal year
12 beginning July 1, 1992, and each subsequent fiscal
13 year until the fiscal year beginning July 1, 1996,
14 when paragraph "f", subparagraph (8), applies.

15 (4) For members who on July 1, 1990, have attained
16 the age of forty-six years but have not attained the
17 age of forty-seven years, an amount equal to seven
18 percent shall be paid for the fiscal year beginning
19 July 1, 1990, an amount equal to eight and three-
20 tenths percent shall be paid for the fiscal year
21 beginning July 1, 1991, an amount equal to nine and
22 six-tenths percent shall be paid for the fiscal year
23 beginning July 1, 1992, and an amount equal to ten and
24 nine-tenths percent shall be paid for the fiscal year
25 beginning July 1, 1993, and each subsequent fiscal
26 year until the fiscal year beginning July 1, 1996,
27 when paragraph "f", subparagraph (8), applies.

28 (5) For members who on July 1, 1990, have attained
29 the age of forty-five years but have not attained the
30 age of forty-six years, an amount equal to five and
31 seven-tenths percent shall be paid for the fiscal year
32 beginning July 1, 1990, an amount equal to seven
33 percent shall be paid for the fiscal year beginning
34 July 1, 1991, an amount equal to eight and three-
35 tenths percent shall be paid for the fiscal year
36 beginning July 1, 1992, an amount equal to nine and
37 six-tenths percent shall be paid for the fiscal year
38 beginning July 1, 1993, and an amount equal to ten and
39 nine-tenths percent shall be paid for the fiscal years
40 beginning July 1, 1994, and July 1, 1995. Beginning
41 July 1, 1996, paragraph "f", subparagraph (8),

42 applies.

43 Sec. 69. Section 411.8, subsection 1, Code 1989,
44 is amended by adding the following new paragraph:
45 NEW PARAGRAPH. i. Notwithstanding any other
46 provision of this chapter, employer and employee
47 contributions shall be computed on only the covered
48 portion of the member's earnable compensation for the
49 applicable year as shown in the following
50 subparagraphs:

Page 45

1 (1) For the calendar year beginning January 1,
2 1990, the covered portion of the member's earnable
3 compensation is twenty-eight thousand dollars.

4 (2) For the calendar year beginning January 1,
5 1991, the covered portion of the member's earnable
6 compensation is thirty-one thousand dollars.

7 (3) For the calendar year beginning January 1,
8 1992, the covered portion of the member's earnable
9 compensation is thirty-four thousand dollars.

10 (4) For the calendar year beginning January 1,
11 1993, the covered portion of the member's earnable
12 compensation is thirty-seven thousand dollars.

13 (5) For the calendar year beginning January 1,
14 1994, and each calendar year thereafter, the covered
15 portion of the member's earnable compensation is forty
16 thousand dollars.

17 Sec. 70. Section 411.8, subsection 2, Code 1989,
18 is amended by striking the subsection.

19 Sec. 71. Section 411.8, subsection 3, Code 1989,
20 is amended to read as follows:

21 3. EXPENSE FUND. ~~The expense fund shall be the~~
22 ~~fund to which shall be credited all money provided by~~
23 ~~the said cities to pay the administration expenses of~~
24 ~~the retirement system and from which shall be paid all~~
25 ~~the expenses necessary in connection with the~~
26 ~~administration and operation of the system. Annually~~
27 ~~the boards board of trustees shall estimate budget the~~
28 ~~amount of money necessary to be paid into the expense~~
29 ~~fund during the ensuing year to provide for the~~
30 ~~expense of operation of the retirement system. The~~
31 operating expenses shall be financed from the income
32 derived from the system's investments. Investment
33 management expenses shall be charged directly to the
34 investment income of the system.

35 Sec. 72. Section 411.11, Code 1989, is amended to
36 read as follows:

37 411.11 CONTRIBUTIONS BY THE CITY.

38 On or before January 1 of each year the ~~respective~~

39 ~~boards of trustees system~~ shall certify to the
 40 superintendent of public safety ~~of each participating~~
 41 ~~city~~ the amounts which will become due and payable
 42 during the year next following to the ~~pension~~
 43 ~~accumulation fire and police retirement fund and the~~
 44 ~~expense fund~~. The amounts so certified shall be
 45 included by the superintendent of public safety in the
 46 annual budget estimate. The amounts so certified
 47 shall be appropriated by the respective cities and
 48 transferred to the retirement system for the ensuing
 49 year. The cities shall annually levy a tax sufficient
 50 in amount to cover the appropriations.

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1 ~~However, the amounts due and payable for a~~
 2 ~~retirement system during its first year, or portion of~~
 3 ~~a year, of operation shall be determined using the~~
 4 ~~rates of contribution adopted by the board of~~
 5 ~~trustees.~~

6 Sec. 73. Section 411.12, Code 1989, is amended to
 7 read as follows:

8 411.12 GUARANTY.

9 The creation and maintenance of moneys in the
 10 ~~pension accumulation fire and police retirement fund~~
 11 ~~and the maintenance of pension reserves~~ as provided
 12 for the payment of all pensions and other benefits
 13 granted under the provisions of this chapter and all
 14 expenses in connection with the administration and
 15 operation of the retirement ~~systems~~ system are hereby
 16 made direct liability obligations of the ~~said~~ cities
 17 participating in the retirement system.

18 Sec. 74. Section 411.13, Code Supplement 1989, is
 19 amended to read as follows:

20 411.13 EXEMPTION FROM EXECUTION.

21 The right of any person to a pension, annuity, or
 22 retirement allowance, to the return of contributions,
 23 the pension, annuity, or retirement allowance itself,
 24 any optional benefit or death benefit, any other right
 25 accrued or accruing to any person under this chapter,
 26 and the moneys in the ~~various funds~~ fire and police
 27 retirement fund created under this chapter, are not
 28 subject to execution, garnishment, attachment, or any
 29 other process whatsoever, and are unassignable except
 30 as in this chapter specifically provided.

31 Sec. 75. Section 411.14, Code 1989, is amended to
 32 read as follows:

33 411.14 PROTECTION AGAINST FRAUD.

34 ~~Any~~ A person who ~~shall knowingly make any~~ makes a
 35 false statement; or ~~shall falsify~~ falsifies or ~~permit~~

36 permits to be falsified any record or records of such
 37 the retirement system in any an attempt to defraud
 38 such the system as a result of such act, shall be is
 39 guilty of a fraudulent practice. Should If any change
 40 or errors error in records result results in any a
 41 member or beneficiary receiving from the retirement
 42 system more or less than the member or beneficiary
 43 would have been entitled to receive had the records
 44 been correct, the respective board of trustees system
 45 shall correct such the error, and, as far as
 46 practicable, shall adjust the payments in such a
 47 manner that the actuarial equivalent of the benefit to
 48 which such the member or beneficiary was correctly
 49 entitled, shall be paid.
 50 Sec. 76. Section 411.20, Code 1989, is amended by

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1 striking the section and inserting in lieu thereof the
 2 following:
 3 411.20 STATE APPROPRIATION.
 4 There is appropriated from the general fund of the
 5 state for each fiscal year an amount necessary to be
 6 distributed to the statewide fire and police
 7 retirement system, or to the cities participating in
 8 the system, to finance the cost of benefits provided
 9 in this chapter by amendments of the Acts of the
 10 Sixty-sixth General Assembly, chapter 1089. The
 11 method of distribution shall be determined by the
 12 board of trustees based on information provided by the
 13 actuary of the statewide retirement system.
 14 Moneys appropriated by the state shall not be used
 15 to reduce the normal rate of contribution of any city
 16 below seventeen and five hundredths percent.
 17 Sec. 77. Section 411.21, subsection 2, paragraph
 18 g, Code 1989, is amended to read as follows:
 19 g. "Member who became vested" and "vested member"
 20 mean a member who has been a member of the retirement
 21 system fifteen four or more years and is entitled to
 22 benefits under this chapter.
 23 Sec. 78. NEW SECTION. 411.23 WITHDRAWAL OF
 24 CONTRIBUTIONS.
 25 Commencing July 1, 1990, if an active member, in
 26 service on or after that date, terminates service,
 27 other than by death or disability, the member may
 28 elect to withdraw the member's contributions under
 29 section 411.8, subsection 1, paragraphs "f" and "h",
 30 together with interest thereon at a rate determined by
 31 the board of trustees. If a member withdraws
 32 contributions as provided in this section, the member

33 shall be deemed to have waived all claims for other
34 benefits from the system for the period of membership
35 service for which the contributions are withdrawn.
36 Sec. 79. NEW SECTION. 411.35 STATEWIDE SYSTEM
37 ESTABLISHED -- CITY SYSTEMS TERMINATED.
38 1. Effective July 1, 1991, a single statewide fire
39 and police retirement system is established to replace
40 the individual city fire retirement systems and police
41 retirement systems operating under this chapter prior
42 to that date. Each city fire retirement system and
43 police retirement system operating under this chapter
44 prior to July 1, 1991, shall participate in the
45 statewide system.
46 2. Effective July 1, 1991, each city fire
47 retirement system and police retirement system
48 operating under this chapter prior to that date is
49 terminated, and all membership, benefit rights, and
50 financial obligations under the terminating systems

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1 shall be assumed by the statewide fire and police
2 retirement system.
3 Sec. 80. NEW SECTION. 411.36 BOARD OF TRUSTEES
4 FOR STATEWIDE SYSTEM.
5 1. A board of trustees for the statewide fire and
6 police retirement system is created. The board shall
7 consist of nine members, including seven voting
8 members and two nonvoting members. The voting members
9 shall be as follows:
10 a. A fire fighter from a participating city who is
11 a member of the retirement system. The fire fighter
12 shall be appointed by the governing body of the Iowa
13 association of professional fire fighters.
14 b. A police officer from a participating city who
15 is a member of the retirement system. The police
16 officer shall be appointed by the governing body of
17 the Iowa state police association.
18 c. The city treasurers of two participating
19 cities. The city treasurers shall be appointed by the
20 governing body of the league of Iowa municipalities.
21 d. Three citizens who do not hold another public
22 office. The citizens shall be appointed by the other
23 members of the board.
24 The nonvoting members of the board shall be one
25 state representative appointed by the speaker of the
26 house of representatives and one state senator
27 appointed by the majority leader of the senate.
28 2. Except as otherwise provided for the initial
29 appointments, the members shall be appointed for four-

30 year terms beginning on May 1 in the year of
31 appointment and expiring on April 30 in the year of
32 expiration.

33 3. Vacancies shall be filled in the same manner as
34 original appointments. A vacancy shall be filled for
35 the unexpired term.

36 4. The board shall elect a chairperson from among
37 its own members.

38 Sec. 81. NEW SECTION. 411.37 BOARD RESPONSIBLE
39 FOR TRANSITION.

40 1. The board of trustees for the statewide system
41 is responsible for effecting the transition from the
42 city fire and police retirement systems to the
43 statewide fire and police retirement system. The
44 board shall adopt a transition plan and other
45 appropriate transition documents it deems necessary to
46 accomplish the transition in accordance with the
47 requirements of this chapter. The city fire and
48 police retirement systems shall comply with orders of
49 the board issued pursuant to the transition plan or
50 other transition documents.

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1 2. The board shall include in the transition plan
2 or other transition documents, provisions to
3 facilitate continuity under sections 411.20, 411.21,
4 and 411.30 and a recommendation for an equitable
5 process for determining earnable compensation changes
6 when calculating adjustments to pensions under section
7 411.6, subsection 12, to be submitted to the general
8 assembly meeting in 1991.

9 3. For the fiscal year beginning July 1, 1990, ten
10 percent of the amount appropriated for distribution to
11 cities as provided in section 411.20 shall be made
12 available to the board of trustees for the statewide
13 system to cover the administrative costs of the
14 transition. The amount distributed to each city shall
15 be reduced accordingly. The moneys remaining
16 unexpended at the end of the fiscal year shall be
17 credited to the cities in the same proportion as the
18 reduction.

19 Sec. 82. NEW SECTION. 411.38 OBLIGATIONS OF
20 PARTICIPATING CITIES.

21 Upon the establishment of the statewide system,
22 each city participating in the statewide fire and
23 police retirement system shall do all of the
24 following:

25 1. Pay to the statewide system the normal
26 contribution rate provided pursuant to section 411.8.

27 2. Transfer from each terminated city fire or
28 police retirement system to the statewide system
29 amounts sufficient to cover the accrued liabilities of
30 that terminated system as determined by the actuary of
31 the statewide system.

32 3. Contribute additional amounts necessary to
33 ensure sufficient financial support for the statewide
34 fire and police retirement system, as determined by
35 the board of trustees based on information provided by
36 the actuary of the statewide system.

37 **Sec. 83. INITIAL STATEWIDE BOARD FOR STATEWIDE**
38 **SYSTEM.**

39 1. All members of the initial board of trustees
40 for the statewide fire and police retirement system
41 shall be appointed from the boards of trustees of the
42 participating fire and police retirement systems.

43 2. The terms of the initial appointees shall be as
44 follows:

45 a. The fire fighter and police officer shall be
46 appointed for terms of four years.

47 b. One city treasurer shall be appointed for a
48 term of three years and one for a term of two years.

49 c. One citizen member shall be appointed for a
50 term of three years, one for a term of two years, and

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1 one for a term of one year.

2 d. The state representative and the state senator
3 shall each be appointed for a term of two years.

4 3. Notwithstanding section 411.36, subsection 2,
5 the term of each original appointee commences on the
6 date of appointment and expires on April 30 in the
7 year of expiration.

8 4. As soon as possible after the effective date of
9 this section, the director of the legislative service
10 bureau shall call a preliminary meeting of the four
11 board members appointed as provided in section 411.36,
12 subsection 1, paragraphs "a", "b", and "c" for the
13 purpose of appointing the remaining board members and
14 setting a date for the first meeting of the full
15 board. The preliminary meeting shall be held before
16 July 1, 1990. The director of the legislative service
17 bureau shall preside at the preliminary meeting and
18 also at the first meeting of the full board until the
19 board elects a chairperson from among its own members.

20 5. The initial board members are entitled to
21 expenses incurred in the performance of their duties
22 during the transition period.

23 6. The initial board may engage actuarial and

24 other services as necessary for transition purposes.

25 Sec. 84. REPEALS.

26 Sections 411.18 and 411.19, Code 1989, are
27 repealed.

28 Sec. 85. STUDY.

29 The legislative council shall employ an actuarial
30 consultant to study possible courses of action with
31 respect to the retirement systems for public safety
32 peace officers, police officers, and fire fighters
33 covered under chapters 97A and 411.

34 The study of possible courses of action shall
35 include:

36 1. Extending the Iowa public employees' retirement
37 system and the federal social security system to peace
38 officers, police officers, and fire fighters, with the
39 same benefits as county sheriffs and deputy sheriffs
40 under section 97B.49, subsection 16, paragraph "b".

41 2. Establishing a system for rating the degree of
42 disability under the retirement systems established by
43 chapters 97A and 411.

44 3. Determining methods of enhancing benefits for
45 current retirees and their survivors and determining
46 equity among state and local systems, both as to
47 contribution rates and benefit formulas.

48 4. Revising the system of benefits for members,
49 spouses, and other beneficiaries so that members would
50 choose from among five benefit options similar to

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1 those available under the Iowa public employees'
2 retirement system.

3 The study shall consider each of the possible
4 courses of action with respect to (a) persons
5 currently under the retirement systems established by
6 chapters 97A and 411, and (b) persons newly hired as
7 peace officers, police officers, and fire fighters.

8 The study shall also extend to consideration of
9 changes in provisions governing coverage of temporary
10 employees under the Iowa public employees' retirement
11 system, including the issue of whether coverage under
12 the proposed changes should be mandatory or optional
13 for the employee.

14 The study shall be conducted in accordance with the
15 guiding goals and principles set forth in section
16 97D.1.

17 The legislative service bureau shall coordinate the
18 study, in consultation with the legislative fiscal
19 bureau and the public employees' retirement system
20 division of the department of personnel.

21 The study shall be completed and a report submitted
22 to the general assembly not later than December 1,
23 1990.

24 Sec. 86. STUDY OF DEFINED CONTRIBUTION PLAN.

25 1. The Iowa public employees' retirement system
26 shall conduct a study of the feasibility of initiating
27 an optional, supplemental defined contribution
28 retirement plan which would be available to all
29 members in addition to their basic coverage under the
30 existing system. Under the proposed plan, employees
31 electing to participate would be eligible to
32 contribute up to five percent of their total salary
33 per year at their option and this would accumulate
34 interest at the rate credited to members' accounts
35 under basic Iowa public employees' retirement system
36 coverage, less management expenses and administrative
37 costs. The funds in the employee's account would be
38 available to the employee either upon termination of
39 public employment or at retirement.

40 2. The Iowa public employees' retirement system
41 shall provide a preliminary report concerning the
42 study on or after November 1, 1990, and a final report
43 on or after November 1, 1991. The reports shall be
44 transmitted to the chief clerk of the house of
45 representatives and the secretary of the senate for
46 distribution to the general assembly.

47 Sec. 87. TRANSFER OF SECTION.

48 The Code editor shall transfer section 97B.76 to
49 chapter 97D, created by this Act.

50 Sec. 88. APPLICABILITY -- EFFECTIVE DATE.

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1 1. Sections 3, 6, 14, 47, 54, and 77 of this Act
2 apply to members of the Iowa department of public
3 safety peace officers' retirement, accident, and
4 disability system and members of police and fire
5 retirement systems who are in active service on or
6 after the effective date of this Act.

7 2. Section 21 of this Act is applicable to
8 computations of years of prior service made on or
9 after the effective date of this Act.

10 3. Sections 1, 41 through 46, 49, 50, 52 through
11 67, 70 through 76, and 84 of this Act take effect July
12 1, 1991.

13 Sec. 89. IMMEDIATE EFFECTIVENESS.

14 Sections 79 through 83 and this section, being
15 deemed of immediate importance, take effect upon
16 enactment."

17 2. Title page, line 2, by inserting after the

18 word "providing" the following: "effective dates
19 and".

JOHN KIBBIE

S-5802

- 1 Amend Senate File 2423 as follows:
- 2 1. Page 21, by striking lines 1 through 3.

JULIA GENTLEMAN

S-5803

- 1 Amend Senate File 2420 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "less." the following: "However, this proviso on
- 4 intradepartmental transfers does not apply to line
- 5 item appropriations to the department of human
- 6 services for medical assistance, aid to families with
- 7 dependent children, foster care, and state
- 8 supplementary assistance, if the proposed transfer is
- 9 first reported to the legislative fiscal committee,
- 10 the fiscal committee meets subsequent to the receipt
- 11 of the report, and the fiscal committee has an
- 12 opportunity to comment on the proposed transfer."

JOE J. WELSH
RICHARD J. VARN

S-5804

- 1 Amend House File 2552, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by inserting after line 25, the
- 4 following:
- 5 "Sec. ____ . Section 424.6, subsection 1, Code
- 6 Supplement 1989, is amended by adding the following
- 7 new unnumbered paragraph:
- 8 "NEW UNNUMBERED PARAGRAPH. The department shall
- 9 permit a credit against the charge due from a person
- 10 equal to the total volume of petroleum transferred or
- 11 sold from a tank in bulk quantities to a person for
- 12 deposit in a tank which is exempt, deferred, or
- 13 excluded pursuant to this subsection, multiplied by
- 14 the diminution rate multiplied by the cost factor,
- 15 subject to rules adopted by the board. "Bulk

16 quantities” as used in this paragraph means at least a
17 standard tanker truck load, or more.”
18 2. By renumbering as necessary.

JOHN KIBBIE
MICHAEL E. GRONSTAL
EMIL J. HUSAK

S-5805

1 Amend House File 2551, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 6, by inserting after line 32 the fol-
4 lowing:
5 “Sec. ____ . Section 422.45, subsection 7, Code
6 Supplement 1989, is amended to read as follows:
7 7. A private nonprofit educational institution in
8 this state, nonprofit private museum or a tax-
9 certifying or tax-levying body or governmental
10 subdivision of the state, including the state board of
11 regents, state department of human services, state
12 department of transportation, a municipally owned
13 solid waste facility which sells all or part of its
14 processed waste as fuel to a municipally owned public
15 utility, and all divisions, boards, commissions,
16 agencies or instrumentalities of state, federal,
17 county or municipal government which do not have
18 earnings going to the benefit of an equity investor or
19 stockholder may make application to the department for
20 the refund of the sales, services, or use tax upon the
21 gross receipts of all sales of goods, wares or
22 merchandise, or from services rendered, furnished, or
23 performed, to a contractor, used in the fulfillment of
24 a written contract with the state of Iowa, any
25 political subdivision of the state, or a division,
26 board, commission, agency or instrumentality of the
27 state or a political subdivision, ~~or~~ a private
28 nonprofit educational institution in this state, or a
29 nonprofit private museum if the property becomes an
30 integral part of the project under contract and at the
31 completion of the project becomes public property, ~~or~~
32 is devoted to educational uses; or becomes a nonprofit
33 private museum except goods, wares or merchandise or
34 services rendered, furnished, or performed used in the
35 performance of any contract in connection with the
36 operation of any municipal utility engaged in selling
37 gas, electricity, or heat to the general public; and
38 except goods, wares, and merchandise used in the
39 performance of a contract for a “project” under

40 chapter 419 as defined in that chapter other than
 41 goods, wares or merchandise used in the performance of
 42 a contract for a "project" under chapter 419 for which
 43 a bond issue was or will have been approved by a
 44 municipality prior to July 1, 1968, or for which the
 45 goods, wares, or merchandise becomes an integral part
 46 of the project under contract and at the completion of
 47 the project becomes public property or is devoted to
 48 educational uses.

49 a. Such contractor shall state under oath, on
 50 forms provided by the department, the amount of such

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1 sales of goods, wares or merchandise or services
 2 rendered, furnished, or performed and used in the
 3 performance of such contract, and upon which sales or
 4 use tax has been paid, and shall file such forms with
 5 the governmental unit, ~~or~~ private nonprofit
 6 educational institution, or nonprofit private museum
 7 which has made any written contract for performance by
 8 ~~said the~~ contractor. ~~Such The~~ forms shall be filed by
 9 the contractor with the governmental unit, ~~or~~
 10 educational institution, or nonprofit private museum
 11 before final settlement is made.

12 b. Such governmental unit, ~~or~~ educational
 13 institution, or nonprofit private museum shall, not
 14 more than six months after the final settlement has
 15 been made, make application to the department for any
 16 refund of the amount of such sales or use tax which
 17 shall have been paid upon any goods, wares or
 18 merchandise, or services rendered, furnished, or
 19 performed, such application to be made in the manner
 20 and upon forms to be provided by the department, and
 21 the department shall forthwith audit such claim and,
 22 if approved, issue a warrant to such governmental
 23 unit, ~~or~~ educational institution, or nonprofit private
 24 museum in the amount of such sales or use tax which
 25 has been paid to the state of Iowa under such
 26 contract.

27 c. Any contractor who shall willfully make false
 28 report of tax paid under the provisions of this
 29 subsection shall be guilty of a simple misdemeanor and
 30 in addition thereto shall be liable for the payment of
 31 the tax with and any applicable penalty and interest
 32 thereon.

33 Sec. ____ . Section 422.45, Code Supplement 1989, is
 34 amended by adding the following new subsection:

35 NEW SUBSECTION. 43. The gross receipts of all
 36 sales of goods, wares, merchandise, or services, used

37 for educational, scientific, historic preservation, or
38 aesthetic purpose to a nonprofit private museum.”

WILLIAM W. DIELEMAN
MIKE CONNOLLY
JACK W. HESTER
JIM LIND

S-5806

1 Amend House File 2537, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by striking lines 17 through 26.
4 2. Page 10, by inserting after line 27, the
5 following:
6 “Sec. ____ NEW SECTION. 523E.1 TRUST FUND
7 ESTABLISHED.
8 1. If an agreement is made by a person to furnish,
9 upon the future death of a person named or implied in
10 the agreement, cemetery merchandise, a minimum of one
11 hundred twenty-five percent of the wholesale cost of
12 the cemetery merchandise, based upon the current
13 advertised prices available from a manufacturer or
14 wholesaler who has delivered the same or substantially
15 the same type of merchandise to the seller during the
16 last twelve months, shall be and remain trust funds
17 until purchase of the merchandise or the occurrence of
18 the death of the person for whose benefit the funds
19 were paid, unless the funds are sooner released to the
20 person making the payment by mutual consent of the
21 parties. Payments otherwise subject to this section
22 are not exempt merely because they are held in
23 certificates of deposit.
24 2. The seller shall keep copies of all price
25 advertisements upon which the seller relies to
26 determine the wholesale cost. The copies of price
27 advertisements so maintained shall be made available
28 to the commissioner upon request. The seller shall
29 review wholesale costs no less than annually and make
30 additional deposits as necessary to assure that the
31 amount held in trust is always equal to or in excess
32 of one hundred twenty-five percent of the wholesale
33 cost of the merchandise. The seller and the
34 manufacturer or wholesaler upon whose price the seller
35 relies to determine the wholesale cost shall not be
36 commonly owned or affiliated.
37 3. Interest or income earned on amounts deposited
38 in trust under this subsection shall remain in trust
39 under the same terms and conditions as the payments

40 made under the agreement and purchasers shall have a
41 right to a total refund of principal and interest or
42 income in the event of nonperformance.

43 4. If an agreement subject to this subsection is
44 to be paid in installment payments, the seller shall
45 deposit fifty percent of each payment in trust until
46 the full amount to be trusted has been deposited. If
47 the agreement is financed with or sold to a financial
48 institution, the agreement shall be considered paid in
49 full and the deposit requirements of this section
50 shall be satisfied within fifteen days after the close

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1 of the month of receipt of the funds from the
2 financial institution.

3 This section does not apply to payments for
4 merchandise delivered to the purchaser. Delivery
5 includes storage in a warehouse under the control of
6 the seller or any other warehouse or storage facility
7 approved by the commissioner when a receipt of
8 ownership in the name of the purchaser is delivered to
9 the purchaser, the merchandise is insured against
10 loss, the merchandise is protected against damage,
11 title has been transferred to the purchaser, the
12 merchandise is appropriately identified and described
13 in a manner that it can be distinguished from other
14 similar items of merchandise, the method of storage
15 allows for visual audits of the merchandise, and the
16 annual reporting requirements of section 523E.2,
17 subsection 1, are satisfied.

18 Sec. ____ . NEW SECTION. 523E.2 DEPOSIT OF FUNDS -
19 - RECORDS -- EXAMINATIONS -- REPORTS.

20 1. a. All funds held in trust under section
21 523E.1 shall be deposited in a state or federally
22 insured bank, savings and loan association, or credit
23 union authorized to conduct business in this state, or
24 trust department thereof, or in a trust company
25 authorized to conduct business in this state, within
26 fifteen days after the close of the month of receipt
27 of the funds and shall be held as provided in
28 paragraph "g" for the designated beneficiary until
29 released pursuant to section 523E.1.

30 b. The seller under an agreement referred to in
31 section 523E.1 shall maintain accurate records of all
32 receipts, expenditures, interest or earnings, and
33 disbursements relating to funds held in trust, and
34 shall make these records available to the commissioner
35 for examination at any reasonable time upon request.

36 c. The seller under an agreement referred to in

37 section 523E.1 shall file with the commissioner not
38 later than March 1 of each year a report including the
39 following information:

40 (1) The name and address of the seller and the
41 name and address of the establishment that will
42 provide the cemetery merchandise.

43 (2) The name of the purchaser, beneficiary, and
44 the amount of each agreement under section 523E.1 made
45 in the preceding year and the date on which it was
46 made.

47 (3) The total value of agreements subject to
48 section 523E.1 entered into, the total amount paid
49 pursuant to those agreements, and the total amount
50 deposited in trust as required under section 523E.1,

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1 during the preceding year.

2 (4) The amount of any payments received pursuant
3 to agreements reported in previous years in accordance
4 with subparagraphs (2) and (3) and the amount of those
5 payments deposited in trust for each purchaser.

6 (5) The change in status of any trust account, for
7 each purchaser, any other amounts withdrawn from trust
8 and the reason for each withdrawal. However, regular
9 increments of interest or income need not be reported
10 on a yearly basis.

11 (6) The name and address of the financial
12 institution in which trust funds were deposited, and
13 the name and address of each insurance company which
14 funds agreements under section 523E.1.

15 (7) The name and address of each purchaser of
16 cemetery merchandise delivered in lieu of trusting
17 pursuant to section 523E.1, and a description of that
18 merchandise for each purchaser.

19 (8) The complete inventory of cemetery merchandise
20 and its location in the seller's possession that has
21 been delivered in lieu of trusting pursuant to section
22 523E.1.

23 (9) Other information reasonably required by the
24 commissioner for purposes of administration of this
25 chapter.

26 The information required by subparagraphs (7) and
27 (8) shall include a verified statement of a certified
28 public accountant that the certified public accountant
29 has conducted a physical inventory of the cemetery
30 merchandise specified in subparagraph (8) and that
31 each item of that merchandise is in the seller's
32 possession at the specified location. The statement
33 shall be on a form prescribed by the commissioner.

34 The commissioner shall permit the filing of a unified
35 annual report by a seller subject to both chapter 523A
36 and this chapter.

37 The report shall be accompanied by a filing fee
38 determined by the commissioner which shall be
39 sufficient to defray the costs of administering this
40 chapter.

41 d. A financial institution referred to in
42 paragraph "a" shall file notice with the commissioner
43 of all funds deposited under the trust agreement. The
44 notice shall be on forms prescribed by the
45 commissioner and shall be filed not later than March 1
46 of each year. Each notice shall contain the required
47 information for all deposits made during the previous
48 calendar year. Forms may be obtained from the
49 commissioner.

50 e. Notwithstanding chapter 22, all records

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1 maintained by the commissioner under this subsection
2 shall be confidential and shall not be made available
3 for inspection or copying except upon approval of the
4 commissioner or the attorney general.

5 f. The financial institution in which trust funds
6 are held shall not be owned or under the control of
7 the seller and shall not use any funds required to be
8 held in trust pursuant to this chapter or chapter 566A
9 to purchase an interest in any contract or agreement
10 to which the seller is a party, or otherwise to
11 invest, directly or indirectly, in the seller's
12 business operations.

13 g. All funds required to be deposited for a
14 purpose described in section 523E.1 shall be deposited
15 in a manner consistent with one of the following:

16 (1) The payments shall be deposited directly by
17 the purchaser in an irrevocable interest-bearing
18 burial account in the name of the purchaser.

19 (2) The payments shall be deposited directly by
20 the purchaser in a separate account in the name of the
21 purchaser. The account may be made payable to the
22 seller on the death of the purchaser or the designated
23 beneficiary, provided that, until death, the purchaser
24 retains the exclusive power to hold, manage, pledge,
25 and invest the funds in the account and may revoke the
26 trust and withdraw the funds, in whole or in part, at
27 any time.

28 (3) The payments shall be deposited by the
29 purchaser or the seller in a separate burial trust
30 account in the name of the purchaser, as trustee, in

31 trust for the named beneficiary, to be held, invested,
32 and administered as a trust account for the benefit
33 and protection of the person for whose benefit the
34 funds were paid. The depositor shall notify the
35 financial institution of the existence and terms of
36 the trust, including at a minimum the name of each
37 party to the agreement, the name and address of the
38 trustee, and the name and address of the beneficiary.
39 The account may be made payable to the seller upon
40 death of the designated beneficiary.

41 (4) The payments shall be deposited in the name of
42 the trustee, as trustee, under the terms of a master
43 trust agreement and the trustee may invest, reinvest,
44 exchange, retain, sell, and otherwise manage the trust
45 fund for the benefit and protection of the person for
46 whose benefit the funds were paid.

47 In addition to the methods provided for in this
48 section, the commissioner may by rule authorize other
49 methods of deposit upon a finding that that method
50 provides equivalent safety of the principal and

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1 interest or income and the seller does not have the
2 ability to utilize any of the proceeds prior to
3 performance. Money deposited under the master trust
4 agreement may be commingled for investment purposes as
5 long as each deposit includes a detailed listing of
6 the amount deposited in trust for each beneficiary and
7 a separate accounting of each purchaser's principal,
8 interest, and income is maintained. Subject to the
9 master trust agreement, the seller may appoint an
10 independent investment advisor to act in an advisory
11 capacity with the trustee relative to the investment
12 of the trust funds. The trust shall pay the cost of
13 the operation of the trust and any annual audit fees.

14 The financial institution, or the trust department
15 of the financial institution, in which trust funds are
16 held may serve as trustee to the extent that the
17 organization has been granted those powers under the
18 laws of this state or the United States. The seller
19 or any officer, director, agent, employee, or
20 affiliate of the seller shall not serve as trustee.

21 2. In addition to complying with subsection 1,
22 each seller under an agreement referred to in section
23 523E.1 shall file annually with the commissioner an
24 authorization for the commissioner or a designee to
25 investigate, audit, and verify all funds, accounts,
26 safe-deposit boxes, and other evidence of trust funds
27 held by or in a financial institution.

28 3. The commissioner shall adopt rules under
29 chapter 17A specifying the form, content, and cost of
30 the forms for the notices and disclosures required by
31 this section, and shall sell blank forms at that cost
32 to any person on request.

33 4. If a seller under an agreement referred to in
34 section 523E.1 ceases to do business, whether
35 voluntarily or involuntarily, and the obligation to
36 provide the merchandise and services has not been
37 assumed by another funeral home or cemetery holding an
38 establishment permit issued under this chapter, all
39 funds held in trust under section 523E.1, including
40 accrued interest or earnings, shall be repaid to the
41 purchaser under the agreement.

42 5. The commissioner may require the performance of
43 an audit of the seller's business by a certified
44 public accountant if the commissioner receives
45 reasonable evidence that the seller is not complying
46 with this chapter. The audit shall be paid for by the
47 seller, and a copy of the report of audit shall be
48 delivered to the commissioner and to the seller.

49 6. This chapter does not prohibit the funding of
50 an agreement otherwise subject to section 523E.1 by

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1 insurance proceeds derived from a policy issued by an
2 insurance company authorized to conduct business in
3 this state. The seller of an agreement subject to
4 this chapter which is to be funded by insurance
5 proceeds shall obtain all permits required to be
6 obtained under this chapter and comply with the
7 reporting requirements of this section.

8 Sec. ____ . NEW SECTION. 523E.5 SCOPE OF CHAPTER - 9 - DEFINITIONS.

10 1. This chapter applies only to the sale of
11 cemetery merchandise.

12 2. As used in this chapter:

13 a. "Cemetery merchandise" means grave markers,
14 tombstones, ornamental merchandise, and monuments if
15 the agreement does not require installation within
16 twelve months of the purchase.

17 b. "Commissioner" means the commissioner of
18 insurance or the deputy appointed under section
19 502.601.

20 Sec. ____ . NEW SECTION. 523E.6 COMPLIANCE WITH 21 OTHER LAWS.

22 The seller of cemetery merchandise shall comply
23 with chapter 82 with respect to all contracts that are
24 subject to regulation under this chapter. A failure

25 to comply is subject to the remedies and penalties
26 provided in that chapter.
27 Sec. ____ . NEW SECTION. 523E.7 BOND IN LIEU OF
28 TRUST FUND.

29 1. In lieu of the trust fund required by sections
30 523E.1 and 523E.2, a seller may file with the
31 commissioner a surety bond that is issued by a surety
32 company authorized to do business in this state and
33 that is conditioned on the faithful performance by the
34 seller of agreements subject to this chapter. The
35 liability of the surety extends to each agreement that
36 is subject to this chapter and that is executed during
37 the time the bond is in force and until performance of
38 the agreement or rescission of the agreement by mutual
39 consent of the parties; and, to the extent expressly
40 agreed to in writing by the surety company under
41 subsection 3, paragraph "b", the liability of the
42 surety extends to each agreement that is subject to
43 this chapter and that was executed prior to the time
44 the bond was in force and until performance of the
45 agreement or rescission of the agreement by mutual
46 consent of the parties. A buyer who is aggrieved by a
47 breach of a condition of the bond covering the
48 contract of that buyer may maintain an action against
49 the bond, provided that if, at the time of the breach,
50 the buyer is aware of the buyer's rights under the

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1 bond and how to file a claim against the bond, the
2 surety shall not be liable as a result of any breach
3 of condition unless notice of a claim is received by
4 the surety within sixty days following the discovery
5 of the acts, omissions, or conditions constituting the
6 breach of condition, except as otherwise provided in
7 subsection 2. A surety bond submitted under this
8 subsection shall not be canceled by a surety company
9 except upon a written notice of cancellation given by
10 the surety company to the commissioner by restricted
11 certified mail, and the surety bond shall not be
12 canceled prior to the expiration of sixty days after
13 the receipt by the commissioner of the notice of
14 cancellation.

15 2. If a seller becomes insolvent or otherwise
16 ceases to engage in business prior to or within sixty
17 days after the cancellation of a bond submitted under
18 subsection 1, the seller shall be deemed to have
19 breached the conditions of the surety bond with
20 respect to all outstanding contracts subject to this
21 chapter as of the day prior to cancellation of the

22 bond. The commissioner shall mail written notice by
23 restricted certified mail to the buyer under each
24 outstanding contract of the seller that a claim
25 against the bond must be filed with the surety company
26 within sixty days after the date of mailing of the
27 notice. The surety company shall cease to be liable
28 with respect to all agreements except those for which
29 claims are filed with the surety company within sixty
30 days after the date the notices are mailed by the
31 commissioner.

32 3. If a surety bond is canceled by a surety
33 company under any conditions other than those
34 specified in subsection 2, the seller shall comply
35 with paragraphs "a" and "b":

36 a. The seller shall comply with the trust
37 requirements of sections 523E.1 and 523E.2 with
38 respect to all contracts subject to this chapter that
39 are executed on or after the effective date of
40 cancellation of the surety bond, or the seller may
41 submit a substitute surety bond meeting the
42 requirements of subsection 1, but the seller must
43 comply with sections 523E.1 and 523E.2 with respect to
44 any contracts executed on or after the effective date
45 of cancellation of the earlier surety bond and prior
46 to the date on which the later surety bond takes
47 effect.

48 b. Within sixty days after the effective date of
49 the cancellation of the surety bond, the seller shall
50 submit to the commissioner an undertaking by another

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1 surety company that a substitute surety bond meeting
2 the requirements of subsection 1 is in effect and that
3 the liability of the substitute surety bond extends to
4 all outstanding contracts of the seller that were
5 executed but not performed or extinguished prior to
6 the effective date of the substitute surety bond, or
7 the seller shall submit to the commissioner a
8 financial statement accompanied by an unqualified
9 opinion based upon an audit performed by a certified
10 public accountant licensed in this state certifying
11 the total amount of outstanding liabilities of the
12 seller on contracts subject to this chapter and proof
13 of deposit by the seller in trust under sections
14 523E.1 and 523E.2 of either the amount specified in
15 sections 523E.1, including interest as set by the
16 commissioner based on the interest which would have
17 been earned had the funds been maintained in trust,
18 with respect to all of those outstanding contracts or,

19 where applicable, that delivery of merchandise has
20 been made in compliance with section 523E.1. The
21 surety may require such security as is necessary to
22 comply with this section. Upon compliance by the
23 seller with this paragraph, the surety company
24 canceling the surety bond shall cease to be liable
25 with respect to any outstanding contracts of the
26 seller except those with respect to which a breach of
27 condition occurred prior to cancellation and timely
28 claims were filed.

29 4. Section 523E.2, subsection 1, paragraphs "b",
30 "c", and "e", subsection 5, and, to the extent it is
31 applicable, subsection 6, apply to sellers whose
32 agreements are covered by a surety bond maintained
33 under this section, and section 523E.2 continues to
34 apply to any agreements of those sellers that are not
35 covered by a surety bond maintained under this
36 section.

37 5. Upon receiving a notice of cancellation of a
38 surety bond, the commissioner shall notify the seller
39 of the requirements of this chapter resulting from
40 cancellation of the bond. The notice may be in the
41 form of a copy of this section and sections 523E.1 and
42 523E.2.

43 6. Upon receiving a notice of cancellation, unless
44 the seller has complied with the requirements of this
45 section, the attorney general shall seek an injunction
46 to prohibit the seller from making further agreements
47 subject to this chapter and shall commence an action
48 to attach and levy execution upon property of the
49 seller when the seller fails to perform an agreement
50 subject to this chapter, to the extent necessary to

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1 secure compliance with this chapter, and the county
2 attorney may bring criminal charges under section
3 523E.15.

4 7. The surety under this section shall not be
5 owned or under the control of the seller.

6 Sec. — . NEW SECTION. 523E.8 DISCLOSURES.

7 1. Every agreement for cemetery merchandise under
8 this chapter shall be written in clear, understandable
9 language and shall be printed or typed in easy-to-read
10 type, size, and style, and shall:

11 a. Identify the seller, the salesperson's permit
12 and establishment name and permit number, the
13 expiration date of the salesperson's permit, the
14 purchaser, and the person for whom the cemetery
15 merchandise is purchased if other than the purchaser.

- 16 b. Specify the cemetery merchandise to be
 17 provided, and the cost of each merchandise item.
 18 c. State clearly the conditions on which
 19 substitution will be allowed.
 20 d. Set forth the total purchase price and the
 21 terms under which it is to be paid.
 22 e. State clearly whether the agreement is a
 23 guaranteed price contract or a nonguaranteed price
 24 contract.
 25 f. State clearly whether the agreement is a
 26 revocable or irrevocable contract, and who has the
 27 authority to revoke the contract.
 28 g. State the amount or percentage of money to be
 29 placed in trust.
 30 h. Explain the disposition of the interest and
 31 disclose what fees and expenses may be charged if
 32 incurred.
 33 i. Specify the purchaser's right to cancel and
 34 damages for cancellation, if any.
 35 j. State the name and address of the commissioner.
 36 2. Every agreement shall be signed by the
 37 purchaser and the seller.
 38 Sec. — . NEW SECTION. 523E.9 ESTABLISHMENT
 39 PERMITS.
 40 1. A person, as defined in section 4.1, subsection
 41 13, shall not engage in the business of selling,
 42 promoting, or otherwise entering into agreements to
 43 furnish, upon the future death of a person named or
 44 implied in the agreement, cemetery merchandise without
 45 an establishment permit as provided for in this
 46 section. An establishment doing business shall obtain
 47 a permit for each location.
 48 2. An applicant for a permit under this section
 49 shall submit to the commissioner an application on a
 50 form provided by the commissioner. The commissioner

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- 1 shall permit application for a permit under section
 2 523A.9 on the same form as for this section provided
 3 the scope of sales by the establishment is clearly
 4 indicated to include funeral services, funeral
 5 merchandise, or cemetery merchandise, or a combination
 6 of any of these. The application shall include at a
 7 minimum the following information:
 8 a. The name and location of the applicant's
 9 business.
 10 b. The name and location of the provider who will
 11 provide the cemetery merchandise.
 12 c. The name and address of each owner, officer, or

13 other official of the applicant's business, or in the
14 event that the applicant is a corporation, the names
15 and addresses of the chief executive officer and the
16 members of the board of directors.

17 d. The types of cemetery merchandise to be sold.
18 An application for a permit pursuant to this
19 section shall be accompanied by a copy of each sales
20 agreement the permit holder will use for sales of
21 cemetery merchandise under section 523E.1.

22 A permit holder shall inform the commissioner of
23 changes in the information within thirty days of the
24 change.

25 3. The applicant for a permit shall submit a fee
26 in the amount of fifty dollars; provided, however,
27 that if an applicant also applies for or has a permit
28 under section 523A.9, no additional fee shall be
29 required under this subsection.

30 4. Permits granted under this section are not
31 assignable.

32 5. Upon the filing of an application for a permit,
33 the commissioner shall issue the permit unless the
34 commissioner finds any of the following:

35 a. The applicant is insolvent.

36 b. The applicant has failed to comply with any
37 terms or conditions of this chapter and that failure
38 is deemed by the commissioner to substantially impede
39 the applicant's ability to abide by this chapter.

40 c. The applicant has been convicted of a criminal
41 offense involving dishonesty or false statement.

42 d. The applicant cannot provide the cemetery
43 merchandise the applicant purports to sell.

44 6. If the commissioner does not grant the permit,
45 the commissioner shall notify the applicant in writing
46 of the denial and the reasons for the denial. The
47 commissioner shall approve or deny every application
48 for a license within ninety days after the filing
49 thereof, but any failure of the commissioner to act
50 within that time period shall not be deemed to be an

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1 approval of the application.

2 Sec. ____ . NEW SECTION. 523E.10 SALES PERMITS.

3 1. An individual shall not sell, promote, or
4 otherwise enter into an agreement to furnish, upon the
5 future death of a person named or implied in the
6 agreement, cemetery merchandise without a permit as
7 provided for in this section. An individual permit
8 holder must be an employee or agent of an
9 establishment which holds a permit pursuant to section

10 523E.9 and which can deliver the cemetery merchandise
 11 being sold. The establishment is liable for the acts
 12 of its employees and agents, independent or otherwise,
 13 performed in the course of obtaining or attempting to
 14 obtain an agreement for the sale of cemetery
 15 merchandise under section 523E.1.

16 2. An applicant for a permit under this section
 17 shall submit to the commissioner an application on a
 18 form provided by the commissioner. The commissioner
 19 shall permit application for a permit under section
 20 523A.10 on the same form as for this section provided
 21 the scope of sales by the individual is clearly
 22 indicated to include funeral services, funeral
 23 merchandise, or cemetery merchandise, or a combination
 24 of any of these. The application shall include at a
 25 minimum the following information:

26 a. The name and address of the applicant.
 27 b. The name and address of the applicant's
 28 employer or the establishment on whose behalf the
 29 applicant will be making or attempting to make sales,
 30 and, if different, the name and address of the
 31 provider who will provide the cemetery merchandise.

32 A permit holder shall inform the commissioner of
 33 changes in the information within thirty days of the
 34 change.

35 3. The permit shall be deemed effective upon
 36 filing the application with the commissioner. The
 37 permit shall disclose on its face the permit holder's
 38 employer or the establishment on whose behalf the
 39 applicant will be making or attempting to make sales,
 40 the permit number, and the expiration date. A permit
 41 under this section shall expire one year from the date
 42 the application is filed.

43 4. The application fee shall be five dollars;
 44 provided, however, that if an applicant also applies
 45 for or has a permit under section 523A.10, no
 46 additional fee shall be required under this
 47 subsection.

48 5. Permits granted under this section are not
 49 assignable.

50 6. The commissioner may revoke a permit if the

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1 commissioner determines that the permit holder has
 2 been convicted of a criminal offense involving
 3 dishonesty or false statement or that the
 4 establishment cannot provide the cemetery merchandise
 5 the establishment purports to sell.

6 Sec. — . NEW SECTION. 523E.11 INVESTIGATIONS.

7 The attorney general or the commissioner may, for
8 the purpose of discovering violations of this chapter
9 or any rules-adopted under this chapter:

10 1. Investigate the business and examine the books,
11 accounts, records, and files used by every permit
12 holder under this chapter.

13 2. Administer oaths and affirmations, subpoena
14 witnesses, receive evidence, and require the
15 production of documents and records in connection with
16 an investigation or proceeding being conducted
17 pursuant to this chapter.

18 3. Apply to the district court for issuance of an
19 order requiring a person's appearance before the
20 commissioner or attorney general, or a designee of
21 either or both, in cases where the person has refused
22 to obey a subpoena issued by the commissioner or
23 attorney general. The person may also be required to
24 produce documentary evidence germane to the subject of
25 the investigation. Failure to obey a court order
26 under this subsection constitutes contempt of court.

27 Sec. ____ . NEW SECTION. 523E.12 SUSPENSION OR
28 REVOCATION OF PERMITS.

29 1. The commissioner may, pursuant to chapter 17A,
30 suspend or revoke any permit issued pursuant to this
31 chapter if the commissioner finds any of the
32 following:

33 a. The permit holder has violated any provisions
34 of this chapter or any rule adopted under this chapter
35 or any other state or federal law applicable to the
36 conduct of the permit holder's business.

37 b. Any fact or condition exists which, if it had
38 existed at the time of the original application for
39 the permit, would have warranted the commissioner
40 refusing originally to issue the permit.

41 c. The permit holder is found upon investigation
42 to be insolvent, in which case the permit shall be
43 revoked immediately.

44 d. The permit holder, for the purpose of avoiding
45 a trusting requirement under section 523A.1 or 523E.1,
46 attributes amounts paid pursuant to the agreement to
47 funeral merchandise or cemetery merchandise that is
48 delivered under section 523A.1 or to cemetery
49 merchandise rather than to funeral services sold to
50 the purchaser. The sale of funeral services at a

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1 lower price when the sale is made in conjunction with
2 the sale of funeral merchandise or cemetery
3 merchandise to be delivered pursuant to section 523A.1

4 than the services are regularly and customarily sold
5 for when not sold in conjunction with funeral
6 merchandise or cemetery merchandise is evidence that
7 the permit holder is acting with the purpose of
8 avoiding a trusting requirement under section 523A.1
9 or 523E.1.

10 e. The permit holder is found upon investigation
11 to have engaged in a deceptive act or practice or has
12 deliberately misrepresented or omitted a material fact
13 relative to the sale of funeral services, funeral
14 merchandise, or cemetery merchandise under this
15 chapter.

16 2. The commissioner may, on good cause shown,
17 suspend any permit for a period not exceeding thirty
18 days, pending investigation.

19 Except as provided in the preceding paragraph, a
20 permit shall not be revoked or suspended except after
21 notice and hearing in accordance with chapter 17A.

22 3. Any permit holder may surrender a permit by
23 delivering to the commissioner written notice that the
24 permit holder surrenders the permit, but the surrender
25 shall not affect the permit holder's civil or criminal
26 liability for acts committed before the surrender.

27 4. Revocation, suspension, or surrender of a
28 permit does not impair or affect the obligation of any
29 preexisting lawful contract between the permit holder
30 and any person.

31 Sec. ____ . NEW SECTION. 523E.13 PROSECUTION FOR
32 VIOLATIONS OF LAW.

33 If the commissioner believes that grounds exist for
34 the criminal prosecution of persons subject to this
35 chapter for violations of this chapter or any other
36 law of this state, the commissioner may forward to the
37 attorney general or the county attorney the grounds
38 for the belief, including all evidence in the
39 commissioner's possession, in order that the attorney
40 general or the county attorney may proceed with the
41 matter as deemed appropriate. At the request of the
42 attorney general, the county attorney shall appear and
43 prosecute the action when brought in the county
44 attorney's county.

45 Sec. ____ . NEW SECTION. 523E.14 INJUNCTIONS.

46 The attorney general may apply to the district
47 court in any county of the state for an injunction to
48 restrain a person subject to this chapter and any
49 agents, employees, or associates of the person from
50 engaging in conduct or practices deemed contrary to

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1 the public interest. In any proceeding for an
2 injunction, the attorney general may apply to the
3 court for the issuance of a subpoena to require the
4 appearance of a defendant and the defendant's agents
5 and any documents, books, and records germane to the
6 hearing upon the petition for an injunction. Upon
7 proof of any of the offenses described in the petition
8 for injunction the court may grant the injunction.

9 Sec. ____ . NEW SECTION. 523E.15 FRAUDULENT
10 PRACTICES.

11 A person who commits any of the following acts
12 commits a fraudulent practice and is punishable as
13 provided in chapter 714:

14 1. Knowingly fails to comply with any requirement
15 of this chapter.

16 2. Knowingly makes, causes to be made, or
17 subscribes to a false statement or representation in a
18 report or other document required under this chapter,
19 or renders such a report or document misleading
20 through the deliberate omission of information
21 properly belonging in the report or document.

22 3. Conspires to defraud in connection with the
23 sale of cemetery merchandise under this chapter.

24 4. Fails to deposit funds in compliance with
25 section 523E.1, or withdraws funds in a manner
26 inconsistent with this chapter.

27 5. Knowingly sells or offers cemetery merchandise
28 without an establishment permit.

29 6. Deliberately misrepresents or omits a material
30 fact relative to the sale of cemetery merchandise
31 under this chapter.

32 Sec. ____ . NEW SECTION. 523E.16 RULES.

33 The commissioner may adopt rules necessary to
34 administer this chapter, in accordance with chapter
35 17A.

36 Sec. ____ . NEW SECTION. 523E.17 CEASE AND DESIST
37 ORDERS.

38 If an audit or investigation provides reasonable
39 evidence that a seller has violated any provisions of
40 this chapter or any rule adopted under this chapter,
41 the commissioner may issue an order directed at the
42 seller to cease and desist from engaging in such act
43 or practice.

44 Sec. ____ . NEW SECTION. 523E.18 VIOLATIONS AND
45 PENALTIES.

46 A violation of this chapter or rules adopted by the
47 commissioner pursuant to this chapter is a violation
48 of section 714.16, subsection 2, paragraph "a". The

49 remedies and penalties provided by section 714.16,
50 including but not limited to, provisions relating to

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1 injunctive relief and penalties, apply to violations
2 of this chapter.
3 Sec. ____ . NEW SECTION. 523E.19 RECEIVERSHIPS.
4 1. The commissioner shall notify the attorney
5 general if the commissioner finds that any seller
6 engaged in the business subject to this chapter meets
7 one or more of the following conditions:
8 a. Is insolvent.
9 b. Has utilized trust funds for personal or
10 business purposes in a manner inconsistent with this
11 chapter and the amount of funds currently held in
12 trust is less than fifty percent of all payments made
13 under the agreements referred to in section 523E.1.
14 c. Has refused to pay any just claim or demand
15 based on an agreement referred to in section 523E.1.
16 d. The commissioner finds upon investigation that
17 a seller is unable to pay any just claim or demand
18 based on such agreements which have been legally
19 determined to be just and outstanding.
20 2. The attorney general may apply to the district
21 court in any county of the state for a receivership.
22 Upon proof of any of the grounds for a receivership
23 described in this section, the court may grant a
24 receivership.
25 Sec. ____ . NEW SECTION. 523E.20 INSURANCE
26 DIVISION'S REGULATORY FUND.
27 The insurance division may authorize the creation
28 of a special revenue fund in the state treasury, to be
29 known as the insurance division regulatory fund.
30 Commencing July 1, 1990, and annually thereafter, the
31 commissioner shall allocate from the fees paid
32 pursuant to section 523E.2, one dollar for each
33 agreement reported on an establishment permit holder's
34 annual report for deposit to the regulatory fund. The
35 remainder of the fees collected pursuant to section
36 523E.2 shall be deposited into the insurance revolving
37 fund; provided, however, that if the balance of the
38 regulatory fund on that July 1 exceeds two hundred
39 thousand dollars, the allocation to the regulatory
40 fund shall not be made and the total sum of the fees
41 paid pursuant to section 523E.2 shall be deposited in
42 the insurance revolving fund. The moneys in the
43 regulatory fund shall be retained in the fund together
44 with any interest or earnings that are earned on the
45 balance. The moneys are appropriated and, subject to

46 authorization by the commissioner, may be used to pay
47 investigative expenses and the expenses of
48 receiverships established pursuant to section 523E.19.
49 An annual assessment shall not be imposed if the
50 current balance of the fund exceeds two hundred

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1 thousand dollars.
2 Sec. ____ . NEW SECTION. 566A.12 RECORDS.
3 A cemetery subject to any trust requirement under
4 this chapter shall file a copy of its report to the
5 district court with the consumer protection division
6 of the department of justice within seven days of
7 filing the report with the district court, but in any
8 event, not later than March 1 of each year. The
9 cemetery shall maintain accurate records of all
10 receipts, expenditures, interest or earnings, and
11 disbursements relating to funds held in trust.
12 Sec. ____ . NEW SECTION. 566A.13 VIOLATIONS AND
13 PENALTIES.
14 A violation of this chapter or rules adopted by the
15 attorney general pursuant to this chapter is a
16 violation of section 714.16, subsection 2, paragraph
17 "a". The remedies and penalties provided by section
18 714.16, including but not limited to, provisions
19 relating to injunctive relief and penalties, apply to
20 a violation of this chapter.
21 Sec. ____ . CODIFICATION.
22 The Code editor shall entitle new chapter 523E, as
23 enacted in this Act, as "Sales of Cemetery
24 Merchandise". Sections 523E.3 and 523E.4 shall be
25 reserved."
26 3. By renumbering as necessary.

MICHAEL GRONSTAL

S-5807

1 Amend Senate File 2416 as follows:
2 1. Page 1, by inserting after line 15 the
3 following:
4 "Sec. ____ .
5 Notwithstanding any other provision of law, a
6 county board of supervisors shall abate the property
7 taxes due and payable or refund the property taxes, if
8 paid, which were due and payable in the fiscal year
9 beginning July 1, 1989, of a nonprofit entity formed
10 for historical purposes that is exempt from federal

- 11 income taxation if that nonprofit entity failed to
- 12 apply for a property tax exemption and the exemption
- 13 would have been granted if the entity had applied.
- 14 This section is repealed August 15, 1990."

LARRY MURPHY

S-5808

- 1 Amend amendment, S-5777, to House File 2552, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 9, by striking the word and
- 5 figures "July 1, 1987" and inserting the following:
- 6 "January 1, 1985".

EMIL HUSAK
RICHARD F. DRAKE
EUGENE FRAISE

S-5809

- 1 Amend Senate File 2416 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 "Sec. ____.
- 5 This Act, being deemed of immediate importance,
- 6 takes effect upon enactment."
- 7 2. Title, line 3, by inserting after the word
- 8 "estate" the following: ", and providing an effective
- 9 date".

LARRY MURPHY

S-5810

- 1 Amend the amendment, S-5777, to House File 2552, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 10, by striking the word
- 5 "paragraph" and inserting the following:
- 6 "paragraphs".
- 7 2. Page 1, by inserting after line 14 the
- 8 following:
- 9 "NEW UNNUMBERED PARAGRAPH. The commission shall
- 10 adopt rules providing for the issuance of a
- 11 certificate to the owner of an underground petroleum

12 storage tank evidencing completion of a remediation
 13 action by cleaning the site to the then current action
 14 standards. The certificate shall be issued upon
 15 request of the owner if the department does not order
 16 further remediation work to be performed within ninety
 17 days of the department's letter acknowledging
 18 compliance with current action standards. The
 19 certificate may be recorded with the county recorder
 20 to evidence completion of a remediation in the chain
 21 of title. A person issued a certificate shall not be
 22 required to perform further remediation solely because
 23 action standards are changed at a later date. The
 24 certificate shall not prevent the department from
 25 ordering remediation of a new release."

26 3. Page 3, line 32, by inserting after the word
 27 "waste." the following: "For a property for which a
 28 certificate evidencing completion of a remediation
 29 action has been issued pursuant to section 455B.304,
 30 the past presence of an underground storage tank
 31 closed pursuant to department rules or the presence of
 32 any hazardous waste or contamination related solely to
 33 the prior underground storage tank which was the
 34 subject of the remediation need not be disclosed,
 35 provided that no new underground storage tank has been
 36 installed on the property."

JACK W. HESTER
 RICHARD F. DRAKE

S-5811

1 Amend House File 2543 as amended, passed, and
 2 reprinted by the House as follows:

3 1. Page 4, by inserting after line 34 the
 4 following:

5 "Sec. ____ . Section 97A.6, subsection 8, paragraph
 6 b, Code 1989, is amended by adding the following new
 7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 9 97A.6, subsection 8, Code 1985, effective July 1,
 10 1990, for a member's surviving spouse who, prior to
 11 July 1, 1986, elected to receive pension benefits
 12 under this paragraph, the monthly pension benefit
 13 shall be equal to one-twelfth of forty percent of the
 14 average final compensation of the member."

15 2. By renumbering as necessary.

JOHN PETERSON

S-5812

- 1 Amend the amendment, S-5780, to House File 2552, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 11, by inserting after the word
5 "quantities" the following: "and delivered".
6 2. Page 1, by striking line 17 and inserting the
7 following: "portion of a standard tanker truck
8 load."

JOHN P. KIBBIE

S-5813

- 1 Amend House File 2551, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 32 the fol-
4 lowing:
5 "Sec. ____ . Section 422.45, Code Supplement 1989,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 43. The gross receipts from the
8 sale of tangible personal property or the sale,
9 furnishing, or servicing of electrical energy, natural
10 or artificial gas, or communication service to another
11 state or political subdivision of another state if the
12 other state provides a similar reciprocal exemption
13 for this state and political subdivisions of this
14 state."

MAGGIE TINSMAN
DALE L. TIEDEN
WILLIAM D. PALMER
JOE J. WELSH
RICHARD F. DRAKE
PAT DELUHERY

S-5814

- 1 Amend House File 2543, 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 97A.6, subsections 2 and 6,
6 Code 1989, are amended to read as follows:
7 2. ALLOWANCE ON SERVICE RETIREMENT.
8 a. Upon retirement from service prior to July 1,
9 1990, a member shall receive a service retirement

10 allowance which shall consist of a pension which ~~shall~~
11 ~~equal one-half equals fifty percent~~ of the member's
12 average final compensation.

13 b. Upon retirement from service on or after July
14 1, 1990, a member shall receive a service retirement
15 allowance which shall consist of a pension which
16 equals fifty-two percent of the member's average final
17 compensation.

18 c. Commencing July 1, 1991, the board of trustees
19 shall increase the percentage multiplier of the
20 member's average final compensation by an additional
21 two percent each July 1 until reaching sixty percent
22 of the member's average final compensation if the
23 annual actuarial valuation of the retirement system
24 indicates for that year that the cost of this increase
25 in the percentage of the member's average final
26 compensation used in computing retirement benefits can
27 be absorbed within the employer and employee
28 contribution rates in effect pursuant to section
29 97A.8.

30 d. Commencing July 1, 1990, if the member has
31 completed more than twenty-two years of creditable
32 service, the service retirement allowance shall
33 consist of a pension which equals the amount provided
34 in paragraphs "b" and "c", plus an additional one
35 percent of the member's average final compensation for
36 each year of service over twenty-two years, excluding
37 years of service after the member's fifty-fifth
38 birthday. However, this paragraph does not apply to
39 more than eight additional years of service.

40 6. RETIREMENT AFTER ACCIDENT.

41 a. Upon retirement for accidental disability prior
42 to July 1, 1990, a member shall receive an accidental
43 disability retirement allowance which shall consist of
44 a pension equal to sixty-six and two-thirds percent of
45 the member's average final compensation.

46 b. Upon retirement for accidental disability on or
47 after July 1, 1990, a member shall receive an
48 accidental disability retirement allowance which shall
49 consist of a pension equal to sixty percent of the
50 member's average final compensation.

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1 Sec. 2. Section 97A.6, subsection 14, paragraph a,
2 subparagraphs (1), (2), (3), and (4), Code 1989, are
3 amended to read as follows:

4 (1) Twenty-five percent for members receiving a
5 service retirement allowance and for beneficiaries
6 receiving a pension under subsection 9 of this

7 section. However, effective July 1, 1990, for members
 8 who retired before that date, thirty percent shall be
 9 the applicable percentage for members and
 10 beneficiaries under this subparagraph.

11 (2) Twenty Twenty-five percent for members with
 12 five or more years of membership service who are
 13 receiving an ordinary disability retirement allowance.
 14 However, effective July 1, 1984, for members who
 15 retired before July 1, 1979, and effective July 1,
 16 1988, for members who retire on or after July 1, 1988,
 17 twenty-five percent shall be used for members who are
 18 receiving an ordinary disability retirement allowance.
 19 However, effective July 1, 1990, for members who
 20 retired before that date, thirty percent shall be the
 21 applicable percentage for members under this
 22 subparagraph.

23 (3) Twelve and one-half percent for members with
 24 less than five years of membership service who are
 25 receiving an ordinary disability retirement allowance,
 26 and for beneficiaries receiving a pension under
 27 subsection 8 of this section. However, effective July
 28 1, 1990, for members who retired before that date,
 29 fifteen percent shall be the applicable percentage for
 30 members and beneficiaries under this subparagraph.

31 (4) Thirty-three and one-third percent for members
 32 receiving an accidental disability allowance.
 33 However, effective July 1, 1990, for members who
 34 retired before that date, thirty percent shall be the
 35 applicable percentage for members under this
 36 subparagraph.

37 Sec. 3. Section 97A.6, Code 1989, is amended by
 38 adding the following new subsection:

39 NEW SUBSECTION. 15. REMARRIAGE OF SURVIVING
 40 SPOUSE. Effective July 1, 1990, for a member who died
 41 prior to July 1, 1988, if the member's surviving
 42 spouse remarried prior to July 1, 1988, the remarriage
 43 does not make the spouse ineligible under subsection
 44 8, paragraph "c", subparagraphs (1) and (2), to
 45 receive benefits under subsections 8, 9, 12, and 14.

46 Sec. 4. Section 97A.8, subsection 1, paragraph f,
 47 Code 1989, is amended to read as follows:

48 f. Except as otherwise provided in paragraph "h":
 49 (1) An amount equal to three and one-tenth percent
 50 of each member's compensation from the earnable

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1 compensation of the member shall be paid to the
 2 pension accumulation fund for the fiscal year begin-
 3 ning July 1, 1989.

4 (2) An amount equal to four and forty-six
5 hundredths percent of each member's compensation from
6 the earnable compensation of the member shall be paid
7 to the pension accumulation fund for the fiscal year
8 beginning July 1, 1990.

9 (3) An amount equal to five and eighty-two
10 hundredths percent of each member's compensation from
11 the earnable compensation of the member shall be paid
12 to the pension accumulation fund for the fiscal year
13 beginning July 1, 1991.

14 (4) An amount equal to seven and eighteen
15 hundredths percent of each member's compensation from
16 the earnable compensation of the member shall be paid
17 to the pension accumulation fund for the fiscal year
18 beginning July 1, 1992.

19 (5) An amount equal to eight and fifty-four
20 hundredths percent of each member's compensation from
21 the earnable compensation of the member shall be paid
22 to the pension accumulation fund for the fiscal year
23 beginning July 1, 1993.

24 (6) An amount equal to nine and nine-tenths
25 percent of each member's compensation from the
26 earnable compensation of the member shall be paid to
27 the pension accumulation fund for the fiscal year
28 beginning July 1, 1994, and each fiscal year
29 thereafter.

30 Sec. 5. Section 97A.8, subsection 1, Code 1989, is
31 amended by adding the following new paragraph:
32 NEW PARAGRAPH. h. Notwithstanding the provisions
33 of paragraph "f", the following transition percentages
34 apply to members' contributions as specified:

35 (1) For members who on July 1, 1990, have attained
36 the age of forty-nine years or more, an amount equal
37 to nine and nine-tenths percent of each member's
38 compensation from the earnable compensation of the
39 member shall be paid to the pension accumulation fund
40 for the fiscal year beginning July 1, 1990, and each
41 fiscal year thereafter.

42 (2) For members who on July 1, 1990, have attained
43 the age of forty-eight years but have not attained the
44 age of forty-nine years, an amount equal to eight and
45 fifty-four hundredths percent shall be paid for the
46 fiscal year beginning July 1, 1990, and an amount
47 equal to nine and nine-tenths percent shall be paid
48 for the fiscal year beginning July 1, 1991, and each
49 fiscal year thereafter.

50 (3) For members who on July 1, 1990, have attained

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1 the age of forty-seven years but have not attained the
2 age of forty-eight years, an amount equal to seven and
3 eighteen hundredths percent shall be paid for the
4 fiscal year beginning July 1, 1990, an amount equal to
5 eight and fifty-four hundredths percent shall be paid
6 for the fiscal year beginning July 1, 1991, and an
7 amount equal to nine and nine-tenths percent shall be
8 paid for the fiscal year beginning July 1, 1992, and
9 each fiscal year thereafter.

10 (4) For members who on July 1, 1990, have attained
11 the age of forty-six years but have not attained the
12 age of forty-seven years, an amount equal to five and
13 eighty-two hundredths percent shall be paid for the
14 fiscal year beginning July 1, 1990, an amount equal to
15 seven and eighteen hundredths percent shall be paid
16 for the fiscal year beginning July 1, 1991, an amount
17 equal to eight and fifty-four hundredths percent shall
18 be paid for the fiscal year beginning July 1, 1992,
19 and an amount equal to nine and nine-tenths percent
20 shall be paid for the fiscal year beginning July 1,
21 1993, and each fiscal year thereafter.

22 (5) For members who on July 1, 1990, have attained
23 the age of forty-five years but have not attained the
24 age of forty-six years, an amount equal to four and
25 forty-six hundredths percent shall be paid for the
26 fiscal year beginning July 1, 1990, an amount equal to
27 five and eighty-two hundredths percent shall be paid
28 for the fiscal year beginning July 1, 1991, an amount
29 equal to seven and eighteen hundredths percent shall
30 be paid for the fiscal year beginning July 1, 1992, an
31 amount equal to eight and fifty-four hundredths
32 percent shall be paid for the fiscal year beginning
33 July 1, 1993, and an amount equal to nine and nine-
34 tenths percent shall be paid for the fiscal year
35 beginning July 1, 1994, and each fiscal year
36 thereafter.

37 Sec. 6. Section 97B.15, Code 1989, is amended to
38 read as follows:

39 97B.15 RULES.

40 The department may ~~make~~ adopt rules under chapter
41 17A and establish procedures, not inconsistent with
42 this chapter, which are necessary or appropriate to
43 implement this chapter and shall adopt reasonable and
44 proper rules to regulate and provide for the nature
45 and extent of the proofs and evidence and the method
46 of taking and furnishing the proofs and evidence in
47 order to establish the right to benefits under this
48 chapter. The department may adopt rules to conform

49 the requirements for receipt of retirement benefits
50 under this chapter to the mandates of applicable

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1 federal statutes and regulations governing age
2 ~~discrimination or the taxation of distributions.~~
3 Sec. 7. Section 97B.41, subsection 1, paragraph a,
4 unnumbered paragraph 2, Code 1989, is amended to read
5 as follows:

6 Wages for a member of the general assembly means
7 the total compensation received by a member of the
8 general assembly, whether paid in the form of per diem
9 or annual salary, exclusive of expense and travel
10 allowances paid to a member of the general assembly
11 except as otherwise provided in this paragraph. Wages
12 includes per diem payments paid to members of the
13 general assembly during interim periods between
14 sessions of the general assembly. Wages also includes
15 the daily allowance to members of the general assembly
16 for nontravel expenses of office during a session of
17 the general assembly.

18 Sec. 8. Section 97B.41, subsection 1, paragraph b,
19 subparagraph (9), Code 1989, is amended by striking
20 the subparagraph and inserting in lieu thereof the
21 following:

22 (9) For the calendar year beginning January 1,
23 1989, and ending December 31, 1989, wages not in
24 excess of twenty-six thousand dollars.

25 Sec. 9. Section 97B.41, subsection 1, paragraph b,
26 Code 1989, is amended by adding the following new
27 subparagraphs after subparagraph (9) and renumbering
28 the subsequent subparagraphs:

29 NEW SUBPARAGRAPH. (10) For the calendar year
30 beginning January 1, 1990, and ending December 31,
31 1990, wages not in excess of twenty-eight thousand
32 dollars.

33 NEW SUBPARAGRAPH. (11) Commencing January 1,
34 1991, for each calendar year, the department shall
35 increase the covered wages limitation from the
36 previous calendar year by three thousand dollars if
37 the annual actuarial valuation of the assets and
38 liabilities of the retirement system indicates that
39 the cost of the increase in covered wages can be
40 absorbed within the employer and employee contribution
41 rates in effect under section 97B.11. However,
42 covered wages shall not exceed forty thousand dollars
43 for a calendar year.

44 Sec. 10. Section 97B.41, subsection 3, paragraph
45 b, Code 1989, is amended by adding the following new

46 subparagraph:

47 NEW SUBPARAGRAPH. (15) Employees appointed by the
48 state board of regents who, at the discretion of the
49 state board of regents, elect coverage in a retirement
50 system qualified by the state board of regents that

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1 meets the criteria of section 97B.2.

2 Sec. 11. Section 97B.41, subsection 10, Code 1989,
3 is amended to read as follows:

4 10. a. "Vested member" means a member who
5 terminated employment in accordance with one of the
6 following paragraphs meets one of the following
7 requirements:

8 a. (1) Prior to July 1, 1965, after having had
9 attained the age of forty-eight and completed at least
10 eight years of service.

11 b. (2) Between July 1, 1965 and June 30, 1973,
12 after having had completed at least eight years of
13 service.

14 e. (3) On or after July 1, 1973, after having has
15 completed at least four years of service.

16 d. (4) After having Has attained the age of fifty-
17 five.

18 e. (5) On or after July 1, 1988, an inactive
19 member who had accumulated, as of the date of the
20 member's last termination of employment, years of
21 membership service equal to or exceeding the years of
22 membership service specified in this subsection for
23 qualifying as a vested member on that date of
24 termination.

25 b. "Active vested member" means an active member
26 who has attained sufficient membership service to
27 achieve vested status.

28 c. "Inactive vested member" means an inactive
29 member who was a vested member at the time of
30 termination of employment.

31 Sec. 12. Section 97B.41, subsection 15, Code 1989,
32 is amended to read as follows:

33 15. "Years of prior service" means the total of
34 all periods of prior service of a member. In the
35 determination of such total years of prior service any
36 fraction of the total in excess of an integral number
37 of years which is at least six months shall be deemed
38 to be a complete year and any smaller fraction shall
39 be disregarded. In computing credit for prior
40 service, service of less than a full quarter shall be
41 rounded up to a full quarter. Where a member had
42 prior service as a teacher, a full year of service

43 shall be granted that member if the member had three
44 quarters of service and a contract for employment the
45 following school year.

46 Sec. 13. Section 97B.41, subsection 21, Code 1989,
47 is amended by striking the subsection.

48 Sec. 14. Section 97B.42, Code 1989, is amended by
49 adding the following new unnumbered paragraphs:

50 NEW UNNUMBERED PARAGRAPH. Notwithstanding any

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1 other provision of this section, a member who is
2 employed by an area vocational school or an area
3 community college may elect coverage under an
4 alternative retirement benefits system, which is
5 issued by or through a nonprofit corporation issuing
6 retirement annuities exclusively to educational
7 institutions and their employees, in lieu of
8 continuing contributions to the Iowa public employees'
9 retirement system, if the board of directors of the
10 area vocational school or area community college has
11 approved the alternative system pursuant to section
12 280A.23. However, a vested member who elects to
13 participate in the alternative benefits system does
14 not have a right to withdraw funds from the member's
15 Iowa public employees' retirement system account prior
16 to retirement or termination of covered employment.
17 The department shall cooperate with the boards of
18 directors of the area vocational schools and area
19 community colleges to facilitate the implementation of
20 this paragraph.

21 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
22 other provision of this section, a person newly
23 entering permanent, full-time employment with an area
24 vocational school or area community college on or
25 after the effective date of this Act may elect
26 coverage under an alternative retirement benefits
27 system, which is issued by or through a nonprofit
28 corporation issuing retirement annuities exclusively
29 to educational institutions and their employees, in
30 lieu of coverage under the Iowa public employees'
31 retirement system, but only if the person has no
32 membership service credits under the Iowa public
33 employees' retirement system. An election to
34 participate in the alternative retirement benefits
35 system is irrevocable as to the person's employment
36 with that area vocational school or area community
37 college and any other area vocational school or area
38 community college in this state. If the person elects
39 coverage under the alternative retirement benefits

40 system, the person shall become a member of that
41 system upon the first day of employment with the area
42 vocational school or area community college.

43 Sec. 15. Section 97B.43, unnumbered paragraph 3,
44 Code 1989, is amended to read as follows:

45 Each individual who ~~as of~~ on or after July 1, 1978,
46 was an active, vested, or retired member and who (1)
47 made application for and received a refund of
48 contributions made under the abolished system or (2)
49 has on deposit with the retirement fund contributions
50 made under the abolished system shall be entitled to

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1 credit for years of prior service in the determination
2 of retirement allowance payments by filing a written
3 election with the department on or after July 1, 1978,
4 and by redepositing any withdrawn contributions under
5 the abolished system together with interest as stated
6 in this paragraph. Any individual who ~~as of~~ on or
7 after July 1, 1978, is a retired member and who made
8 application for and received a refund of contributions
9 made under the abolished system, may, by filing a
10 written election with the department on or after July
11 1, 1978, have the department retain fifty percent of
12 the monthly increase in retiree benefits that will
13 accrue to the individual because of prior service. If
14 the monthly increase in retirement benefits is less
15 than ten dollars, the department shall retain five
16 dollars of the scheduled increase, and if the monthly
17 increase is less than five dollars, the provisions of
18 this paragraph shall not apply. The department shall
19 continue to retain such funds until the withdrawn
20 contributions, together with interest accrued to the
21 month in which the written election is filed, have
22 been repaid. Due notice of this provision shall be
23 sent to all retired members ~~as of~~ on or after July 1,
24 1978. However, this paragraph shall not apply to any
25 person who received a refund of any membership service
26 contributions unless the person repaid the membership
27 service contributions pursuant to section 97B.74;
28 ~~provided, however, that~~ but a refund of contributions
29 remitted for the calendar quarter ending September 30,
30 1953 which was based entirely upon employment which
31 terminated prior to July 4, 1953 shall not be
32 considered as a refund of membership service
33 contributions. The interest to be paid into the fund
34 shall be compounded at the rates credited to member
35 accounts from the date of payment of the refund of
36 contributions under the abolished system to the date

37 the member redeposits the refunded amount. The
38 provisions of the first paragraph of this section
39 relating to the consideration given to credited
40 amounts shall apply to the redeposited amounts or to
41 amounts left on deposit. Effective July 1, 1978, the
42 provisions of this paragraph shall apply to each
43 individual who as of on or after July 1, 1978, was an
44 active, vested, or retired member, but who was not in
45 service on July 4, 1953. The period for filing the
46 written election with the department and redepositing
47 any withdrawn contributions together with interest
48 accrued shall commence July 1, 1978. A member who is
49 a retired member as of on or after July 1, 1978 may
50 file written election with the department on or after

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1 July 1, 1978 to have the department retain fifty
2 percent of the monthly increase as provided in this
3 paragraph.

4 Sec. 16. Section 97B.48, subsection 1, Code 1989,
5 is amended to read as follows:

6 1. Retirement allowances shall be paid monthly,
7 except that an allowance of less than ~~one hundred~~
8 twenty two hundred forty dollars a year shall be paid
9 as a lump sum in an actuarial equivalent amount.
10 Receipt of the lump-sum payment by a member shall
11 terminate any and all entitlement for the period of
12 service covered of the ~~said~~ member under this chapter.

13 Sec. 17. Section 97B.48, subsection 3, Code 1989,
14 is amended to read as follows:

15 3. If, after the first day of the month in which
16 the member attains the age of fifty-five years and
17 until the member's sixty-fifth birthday, a member who
18 is retired under this chapter is in regular full-time
19 employment, the member's retirement allowance shall be
20 suspended for as long as the member remains in
21 employment. However, effective January 1, ~~1989~~ 1990,
22 employment is not full-time employment until the
23 member receives remuneration in an amount in excess of
24 six thousand ~~one hundred twenty eight hundred forty~~
25 dollars for a calendar year. Effective the first of
26 the month in which a member attains the age of sixty-
27 five years, a retired member may receive a retirement
28 allowance after return to covered employment
29 regardless of the amount of remuneration received.
30 Effective January 1, 1991, a retired member of any age
31 may receive a retirement allowance after return to
32 covered employment, regardless of the amount of
33 remuneration received, if the covered employment

34 consists of holding an elective office. As of the
35 first of the month in which the member attains the age
36 of seventy years, the member may receive a retirement
37 allowance determined under section 97B.49, regardless
38 of the amount of remuneration received. Upon a
39 retirement after reemployment, a retired member may
40 have the retired member's retirement allowance
41 redetermined under this section or section 97B.49 or
42 97B.50, whichever is applicable, based upon the
43 addition of credit for the years of membership service
44 of the employee after reemployment, the covered wage
45 during reemployment, and the age of the employee after
46 reemployment. The retired member shall not receive a
47 retirement allowance based upon more than a total of
48 thirty years of service.

49 Sec. 18. Section 97B.49, subsection 5, Code 1989,
50 is amended to read as follows:

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1 5. a. For each active member retiring on or after
2 July 1, 1986, and before July 1, 1990, with four or
3 more complete years of service, a monthly benefit
4 shall be computed which is equal to one-twelfth of an
5 amount equal to fifty percent of the three-year
6 average covered wage multiplied by a fraction of years
7 of service.

8 b. For each active member retiring on or after
9 July 1, 1990, with four or more complete years of
10 service, a monthly benefit shall be computed which is
11 equal to one-twelfth of an amount equal to fifty-two
12 percent of the three-year average covered wage
13 multiplied by a fraction of years of service.
14 Commencing July 1, 1991, the department shall
15 increase the percentage multiplier of the three-year
16 average covered wage by an additional two percent each
17 July 1 until reaching sixty percent of the three-year
18 average covered wage if the annual actuarial valuation
19 of the retirement system indicates for that year that
20 the cost of this increase in the percentage of the
21 three-year average covered wage used in computing
22 retirement benefits can be absorbed within the
23 employer and employee contribution rates in effect
24 under section 97B.11.

25 c. For the purposes of this subsection, "fraction
26 of years of service" means a number, not to exceed
27 one, equal to the sum of the years of membership
28 service and the number of years of prior service
29 divided by thirty years.

30 d. If benefits under this subsection commence on

31 an early retirement date, the amount of benefit shall
32 be reduced in accordance with section 97B.50.
33 Sec. 19. Section 97B.49, subsection 13, paragraphs
34 a and b, Code 1989, are amended to read as follows:
35 a. A member who retired from the system between
36 January 1, 1976, and June 30, 1982, or a contingent
37 annuitant or beneficiary of such a member, shall
38 receive with the November ~~1988~~ 1990 and the November
39 ~~1989~~ 1991 monthly benefit payments a retirement
40 dividend equal to ~~eighty one~~ hundred forty percent of
41 the monthly benefit payment the member received for
42 the preceding June, or the most recently received
43 benefit payment, whichever is greater. The retirement
44 dividend does not affect the amount of a monthly
45 benefit payment.
46 b. Each member who retired from the system between
47 July 4, 1953, and December 31, 1975, or a contingent
48 annuitant or beneficiary of such a member, shall
49 receive with the November ~~1988~~ 1990 and the November
50 ~~1989~~ 1991 monthly benefit payments a retirement

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1 dividend equal to one hundred ~~twenty eight~~ percent of
2 the monthly benefit payment the member received for
3 the preceding June, or the most recently received
4 benefit payment, whichever is greater. The retirement
5 dividend does not affect the amount of a monthly
6 benefit payment.

7 Sec. 20. Section 97B.49, subsection 13, paragraph
8 c, Code 1989, is amended to read as follows:

9 c. Notwithstanding the determination of the amount
10 of a retirement dividend under paragraph "a", ~~or "b"~~,
11 or "d", a retirement dividend shall not be less than
12 twenty-five dollars.

13 Sec. 21. Section 97B.49, subsection 13, Code 1989,
14 is amended by adding the following new paragraph after
15 paragraph c and relettering the subsequent paragraphs:
16 NEW PARAGRAPH. d. A member who retired from the
17 system between July 1, 1982, and June 30, 1986, or a
18 contingent annuitant or beneficiary of such a member,
19 shall receive with the November 1990 and the November
20 1991 monthly benefit payments a retirement dividend
21 equal to twenty-four percent of the monthly benefit
22 payment the member received for the preceding June, or
23 the most recently received benefit payment, whichever
24 is greater. The retirement dividend does not affect
25 the amount of a monthly benefit payment.

26 Sec. 22. Section 97B.49, subsection 15, Code 1989,
27 is amended to read as follows:

28 15. In lieu of the monthly benefit computed under
29 subsections 1 and 3 as applicable, or subsection 5;
30 for:

31 a. For each active member retiring on or after
32 July 1, 1988, and before July 1, 1990, who is at least
33 fifty-five years of age and has completed at least
34 thirty years of membership service and prior service,
35 and for which the sum of the number of years of
36 membership service and prior service and the member's
37 age in years as of the member's last birthday equals
38 or exceeds ninety-two, a monthly benefit shall be
39 computed which is equal to one-twelfth of fifty
40 percent of the three-year average covered wage of the
41 member.

42 b. For each active member retiring on or after
43 July 1, 1990, who is at least fifty-five years of age
44 and for which the sum of the number of years of
45 membership service and prior service and the member's
46 age in years as of the member's last birthday exceeds
47 ninety-two, a monthly benefit shall be computed which
48 is equal to one-twelfth of the same percentage of the
49 three-year average covered wage of the member as is
50 provided in subsection 5.

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1 Sec. 23. Section 97B.49, subsection 16, paragraphs
2 a, b, and c, Code 1989, are amended to read as
3 follows:

4 a. Notwithstanding other provisions of this
5 chapter, a:

6 (1) A member who is or has been employed in a
7 protection occupation who retires on or after July 1,
8 1988, and before July 1, 1990, and at the time of
9 retirement is at least fifty-five years of age and has
10 completed at least twenty-five years of membership
11 service in a protection occupation, may elect to
12 receive in lieu of the receipt of any benefits under
13 subsection 5 or 15, a monthly retirement allowance
14 equal to one-twelfth of fifty percent of the member's
15 three-year average covered wage as a member who has
16 been employed in a protection occupation, with
17 benefits payable during the member's lifetime.

18 (2) A member who is or has been employed in a
19 protection occupation who retires on or after July 1,
20 1990, and at the time of retirement is at least fifty-
21 five years of age and has completed at least twenty-
22 five years of membership service in a protection
23 occupation, may elect to receive in lieu of the
24 receipt of any benefits under subsection 5 or 15, a

25 monthly retirement allowance equal to one-twelfth of
26 fifty-two percent of the member's three-year average
27 covered wage as a member who has been employed in a
28 protection occupation, with benefits payable during
29 the member's lifetime.

30 (3) Commencing July 1, 1991, the department shall
31 increase the percentage multiplier of the three-year
32 average covered wage by an additional two percent each
33 July 1 until reaching sixty percent of the three-year
34 average covered wage if the annual actuarial valuation
35 of the retirement system indicates for that year that
36 the cost of this increase in the percentage of the
37 three-year average covered wage used in computing
38 retirement benefits can be absorbed within the
39 employer and employee contribution rates in effect
40 under section 97B.11 and this section.

41 b. Notwithstanding other provisions of this
42 chapter, a:

43 (1) A member who retires from employment as a
44 county sheriff or deputy sheriff who retires on or
45 after July 1, 1988, and before July 1, 1990, and at
46 the time of retirement is at least fifty-five years of
47 age and has completed at least twenty-two years of
48 membership service, may elect to receive in lieu of
49 the receipt of any benefits under subsection 5 or 15,
50 a monthly retirement allowance equal to one-twelfth of

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1 fifty percent of the member's three-year average
2 covered wage as a member, with benefits payable during
3 the member's lifetime.

4 (2) A member who retires from employment as a
5 county sheriff or deputy sheriff who retires on or
6 after July 1, 1990, and at the time of retirement is
7 at least fifty-five years of age and has completed at
8 least twenty-two years of membership service, may
9 elect to receive in lieu of the receipt of any
10 benefits under subsection 5 or 15, a monthly
11 retirement allowance equal to one-twelfth of the same
12 percentage of the member's three-year average covered
13 wage as is provided in paragraph "a", with benefits
14 payable during the member's lifetime.

15 (3) The years of membership service required under
16 this paragraph shall include membership service as a
17 sheriff or deputy sheriff and membership service under
18 employment in a protection occupation included in
19 paragraph "d", subparagraph (2).

20 (4) For the purposes of this subsection, sheriff
21 means a county sheriff as defined in section 39.17 and

22 deputy sheriff means a deputy sheriff appointed
 23 pursuant to section 341.1 prior to July 1, 1981, or
 24 section 331.903 on or after July 1, 1981.

25 c. A member covered under this subsection who
 26 retires on or after July 1, 1988, and before July 1,
 27 1990, and has not completed the twenty-five years of
 28 membership service required under paragraph "a", or
 29 twenty-two years of membership service required under
 30 paragraph "b", is eligible to receive a monthly
 31 retirement allowance equal to one-twelfth of fifty
 32 percent of the member's three-year average covered
 33 wage as a member employed in a protection occupation,
 34 or as a sheriff or deputy sheriff, multiplied by a
 35 fraction of years of service.

36 A member covered under this subsection who retires
 37 on or after July 1, 1990, and has not completed the
 38 twenty-five years of membership service required under
 39 paragraph "a", or twenty-two years of membership
 40 service required under paragraph "b", is eligible to
 41 receive a monthly retirement allowance equal to one-
 42 twelfth of the same percentage of the member's three-
 43 year average covered wage as is provided in paragraph
 44 "a", multiplied by a fraction of years of service.

45 PARAGRAPH DIVIDED. For the purpose of this
 46 subsection, "fraction of years of service" means a
 47 number, not to exceed one, equal to the sum of the
 48 years of membership service for a member retiring in a
 49 protection occupation, divided by twenty-five years,
 50 or the sum of the years of membership service for a

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1 member retiring as a sheriff or deputy sheriff divided
 2 by twenty-two years.

3 Sec. 24. Section 97B.49, subsection 16, paragraph
 4 d, subparagraph (3), Code 1989, is amended to read as
 5 follows:

6 (3) A correctional officer or correctional
 7 supervisor employed by the Iowa department of
 8 corrections, in an applicable job classification and
 9 any other employee of that department who has ongoing,
 10 direct contact with inmates. The department of
 11 corrections and the department of personnel shall
 12 jointly determine the applicable merit system job
 13 classifications of correctional officers.

14 Sec. 25. Section 97B.49, subsection 16, paragraph
 15 d, Code 1989, is amended by adding the following new
 16 subparagraph:

17 NEW SUBPARAGRAPH. (7) An employee of the state
 18 department of transportation who is designated as a

19 "peace officer" by resolution under section 321.477,
20 but only if the employee retires on or after July 1,
21 1990. For purposes of this subparagraph, service as a
22 traffic weight officer employed by the highway
23 commission prior to the creation of the state
24 department of transportation or as a peace officer
25 employed by the Iowa state commerce commission prior
26 to the creation of the state department of
27 transportation shall be included in computing the
28 employee's years of membership service.

29 Sec. 26. Section 97B.49, subsection 16, Code 1989,
30 is amended by adding the following new paragraph:
31 NEW PARAGRAPH. k. For the fiscal year commencing
32 July 1, 1990, and each succeeding fiscal year, the
33 state department of transportation shall pay to the
34 department of personnel, from funds appropriated to
35 the state department of transportation from the road
36 use tax fund and the primary road fund, the amount
37 necessary to pay the employer share of the cost of the
38 additional benefits provided to employees covered
39 under paragraph "d", subparagraph (7).

40 Sec. 27. Section 97B.50, subsection 2, Code 1989,
41 is amended to read as follows:

42 2. a. A member who retires from the system due to
43 disability and commences receiving disability benefits
44 pursuant to the United States Social Security Act (42
45 U.S.C.), as amended to July 1, 1978, who is eligible
46 for early retirement, but has not reached the normal
47 retirement date, shall receive full benefits under
48 section 97B.49 and shall not have benefits reduced
49 upon retirement as required under subsection 1
50 regardless of whether the member has completed thirty

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1 or more years of membership service. This section
2 takes effect July 1, 1987 for a member meeting the
3 requirements of this subsection paragraph who retired
4 from the system at any time between July 4, 1953 and
5 June 30, 1987.

6 b. A member who retires from the system due to
7 disability and commences receiving disability benefits
8 pursuant to the United States Railroad Retirement Act
9 (45 U.S.C. § 231 et seq.) who is eligible for early
10 retirement but has not reached the normal retirement
11 date, shall receive full benefits under section 97B.49
12 and shall not have benefits reduced upon retirement as
13 required under subsection 1 regardless of whether the
14 member has completed thirty or more years of
15 membership service. This section takes effect July 1,

16 1990, for a member meeting the requirements of this
 17 paragraph who retired from the system at any time
 18 since July 4, 1953. However, eligible members are
 19 entitled to receipt of retroactive adjustment payments
 20 for no more than six months immediately preceding the
 21 month after July 1, 1990, in which written notice was
 22 submitted to the department.

23 Sec. 28. Section 97B.52, subsection 3, Code 1989,
 24 is amended to read as follows:

25 3. a. Other than as provided ~~above~~ in subsections
 26 1 and 2 of this section, or section 97B.51, all rights
 27 to any benefits under the retirement system ~~will~~ shall
 28 cease upon the death of a member.

29 b. If a death benefit is due and payable, interest
 30 shall continue to accumulate through the month
 31 preceding the month in which payment is made to the
 32 designated beneficiary, heirs at law, or to the estate
 33 unless the payment of the death benefit is delayed
 34 because of a dispute between alleged heirs, in which
 35 case the benefit due and payable shall be placed in a
 36 noninterest bearing escrow account until the
 37 beneficiary is determined in accordance with this
 38 section.

39 Sec. 29. Section 97B.73, Code 1989, is amended to
 40 read as follows:

41 97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS.

42 A vested or retired member who was ~~a member of a~~
 43 public retirement system in public employment in
 44 another state but was not vested or retired under that
 45 system may or in the federal government but who was
 46 not retired under that system, upon submitting
 47 verification of membership and service in the other
 48 public retirement system to the department, including
 49 proof that the member has no further claim upon a
 50 retirement benefit from that other public system, may

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1 make employer and employee contributions to the system
 2 for the period of service in the other public
 3 retirement system and receive credit for membership
 4 service in this system equivalent to the number of
 5 years of service in the other public retirement
 6 system. The contributions paid by the vested or
 7 retired member for service in the other public
 8 retirement system shall be equal to the accumulated
 9 contributions as defined in section 97B.41, subsection
 10 12, by the member for that period of service and the
 11 employer contribution for that period of service that
 12 would have been contributed by the vested or retired

13 member and the employer plus interest on the
 14 contributions that would have accrued if the member
 15 had been a member of this system earning the same
 16 wages earned under the other system for the period
 17 from the date of service of the member in the other
 18 public retirement system to the date of payment of the
 19 contributions by the member equal to two percent plus
 20 the interest dividend rate applicable for each year
 21 contribution payable shall be based upon the member's
 22 covered wages for the most recent full calendar year
 23 at the applicable rates in effect for that calendar
 24 year under sections 97B.11 and 97B.49 and multiplied
 25 by the member's years of service in other public
 26 employment.

27 This section is applicable to a vested or retired
 28 member who was a member of a public retirement system
 29 established in sections 294.8, 294.9, and 294.10 but
 30 was not ~~vested or~~ retired under that system.

31 A member vested under another public system must
 32 waive, on a form provided by the Iowa public
 33 employees' retirement system, all rights to a
 34 retirement benefit under that other public system
 35 before receiving credit in this system for those years
 36 of service in the other public system.

37 Effective July 1, 1988, a member eligible for an
 38 increased retirement allowance because of the payment
 39 of contributions under this section is entitled to
 40 receipt of retroactive adjustment payments for no more
 41 than six months immediately preceding the month in
 42 which written notice was submitted to the department.

43 Sec. 30. Section 97B.74, unnumbered paragraphs 1
 44 and 2, Code 1989, are amended to read as follows:

45 ~~An~~ Effective January 1, 1991, an active, vested, or
 46 retired member who ~~at any time between July 4, 1953~~
 47 ~~and July 1, 1973~~ was a member of the system at any
 48 time on or after July 4, 1953, but who did not meet
 49 the requirements to be a vested member for that period
 50 of membership service; and who received a refund of

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1 the member's contributions for that period of
 2 membership service, may elect in writing to the
 3 department to make contributions to the system for
 4 that period of membership service for which a refund
 5 of contributions was made. The contributions repaid
 6 by the member for such service shall be equal to the
 7 accumulated contributions, as defined in section
 8 97B.41, subsection 12, received by the member for that
 9 period of membership service plus interest on the

10 accumulated contributions for the period from the date
 11 of receipt by the member to the date of repayment
 12 equal to two percent plus the interest dividend rate
 13 applicable for each year compounded annually.
 14 The provisions of this section are only available
 15 to a member if that member's total years of membership
 16 and prior service, with the addition of service for
 17 that period of membership service for which
 18 contributions are repaid, equals or exceeds fifteen
 19 years. An active member must have at least one
 20 quarter's reportable wages on file and have membership
 21 service, including that period of membership service
 22 for which a refund of contributions was made,
 23 sufficient to give the member vested status.

24 Sec. 31. Section 97B.80, Code 1989, is amended to
 25 read as follows:

26 97B.80 VETERAN'S CREDIT.

27 An active member in service on July 1, 1988, who at
 28 any time served on active duty in the armed forces of
 29 the United States, upon submitting verification of the
 30 dates of the active duty service in the armed forces
 31 to the department, may make employer and employee
 32 contributions to the system based upon the member's
 33 covered wages for the calendar year beginning January
 34 1, 1987, at the rates in effect under section 97B.11
 35 on January 1, 1987, for the period of time of the
 36 active duty service, not to exceed four years, and
 37 receive credit for membership service and prior
 38 service for the period of time for which the
 39 contributions are made. Effective July 1, 1990, a
 40 vested or retired member with reportable wages in the
 41 most recent calendar year, who at any time served on
 42 active duty in the armed forces of the United States,
 43 upon submitting verification of the dates of the
 44 active duty service, may make employer and employee
 45 contributions to the system based upon the member's
 46 covered wages for the most recent full calendar year
 47 at the applicable rates in effect for that year under
 48 sections 97B.11 and 97B.49, for the period of time of
 49 the active duty service, in one-year increments but
 50 not to exceed four years, and receive credit for

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1 membership service and prior service for the period of
 2 time for which the contributions are made.
 3 Verification of active duty service and payment of
 4 contributions shall be made to the department.
 5 However, a member is not eligible to make

6 contributions under this section if the member is
7 receiving or is eligible to receive retirement pay
8 from the United States government for active duty in
9 the armed forces.

10 Sec. 32. NEW SECTION. 97B.81 WAIVER RIGHTS.

11 A person receiving, or eligible to receive, an
12 allowance or benefit, or an increase to an allowance
13 or benefit, under this chapter, may at any time waive
14 the person's rights to all or part of the allowance or
15 benefit, by filing a written and notarized notice of
16 waiver with the public employees' retirement system on
17 a form provided by the system. The waiver shall
18 remain in effect until the first day of the month
19 following the person's death or the filing of a
20 written and notarized cancellation of the waiver with
21 the retirement system. The amount waived is forever
22 forfeited.

23 Sec. 33. NEW SECTION. 97D.1 GUIDING GOALS FOR
24 FUTURE CHANGES IN PUBLIC RETIREMENT SYSTEMS -- SOCIAL
25 SECURITY -- PORTABILITY.

26 1. The general assembly declares that legislative
27 proposals for changes in specific public retirement
28 systems should be considered within the context of all
29 public retirement systems within the state, with
30 emphasis on equity and equality between and among the
31 systems. The following list of guiding goals shall
32 apply to the consideration of proposed changes:

33 a. Select those benefit enhancement options which
34 most successfully deliver the greatest good to the
35 greatest number of employees.

36 b. Choose those options which best correct
37 existing inequities between and among the various
38 retirement groups in the state.

39 c. Determine those options which most ably serve
40 the twin objectives of attracting and retaining
41 quality employees.

42 d. Avoid enacting further incentives toward
43 earlier retirement with full benefits.

44 e. Avoid further splintering of benefits by
45 disproportionate enhancement of benefits for one group
46 over and beyond those available to the other.

47 2. The public retirement systems committee
48 established by section 97B.76 shall periodically weigh
49 the advantages and disadvantages of establishing
50 participation in the federal social security system

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1 for the members of public retirement systems operating
2 under chapters 97A and 411 and the impact of such a

3 change on total contributions and benefits.

4 3. The public retirement systems committee estab-
5 lished by section 97B.76 shall consider proposals to
6 achieve greater portability of pension benefits
7 between the various public retirement systems in the
8 state. Special attention should be given to the
9 actuarial cost of transfers of value from one system
10 to another.

11 Sec. 34. NEW SECTION. 97D.2 ANALYSIS OF COST OF
12 PROPOSED CHANGES.

13 When the public retirement systems committee estab-
14 lished by section 97B.76 or a standing committee of
15 the senate or house of representatives receives a
16 proposal for a change in a public retirement system
17 within this state, the committee may require the
18 development of actuarial information concerning the
19 costs of the proposed change. If the proposal affects
20 police and fire retirement systems under chapter 411,
21 the committee may arrange for the services of an
22 actuarial consultant to assist in developing the
23 information on a consolidated basis for all the
24 systems.

25 Sec. 35. Section 280A.23, Code 1989, is amended by
26 adding the following new subsections:

27 NEW SUBSECTION. 15. Provide for an alternative
28 retirement benefits system, which is issued by or
29 through a nonprofit corporation issuing retirement
30 annuities exclusively to educational institutions and
31 their employees, for persons employed by the area
32 vocational school or area community college who are
33 members of the Iowa public employees' retirement
34 system on the effective date of this Act and who elect
35 coverage under the alternative retirement benefits
36 system pursuant to section 97B.42, in lieu of
37 continuing contributions to the Iowa public employees'
38 retirement system. The system for employee and
39 employer contributions under the alternative system
40 shall be substantially the same as provided by the
41 state board of regents under the teachers insurance
42 annuity association-college retirement equities fund,
43 and the employer's contribution shall not exceed the
44 employer's contribution rate established for employees
45 of the state board of regents who are under that
46 system.

47 NEW SUBSECTION. 16. Provide for an alternative
48 retirement benefits system, which is issued by or
49 through a nonprofit corporation issuing retirement
50 annuities exclusively to educational institutions and

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1 their employees, for persons newly employed after the
2 effective date of this Act who elect coverage under
3 that system pursuant to section 97B.42, in lieu of
4 coverage under the Iowa public employees' retirement
5 system. The system for employee and employer
6 contributions under the alternative system shall be
7 substantially the same as provided by the state board
8 of regents under the teachers insurance annuity
9 association-college retirement equities fund, and the
10 employer's contribution rate shall not exceed the
11 employer's contribution rate established for employees
12 of the state board of regents who are under that
13 system.

14 Sec. 36. Section 411.5, subsection 9, Code 1989,
15 is amended to read as follows:

16 9. MEDICAL BOARD. The board of fire trustees and
17 the board of police trustees jointly shall designate a
18 medical board to be composed of three physicians who
19 shall arrange for and pass upon all medical
20 examinations required under the provisions of this
21 chapter, ~~except that for examinations required because~~
22 ~~of disability three physicians from the University of~~
23 ~~Iowa hospitals and clinics who shall pass upon the~~
24 ~~medical examinations required for disability~~
25 ~~retirements~~, and shall report in writing to each board
26 of trustees, respectively, its conclusions and
27 recommendations upon all matters duly referred to it.

28 Sec. 37. Section 411.6, subsections 2 and 6, Code
29 1989, are amended to read as follows:

30 2. ALLOWANCE ON SERVICE RETIREMENT.

31 a. Upon retirement from service, prior to July 1,
32 1990, a member shall receive a service retirement
33 allowance which shall consist of a pension given by
34 the city which ~~shall equal one-half equals fifty~~
35 percent of the member's average final compensation.

36 b. Upon retirement from service on or after July
37 1, 1990, a member shall receive a service retirement
38 allowance which shall consist of a pension given by
39 the city which equals fifty-two percent of the
40 member's average final compensation.

41 c. Commencing July 1, 1991, each board of trustees
42 shall increase the percentage multiplier of the
43 member's average final compensation by an additional
44 two percent each July 1 until reaching sixty percent
45 of the member's average final compensation if the
46 annual actuarial valuation of the board's retirement
47 system indicates for that year that the cost of this
48 increase in the percentage of the member's average

49 final compensation used in computing retirement
50 benefits can be absorbed within the employer and

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1 employee contribution rates in effect pursuant to
2 section 411.8.

3 d. Commencing July 1, 1990, if the member has
4 completed more than twenty-two years of creditable
5 service, the service retirement allowance shall
6 consist of a pension which equals the amount provided
7 in paragraphs "b" and "c", plus an additional
8 percentage as set forth below:

9 (1) For a member who terminates service, other
10 than by death or disability, on or after July 1, 1990,
11 but before July 1, 1991, and who does not withdraw the
12 member's contributions pursuant to section 411.23,
13 upon the member's retirement there shall be added
14 three-tenths percent of the member's average final
15 compensation for each year of service over twenty-two
16 years, excluding years of service after the member's
17 fifty-fifth birthday. However, this subparagraph does
18 not apply to more than eight additional years of
19 service.

20 (2) For a member who terminates service, other
21 than by death or disability, on or after July 1, 1991,
22 but before July 1, 1992, and who does not withdraw the
23 member's contributions pursuant to section 411.23,
24 upon the member's retirement there shall be added six-
25 tenths percent of the member's average final
26 compensation for each year of service over twenty-two
27 years, excluding years of service after the member's
28 fifty-fifth birthday. However, this subparagraph does
29 not apply to more than eight additional years of
30 service.

31 (3) For a member who terminates service, other
32 than by death or disability, on or after July 1, 1992,
33 but before July 1, 1993, and who does not withdraw the
34 member's contributions pursuant to section 411.23,
35 upon the member's retirement there shall be added
36 nine-tenths percent of the member's average final
37 compensation for each year of service over twenty-two
38 years, excluding years of service after the member's
39 fifty-fifth birthday. However, this subparagraph does
40 not apply to more than eight additional years of
41 service.

42 (4) For a member who terminates service, other
43 than by death or disability, on or after July 1, 1993,
44 but before July 1, 1994, and who does not withdraw the

45 member's contributions pursuant to section 411.23,
46 upon the member's retirement there shall be added one
47 and two-tenths percent of the member's average final
48 compensation for each year of service over twenty-two
49 years, excluding years of service after the member's
50 fifty-fifth birthday. However, this subparagraph does

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1 not apply to more than eight additional years of
2 service.
3 (5) For a member who terminates service, other
4 than by death or disability, on or after July 1, 1994,
5 and who does not withdraw the member's contributions
6 pursuant to section 411.23, upon the member's
7 retirement there shall be added one and five-tenths
8 percent of the member's average final compensation for
9 each year of service over twenty-two years, excluding
10 years of service after the member's fifty-fifth
11 birthday. However, this subparagraph does not apply
12 to more than eight additional years of service.

13 6. RETIREMENT AFTER ACCIDENT.

14 a. Upon retirement for accidental disability prior
15 to July 1, 1990, a member shall receive an accidental
16 disability retirement allowance which shall consist of
17 a pension equal to ~~66 2/3~~ sixty-six and two-thirds
18 percent of the member's average final compensation.

19 b. Upon retirement for accidental disability on or
20 after July 1, 1990, a member shall receive an
21 accidental disability retirement allowance which shall
22 consist of a pension equal to sixty percent of the
23 member's average final compensation.

24 Sec. 38. Section 411.6, subsection 12, paragraph
25 a, subparagraphs (1) through (4), Code 1989, are
26 amended to read as follows:

27 (1) Twenty-five percent for members receiving a
28 service retirement allowance and for beneficiaries
29 receiving a pension under subsection 9 of this
30 section. However, effective July 1, 1990, for members
31 who retired before that date, thirty percent shall be
32 the applicable percentage for members and
33 beneficiaries under this subparagraph.

34 (2) Twenty Twenty-five percent for members with
35 five or more years of membership service who are
36 receiving an ordinary disability retirement allowance.
37 However, effective July 1, 1984, for members who
38 retired before July 1, 1979, and effective July 1,
39 1988, for members who retire on or after July 1, 1988,
40 twenty-five percent shall be used for members who are

41 receiving an ordinary disability allowance. However,
 42 effective July 1, 1990, for members who retired before
 43 that date, thirty percent shall be the applicable
 44 percentage for members under this subparagraph.
 45 (3) Twelve and one-half percent for members with
 46 less than five years of membership service who are
 47 receiving an ordinary disability retirement allowance,
 48 and for beneficiaries receiving a pension under
 49 subsection 8 of this section. However, effective July
 50 1, 1990, for members who retired before that date,

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1 fifteen percent shall be the applicable percentage for
 2 members and beneficiaries under this subparagraph.
 3 (4) Thirty-three and one-third percent for members
 4 receiving an accidental disability allowance.
 5 However, effective July 1, 1990, for members who
 6 retired before that date, thirty percent shall be the
 7 applicable percentage for members under this
 8 subparagraph.

9 Sec. 39. Section 411.6, Code 1989, is amended by
 10 adding the following new subsection:

11 NEW SUBSECTION. 13. REMARRIAGE OF SURVIVING
 12 SPOUSE. Effective July 1, 1990, for a member who died
 13 prior to July 1, 1988, if the member's surviving
 14 spouse remarried prior to July 1, 1988, the remarriage
 15 does not make the spouse ineligible under subsection
 16 8, paragraph "c", subparagraphs (1) and (2), to
 17 receive benefits under subsections 8, 9, 11, and 12.

18 Sec. 40. Section 411.8, subsection 1, paragraph f,
 19 Code 1989, is amended to read as follows:

20 f. Except as otherwise provided in paragraph "h":

21 (1) An amount equal to three and one-tenth percent
 22 of each member's compensation from the earnable
 23 compensation of the member shall be paid to the
 24 pension accumulation fund for the fiscal year
 25 beginning July 1, 1989.

26 (2) An amount equal to four and forty-six
 27 hundredths percent of each member's compensation from
 28 the earnable compensation of the member shall be paid
 29 to the pension accumulation fund for the fiscal year
 30 beginning July 1, 1990.

31 (3) An amount equal to five and eighty-two
 32 hundredths percent of each member's compensation from
 33 the earnable compensation of the member shall be paid
 34 to the pension accumulation fund for the fiscal year
 35 beginning July 1, 1991.

36 (4) An amount equal to seven and eighteen

37 hundredths percent of each member's compensation from
38 the earnable compensation of the member shall be paid
39 to the pension accumulation fund for the fiscal year
40 beginning July 1, 1992.

41 (5) An amount equal to eight and fifty-four
42 hundredths percent of each member's compensation from
43 the earnable compensation of the member shall be paid
44 to the pension accumulation fund for the fiscal year
45 beginning July 1, 1993.

46 (6) An amount equal to nine and nine-tenths
47 percent of each member's compensation from the
48 earnable compensation of the member shall be paid to
49 the pension accumulation fund for the fiscal year
50 beginning July 1, 1994, and each fiscal year

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1 thereafter.

2 Sec. 41. Section 411.8, subsection 1, Code 1989,
3 is amended by adding the following new paragraph:
4 **NEW PARAGRAPH.** h. Notwithstanding the provisions
5 of paragraph "f", the following transition percentages
6 apply to members' contributions as specified:

7 (1) For members who on July 1, 1990, have attained
8 the age of forty-nine years or more, an amount equal
9 to nine and nine-tenths percent of each member's
10 compensation from the earnable compensation of the
11 member shall be paid to the fund for the fiscal year
12 beginning July 1, 1990, and each subsequent fiscal
13 year.

14 (2) For members who on July 1, 1990, have attained
15 the age of forty-eight years but have not attained the
16 age of forty-nine years, an amount equal to eight and
17 fifty-four hundredths percent shall be paid for the
18 fiscal year beginning July 1, 1990, and an amount
19 equal to nine and nine-tenths percent shall be paid
20 for the fiscal year beginning July 1, 1991, and each
21 subsequent fiscal year thereafter.

22 (3) For members who on July 1, 1990, have attained
23 the age of forty-seven years but have not attained the
24 age of forty-eight years, an amount equal to seven and
25 eighteen hundredths percent shall be paid for the
26 fiscal year beginning July 1, 1990, an amount equal to
27 eight and fifty-four hundredths percent shall be paid
28 for the fiscal year beginning July 1, 1991, and an
29 amount equal to nine and nine-tenths percent shall be
30 paid for the fiscal year beginning July 1, 1992, and
31 each subsequent fiscal year.

32 (4) For members who on July 1, 1990, have attained

33 the age of forty-six years but have not attained the
34 age of forty-seven years, an amount equal to five and
35 eighty-two hundredths percent shall be paid for the
36 fiscal year beginning July 1, 1990, an amount equal to
37 seven and eighteen hundredths percent shall be paid
38 for the fiscal year beginning July 1, 1991, an amount
39 equal to eight and fifty-four hundredths percent shall
40 be paid for the fiscal year beginning July 1, 1992,
41 and an amount equal to nine and nine-tenths percent
42 shall be paid for the fiscal year beginning July 1,
43 1993, and each subsequent fiscal year.

44 (5) For members who on July 1, 1990, have attained
45 the age of forty-five years but have not attained the
46 age of forty-six years, an amount equal to four and
47 forty-six hundredths percent shall be paid for the
48 fiscal year beginning July 1, 1990, an amount equal to
49 five and eighty-two hundredths percent shall be paid
50 for the fiscal year beginning July 1, 1991, an amount

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1 equal to seven and eighteen hundredths percent shall
2 be paid for the fiscal year beginning July 1, 1992, an
3 amount equal to eight and fifty-four hundredths
4 percent shall be paid for the fiscal year beginning
5 July 1, 1993, and an amount equal to nine and nine-
6 tenths percent shall be paid for the fiscal year
7 beginning July 1, 1994, and each subsequent fiscal
8 year.

9 Sec. 42. NEW SECTION. 411.31 REPORTING.

10 Each board of trustees shall submit annually to the
11 auditor of state its most recent actuarial valuation
12 and a pension status report, which shall be in the
13 form prescribed by the auditor of state and shall
14 provide statistical and financial information as
15 required by the auditor of state, including
16 information about benefits, contribution rates,
17 assets, liabilities, and social security coverage.
18 The auditor of state shall consult with the director
19 of the legislative fiscal bureau for the purpose of
20 determining the information to be included in the
21 pension status reports.

22 Sec. 43. NEW SECTION. 411.32 EVALUATION OF
23 FINANCIAL STATUS OF SYSTEMS.

24 The legislative fiscal bureau shall review the
25 actuarial reports and pension status reports submitted
26 in accordance with section 411.31 and shall
27 periodically prepare an evaluation of the financial
28 status of police and fire retirement systems operating
29 under this chapter. The evaluation shall be submitted

30 to the secretary of the senate and the chief clerk of
 31 the house of representatives for distribution to the
 32 members of the general assembly.

33 The legislative fiscal bureau may arrange for the
 34 services of an actuarial consultant to assist in
 35 performing the duties assigned by this section.
 36 Sec. 44. NEW SECTION. 411.33 FUNDING REQUIRE-
 37 MENTS.

38 Each retirement system operating under this chapter
 39 shall have sufficient assets, evaluated at cost, to
 40 cover the system's currently accrued liabilities. A
 41 retirement system whose assets are not sufficient to
 42 provide this coverage on the effective date of this
 43 Act shall establish the necessary asset level on or
 44 before June 30, 1995. The system shall report to the
 45 auditor of state in the annual pension status report
 46 its plan for and progress toward achieving the
 47 required coverage.

48 Sec. 45. STUDY.

49 1. The Iowa public employees' retirement system
 50 shall conduct a study of the feasibility of initiating

Page 26

1 an optional, supplemental defined contribution
 2 retirement plan which would be available to all
 3 members in addition to their basic coverage under the
 4 existing system. Under the proposed plan, employees
 5 electing to participate would be eligible to
 6 contribute up to five percent of their total salary
 7 per year at their option and this would accumulate
 8 interest at the rate credited to members' accounts
 9 under basic Iowa public employees' retirement system
 10 coverage, less management expenses and administrative
 11 costs. The funds in the employee's account would be
 12 available to the employee either upon termination of
 13 public employment or at retirement.

14 2. The Iowa public employees' retirement system
 15 shall provide a preliminary report concerning the
 16 study on or after November 1, 1990, and a final report
 17 on or after November 1, 1991. The reports shall be
 18 transmitted to the chief clerk of the house of
 19 representatives and the secretary of the senate for
 20 distribution to the general assembly.

21 Sec. 46. TRANSFER OF SECTION.

22 The Code editor shall transfer section 97B.76 to
 23 chapter 97D, created by this Act.

24 Sec. 47. APPLICABILITY.

25 Section 12 of this Act is applicable to

26 computations of years of prior service made on or
27 after the effective date of this Act.”

JOHN P. KIBBIE
JACK NYSTROM
BILL HUTCHINS
CALVIN O. HULTMAN

S-5815

- 1 Amend House File 2548, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 19 and 20, and
- 4 inserting the following: “entities to provide
- 5 agricultural health and safety programs and
- 6 rehabilitation programs for farm families.”

RICHARD VANDE HOEF

S-5816

- 1 Amend the amendment, S-5814, to House File 2548, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 5, by striking lines 3 through 17.
- 5 2. By numbering and renumbering as necessary.

MARK R. HAGERLA
JULIA GENTLEMAN

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 128

S-5817

1. Amend Senate Concurrent Resolution 128, as passed
- 2 by the Senate, as follows:
- 3 1. Page 3, line 5, by striking the word
- 4 “Regulations” and inserting the following: “State and
- 5 federal regulations”.
- 6 2. Page 3, line 8, by inserting after the word
- 7 “operations.” the following: “State regulations of
- 8 intrastate fiber optics shall not be preempted by the
- 9 federal government.”
- 10 3. Page 3, by inserting after line 12 the fol-
- 11 lowing:
- 12 “d. Regulations are in place to ensure that fiber-

13 optic cable deployed to homes is accorded the legal
14 status of a common carrier.
15 e. Regulations are in place to prohibit common
16 carriers, which provide video transmission facilities
17 by use of an integrated switched network, from
18 providing, pursuant to customer desires, individual
19 customer data accumulated by the carrier in the course
20 of furnishing regulated common carrier services to the
21 customer, to all enhanced service providers whether
22 they are affiliated or unaffiliated with the involved
23 common carrier. Penalties must be assessed of any
24 carrier that violates these disclosure rules.”
25 4. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

S-5818

1 Amend the amendment, S-5814, to House File 2543; as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 15, line 45, by inserting after the word
5 “government” the following: “, or who was a member of
6 another public retirement system in this state,
7 including but not limited to the teachers insurance
8 annuity association-college retirement equities
9 fund.”.

RICHARD VARN

S-5819

1 Amend the amendment, S-5814, to House File 2543, as
2 amended, passed and reprinted by the House as follows:
3 1. Page 9, by striking lines 13 through 48.

JULIA GENTLEMAN
H. KAY HEDGE

S-5820

1 Amend the amendment, S-5814, to House File 2543, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 36 the
5 following:
6 “Sec. ____ . NEW SECTION. 97A.20 WELLNESS.
7 All members of the retirement system under this

- 8 chapter shall be involved in a wellness program.”
 9 2. Page 18, by inserting after line 22 the
 10 following:
 11 “Sec. ____ . NEW SECTION. 97B.82 WELLNESS.
 12 All members of the system shall be involved in a
 13 wellness program.”
 14 3. Page 25, by inserting after line 47, the
 15 following:
 16 “Sec. ____ . NEW SECTION. 411.40 WELLNESS.
 17 All members of fire and police retirement systems
 18 under this chapter shall be involved in a wellness
 19 program.”
 20 4. By numbering and renumbering as necessary.

JIM LIND

S-5821

- 1 Amend House File 2268 as passed by the House, as
 2 follows:
 3 1. Page 1, line 25, by inserting after the word
 4 “child” the following: “, but not discovered until
 5 after the injured person is of the age of majority.”.

TOM MANN, Jr.

S-5822

- 1 Amend House File 2268, 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 232.68, subsection 2, Code
 6 Supplement 1989, is amended by adding the following
 7 new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. This subsection shall
 9 not be construed to prohibit the use of reasonable,
 10 limited corporal punishment of a child by a person
 11 responsible for the care of the child.
 12 Sec. 2. Section 232.71, subsection 10, Code
 13 Supplement 1989, is amended to read as follows:
 14 10. Based on the investigation conducted pursuant
 15 to this section, the department shall offer to the
 16 family of any child believed to be the victim of abuse
 17 such services as appear appropriate for either the
 18 child, the family, or both, if it is explained that
 19 the department has no legal authority to compel such
 20 family to receive such services. However, such

21 services shall not discourage the use of reasonable,
22 limited corporal punishment of a child by a person
23 responsible for the care of the child.

24 Sec. 3. NEW SECTION. 232.77A DEPARTMENT POLICY -
25 - DISCIPLINE OF EMPLOYEES AND INVESTIGATIVE AND
26 TREATMENT SERVICES AND TECHNIQUES.

27 1. The director shall establish a discipline
28 policy for departmental child abuse investigators and
29 treatment personnel. The discipline policy shall
30 include administrative strategies for receipt and
31 disposition of formal complaints regarding department
32 employees engaged in child abuse prevention,
33 identification, investigation, reporting, treatment,
34 or any other aspect of child abuse intervention. The
35 policy shall provide penalties for employees who
36 violate departmental guidelines, administrative rules,
37 or statutory law, regarding child abuse prevention,
38 identification, investigation, reporting, treatment,
39 or other aspects of child abuse intervention. The
40 penalties may include reprimand, suspension without
41 pay, reassignment, and dismissal. The policy shall be
42 posted with supplemental updates in a prominent,
43 easily visible location.

44 The director shall issue an annual public report
45 detailing the nature of complaints and organizing the
46 complaints by supervisor and county.

47 2. When investigative and treatment services are
48 recommended by department employees in cases of child
49 abuse, the recommendation shall include a description
50 of problematic behaviors or symptoms and the result to

Page 2

1 be derived from the services recommended. The
2 recommendation shall include a statement indicating
3 whether the denial of the recommended services would
4 measurably detract from a plan for reasonable
5 protection of a child.

6 Investigative and treatment techniques used by
7 department employees shall be scientific principles
8 accepted by the professional community within which
9 the technique is used."

10 2. Title page, line 3, by inserting after the
11 word "harassment" the following: " the department of
12 human services' procedures regarding child abuse
13 investigations and treatment,".

14 3. By renumbering as necessary.

TOM MANN, Jr.

S-5823

1 Amend the amendment, S-5788, to House File 2488, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 12, by inserting after line 24, the
5 following:

6 "Sec. ____ . Section 524.1301, subsection 1, Code
7 1989, is amended to read as follows:

8 1. Subsequent to the issuance of the certificate
9 of incorporation and prior to the issuance of the
10 authorization to do business, a state bank which has
11 not issued any shares may be voluntarily dissolved by
12 its incorporators. In such case the articles of
13 dissolution shall be prepared and filed in the manner
14 provided in section ~~496A.79~~ 490.1401. The articles of
15 dissolution shall be delivered to the superintendent,
16 together with the applicable filing and recording
17 fees, who shall deliver the same to the secretary of
18 state for filing and recording in the office of the
19 county recorder."

20 2. Page 17, by inserting after line 8, the
21 following:

22 "Sec. ____ . Section 524.1402, subsection 2, Code
23 1989, is amended to read as follows:

24 2. In the case of a state bank which is a party to
25 the plan, if the proposed merger or consolidation will
26 result in a state bank subject to this chapter,
27 adoption of the plan by such state bank shall require
28 the affirmative vote of at least a majority of the
29 directors and approval by the shareholders, in the
30 manner and according to the procedures prescribed in
31 section ~~496A.70~~ 490.1103, at a meeting called in
32 accordance with the terms of that section. In the
33 case of a national bank, or if the proposed merger or
34 consolidation will result in a national bank, adoption
35 of the plan by each party thereto shall require the
36 affirmative vote of at least such directors and
37 shareholders whose affirmative vote thereon is
38 required under the laws of the United States. Subject
39 to applicable requirements of the laws of the United
40 States in a case in which a national bank is a party
41 to a plan, any modification of a plan which has been
42 adopted shall be made by any method provided therein,
43 or in the absence of such provision, by the same vote
44 as required for adoption."

45 3. By renumbering as necessary.

RICHARD VARN

HOUSE AMENDMENT TO
SENATE FILE 2114

S-5824

1 Amend Senate File 2114, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 20 and 21, by striking the words
4 "~~six and one-half~~ thirteen percent of the first sixty
5 thousand dollars" and inserting the following: "six
6 and one-half percent".

7 2. Page 1, by striking lines 23 through 26 and
8 inserting the following: "increasing research
9 activities. The state's apportioned share of the
10 qualifying".

11 3. Page 2, lines 19 and 20, by striking the words
12 "~~six and one-half~~ thirteen percent of the first sixty
13 thousand dollars" and inserting the following: "six
14 and one-half percent".

15 4. Page 2, by striking lines 21 through 24 and
16 inserting the following: "qualifying expenditures for
17 increasing research activities. The state's
18 apportioned".

19 5. Title page, lines 3 and 4, by striking the
20 words "increasing the tax credit allowed for certain
21 research activities,".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2320

S-5825

1 Amend the amendment, H-5882, to House File 2320, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 42, by striking the words "or
5 corporation".

6 2. Page 19, by inserting after line 49, the
7 following:

8 "Sec. 103.

9 Section 102 of this Act, applies to all
10 indebtedness contracted for, general obligation bonds
11 issued, or insurance agreements entered into or
12 renewed pursuant to section 296.7 on or after the

13 effective date of section 102, but shall not apply to
 14 an act permitted by section 296.7 at any time prior to
 15 January 1, 1990.
 16 Sec. ____.
 17 Sections 102 and 103 of this Act, being deemed of
 18 immediate importance, take effect upon enactment.””
 19 3. Page 20, by inserting after line 2, the
 20 following:
 21 “ ____ . Title page, line 4, by striking the words
 22 “a special effective date” and inserting the
 23 following: “special effective dates”.
 24 4. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2410

S-5826

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 3, by striking the words “nine
 4 eleven” and inserting the following: “nine”.
 5 2. Page 2, line 13, by striking the words “five
 6 six” and inserting the following: “five”.
 7 3. Page 2, by striking lines 17 through 25 and
 8 inserting the following:
 9 “Three of the state board members shall have
 10 substantial knowledge related to the community college
 11 system. The remaining six members shall be members of
 12 the general public.”
 13 4. Page 3, line 13, by striking the word
 14 “colleges” and inserting the following: “college
 15 programs”.
 16 5. Page 4, line 4, by inserting after the word
 17 “Explore” the following: “, in conjunction with the
 18 state board of regents,”.
 19 6. Page 4, line 5, by inserting after the word
 20 “districts,” the following: “area education
 21 agencies,”.
 22 7. Page 4, by striking line 12, and inserting the
 23 following: “February 15, 1991.”
 24 8. By striking page 4, line 19, through page 5,
 25 line 8.
 26 9. Page 5, line 18, by striking the words “five
 27 voting members and three” and inserting the following:
 28 “four voting members and two”.
 29 10. Page 5, by striking lines 19 through 25 and
 30 inserting the following: “ex officio nonvoting

31 members. The four voting members of the council shall
32 be members of the state board and shall include the
33 three members of the state board who have knowledge of
34 issues and concerns affecting the community college
35 system and a fourth member of the state board
36 designated annually by the state board president. Of
37 the two ex officio nonvoting members, one shall be a
38 community college president appointed by an
39 association which”.

40 11. Page 5, line 27, by inserting after the words
41 “shall be” the following: “a community college
42 trustee”.

43 12. By striking page 5, line 29, through page 6,
44 line 2, and inserting the following: “college
45 trustees in the state. The ex officio nonvoting
46 members shall serve staggered three-year terms
47 beginning on May 1, of the year of appointment.”

48 13. By striking page 6, line 25, through page 9,
49 line 13, and inserting the following:

50 “Sec. ____ . NEW SECTION. 260B.1 HIGHER EDUCATION

Page 2

1 STRATEGIC PLANNING COUNCIL ESTABLISHED.

2 The higher education strategic planning council is
3 established to develop strategic plans for the
4 advancement of higher education institutions in the
5 state.

6 The higher education council is an independent
7 public body to be located in the offices of the
8 college aid commission, which consists of six voting
9 members and three ex officio members, who are to be
10 selected in the following manner. Two voting members
11 shall be selected from each of the following three
12 education sectors:

13 1. State board for community colleges.

14 2. State board of regents.

15 3. An association which represents the largest
16 number of independent colleges and universities.

17 Members selected from the association of
18 independent colleges and universities shall also be
19 members of a governing board of a college or
20 university.

21 The director of the department of education, or the
22 director's designee, the executive director of the
23 state board of regents, or the executive director's
24 designee, and the president of the association which
25 represents the largest number of independent colleges
26 and universities, or the president's designee, shall
27 be ex officio members of the council and shall assist

28 the council in carrying out its duties. All voting
29 members shall serve staggered two-year terms in the
30 manner provided in chapter 69.

31 The council shall elect a chairperson on a rotating
32 basis from the portion of its membership which is
33 composed of representatives of the three education
34 sectors. The chairperson shall serve for one year and
35 until a successor is elected and qualified. Members
36 shall receive reimbursement for actual expenses and
37 may receive per diem compensation as provided in
38 section 7E.6.

39 Sec. ____ . NEW SECTION. 260B.2 DUTIES OF COUNCIL.

40 The council shall be responsible for developing
41 strategic plans which address issues relating to
42 higher education, education intersectoral missions,
43 and the future direction of postsecondary education in
44 Iowa.

45 The council shall submit annual reports regarding
46 its responsibilities and activities to the governor
47 and general assembly. Reports shall include
48 information relating to the development of the
49 strategic plans.

50 Sec. ____ . NEW SECTION. 260B.3 COUNCIL PLAN

Page 3

1 DEVELOPMENT.

2 The council may contract with consultants for
3 assistance in developing strategic plans."

4 14. By striking page 9, line 35, through page 11,
5 line 31.

6 15. Page 15, line 31, by striking the word and
7 figures "January 1, 1992" and inserting the following:
8 "July 1, 1991".

9 16. Page 16, line 3, by striking the word and
10 figures "January 1, 1992" and inserting the following
11 "July 1, 1991".

12 17. Page 16, by inserting after line 8, the
13 following:

14 "NEW SUBSECTION. 26. Explore, in conjunction with
15 the department of education, the need for coordination
16 between school districts, area education agencies,
17 state board of regents' institutions, and community
18 colleges for purposes of delivery of courses, use of
19 telecommunications, transportation, and other similar
20 issues. Coordination may include, but is not limited
21 to, coordination of calendars, programs, schedules, or
22 telecommunications emissions. The state board shall
23 develop recommendations which shall be submitted in a
24 report to the general assembly by February 15, 1991."

- 25 18. Page 22, by inserting after line 7, the
26 following:
27 "Sec. ____ . NEW SECTION. 280A.22A STATE BOARD FOR
28 COMMUNITY COLLEGES.
29 The state board of education shall constitute the
30 state board for community colleges.
31 Sec. ____ . NEW SECTION. 280A.22B DUTIES OF STATE
32 BOARD.
33 The state board for community colleges shall:
34 1. Adopt and establish policies for programs and
35 services of the department which relate to community
36 colleges.
37 2. Prescribe standards and procedures for the
38 approval of practitioner preparation programs and
39 professional development programs under section 256.7,
40 subsection 3.
41 3. Review and make recommendations that relate to
42 community colleges in the five-year plan for the
43 achievement of educational goals."
44 19. Page 22, by striking line 24, and inserting
45 the following: "services in the college and develop a
46 plan to".
47 20. Page 22, line 25, by inserting after the word
48 "meet" the following: "those".
49 21. Page 27, line 18, by striking the word and
50 figures "January 1, 1992" and inserting the following:

Page 4

- 1 "July 1, 1991".
2 22. Page 27, line 25, by striking the word and
3 figures "January 1, 1992" and inserting the following:
4 "July 1, 1991".
5 23. Page 37, line 31, by inserting after the word
6 "vocational-technical" the following: "and
7 occupational".
8 24. Page 38, by inserting after line 19, the
9 following:
10 "A community college with an approved quality
11 instructional center shall annually submit a report
12 indicating how funds received during the past year
13 were spent and the projections of the next year's
14 funding needs. The department shall review the
15 reports to determine which centers will continue to be
16 identified as quality instructional centers and the
17 next year's funding levels for each approved center."
18 25. Page 39, by striking line 4, and inserting
19 the following: "COLLEGE PROGRAMS."
20 26. Page 39, line 6, by striking the word
21 "colleges" and inserting the following: "college

- 22 programs”.
- 23 27. Page 39, line 11, by striking the word
- 24 “colleges” and inserting the following: “college
- 25 programs”.
- 26 28. Page 39, line 14, by inserting after the
- 27 words “compliance with” the following: “program”.
- 28 29. Page 39, line 25, by striking the word
- 29 “being” and inserting the following: “which conducts
- 30 the programs being”.
- 31 30. Page 39, line 29, by inserting after the word
- 32 “associations” the following: “, which are designed
- 33 to avoid duplication in the accreditation process”.
- 34 31. Page 39, line 34, by inserting after the word
- 35 “standards” the following: “for a program”.
- 36 32. Page 40, by striking line 2 and inserting the
- 37 following: “program of the community college”.
- 38 33. Page 40, line 4, by inserting after the word
- 39 “each” the following: “program”.
- 40 34. Page 40, line 9, by striking the word “the”
- 41 and inserting the following: “a program of a”.
- 42 35. Page 40, by striking lines 11 through 13, and
- 43 inserting the following: “determines that a program
- 44 of a community college does not meet accreditation
- 45 standards, the director of”.
- 46 36. Page 40, line 17, by inserting after the word
- 47 “the” the following: “program”.
- 48 37. Page 40, line 23, by striking the words “or
- 49 college”.
- 50 38. Page 40, line 24, by striking the word

Page 5

- 1 “programs” and inserting the following: “specific
- 2 programs or courses of study”.
- 3 39. Page 40, line 26, by inserting after the
- 4 words “meet the” the following: “program”.
- 5 40. Page 40, lines 28 and 29, by striking the
- 6 words “remains accredited or the”.
- 7 41. Page 40, line 31, by inserting after the word
- 8 “standards” the following: “for the program”.
- 9 42. Page 40, line 35, by inserting after the word
- 10 “deficiencies” the following: “in the program”.
- 11 43. Page 41, line 2, by striking the words
- 12 “offered by” and inserting the following: “of”.
- 13 44. Page 41, by striking lines 7 and 8.
- 14 45. Page 41, line 9, by striking the letter “c”
- 15 and inserting the following: “b”.
- 16 46. Page 41, line 12, by inserting after the word
- 17 “which” the following: “has a program which”.
- 18 47. Page 41, line 14, by inserting after the word

19 "accreditation" the following: "of the program".
20 48. Page 41, line 17, by inserting after the word
21 "accreditation" the following: "of the program".
22 49. Page 41, line 23, by inserting after the word
23 "accreditation" the following: "of the program".
24 50. Page 41, line 24, by inserting after the word
25 "standards" the following: "for that program".
26 51. Page 41, line 25, by inserting after the word
27 "accreditation" the following: "of the program".
28 52. Page 41, line 30, by inserting after the word
29 "accreditation" the following: "of the program".
30 53. Page 42, line 6, by inserting after the word
31 "accreditation" the following: "of the program".
32 54. Page 42, by striking line 9, and inserting
33 the following: "COMMUNITY COLLEGE PROGRAMS."
34 1. The state board shall develop standards for the
35 accreditation of each of the following community
36 college programs:
37 a. Administration.
38 b. Faculty.
39 c. Curriculum and evaluation.
40 d. Library or learning resource center.
41 e. Student services.
42 f. Laboratories, shops, equipment, and supplies.
43 g. Physical plant.
44 h. Building and site approval."
45 55. Page 42, line 10, by striking the word "In"
46 and inserting the following: "2. In".
47 56. Page 42, by striking line 11, and inserting
48 the following: "college programs, the state board of
49 education shall adhere to the provisions of section
50 280A.23 and review the".

Page 6

1 57. Page 42, line 21, by inserting after the word
2 "standards" the following: "for the programs".
3 58. Page 42, line 23, by striking the figure "1"
4 and inserting the following: "a".
5 59. Page 43, line 1, by striking the figure "2"
6 and inserting the following: "b".
7 60. Page 43, line 9, by striking the figure "3"
8 and inserting the following: "c".
9 61. Page 44, line 16, by inserting after the word
10 "development." the following: "Any items of a staff
11 development plan which are mandatory items of
12 bargaining under chapter 20 shall be negotiated with
13 the appropriate certified bargaining agent."
14 62. Page 46, line 5, by inserting after the word
15 "plan." the following: "Plans submitted to the

16 department shall contain an affirmation by each
 17 certified faculty or staff organization with which the
 18 board negotiates for collective bargaining purposes
 19 that the procedures of chapter 20 have been met for
 20 items which are mandatory subjects of bargaining.”
 21 63. Page 48, line 30, by inserting after the word
 22 “division” the following: “and to insure that no
 23 property tax revenues will be needed to retire the
 24 bonds or notes”.

25 64. Page 57, line 10, by inserting after the word
 26 “assembly.” the following: “Before a board of
 27 trustees can proceed with a project in the building
 28 program, the project must be approved by the state
 29 board for community colleges, and be a project
 30 designed for special programs, special needs of
 31 special students, and to meet needs for which
 32 privately owned housing is not available.”

33 65. Page 57, by striking lines 11 through 13, and
 34 inserting the following: “buildings and facilities
 35 which are designed to meet the special needs of
 36 students attending special programs. The list shall
 37 be revised annually, but”.

38 66. Page 58, by inserting after line 9, the
 39 following:

40 “Sec. — . NEW SECTION. 220.162 AUTHORITY TO
 41 ISSUE COMMUNITY COLLEGE DORMITORY BONDS AND NOTES.

42 The authority shall assist a community college or
 43 the state board for community colleges as provided in
 44 chapter 280A, and the authority shall have all of the
 45 powers delegated to it in a chapter 28E agreement by a
 46 community college board of directors, the state board
 47 for community colleges, or a private developer
 48 contracting with a community college to develop a
 49 self-liquidating housing facility, such as a
 50 dormitory, for the community college, with respect to

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1 the issuance or securing of bonds or notes and the
 2 carrying out of the purposes of chapter 280A.

3 Sec. — . NEW SECTION. 280A.71 COMMUNITY COLLEGE
 4 BOND PROGRAM -- DEFINITIONS -- FUNDING -- BONDS AND
 5 NOTES.

6 1. As used in this section and section 280A.72,
 7 unless the context otherwise requires, “authority”
 8 means the Iowa finance authority.

9 2. The authority shall cooperate with the state
 10 board for community colleges, individual community
 11 colleges, and private developers, acting in
 12 conjunction with a community colleges to build self-

13 liquidating housing facilities in connection with the
14 community college, in the creation, administration,
15 and funding of a community college bond program to
16 finance self-liquidating facilities, such as

17 dormitories, in connection with a community college.
18 3. The authority may issue its bonds and notes for
19 the purpose of funding the nonrecurring cost of
20 acquiring or constructing a community college related
21 facility, such as a dormitory.

22 4. The authority may issue its bonds and notes for
23 the purposes of this chapter and may enter into one or
24 more lending agreements or purchase agreements with
25 one or more bondholders or noteholders containing the
26 terms and conditions of the repayment of and the
27 security for the bonds or notes. The authority and
28 the bondholders or noteholders or a trustee agent
29 designated by the authority may enter into agreements
30 to provide for any of the following:

31 a. That the proceeds of the bonds and notes and
32 the investments of the proceeds may be received, held,
33 and disbursed by the authority or by a trustee or
34 agent designated by the authority.

35 b. That the bondholders or noteholders or a
36 trustee or agent designated by the authority may
37 collect, invest, and apply the amount payable under
38 the loan agreements or any other instruments securing
39 the debt obligations under the loan agreements.

40 c. That the bondholders or noteholders may enforce
41 the remedies provided in the loan agreements or other
42 instruments on their own behalf without the
43 appointment or designation of a trustee. If there is
44 a default in the principal of or interest on the bonds
45 or notes or in the performance of any agreement
46 contained in the loan agreements or other instruments,
47 the payment or performance may be enforced in
48 accordance with the loan agreement or other
49 instrument.

50 d. Other terms and conditions as deemed necessary

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1 or appropriate by the authority.

2 5. The powers granted the authority under this
3 section are in addition to other powers contained in
4 chapter 220. All other provisions of chapter 220,
5 except section 220.28, subsection 4, apply to bonds or
6 notes issued and powers granted to the authority under
7 this section, except to the extent they are
8 inconsistent with this section.

9 6. All bonds or notes issued by the authority in

10 connection with the program are exempt from taxation
11 by this state and the interest on the bonds or notes
12 is exempt from state income tax, both personal and
13 corporate.

14 Sec. ____ . NEW SECTION. 280A.72 SECURITY --
15 RESERVE FUNDS -- PLEDGES -- NONLIABILITY --IRREVOCABLE
16 CONTRACTS.

17 1. The authority may provide in the resolution,
18 trust agreement, or other instrument authorizing the
19 issuance of its bonds or notes pursuant to section
20 280A.71 that the principal of, premium, and interest
21 on the bonds or notes are payable from any of the
22 following and may pledge the same to its bonds and
23 notes:

24 a. The income and receipts or other moneys derived
25 from the projects financed with the proceeds of the
26 bonds or notes.

27 b. The income and receipts or other money derived
28 from designated projects whether or not the projects
29 are financed in whole or in part with the proceeds of
30 the bonds or notes.

31 c. The amounts on deposit in the name of a
32 community college or a private developer or operator
33 of a community college facility, including but not
34 limited to revenues from a purchase, rental, or lease
35 agreement, or dormitory charges.

36 d. The amounts payable to the authority, the
37 community college board of directors, the state board
38 for community colleges, or a private developer or
39 operator, pursuant to a loan agreement.

40 e. Any other funds or accounts established by the
41 authority in connection with the program or the sale
42 and issuance of its bonds or notes.

43 2. The authority may establish reserve funds to
44 secure one or more issues of its bonds or notes. The
45 authority may deposit in a reserve fund established
46 under this subsection, the proceeds of the sale of its
47 bonds or notes and other money which is made available
48 from any other source.

49 3. A pledge made in respect of bonds or notes is
50 valid and binding from the time the pledge is made.

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1 The money or property so pledged and received after
2 the pledge by the authority is immediately subject to
3 the lien of the pledge without physical delivery or
4 further act. The lien of the pledge is valid and
5 binding as against all persons having claims of any
6 kind in tort, contract, or otherwise against the

7 authority whether or not the parties have notice of
8 the lien. Neither the resolution, trust agreement, or
9 any other instrument by which a pledge is created
10 needs to be recorded, filed, or perfected under
11 chapter 554, to be valid, binding, or effective
12 against all persons.

13 4. The members of the authority or persons
14 executing the bonds or notes are not personally liable
15 on the bonds or notes and are not subject to personal
16 liability or accountability by reason of the issuance
17 of the bonds or notes.

18 5. The bonds or notes issued by the authority are
19 not an indebtedness or other liability of the state or
20 of a political subdivision of the state within the
21 meaning of any constitutional or statutory debt
22 limitations, but are special obligations of the
23 authority and are payable solely from the income and
24 receipts or other funds or property of the community
25 college or private developer, and the amounts on
26 deposit in a community college bond fund, and the
27 amounts payable to the authority under its loan
28 agreements with a community college or private
29 developer to the extent that the amounts are
30 designated in the resolution, trust agreement, or
31 other instrument of the authority authorizing the
32 issuance of the bonds or notes as being available as
33 security for the bonds or notes. The authority shall
34 not pledge the faith or credit of the state or of a
35 political subdivision of the state to the payment of
36 any bonds or notes. The issuance of any bonds or
37 notes by the authority does not directly, indirectly,
38 or contingently obligate the state or a political
39 subdivision of the state to apply money from, or levy,
40 or pledge any form of taxation whatever to the payment
41 of the bonds or notes.

42 6. The state pledges to and agrees with the
43 holders of bonds or notes issued under this subchapter
44 that the state will not limit or alter the rights and
45 powers vested in the authority to fulfill the terms of
46 a contract made by the authority with respect to the
47 bonds or notes, or in any way impair the rights and
48 remedies of the holders until the bonds or notes,
49 together with the interest on them including interest
50 on unpaid installments or interest, and all costs and

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1 expenses in connection with an action or proceeding by
2 or on behalf of the holders, are fully met and
3 discharged. The authority is authorized to include

4 this pledge and agreement of the state, as it refers
5 to holders of bonds or notes of the authority, in a
6 contract with the holders.

7 Sec. ____ . NEW SECTION. 280A.73 RULES.

8 The authority shall adopt rules pursuant to chapter
9 17A to implement sections 280A.71 and 280A.72."

10 67. Page 68, by inserting after line 2 the
11 following:

12 "Sec. 100. Section 286A.2, subsection 7, Code
13 Supplement 1989, is amended by adding the following
14 new paragraph:

15 NEW PARAGRAPH. e. Equipment purchase function."

16 68. Page 71, line 14, by striking the figure
17 "1994" and inserting the following: "1995".

18 69. Page 71, by inserting after line 25 the
19 following:

20 "Sec. ____ . NEW SECTION. 286A.8A EQUIPMENT
21 PURCHASE FUNCTION COST.

22 Commencing July 1, 1991, the equipment purchase
23 function cost for a budget year is determined by the
24 department of education by multiplying the sum of all
25 of the area schools' support for the five
26 instructional cost centers, for the general
27 institutional support function, for the student
28 services function, and for the physical plant function
29 for that year by .194 percent for equipment purchases
30 for the arts and sciences cost center and by .776
31 percent for equipment purchases for the vocational-
32 technical preparatory cost center. The department
33 shall allocate the equipment purchase function cost
34 among the area schools based upon each area school's
35 proportion of arts and sciences contact hours and
36 vocational-technical preparatory contact hours
37 compared to the total arts and sciences and
38 vocational-technical preparatory contact hours, and
39 shall notify the department of management.

40 The foundation support level for the equipment
41 purchase function cost for an area school for a base
42 year is sixty-five percent of the area school's
43 equipment purchase function cost for that year.

44 Commencing July 1, 1991, and on July 1 of each
45 succeeding year, the percent multiplier of the area
46 school's equipment purchase function cost shall be
47 increased by an additional one percent until the
48 foundation support level for the equipment purchase
49 function reaches seventy-five percent of the area
50 school's equipment purchase function cost."

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- 1 70. Page 74, line 14, by striking the word "The"
2 and inserting the following: "If funds are
3 appropriated for that purpose, the".
- 4 71. Page 74, line 26, by striking the word "The"
5 department of education" and inserting the following:
6 "If funds are appropriated for that purpose, the
7 department of education, in consultation with the
8 state board of regents,".
- 9 72. Page 75, line 5, by striking the word "The"
10 and inserting the following: "If funds are
11 appropriated for that purpose, the".
- 12 73. Page 75, line 15, by striking the word "The"
13 and inserting the following: "If funds are
14 appropriated for that purpose, the".
- 15 74. Page 75, line 32, by striking the word "The"
16 and inserting the following: "If funds are
17 appropriated for that purpose, the".
- 18 75. Page 76, line 4, by striking the word "The"
19 and inserting the following: "If funds are
20 appropriated for that purpose, the".
- 21 76. Page 76, by striking lines 10 through 15.
- 22 77. Page 76, line 17, by striking the word "The"
23 and inserting the following: "If funds are
24 appropriated for that purpose, the".
- 25 78. Page 76, line 22, by striking the word "The"
26 and inserting the following: "If funds are
27 appropriated for that purpose, the".
- 28 79. Page 76, line 27, by striking the words
29 "needs and" and inserting the following: "needs,".
- 30 80. Page 76, line 29, by inserting after the word
31 "states" the following: ", and evaluation of the
32 educational requirements for nursing educators under
33 655 Iowa Administrative Code, Rule 2.3 (2)(d)(2), Rule
34 2.6 (1)(a)(1)(1.), and Rule 2.6 (2)(c), as the
35 requirements relate to community colleges. In
36 addition, this study, done in cooperation with the
37 board of nursing, shall include an assessment of the
38 state's supply of nursing educators who possess the
39 educational qualifications identified in the
40 administrative rules. The board of nursing shall by
41 rule delay enforcement of the nursing educator
42 administrative rules being studied until completion of
43 the study, submission of any findings, and a review of
44 the rules and the completed study by the
45 administrative rules review committee."
- 46 81. By striking page 78, line 1, through page 79,
47 line 2, and inserting the following:
48 Sec. ____ . APPOINTMENT OF STATE BOARD.

49 Notwithstanding the composition of the state board
50 of education established in section 256.3, for the

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1 period commencing July 1, 1990, and ending April 30,
2 1992, the state board of education shall consist of
3 eleven members including the nine members appointed
4 under section 256.3 and two additional members who
5 have substantial knowledge related to the community
6 college and who shall have full voting rights. The
7 two additional members shall be appointed in the
8 manner specified in section 256.3 for members of the
9 state board of education. One of the two additional
10 members shall be appointed to a term ending April 30,
11 1992, and the other additional member to a term ending
12 on April 30, 1996. Of the positions of membership for
13 which terms expire under section 256.3 on April 30,
14 1992, two positions are eliminated and shall not be
15 filled."

16 82. Page 79, by striking lines 9 through 12.

17 83. Page 79, by inserting after line 19 the
18 following:

19 "Sec. ____.

20 The Code editor is directed to correct the sections
21 of chapter 286A that refer to the numbers of
22 instructional cost centers and noninstructional cost
23 functions that have been created upon the effective
24 dates of the creation of the adult remedial cost
25 center and the equipment purchase function.

26 Sec. ____.

27 Section 87 of this Act takes effect July 1, 1992.

28 Sec. ____.

29 Section 100 of this Act takes effect July 1, 1991."

30 84. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

S-5827

1 Amend Senate File 2422 as follows:

2 1. Page 23, lines 33 and 34, by striking the
3 words "twenty-five thousand nine hundred seventy-five"
4 and inserting the following: "~~twenty-five~~ twenty-six
5 thousand nine hundred ~~seventy-five~~".

BILL HUTCHINS

S-5828

1 Amend Senate File 2422 as follows:

- 2 1. Page 24, line 31, by inserting after the word
3 "capacity." the following: "The president pro
4 tempore of the senate and the speaker pro tempore of
5 the house shall receive an annual salary of twenty-two
6 thousand five hundred dollars for the year 1991 and
7 subsequent years while serving in that capacity."
8 2. Page 24, line 33, by inserting after the word
9 "senate" the following: ", the president pro tempore
10 of the senate and the speaker pro tempore of the
11 house.".

GEORGE R. KINLEY
BILL HUTCHINS

S-5829

1 Amend Senate File 2422 as follows:

- 2 1. Page 18, line 9, by striking the figure
3 "2,069" and inserting the following: "232,576".
4 2. Page 18, line 11, by striking the figure
5 "232,576" and inserting the following: "2,069".
6 3. Page 23, by inserting after line 21 the fol-
7 lowing:
8 "Sec. ____.
9 Beginning July 1, 1990, the lieutenant governor
10 shall be paid at an annual salary rate of \$26,700
11 until the next inauguration of the lieutenant governor
12 at which time the lieutenant governor shall receive an
13 amount equal to 80 percent of the governor's salary
14 bi-weekly for the remainder of the fiscal year.
15 Personal expense and travel allowances shall be the
16 same for the lieutenant governor as for a senator.
17 The lieutenant governor while performing
18 administrative duties of the office of lieutenant
19 governor when the general assembly is not in session
20 or serving as the president of the senate during
21 special sessions of the general assembly shall receive
22 \$60 per diem and reimbursement for expenses incurred
23 in performing such duties until the next inauguration
24 of the lieutenant governor. The lieutenant governor
25 may elect to become a member of a state group
26 insurance plan for employees of the state established
27 pursuant to chapter 509A and the disability insurance
28 program established pursuant to section 79.20 on the
29 same basis as a full-time state employee excluded from

30. collective bargaining as provided in chapter 20. The
 31 lieutenant governor shall authorize a payroll
 32 deduction of any premium due. The salary, per diem,
 33 and expenses of the lieutenant governor provided for
 34 under this section, including office and staff
 35 expenses, shall be paid from funds appropriated to the
 36 office of the lieutenant governor by the general
 37 assembly."

JOE J. WELSH

S-5830

1 Amend House File 2407, as amended, passed, and
 2 reprinted by the House, as follows:

DIVISION S—5830A

3 1. Page 5, by striking lines 23 through 28 and
 4 inserting the following: "prairie ~~by a county~~
 5 ~~conservation board or by the department of natural~~
 6 ~~resources in an area not served by a county~~
 7 conservation board or land designated as a protected
 8 wetland by the department of natural resources
 9 pursuant to section 108.12. Application for the
 10 exemption shall be made on".

DIVISION S—5830B

11 2. Page 5, line 29, by inserting after the word
 12 "finance." the following: "Land designated as a
 13 protected wetland shall be assessed at a value equal
 14 to the average value of the land where the wetland is
 15 located and which is owned by the person granted the
 16 exemption."

DIVISION S—5830A (cont'd.)

17 3. Page 6, line 9, by inserting before the word
 18 "wetland" the following: "protected".
 19 4. Page 6, by inserting after line 25 the
 20 following:
 21 "The assessing authority each year may submit to
 22 the department a claim for reimbursement of tax
 23 revenue lost from the exemption. Upon receipt of the
 24 claim, the department shall reimburse the assessing
 25 authority an amount equal to the lost tax revenue
 26 based on the value of the protected wetland as
 27 assessed by the authority, unless the department

28 reimburses the authority based upon a departmental
 29 assessment of the protected wetland. The authority
 30 may contest the department's assessment as provided in
 31 chapter 17A. The department is not required to honor
 32 a claim submitted more than sixty days after the
 33 authority has assessed land where the protected
 34 wetland is located and which is owned by the person
 35 granted the exemption."

COMMITTEE ON AGRICULTURE,
 BERL E. PRIEBE, Chair

S-5831

1 Amend House File 2548, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 19 and 20, and
 4 inserting the following: "entities to provide support
 5 to programs emphasizing agricultural health, safety,
 6 and rehabilitation for farm families."

RICHARD VANDE HOEF

S-5832

1 Amend Senate File 2424 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 135D.22, subsection 2, Code
 5 Supplement 1989, is amended to read as follows:
 6 2. a. If the owner of the mobile home is an Iowa
 7 resident, was totally disabled, as defined in section
 8 425.17, subsection 6 on or before December 31 of the
 9 base year, is a surviving spouse having attained the
 10 age of fifty-five years on or before December 31, 1988
 11 or has attained the age of sixty-five years on or
 12 before December 31 of the base year and has an income
 13 when included with that of a spouse which is less than
 14 ~~five six~~ thousand dollars per year, ~~no~~ the annual tax
 15 shall not be imposed on the mobile home. If the
 16 income is ~~five six~~ thousand dollars or more but less
 17 than ~~twelve fourteen~~ thousand dollars, the annual tax
 18 shall be computed as follows:

	If the Household Income is:	Annual Tax Per Square Foot:
19	\$ 5,000 -- 5,999.99	3.0 cents
20	\$ 6,000 -- 6,999.99	6.0 <u>3.0 cents</u>
21	7,000 -- 7,999.99	9.0 <u>6.0</u>

24	8,000 -- 9,999.99	12.0	<u>10.0</u>
25	10,000 -- 11,999.99	15.0	<u>13.0</u>
26	<u>12,000 -- 13,999.99</u>		<u>15.0</u>

27 b. If the owner of the mobile home is an Iowa
 28 resident, has attained the age of eighteen years on or
 29 before December 31 of the base year but has not
 30 attained the age or disability status described in
 31 paragraph "a", and has an income when included with
 32 that of a spouse which is less than fourteen thousand
 33 dollars, the annual tax shall be computed as follows:

34	<u>If the Household</u>	<u>Annual Tax Per</u>
35	<u>Income is:</u>	<u>Square Foot:</u>
36	\$ 0 -- 5,999.99	<u>10.0 cents</u>
37	6,000 -- 6,999.99	<u>11.6</u>
38	7,000 -- 7,999.99	<u>13.0</u>
39	8,000 -- 9,999.99	<u>15.0</u>
40	10,000 -- 11,999.99	<u>16.7</u>
41	12,000 -- 13,999.99	<u>17.6</u>

42 For purposes of this subsection "income" means
 43 income as defined in section 425.17, subsection 1, and
 44 "base year" means the calendar year preceding the year
 45 in which the claim for a reduced rate of tax is filed.
 46 The mobile home reduced rate of tax shall only be
 47 allowed on the mobile home in which the claimant is
 48 residing at the time in which the claim for a reduced
 49 rate of tax is filed.

50 Sec. 2. NEW SECTION. 225C.30 STATE ASSISTANCE TO

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1 **COUNTIES FUND FOR SERVICES TO PERSONS WITH CHRONIC**
 2 **MENTAL ILLNESS.**

3 1. A state assistance to counties fund for
 4 services to persons with chronic mental illness is
 5 established in the office of the treasurer of state,
 6 which shall consist of the amounts appropriated to the
 7 fund by the general assembly.

8 2. There is appropriated from the general fund of
 9 the state to the department of human services in each
 10 fiscal year five million dollars for the state
 11 assistance to counties fund for services to persons
 12 with chronic mental illness.

13 3. In order to receive a grant from the state
 14 assistance to counties fund for services to persons
 15 with chronic mental illness, a county shall provide
 16 services in accordance with standards and consistent
 17 with the guidelines adopted pursuant to section
 18 225C.27, subsections 2 and 3, and must document its
 19 involvement in making services from each of the
 20 following categories available to persons with chronic

21 mental illness who have legal settlement within the
22 county:
23 a. Case management in accordance with standards
24 adopted by the mental health and mental retardation
25 commission.
26 b. Community-based services intended to prevent
27 institutional placement of persons with chronic mental
28 illness.
29 c. Support services to assist a person with
30 chronic mental illness in remaining in the community
31 which may include but are not limited to medical
32 support, crisis and emergency intervention, and
33 efforts to improve the person's community living
34 skills.
35 4. The county's documentation shall be submitted
36 with the county's annual application for a share of
37 the general allocation of the state community mental
38 health and mental retardation services fund pursuant
39 to section 225C.10. A county which documents its
40 efforts in making services available pursuant to
41 subsection 3 is entitled to receive the moneys in the
42 state assistance to counties fund multiplied by a
43 factor equal to the county's proportionate share of
44 the total state population.
45 5. As soon after July 1 of the fiscal year
46 following the fiscal year in which the county's
47 documentation of services is submitted pursuant to
48 subsection 4, as reasonably possible, the
49 administrator shall certify to the director of revenue
50 and finance the amount to which a county is entitled

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1 from the state assistance to counties fund and the
2 director of revenue and finance shall issue warrants
3 in the amounts certified, drawn upon the fund in favor
4 of the respective counties. A county shall expend the
5 moneys it receives to provide community-based services
6 to persons with chronic mental illness who have legal
7 settlement within the county.
8 6. Notwithstanding section 8.33, funds
9 appropriated to the state assistance to counties fund
10 for services to persons with chronic mental illness
11 which are unobligated or unencumbered on June 30 of
12 any fiscal year shall not revert to the general fund
13 but shall remain available for use in the subsequent
14 fiscal year for the purposes designated in this
15 section.
16 7. Nothing in this section is intended by the
17 general assembly to be the provision of a fair and

18 equitable funding for mula specified in 1985 Iowa Acts,
 19 chapter 249, section 9. Nothing in this section shall
 20 be construed, is intended, or shall imply a claim of
 21 entitlement to any programs or services specified in
 22 section 225C.28.

23 Sec. 3. Section 425.17, subsections 5 and 9, Code
 24 Supplement 1989, are amended to read as follows:

25 5. "Claimant" means a either one of the following:

26 a. A person filing a claim for credit or
 27 reimbursement under this division who has attained the
 28 age of sixty-five years on or before December 31 of
 29 the base year or who is a surviving spouse having
 30 attained the age of fifty-five years on or before
 31 December 31, 1988, or who is totally disabled and was
 32 totally disabled on or before December 31 of the base
 33 year, and was domiciled in this state during the
 34 entire base year and is domiciled in this state at the
 35 time the claim is filed or at the time of the person's
 36 death in the case of a claim filed by the executor or
 37 administrator of the claimant's estate.

38 b. A person filing a claim for credit or
 39 reimbursement under this division who has attained the
 40 age of eighteen years on or before December 31 of the
 41 base year but has not attained the age or disability
 42 status described in paragraph "a", and was domiciled
 43 in this state during the entire base year and is
 44 domiciled in this state at the time the claim is filed
 45 or at the time of the person's death in the case of a
 46 claim filed by the executor or administrator of the
 47 claimant's estate.

48 "Claimant" under paragraph "a" or "b" includes a
 49 vendee in possession under a contract for deed and may
 50 include one or more joint tenants or tenants in

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1 common. In the case of a claim for rent constituting
 2 property taxes paid, the claimant shall have rented
 3 the property during any part of the base year. If a
 4 homestead is occupied by two or more persons, and more
 5 than one person is able to qualify as a claimant, the
 6 persons may determine among them who will be the
 7 claimant. If they are unable to agree, the matter
 8 shall be referred to the director of revenue and
 9 finance not later than October 31 of each year and the
 10 director's decision is final.

11 9. "Property taxes due" means property taxes
 12 including any special assessments, but exclusive of
 13 delinquent interest and charges for services, due on a
 14 claimant's homestead in this state, but includes only

15 property taxes for which the claimant is liable and
 16 which will actually be paid by the claimant. However,
 17 if the claimant is a person whose property taxes have
 18 been suspended under sections 427.8 and 427.9,
 19 "property taxes due" means property taxes including
 20 any special assessments, but exclusive of delinquent
 21 interest and charges for services, due on a claimant's
 22 homestead in this state, but includes only property
 23 taxes for which the claimant is liable and which would
 24 have to be paid by the claimant if the payment of the
 25 taxes has not been suspended pursuant to sections
 26 427.8 and 427.9. "Property taxes due" shall be
 27 computed with no deduction for any credit under this
 28 division or for any homestead credit allowed under
 29 section 425.1. Each claim shall be based upon the
 30 taxes due during the fiscal year next following the
 31 base year. If a homestead is owned by two or more
 32 persons as joint tenants or tenants in common, and one
 33 or more persons are not members of claimant's
 34 household, "property taxes due" is that part of
 35 property taxes due on the homestead which equals the
 36 ownership percentage of the claimant and the
 37 claimant's household. The county treasurer shall
 38 include with the tax receipt a statement that if the
 39 owner of the property is ~~sixty-five~~ sixty-five ~~eighteen~~ eighteen years of
 40 age or over ~~or is totally disabled, or is a surviving~~
 41 ~~spouse who was fifty-five years of age on or before~~
 42 ~~December 31, 1988~~, the person may be eligible for the
 43 credit allowed under this division. If a homestead is
 44 an integral part of a farm, the claimant may use the
 45 total property taxes due for the larger unit. If a
 46 homestead is an integral part of a multidwelling or
 47 multipurpose building the property taxes due for the
 48 purpose of this subsection shall be prorated to
 49 reflect the portion which the value of the property
 50 that the household occupies as its homestead is to the

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1 value of the entire structure. For purposes of this
 2 subsection, "unit" refers to that parcel of property
 3 covered by a single tax statement of which the
 4 homestead is a part.
 5 Sec. 4. Section 425.15, Code 1989, is amended to
 6 read as follows:
 7 425.15 DISABLED VETERAN TAX CREDIT.
 8 If the owner of ~~the a~~ homestead; allowed a credit
 9 under this chapter; is a veteran of any of the
 10 military forces of the United States, who acquired the
 11 homestead under ~~the provisions of the United States~~

12 ~~Code, title 38, chapter 21, sections 801 and 802~~ 38
 13 U.S.C. § 21.801, 21.802, the credit allowed on the
 14 homestead from the homestead credit fund shall be the
 15 entire amount of the tax levied on the homestead. The
 16 credit allowed shall be continued to the estate of ~~the~~
 17 a veteran who is deceased or the surviving spouse and
 18 any child, as defined in section 234.1, who are the
 19 beneficiaries of ~~the a~~ a deceased veteran, so long as
 20 the surviving spouse remains unmarried. This section
 21 is not applicable to the holder of title to any
 22 homestead whose annual income, together with that of
 23 the titleholder's spouse, if any, for the last
 24 preceding twelve-month income tax accounting period
 25 exceeds ~~ten~~ twenty-five thousand dollars. For the
 26 purpose of this section "income" means taxable income
 27 for federal income tax purposes plus income from
 28 securities of state and other political subdivisions
 29 exempt from federal income tax. ~~Any~~ A veteran or a
 30 beneficiary of ~~the a~~ a veteran who elects to secure the
 31 credit provided in this section is not eligible for
 32 any other real property tax exemption provided by law
 33 for veterans of military service. If ~~the a~~ a veteran
 34 acquires a different homestead, the credit allowed
 35 under ~~the provisions~~ of this section may be claimed on
 36 a ~~the~~ new homestead unless the veteran fails to meet
 37 the other requirements of this section.

38 Sec. 5. Section 425.23, subsection 1, Code 1989,
 39 is amended to read as follows:

40 1. a. The tentative credit or reimbursement for a
 41 claimant described in section 425.17, subsection 5,
 42 paragraph "a" shall be determined in accordance with
 43 the following schedule:

	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
44	
45	
46	
47 If the household	
48 income is:	
49 \$ 0 - <u>4,999.99</u> <u>5,999.99</u>	100%
50 <u>5,000 - 5,999.99</u> <u>6,000 - 6,999.99</u>	85

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1 <u>6,000 - 6,999.99</u> <u>7,000 - 7,999.99</u>	70
2 <u>7,000 - 7,999.99</u> <u>8,000 - 9,999.99</u>	55 <u>50</u>
3 <u>8,000 - 9,999.99</u> <u>10,000 - 11,999.99</u>	40 <u>35</u>
4 <u>10,000 - 11,999.99</u> <u>12,000 - 13,999.99</u>	25

5 b. The tentative credit or reimbursement for a
 6 claimant described in section 425.17, subsection 5,
 7 paragraph "b", shall be determined in accordance with
 8 the following schedule:

9		<u>Percent of property taxes</u>	
10		<u>due or rent constituting</u>	
11		<u>property taxes paid</u>	
12	<u>If the household</u>	<u>allowed as a credit or</u>	
13	<u>income is:</u>	<u>reimbursement:</u>	
14	\$ 0 - 5,999.99		50%
15	6,000 - 6,999.99		42
16	7,000 - 7,999.99		35
17	8,000 - 9,999.99		25
18	10,000 - 11,999.99		17
19	12,000 - 13,999.99		12

20 Sec. 6. Section 425.23, subsection 3, paragraph a,
 21 Code 1989, is amended to read as follows:

22 a. ~~Any~~ A person who is eligible to file a claim
 23 for credit for property taxes due and who has a
 24 household income of ~~five six~~ five thousand dollars or less
 25 and who has a special assessment levied against the
 26 homestead may file a claim with the county treasurer
 27 that the claimant had a household income of ~~five six~~ five
 28 thousand dollars or less and that a special assessment
 29 is presently levied against the homestead. The
 30 department shall provide to the respective county
 31 treasurers ~~such the forms as are~~ such the forms as are necessary for the
 32 administration of this subsection. The claim shall be
 33 filed not later than September 30 of each year. Upon
 34 the filing of the claim, ~~no a~~ no penalty or interest for
 35 late payment shall ~~not~~ not accrue against the amount of
 36 the special assessment due and payable. The claim
 37 filed by the claimant ~~shall constitute~~ constitutes a
 38 claim for credit of an amount equal to the actual
 39 amount due and payable upon the special assessment
 40 payable during the fiscal year against the homestead
 41 of the claimant or an amount equal to the annual
 42 payment of the special assessment levied against the
 43 homestead of the claimant and payable in annual
 44 installments through the period of years provided by
 45 the governing body of the city, whichever is less.
 46 However, where the claimant is an individual described
 47 in section 425.17, subsection 5, paragraph "b", the
 48 claim filed constitutes a claim for credit of an
 49 amount equal to one-half of the actual amount due and
 50 payable during the fiscal year or equal to one-half of

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1 the annual payment, whichever is less. The department
 2 of revenue and finance shall, upon the filing of the
 3 claim with the department by the county treasurer, pay
 4 that amount of the special assessment during the

5 current fiscal year to the county treasurer. The
6 county treasurer shall submit the claims to the
7 director of revenue and finance not later than October
8 15 of each year. The director of revenue and finance
9 shall certify the amount of reimbursement due each
10 county for special assessment credits allowed under
11 this subsection. The amount of reimbursement due each
12 county shall be paid by the director of revenue and
13 finance on October 20 of each year, drawn upon
14 warrants payable to the respective county treasurer.
15 There is appropriated annually from the general fund
16 of the state to the department of revenue and finance
17 an amount sufficient to carry out the provisions of
18 this subsection. The county treasurer shall credit
19 any moneys received from the department against the
20 amount of the special assessment due and payable on
21 the homestead of the claimant.

22 Sec. 7. NEW SECTION. 425A.1 FAMILY FARM TAX
23 CREDIT FUND.

24 The family farm tax credit fund is created in the
25 office of the treasurer of state. There is
26 appropriated to the fund from funds in the general
27 fund not otherwise appropriated the sum of thirteen
28 million five hundred thousand dollars. Any balance in
29 the fund on June 30 shall revert to the general fund.

30 Sec. 8. NEW SECTION. 425A.2 DEFINITIONS.

31 As used in this chapter, unless the context
32 otherwise requires:

33 1. "Agricultural land" means land in tracts of ten
34 acres or more excluding any buildings or other
35 structures located on the land, and not laid off into
36 lots of less than ten acres or divided by streets and
37 alleys into parcels of less than ten acres, lying
38 within a school corporation and in good faith used for
39 agricultural or horticultural purposes. Any land in
40 tracts laid off or platted into lots of less than ten
41 acres belonging to and a part of other lands of more
42 than ten acres and in good faith used for agricultural
43 or horticultural purposes is entitled to the benefits
44 of this chapter.

45 2. "Owner" means any of the following:

46 a. An individual who holds the fee simple title to
47 the agricultural land.

48 b. An individual who owns the agricultural land
49 under a contract of purchase which has been recorded
50 in the office of the county recorder of the county in

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1 which the agricultural land is located.

2 c. An individual who owns the agricultural land
3 under devise or by operation of the inheritance laws,
4 where the whole interest passes or where the divided
5 interest is shared only by individuals related or
6 formerly related to each other by blood, marriage, or
7 adoption.

8 d. An individual who owns the agricultural land
9 under a deed which conveys a divided interest, where
10 the divided interest is shared only by individuals
11 related or formerly related to each other by blood,
12 marriage, or adoption.

13 e. A partnership where all partners are related or
14 formerly related to each other by blood, marriage, or
15 adoption.

16 f. A family farm corporation or authorized farm
17 corporation, as both are defined in section 172C.1,
18 which owns the agricultural land.

19 3. "Actively engaged in farming" means satisfying
20 all of the following conditions:

21 a. The person receives or has the right to receive
22 all of the crop production from more than one-half of
23 the tract.

24 b. The person materially participated in the
25 production of the crops, as defined in section 469(h),
26 except paragraphs (3) and (4), of the Internal Revenue
27 Code, as defined in section 422.3 and regulations
28 adopted for the applicable paragraphs of that section.

29 However, a person performing activities in the
30 capacity of a lessor, whether under a cash or crop
31 share lease, is not actively engaged in farming on the
32 area of the tract covered by the lease.

33 4. "Eligible tract" or "eligible tract of
34 agricultural land" means an area of agricultural land
35 which is described on the property tax list as subject
36 to property taxes and which meets the requirements of
37 section 425A.3, subsection 2.

38 Sec. 9. NEW SECTION. 425A.3 WHERE CREDIT GIVEN.

39 1. The family farm tax credit fund shall be
40 apportioned each year in the manner provided in this
41 chapter so as to give a credit against the tax on each
42 eligible tract of agricultural land within the several
43 school districts of the state in which the levy for
44 the general school fund exceeds five dollars and forty
45 cents per thousand dollars of assessed value. The
46 amount of the credit on each eligible tract of
47 agricultural land shall be the amount the tax levied
48 for the general school fund exceeds the amount of tax

49 which would be levied on each eligible tract of
50 agricultural land were the levy for the general school

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1 fund five dollars and forty cents per thousand dollars
2 of assessed value for the previous year. However, in
3 the case of a deficiency in the family farm tax credit
4 fund to pay the credits in full, the credit on each
5 eligible tract of agricultural land in the state shall
6 be proportionate and applied as provided in this
7 chapter.

8 2. A tract of agricultural land is eligible for
9 the amount of credit computed under subsection 1 if
10 the following persons were actively engaged in farming
11 during the fiscal year preceding the fiscal year in
12 which the auditor computes the amount of credit under
13 section 425A.5 for which the tract would be eligible,
14 owned the tract on June 30 of that preceding fiscal
15 year, and have filed an application for the credit as
16 provided in section 425A.4:

17 a. The owner, owner's spouse, owner's child or
18 stepchild, or the spouse of the owner's child or
19 stepchild.

20 b. If the owner is a partnership, a partner or the
21 partner's spouse.

22 c. If the owner is a family farm corporation, a
23 family member who is a shareholder of the family farm
24 corporation or the shareholder's spouse.

25 d. If the owner is an authorized farm corporation,
26 a shareholder who owns at least fifty-one per cent of
27 the stock of the authorized farm corporation or the
28 shareholder's spouse.

29 3. The county board of supervisors shall determine
30 the eligibility of each tract for which an application
31 is received. If the person designated in subsection
32 2, paragraph "a", "b", "c", or "d" was, during the
33 fiscal year specified in subsection 2, actively
34 engaged in farming on more than one-half of the tract
35 or if the tract was subject to a federal program
36 pertaining to agricultural land and the person was in
37 general control of the tract, the county board shall
38 approve the application if all other requirements for
39 eligibility in this chapter have been met.

40 Sec. 10. NEW SECTION. 425A.4 CLAIM FOR CREDIT.

41 1. The family farm tax credit allowed on
42 agricultural land under section 425A.3, subsection 1,
43 shall only be granted upon tracts of agricultural land
44 on which the persons designated in section 425A.3,
45 subsection 2, paragraphs "a", "b", "c", and "d" were

46 actively engaged in farming, and for which the persons
47 have filed an application for the credit for each
48 tract. To apply for the credit, the person shall each
49 year on or before October 1 deliver to the county
50 assessor, on forms furnished by the assessor, a

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1 verified statement and designation of the tracts of
2 agricultural land for which the credit is claimed.
3 The auditor shall return the statement and designation
4 on October 15 of each year to the county board of
5 supervisors with a recommendation for allowance or
6 disallowance. However, the deadline for filing claims
7 in the 1990 calendar year shall be December 1, 1990,
8 and the assessor shall return the statements and
9 designations to the county board of supervisors on
10 December 15, 1990.

11 2. The county board of supervisors in each county
12 shall examine all claims delivered to county
13 assessors, and shall either allow or disallow the
14 claims, and if disallowed shall send notice of
15 disallowance by certified mail to the claimant at the
16 claimant's last known address. The claimant may
17 appeal the decision of the board to the district court
18 in which the tract for which the credit is claimed is
19 situated by giving written notice of the appeal to the
20 county assessor within twenty days from the date of
21 the mailing of the notice of the decision of the board
22 of supervisors.

23 Sec. 11. NEW SECTION. 425A.5 COMPUTATION BY
24 AUDITOR -- APPEAL.

25 The family farm tax credit allowed each year shall
26 be computed as follows: On or before June 1, the
27 county auditor shall list by school districts all
28 tracts of agricultural land which are entitled to
29 credit, the taxable value for the previous year, the
30 budget from each school district for the previous
31 year, and the tax rate determined for the general fund
32 of the school district in the manner prescribed in
33 section 444.3 for the previous year, and if the tax
34 rate is in excess of five dollars and forty cents per
35 thousand dollars of assessed value, the auditor shall
36 multiply the tax levy which is in excess of five
37 dollars and forty cents per thousand dollars of
38 assessed value by the total taxable value of the
39 agricultural land entitled to credit in the school
40 district, and on or before June 1, certify the total
41 amount of credit and the total number of acres
42 entitled to the credit to the department of revenue

43 and finance.

44 Sec. 12. NEW SECTION. 425A.6 WARRANTS DRAWN BY
45 DIRECTOR.

46 After receiving from the county auditors the
47 certifications provided for in section 425A.5, and
48 during the following fiscal year, the director of
49 revenue and finance shall draw warrants on the family
50 farm tax credit fund created in section 425A.1,

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1 payable to the county treasurers in the amount
2 certified by the county auditors of the respective
3 counties and mail the warrants to the county auditors
4 on August 15 of each year taking into consideration
5 the relative budget and cash position of the state
6 resources. However, if the family farm tax credit
7 fund is insufficient to pay in full the total of the
8 amounts certified to the director of revenue and
9 finance, the director shall prorate the fund to the
10 county treasurers and shall notify the county auditors
11 of the pro rata percentage on or before August 1.

12 Sec. 13. NEW SECTION. 425A.7 APPORTIONMENT BY
13 AUDITOR.

14 Upon receiving the pro rata percentage from the
15 director of revenue and finance, the county auditor
16 shall determine the amount to be credited to each
17 tract of agricultural land, and shall enter upon tax
18 lists as a credit against the tax levied on each tract
19 of agricultural land on which there has been made an
20 allowance of credit before delivering the tax lists to
21 the county treasurer. Upon receipt of the director's
22 warrant by the county auditor, the auditor shall
23 deliver the warrant to the county treasurer for
24 apportionment. The county treasurer shall show on
25 each tax receipt the amount of tax credit for each
26 tract of agricultural land. In case of change of
27 ownership the credit shall follow the title.

28 Sec. 14. NEW SECTION. 425A.8 FALSE CLAIM --
29 PENALTY.

30 A person making a false claim or affidavit with
31 fraudulent intent to obtain the credit under section
32 425A.3, subsection 2, is guilty of a fraudulent
33 practice and the claim shall be disallowed in full.
34 If the credit has been paid, the amount of the credit
35 plus a penalty equal to twenty-five percent of the
36 amount of credit plus interest, at the rate in effect
37 under section 421.7, from the time of payment shall be
38 collected by the county treasurer in the same manner
39 as other property taxes, penalty, and interest are

40 collected and when collected shall be paid to the
41 director of revenue and finance.

42 Sec. 15. COUNTY CHART OF ACCOUNTS -- DEPARTMENT OF
43 REVENUE AND FINANCE AND STATE AUDITOR.

44 The department of revenue and finance and the
45 office of the auditor of state shall utilize the
46 recommendations of the county finance committee in
47 revising the county chart of accounts to comply with
48 the provisions of section 225C.30 regarding
49 documentation of community-based services provided to
50 persons with chronic mental illness. The revisions in

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1 the county chart of accounts applicable to the fiscal
2 year beginning July 1, 1991, shall be completed on or
3 before November 1, 1990.

4 Sec. 16. STATE ASSISTANCE TO COUNTIES FUND FOR
5 SERVICES TO PERSONS WITH CHRONIC MENTAL ILLNESS --
6 INITIAL PROVISIONS.

7 In order to receive moneys in the fiscal year
8 beginning July 1, 1991, from the state assistance to
9 counties fund for services to persons with chronic
10 mental illness, a county must submit the documentation
11 required in section 225C.30 in the fiscal year
12 beginning July 1, 1990.

13 Sec. 17.

14 The department of human services may adopt
15 administrative rules under section 17A.4, subsection
16 2, and section 17A.5, subsection 2, paragraph "b", to
17 implement section 2 of this Act. Rules adopted
18 pursuant to section 2 of this Act relating to
19 documentation from the counties shall become effective
20 immediately upon filing, unless a later effective date
21 is specified in the rules. The rules shall also be
22 published as notice of intended action as provided in
23 section 17A.4.

24 Sec. 18.

25 The legislative council is requested to establish
26 an interim study committee that would recommend
27 phasing in of a state-county funding formula to be
28 implemented over a 15-year period. Components of the
29 formula shall include case management and community-
30 based facilities and the costs of services for chronic
31 mental illness and other mental health programs.

32 Sec. 19.

33 Sections 1, 3, 5, and 6 of this Act are effective
34 January 1, 1991, for mobile home tax claims and
35 property tax credit claims filed on or after that
36 date. Section 5 of this Act is applicable to rent

37 reimbursement claims filed on or after January 1,
 38 1992. Section 3 of this Act is also applicable to
 39 rent reimbursement claims filed on or after January 1,
 40 1992.
 41 Sec. 20.
 42 Sections 7 through 14 are effective January 1,
 43 1991, for family farm tax credits allowed for property
 44 taxes payable in fiscal years beginning on or after
 45 July 1, 1991.
 46 Sec. 21.
 47 Section 2 of this Act takes effect July 1, 1991.
 48 Sec. 22.
 49 Section 4 of this Act is applicable for assessment
 50 years beginning on or after July 1, 1991."

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1 2. Title page, line 5, by striking the words "the
 2 homestead tax credit,".

WILLIAM W. DIELEMAN

S-5833

1 Amend House File 2268, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after 27 the following:
 4 "Sec. ____ . Section 702.11, Code Supplement 1989,
 5 is amended to read as follows:
 6 702.11 FORCIBLE FELONY.
 7 A "forcible felony" is any felonious child
 8 endangerment, assault, murder, sexual abuse other than
 9 sexual abuse in the third degree committed between
 10 spouses or in violation of section 709.4, subsection
 11 2, paragraph "c", subparagraph (4), sexual
 12 exploitation by a counselor or therapist in violation
 13 of section 709.15, kidnapping, robbery, arson in the
 14 first degree, or burglary in the first degree.
 15 Sec. ____ . NEW SECTION. 709.15 SEXUAL
 16 EXPLOITATION BY A COUNSELOR OR THERAPIST.
 17 1. As used in this section:
 18 a. "Counselor or therapist" means a physician,
 19 psychotherapist, psychologist, nurse, social worker,
 20 chemical dependency counselor, member of the clergy,
 21 or other person whether or not licensed by the state,
 22 who renders or purports to render psychotherapy,
 23 counseling, or other assessment or treatment involving
 24 any mental illness, symptom, or condition or emotional
 25 illness, symptom, or condition.

26 b. "Former patient or former client" means a
27 person who received psychotherapy, counseling, or
28 other assessment or treatment involving any mental
29 illness, symptom, or condition or emotional illness,
30 symptom, or condition from a counselor or therapist
31 within two years of the violation or who after two
32 years from the termination of treatment remains
33 emotionally dependent on the counselor or therapist.
34 c. "Patient or client" means any person who
35 receives psychotherapy, counseling, or other
36 assessment or treatment concerning any mental illness,
37 symptom, or condition or emotional illness, symptom,
38 or condition from a counselor or therapist.
39 d. "Sexual exploitation" means any sexual contact
40 by a counselor or therapist with a patient or client
41 or former patient or former client for the purpose of
42 arousing or satisfying the sexual desires of a
43 counselor or therapist or the patient, client, former
44 patient, or former client, which shall include but is
45 not limited to kissing; touching of the inner thigh,
46 breast, groin, buttock, anus, pubes, or genitals or
47 the touching of the clothing covering the inner thigh,
48 breast, groin, buttock, anus, pubes, or genitals, a
49 sex act as defined in section 702.17; or verbal
50 suggestions of sexual involvement.

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1 2. It is unlawful for a counselor or therapist to
2 engage in conduct which constitutes sexual
3 exploitation as defined in subsection 1, with or
4 without the consent of the patient or client or former
5 patient or former client.
6 3. A person who violates this section commits a
7 class "D" felony, except that any person who violates
8 this section by conduct defined as a sex act under
9 section 702.17 commits a class "C" felony."
10 2. Page 1, line 29, by striking the word "This"
11 and inserting the following: "Sections 1 and 2 of
12 this".
13 3. Title page, by striking lines 1 through 3 and
14 inserting the following: "An Act relating to the
15 sexual abuse law, providing penalties, and providing
16 for the Act's applicability."
17 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-5834

- 1 Amend House amendment, S-5826, to Senate File 2410,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 6, line 21, through page 10,
5 line 9, and inserting the following:
6 "____. By striking page 47, line 21, through page
7 57, line 17."
8 2. By renumbering, relettering and redesignating
9 as necessary.

JACK RIFE

S-5835

- 1 Amend Senate File 2422 as follows:
2 1. Page 24, by inserting after line 35 the
3 following:
4 "Sec. 100. Section 2.10, subsection 6, Code
5 Supplement 1989, is amended to read as follows:
6 6. In addition to the salaries and expenses
7 authorized by this section, members of the general
8 assembly shall be paid forty dollars per day, except
9 the speaker of the house who shall be paid sixty
10 dollars per day, and necessary travel and actual
11 expenses incurred in attending meetings for which per
12 diem or expenses are authorized by law for members of
13 the general assembly who serve on statutory boards,
14 commissions, or councils, and for standing or interim
15 committee or subcommittee meetings subject to the
16 provisions of section 2.14, or when on authorized
17 legislative business when the general assembly is not
18 in session. If an authorized interim study committee
19 or subcommittee meeting is held via teleconference,
20 members of the general assembly who serve on the
21 committee or subcommittee and participate in the
22 teleconference shall be paid the established per diem
23 in accordance with the schedule for a meeting held via
24 teleconference in section 7E.6. However, if a member
25 of the general assembly or the lieutenant governor is
26 engaged in authorized legislative business at a
27 location other than at the seat of government during
28 the time the general assembly is in session, payment
29 may be made for the actual transportation and lodging
30 costs incurred because of the business. Such per diem
31 or expenses shall be paid promptly from funds
32 appropriated pursuant to section 2.12.

33 Sec. 101. Section 2.14, subsection 3, Code 1989,
34 is amended by adding the following new unnumbered
35 paragraph:
36 NEW UNNUMBERED PARAGRAPH. An authorized interim
37 study committee or subcommittee meeting may be held
38 via teleconference. Members of the general assembly
39 shall be paid per diem in accordance with the schedule
40 for a meeting held via teleconference in section 7E.6
41 for their participation in a teleconference meeting.
42 Sec. 102. Section 7E.6, Code Supplement 1989, is
43 amended by adding the following new subsection:
44 NEW SUBSECTION. 9. A position of membership on a
45 board, commission, committee, or council of state
46 government which is compensated by the payment of a
47 per diem to the holder of that position shall receive
48 a percentage of the per diem amount established for
49 the position in subsection 1, but no actual expense
50 reimbursement shall be received, equal to twelve and

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1 one-half percent per hour for each meeting of the
2 board, commission, committee, or council which is held
3 via teleconference. In computing the number of hours
4 duration of the meeting the actual time shall be
5 rounded to the next highest hour, but in no case shall
6 the member receive credit for more than eight hours
7 for the meeting.”
8 2. Page 26, by inserting after line 2, the
9 following:
10 “Sec. ____.
11 Sections 100, 101, and 102 of this Act take effect
12 January 14, 1991.”

JIM LIND
RICHARD J. VARN
JOE WELSH

S-5836

1 Amend the amendment, S-5678, to House File 2536, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 28, by inserting after the word
5 “to” the following: “fifty percent of”.

JOE WELSH

S-5837

1 Amend House File 2268, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after 27 the following:

4 "Sec. ____ . Section 702.11, Code Supplement 1989,
5 is amended to read as follows:

6 702.11 FORCIBLE FELONY.

7 A "forcible felony" is any felonious child
8 endangerment, assault, murder, sexual abuse other than
9 sexual abuse in violation of section 709.4, subsection
10 spouses or in violation of section 709.4, subsection
11 2, paragraph "c", subparagraph (4), sexual
12 exploitation by a counselor or therapist in violation
13 of section 709.15, kidnapping, robbery, arson in the
14 first degree, or burglary in the first degree.

15 Sec. ____ . NEW SECTION. 709.15 SEXUAL
16 EXPLOITATION BY A COUNSELOR OR THERAPIST.

17 1. As used in this section:

18 a. "Counselor or therapist" means a physician,
19 psychotherapist, psychologist, nurse, social worker,
20 chemical dependency counselor, member of the clergy,
21 or other person whether or not licensed by the state,
22 who renders or purports to render psychotherapy,
23 counseling, or other assessment or treatment involving
24 any mental illness, symptom, or condition or emotional
25 illness, symptom, or condition.

26 b. "Emotionally dependent" means impaired in the
27 ability to withhold consent to a sexual act by the
28 counselor or therapist, based upon the nature of the
29 former patient's or former client's emotional
30 condition and the nature of the assessment or
31 treatment provided by the counselor or therapist,
32 which impairment is known or should be known to the
33 counselor or therapist.

34 c. "Former patient or former client" means a
35 person who received psychotherapy, counseling, or
36 other assessment or treatment involving any mental
37 illness, symptom, or condition or emotional illness,
38 symptom, or condition from a counselor or therapist
39 within two years of the violation or who after two
40 years from the termination of treatment remains
41 emotionally dependent on the counselor or therapist.

42 d. "Patient or client" means any person who
43 receives psychotherapy, counseling, or other
44 assessment or treatment concerning any mental illness,
45 symptom, or condition or emotional illness, symptom,

46 or condition from a counselor or therapist.
47 e. "Sexual exploitation" means any sexual contact
48 by a counselor or therapist with a patient or client
49 or former patient or former client for the purpose of
50 arousing or satisfying the sexual desires of a

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1 counselor or therapist or the patient, client, former
2 patient, or former client, which shall include but is
3 not limited to kissing; touching of the inner thigh,
4 breast, groin, buttock, anus, pubes, or genitals or
5 the touching of the clothing covering the inner thigh,
6 breast, groin, buttock, anus, pubes, or genitals, a
7 sex act as defined in section 702.17; or verbal
8 suggestions of sexual involvement.

9 2. It is unlawful for a counselor or therapist to
10 engage in conduct which constitutes sexual
11 exploitation as defined in subsection 1, with or
12 without the consent of the patient or client or former
13 patient or former client.

14 3. A person who violates this section commits a
15 class "D" felony, except that any person who violates
16 this section by conduct defined as a sex act under
17 section 702.17 commits a class "C" felony."

18 2. Page 1, line 29, by striking the word "This"
19 and inserting the following: "Sections 1 and 2 of
20 this".

21 3. Title page, by striking lines 1 through 3 and
22 inserting the following: "An Act relating to the
23 sexual abuse law, providing penalties, and providing
24 for the Act's applicability."

25 4. By renumbering as necessary.

ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE FILE 2408

S-5838

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 11 and 12, and
4 inserting the following:

5 " \$ 4,705,733
6 FTEs 166.00".

7 2. Page 2, line 5, by inserting after the figure

8 "714.16", the following: "and \$25,000 for the
9 attorney general's task force on fraud against older
10 Iowans to be used for investigation, prosecution, and
11 consumer education relating to consumer and criminal
12 fraud against older persons".

13 3. Page 2, line 20, by striking the figure
14 "580,000" and inserting the following: "540,000".

15 4. Page 2, line 22, by striking the figure
16 "480,000" and inserting the following: "440,000".

17 5. Page 3, by striking lines 5 and 6, and
18 inserting the following:

19 " \$ 2,049,789
20 FTEs 32.00".

21 6. Page 5, by striking lines 4 and 5, and
22 inserting the following:

23 " \$ 20,398,056
24 FTEs 501.50".

25 7. Page 5, by striking lines 8 and 9, and
26 inserting the following: "officers, and an additional
27 counselor.""

28 8. Page 5, by striking lines 32 and 33, and
29 inserting the following:

30 " \$ 10,689,482
31 FTEs 258.50".

32 9. Page 6, line 1, by striking the figure "4" and
33 inserting the following: "3".

34 10. Page 6, by striking lines 8 and 9, and
35 inserting the following:

36 " \$ 3,114,302
37 FTEs 71.00".

38 11. Page 6, by striking lines 30 and 31, and
39 inserting the following:

40 " \$ 2,993,389
41 FTEs 73.00".

42 12. Page 7, by striking lines 5 and 6, and
43 inserting the following:

44 " \$ 4,451,237
45 FTEs 118.30".

46 13. Page 10, by striking lines 1 through 35, and
47 inserting the following:

48 "There is appropriated from the general fund of the
49 state to the department of corrections for the fiscal
50 year beginning July 1, 1990, and ending June 30, 1991,

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- 1 the following amounts, or so much thereof as is
- 2 necessary, to be allocated as follows:
- 3 1. For the first judicial district department of
- 4 correctional services, the following amount, or so

5 much thereof as is necessary:

6 \$ 4,893,530

7 As a condition, limitation, and qualification of
8 this appropriation, \$55,328 shall be used to expand
9 the intensive supervision program, \$296,103 shall be
10 used to provide additional staff for field services,
11 \$90,000 shall be used to contract for aptitude and
12 job-related interest assessment, career exploration,
13 the individualized employability development plan, and
14 job placement with a private entity which is not
15 controlled or administered by any state agency or any
16 political subdivision of the state, and which has a
17 minimum of fifteen years of service experience with
18 offender and ex-offender populations, \$53,519 shall be
19 used to continue funding of the treatment alternatives
20 to street crimes program, and \$77,733 shall be used to
21 continue the job development grant program established
22 by House File 772 enacted during the 1989 Session of
23 the General Assembly."

24 14. By striking page 11, line 18 through page 12,
25 line 8, and inserting the following:

26 "2. For the second judicial district department of
27 correctional services, the following amount, or so
28 much thereof as is necessary:

29 \$ 3,941,218

30 As a condition, limitation, and qualification of
31 this appropriation, \$99,505 shall be used to replace
32 federal funds for job development, \$242,696 shall be
33 used to provide additional staff for residential
34 services, \$305,319 shall be used for additional staff
35 for field services, and \$85,333 shall be used to
36 continue funding the treatment alternatives to street
37 crimes program."

38 15. By striking page 12, line 23, through page
39 13, line 12, and inserting the following:

40 "3. For the third judicial district department of
41 correctional services, the following amount, or so
42 much thereof as is necessary:

43 \$ 2,127,489

44 As a condition, limitation, and qualification of
45 this appropriation, \$18,278 shall be used to provide
46 additional staff for 25 additional beds authorized
47 during the 1989 Session of the General Assembly,
48 \$76,303 shall be used to provide additional staff for
49 field services, \$62,327 shall be used to provide for
50 the intensive supervision program, and \$38,567 shall

Page 3

1 be used to continue the treatment alternatives to
2 street crimes program.”

3 16. By striking page 13, line 27, through page
4 14, line 2, and inserting the following:

5 “4. For the fourth judicial district department of
6 correctional services, the following amount, or so
7 much thereof as is necessary:

8 \$ 1,858,405

9 As a condition, limitation, and qualification of
10 this appropriation, \$42,158 shall be used to continue
11 funding of the treatment alternatives to street crimes
12 program.”

13 17. By striking page 14, line 17, through page
14 15, line 20, and inserting the following:

15 “5. For the fifth judicial district department of
16 correctional services, the following amount, or so
17 much thereof as is necessary:

18 \$ 6,074,027

19 As a condition, limitation, and qualification of
20 this appropriation, \$410,348 shall be used to expand
21 the intensive supervision program, \$86,294 shall be
22 used to establish a tactical unit, and \$109,182 shall
23 be used to continue funding of the treatment
24 alternatives to street crimes program.”

25 18. By striking page 16, line 1 through page 17,
26 line 13, and inserting the following:

27 “6. For the sixth judicial district department of
28 correctional services, the following amount, or so
29 much thereof as is necessary:

30 \$ 5,290,375

31 As a condition, limitation, and qualification of
32 this appropriation, \$609,228 shall be used to provide
33 additional staff for field services, \$179,814 shall be
34 used to expand the intensive supervision program, .
35 \$337,733 shall be used to provide staff for the
36 additional beds at the Cedar Rapids residential
37 facility as authorized during the 1989 Session of the
38 General Assembly, \$68,432 shall be used to establish a
39 home work release program, \$35,100 shall be used to
40 continue funding of the treatment alternatives to
41 street crimes program, and \$77,733 shall be used to
42 continue funding of the job development grant program
43 established in House File 772 enacted during the 1989
44 Session of the General Assembly.”

45 19. By striking page 17, line 31 through page 18,
46 line 27, and inserting the following:

47 “7. For the seventh judicial district department
48 of correctional services, the following amount, or so

49 much thereof as is necessary:

50 \$ 3,690,848

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1 As a condition, limitation, and qualification of
2 this appropriation, \$260,003 shall be used to provide
3 additional staff for field services, \$57,131 shall be
4 used to expand the intensive supervision program,
5 \$55,890 shall be used to continue funding for the
6 treatment alternatives to street crimes program, and
7 \$90,000 shall be used to continue to contract for job
8 development with a private entity which is not
9 controlled or administered by any state agency or any
10 political subdivision of the state, and which has a
11 minimum of 15 years of service experience with
12 offender and ex-offender populations."

13 20. By striking page 19, line 12, through page
14 20, line 13, and inserting the following:

15 "8. For the eighth judicial district department of
16 correctional services, the following amount, or so
17 much thereof as is necessary:

18 \$ 2,751,570

19 As a condition, limitation, and qualification of
20 this appropriation, \$299,190 shall be used to provide
21 additional staff for field services, \$43,384 shall be
22 used to provide additional staff for residential
23 services, \$570,035 shall be used to provide staff for
24 additional beds at the Ottumwa facility authorized
25 during the 1989 Session of the General Assembly,
26 \$61,979 shall be used to continue funding of the
27 treatment alternatives to street crimes program, and
28 \$77,733 shall be used to continue funding of the job
29 development grant program established in House File
30 772 enacted during the 1989 Session of the General
31 Assembly."

32 21. By striking page 20, line 34, through page
33 21, line 16, and inserting the following: "following
34 amounts, or so much thereof as is necessary, for the
35 assistance and support of each judicial district
36 department of correctional services:

37 \$ 637,250

38 As a condition, limitation, and qualification of
39 this appropriation, \$85,272 shall be used to provide
40 staff to expand the intensive supervision program in
41 conjunction with electronic monitoring established
42 within the districts, \$150,180 shall be used to
43 provide additional staff for the treatment
44 alternatives to street crimes program, and \$200,000
45 shall be used to fund pilot projects to reduce

46 revocation rates to prison.”

47 22. Page 22, line 9, by striking the word
48 “quarterly” and inserting the following: “monthly”.

49 23. By striking page 22, line 12, through page
50 23, line 33.

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1 24. Page 24, by striking lines 27 through 31.

2 25. Page 25, line 12, by striking the figure
3 “68,425,664” and inserting the following:
4 “70,272,600”.

5 26. Page 25, by striking lines 27 and 28, and
6 inserting the following: “payments, and”.

7 27. Page 25, by inserting after line 30, the
8 following:

9 “As a condition, limitation, and qualification of
10 this appropriation, the judicial department shall not
11 duplicate the state payroll, accounting, and budgeting
12 systems, and shall use the current state budget
13 system, the state payroll system, and the Iowa finance
14 and accounting system in administration of programs
15 and payments for services.

16 “The judicial department shall submit monthly
17 financial statements to the legislative fiscal bureau
18 and the department of management containing all
19 appropriated accounts in the same manner as provided
20 in the monthly financial status reports and personal
21 services usage reports of the department of revenue
22 and finance. The monthly financial statements shall
23 include a comparison of the dollars and percentage
24 spent of budgeted versus actual revenues and
25 expenditures on a cumulative basis for full-time
26 equivalent positions and dollars.”

27 28. Page 26, by striking line 13, and inserting
28 the following:

29 “ \$ 1,500,000

30 As a condition, limitation, and qualification of
31 this appropriation, the judicial department shall not
32 duplicate the state payroll, accounting, and budgeting
33 systems, and shall use the current state budget
34 system, the state payroll system, and the Iowa finance
35 and accounting system in administration of programs
36 and payments for services.

37 ____ . For the implementation of the pilot program
38 of mandatory mediation of contested issues of child
39 custody and visitation established pursuant to House
40 File 2533, if enacted by the Seventy-third General
41 Assembly, 1990 Session:

42 \$ 136,000

43 The department shall establish the program at the
44 dispute resolution center in Linn county."

45 29. Page 26, line 15, by inserting after the
46 figure "2533" the following: ", if".

47 30. Page 26, line 17, by striking the figure
48 "265,000" and inserting the following: "400,000".

49 31. Page 26, by striking lines 18 through 24 and
50 inserting the following:

Page 6

1 "3. Notwithstanding section 602.5205, for expenses
2 of judges of the court of appeals located outside the
3 seat of government:

4 \$ 7,500".

5 32. Page 27, line 3, by inserting after the
6 figure "2468" the following: ", if".

7 33. Page 27, by striking lines 8 through 11.

8 34. Page 27, by inserting after line 11, the
9 following:

10 "Sec. ____ . NEW SECTION. 566A.12 RECORDS.

11 A cemetery subject to any trust requirements under
12 this chapter shall file a copy of its report to the
13 district court with the consumer protection division
14 of the department of justice within seven days of
15 filing the report with the district court, but in any
16 event, not later than March 1 of each year. The
17 cemetery shall maintain accurate records of all
18 receipts, expenditures, interest or earnings, and
19 disbursements relating to funds held in trust. The
20 cemetery shall make the records available to the
21 attorney general, upon request, for examination at any
22 reasonable time.

23 Sec. ____ . NEW SECTION. 566A.13 VIOLATIONS AND
24 PENALTIES.

25 A violation of this chapter or rules adopted by the
26 attorney general pursuant to this chapter is a
27 violation of section 714.16, subsection 2, paragraph
28 "a". The remedies and penalties provided by section
29 714.16, including but not limited to provisions
30 relating to injunctive relief and penalties, apply to
31 a violation of this chapter or the rules adopted
32 pursuant to this chapter."

33 35. Page 28, by striking lines 11 through 30.

34 36. Page 29, by striking lines 8 through 14, and
35 inserting the following:

36 "Sec. 101.

37 The department of human services shall enter into a
38 cooperative agreement with the judicial department by
39 May 1, 1990, which shall provide for reimbursement and

40 incentive payments to the judicial department for
41 those activities eligible for federal financial
42 participation pursuant to 45 C.F.R., pt. 304.
43 Sec. ____ . Section 911.2, Code 1989, is amended to
44 read as follows:
45 911.2 SURCHARGE.
46 When a court imposes a fine or forfeiture for a
47 violation of a state law, or of a city or county
48 ordinance except an ordinance regulating the parking
49 of motor vehicles, the court shall assess an
50 additional penalty in the form of a surcharge equal to

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1 ~~fifteen~~ twenty percent of the fine or forfeiture
2 imposed. In the event of multiple offenses, the
3 surcharge shall be based upon the total amount of
4 fines or forfeitures imposed for all offenses. When a
5 fine or forfeiture is suspended in whole or in part,
6 the surcharge shall be reduced in proportion to the
7 amount suspended.
8 The surcharge is subject to the provisions of
9 chapter 909 governing the payment and collection of
10 fines, as provided in section 909.8.
11 Sec. ____ . Section 911.3, Code 1989, is amended to
12 read as follows:
13 911.3 DISPOSITION OF SURCHARGE.
14 When a court assesses a surcharge under section
15 911.2, the clerk of the district court shall transmit
16 ~~ninety~~ twenty-five percent of the surcharge collected
17 to the treasurer of state to be deposited pursuant to
18 section 321J.17. Ninety percent of the remainder of
19 the surcharge collected shall be transmitted to the
20 treasurer of state by the fifteenth day of the
21 following month. The treasurer of state shall deposit
22 one third of ~~the that~~ money in the law enforcement
23 training reimbursement fund established under section
24 384.15 and the remaining two thirds of ~~the that~~ money
25 in the general fund of the state. The clerk of the
26 district court shall transmit ten percent of the
27 remainder of the surcharge to the county treasurer or
28 shall remit ten percent of the remainder of the
29 surcharge to the city that was the plaintiff in any
30 action for deposit in the general fund of the city.
31 Sec. ____ .
32 Section 101 of this Act, being deemed of immediate
33 importance, takes effect upon enactment.”
34 37. Title page, line 2, by inserting after the
35 word “system” the following: “and providing
36 penalties”.

37 38. Title page, line 2, by inserting after the
38 word "system" the following: "and providing effective
39 dates".

40 39. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

S-5839

1 Amend House File 2488, 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 15.262, subsections 2 and 6,
6 Code 1989, are amended to read as follows:

7 2. "Corporation" or "development corporation"
8 means a private sector small business economic
9 development corporation organized under chapter 504A
10 or organized for pecuniary profit under chapter ~~496A~~
11 ~~490~~ and includes development corporations organized
12 under chapter 496B.

13 6. "Investor" means a private entity which invests
14 money in a corporation organized for pecuniary profit
15 under chapter ~~496A~~ ~~490~~.

16 Sec. ____ . Section 28.107, unnumbered paragraph 1,
17 Code 1989, is amended to read as follows:

18 There may be incorporated under chapter ~~496A~~ ~~490~~ a
19 corporation which shall be known as the Iowa export
20 trading company. If incorporated, this corporation
21 shall be established by the director of the Iowa
22 department of economic development. The initial board
23 of directors shall consist of the director and six
24 additional members appointed by the director. The six
25 members appointed by the director shall be
26 knowledgeable in the area of farming, exporting, or
27 marketing finance. The department may expend an
28 amount not to exceed one hundred thousand dollars
29 necessary to establish and operate the export trading
30 company until the completion of the public offering of
31 stock. The funds used shall be repaid to the
32 department upon completion of its public offering of
33 stock. Financing for the export trading company shall
34 initially come from its public offering of stock to
35 residents of this state. In preparation for this
36 sale, a detailed marketing study shall be conducted
37 which will serve as the basis for the company work
38 plan and the company prospectus. After the sale of
39 stock, provision shall be made for the election of a
40 board of directors by the stockholders to replace the
41 initial board of directors. However, the director of

42 the department shall be an ex officio member of the
 43 board representing the state of Iowa. The director of
 44 the department shall also serve as an agent for the
 45 company.

46 Sec. ____ . Section 28.108, subsection 2, Code 1989,
 47 is amended to read as follows:

48 2. The Iowa export trading company has the powers
 49 necessary to fulfill the purposes of this division and
 50 those provided in chapter ~~496A~~ 490 and the Export

Page 2

1 Trading Company Act of 1982, Pub. L. No. 97-290 which
 2 are not inconsistent with or limited by this
 3 division."

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

6 "Sec. 100. NEW SECTION. 77A.10A NOTARIAL ACTS IN
 7 OTHER JURISDICTIONS OF THE UNITED STATES.

8 1. A notarial act has the same effect under the
 9 law of this state as if performed by a notarial
 10 officer of this state, if the notarial act is
 11 performed in another state, commonwealth, territory,
 12 district, or possession of the United States by any of
 13 the following persons:

14 a. A notary public of that jurisdiction.
 15 b. A judge, clerk, or deputy clerk of a court of
 16 that jurisdiction.
 17 c. Any other person authorized by the law of that
 18 jurisdiction to perform notarial acts.

19 2. Notarial acts performed in other jurisdictions
 20 of the United States under federal authority as
 21 provided in section 77A.10B have the same effect as if
 22 performed by a notarial officer of this state.

23 3. The signature and title of a person performing
 24 a notarial act are prima facie evidence that the
 25 signature is genuine and that the person holds the
 26 designated title.

27 4. The signature and indicated title of an officer
 28 listed in subsection 1, paragraph "a" or "b"
 29 conclusively establish the authority of a holder of
 30 that title to perform a notarial act.

31 Sec. 101. NEW SECTION. 77A.10B NOTARIAL ACTS
 32 UNDER FEDERAL AUTHORITY.

33 1. A notarial act has the same effect under the
 34 law of this state as if performed by a notarial
 35 officer of this state, if the notarial act is
 36 performed anywhere by any of the following persons
 37 under authority granted by the law of the United
 38 States:

- 39 a. A judge, clerk, or deputy clerk of a court.
40 b. A commissioned officer on active duty in the
41 military service of the United States.
42 c. An officer of the foreign service or consular
43 officer of the United States.
44 d. Any other person authorized by federal law to
45 perform notarial acts.
46 2. The signature and title of a person performing
47 a notarial act are prima facie evidence that the
48 signature is genuine and that the person holds the
49 designated title.
50 3. The signature and indicated title of an officer

Page 3

- 1 listed in subsection 1, paragraph "a", "b", or "c",
2 conclusively establish the authority of a holder of
3 that title to perform a notarial act.
4 4. A certificate of a notarial act on an
5 instrument to be recorded must also comply with the
6 requirements of section 331.602, subsection 1.
7 Sec. 102. NEW SECTION. 77A.10C FOREIGN NOTARIAL
8 ACTS.
9 1. A notarial act has the same effect under the
10 law of this state as if performed by a notarial
11 officer of this state, if the notarial act is
12 performed within the jurisdiction of and under
13 authority of a foreign nation or its constituent units
14 or a multinational or international organization by
15 any of the following persons:
16 a. A notary public or notary.
17 b. A judge, clerk, or deputy clerk of a court of
18 record.
19 c. Any other person authorized by the law of that
20 jurisdiction to perform notarial acts.
21 2. An "apostille" in the form prescribed by the
22 Hague convention of October 5, 1961, conclusively
23 establishes that the signature of the notarial officer
24 is genuine and that the officer holds the indicated
25 office.
26 3. A certificate by a foreign service or consular
27 officer of the United States stationed in the nation
28 under the jurisdiction of which the notarial act was
29 performed, or a certificate by a foreign service or
30 consular officer of that nation stationed in the
31 United States, conclusively establishes any matter
32 relating to the authenticity or validity of the
33 notarial act set forth in the certificate.
34 4. An official stamp or seal of the person
35 performing the notarial act is prima facie evidence

36 that the signature is genuine and that the person
37 holds the indicated title.

38 5. An official stamp or seal of an officer listed
39 in subsection 1, paragraph "a" or "b", is prima facie
40 evidence that a person with the indicated title has
41 authority to perform notarial acts.

42 6. If the title of office and indication of
43 authority to perform notarial acts appears either in a
44 digest of foreign law or in a list customarily used as
45 a source for that information, the authority of an
46 officer with that title to perform notarial acts is
47 conclusively established.

48 Sec. 103. NEW SECTION. 77A.10D CERTIFICATE OF
49 NOTARIAL ACTS.

50 1. A notarial act must be evidenced by a

Page 4

1 certificate signed and dated by a notarial officer.
2 The certificate must include identification of the
3 jurisdiction in which the notarial act is performed
4 and the title of the office of the notarial officer
5 and may include the official stamp or seal of the
6 office. If the officer is a notary public, the
7 certificate may, but need not indicate the date of
8 expiration, if any, of the commission of office. If
9 the notarial officer is a commissioned officer on
10 active duty in the military service of the United
11 States, it must also include the officer's rank.

12 2. A certificate of a notarial act is sufficient
13 if it meets the requirements of subsection 1, and is
14 in any of the following forms:

15 a. The short form set forth in section 77A.10E.
16 b. A form otherwise prescribed by the law of this
17 state, including those forms set out in chapter 558.
18 c. A form prescribed by the laws or regulations
19 applicable in the place in which the notarial act was
20 performed.

21 d. A form which sets forth the actions of the
22 notarial officer and those are sufficient to meet the
23 requirements of the designated notarial act.

24 3. By executing a certificate of a notarial act,
25 the notarial officer certifies that the officer has
26 made the determinations required by section 77A.9.

27 Sec. 104. NEW SECTION. 77A.10E SHORT FORMS.

28 The following short form certificates of notarial
29 acts are sufficient for the purposes indicated, if
30 completed with the information required by section
31 77A.10D, subsection 1.

32 1. For an acknowledgment in an individual

33 capacity:

34 State of _____

35 (County) of _____

36 This instrument was acknowledged before me on

37 _____ by _____

38 (date) (name(s) of person(s))

39

40

(signature of notarial
officer)

42 (Seal, if any)

43

44

Title (and Rank)

45

[My commission expires: _____]

46 2. For an acknowledgment in a representative

47 capacity:

48 State of _____

49 (County) of _____

50 This instrument was acknowledged before me on (date) by

Page 5

1 (name(s) of person(s)) as (type of authority, e.g., officer,
2 trustee, etc.) of (name of party on behalf of whom instrument
3 was executed).

4

5

(signature of notarial
officer)

6

7 (Seal, if any)

8

9

Title (and Rank)

10

[My commission expires: _____]

11 3. For a verification upon oath or affirmation:

12 State of _____

13 (County) of _____

14 Signed and sworn to (or affirmed) before me on

15 _____ by _____

16 (date) (name(s) of person(s) making statement)

17

18

(signature of notarial
officer)

19

20 (Seal, if any)

21

22

Title (and Rank)

23

[My commission expires: _____]

24 4. For witnessing or attesting a signature:

25 State of _____

26 (County) of _____

27 Signed or attested before me on _____ by

28 (date)

29 _____

30 (name(s) of person(s))

31

32

(signature of notarial
officer)

33

34 (Seal, if any)

35

36

Title (and Rank)

37

[My commission expires: ____]

38 5. For attestation of a copy of a document:

39 State of _____

40 (County) of _____

41 I certify that this is a true and correct copy of a

42 document in the possession of _____

43 Dated _____

44

45

(signature of notarial
officer)

46

47 (Seal, if any)

48

49

Title (and Rank)

50

[My commission expires: ____].

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

3 "Sec. ____ . Section 86.36, subsection 5, Code 1989,
4 is amended to read as follows:

5 5. The term ~~nonresident employer~~ "Nonresident
6 employer", as used in section 85.3 and this section

7 ~~shall not be construed to does not~~ mean foreign
8 corporations lawfully qualified to transact business
9 within the state of Iowa under chapter 494 or chapter
10 ~~496A 490.~~"

11 4. Page 1, by inserting after line 23, the
12 following:

13 "Sec. ____ . Section 331.602, subsection 27, Code
14 1989, is amended to read as follows:

15 27. Carry out duties relating to the recordation
16 of articles of incorporation and other instruments for
17 business corporations as provided in section ~~496A.53~~
18 490.130.

19 Sec. ____ . Section 455B.397, Code 1989, is amended
20 to read as follows:

21 455B.397 FINANCIAL DISCLOSURE.

22 Immediately upon the incurrence of any liability to
23 the state under this part, the debtor shall submit to
24 the director a report consisting of documentation of
25 the debtor's liabilities and assets, including if
26 filed, a copy of the annual report submitted to the
27 secretary of state pursuant to chapter ~~496~~ 490. A
28 subsequent report pursuant to this section shall be
29 submitted annually on April 15 for the life of the
30 debt. These reports shall be kept confidential and
31 shall not be available to the public.

32 Sec. ____ . Section 455B.430, subsection 5, Code
33 1989, is amended to read as follows:

34 5. Immediately upon the listing of real property
35 in the registry of abandoned or uncontrolled disposal
36 sites, a person liable for cleanup costs shall submit
37 to the director a report consisting of documentation
38 of the responsible person's liabilities and assets,
39 including if filed, a copy of the annual report
40 submitted to the secretary of state pursuant to
41 chapter ~~496~~ 490. A subsequent report pursuant to this
42 section shall be submitted annually on April 15 for
43 the period the site remains on the registry.

44 Sec. ____ . Section 468.327, Code Supplement 1989,
45 is amended to read as follows:

46 468.327 TRUSTEE CONTROL.

47 A district formed pursuant to this part, under the
48 control of a city council, may be placed under the
49 control and management of a board of trustees as
50 provided in subchapter III of this chapter. Each

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1 trustee shall be a citizen of the United States not
2 less than eighteen years of age and a bona fide owner
3 of benefited land in the district for which the
4 trustee is elected. If the owner is a family farm
5 corporation as defined by section 172C.1, subsection
6 8, a business corporation organized and existing under
7 chapter ~~490~~, 491, ~~or~~ 494, ~~or~~ ~~496A~~, or a partnership, a
8 stockholder or officer authorized by the corporation
9 or a general partner may be elected as a trustee of
10 the district.

11 Sec. ____ . Section 468.506, subsection 4, Code
12 Supplement 1989, is amended to read as follows:

13 4. In a district which is a levee and drainage
14 district which has eighty-five percent of its acreage
15 within the corporate limits of a city and has been

16 under the control of a city under subchapter II, part
17 3, a bona fide owner of benefited land in the
18 district. If the owner is a family farm corporation
19 as defined by section 172C.1, subsection 8, a business
20 corporation organized and existing under chapter 490.
21 491, or 494, or 496A, or a partnership, a stockholder
22 or officer authorized by the corporation or a general
23 partner may be elected as a trustee of the district.

24 Sec. ____ . Section 490.120, Code Supplement 1989,
25 is amended by adding the following new subsection:
26 NEW SUBSECTION. 10. The secretary of state may
27 adopt rules for the electronic filing of documents and
28 the certification of electronically filed documents.

29 Sec. ____ . Section 490.122, subsection 3, paragraph
30 a, Code Supplement 1989, is amended to read as
31 follows:

32 a. \$ ~~50~~ 1.00 a page for copying.

33 Sec. ____ . Section 490.127, Code Supplement 1989,
34 is amended to read as follows:

35 490.127 EVIDENTIARY EFFECT OF COPY OF FILED
36 DOCUMENT.

37 A certificate attached to a copy of a document
38 filed by the secretary of state, bearing the secretary
39 of state's signature, which may be in facsimile, and
40 the seal of ~~this~~ the secretary of state, is conclusive
41 evidence that the original document is on file with
42 the secretary of state.

43 Sec. ____ . Section 490.128, subsection 2, paragraph
44 e, Code Supplement 1989, is amended to read as
45 follows:

46 e. That If it is a domestic corporation, that
47 articles of dissolution have not been filed.

48 Sec. ____ . Section 490.401, subsection 2, paragraph
49 b, Code Supplement 1989, is amended to read as
50 follows:

Page 8

1 b. A corporate name reserved or registered under
2 section 490.402, ~~or 490.403, or 504A.7.~~

3 Sec. ____ . Section 490.401, subsection 2, paragraph
4 c, Code Supplement 1989, is amended to read as
5 follows:

6 c. The fictitious name adopted by a foreign
7 corporation or a not-for-profit foreign corporation
8 authorized to transact business in this state because
9 its real name is unavailable.

10 Sec. ____ . Section 490.401, subsection 5, Code
11 Supplement 1989, is amended to read as follows:

12 5. This chapter does not control the use of

13 fictitious names; however, if a corporation or a
14 foreign corporation uses a fictitious name in this
15 state it shall deliver to the secretary of state for
16 filing a copy of the resolution of its board of
17 directors, certified by its secretary, adopting the
18 fictitious name.”

19 5. By striking page 1, line 31, through page 2,
20 line 22, and inserting the following:

21 “1. A corporation which, as of December 30, 1989,
22 treated any of its shares which it had reacquired as
23 issued but not outstanding shares may continue to
24 treat those shares as issued but not outstanding
25 shares.

26 2. When a corporation reacquires its own shares
27 after December 30, 1989, but prior to January 1, 1991,
28 those shares shall constitute issued but not
29 outstanding shares as of and after their reacquisition
30 if either of the following is applicable:

31 a. If the shares are reacquired, the articles of
32 incorporation contain a provision specifying that
33 reacquired shares constitute issued but not
34 outstanding shares.

35 b. Prior to January 1, 1991, the board of
36 directors adopts a resolution specifying that shares
37 reacquired after December 30, 1989, and prior to
38 January 1, 1991, constitute issued but not outstanding
39 shares.

40 3. If a corporation reacquires its own shares
41 after December 31, 1990, those shares constitute
42 issued but not outstanding shares if, at the time they
43 are reacquired by the corporation, either of the
44 following is applicable:

45 a. The articles of incorporation contain a
46 provision specifying that reacquired shares constitute
47 issued but not outstanding shares.

48 b. The board of directors has adopted a resolution
49 specifying that reacquired shares constitute issued
50 but not outstanding shares.

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1 4. Unless otherwise provided in its articles of
2 incorporation, a corporation may at any time, by
3 resolution adopted by its board of directors, cancel
4 or otherwise restore to the status of authorized but
5 unissued shares any of its shares which it has
6 previously reacquired and treated as issued but not
7 outstanding shares.”

8 6. Page 2, by inserting before line 23, the
9 following:

10 "Sec. ____ . Section 490.728, subsection 1, Code
11 Supplement 1989, is amended to read as follows:

12 1. Unless otherwise provided in the articles of
13 incorporation, directors are elected by a ~~plurality~~
14 ~~majority~~ of the votes cast by the shares entitled to
15 vote in the election at a meeting at which a quorum is
16 present.

17 Sec. ____ . Section 490.832, Code Supplement 1989,
18 is amended to read as follows:

19 ~~490.832 INDEMNIFICATION OF PERSONAL LIABILITY --~~
20 ~~DIRECTORS.~~

21 The articles of incorporation may contain a
22 provision eliminating or limiting the personal
23 liability of a director to the corporation or its
24 shareholders for monetary damages for breach of
25 fiduciary duty as a director, provided that the
26 provision does not eliminate or limit the liability of
27 a director for a breach of the director's duty of
28 loyalty to the corporation or its shareholders, for
29 acts or omissions not in good faith or which involve
30 intentional misconduct or a knowing violation of law,
31 for a transaction from which the director derives an
32 improper personal benefit, or under section 490.833.
33 A provision shall not eliminate or limit the liability
34 of a director for an act or omission occurring prior
35 to the date when the provision in the articles of
36 incorporation becomes effective.

37 Sec. ____ . Section 490.1530, subsection 1, Code
38 Supplement 1989, is amended to read as follows:

39 1. The foreign corporation does not deliver its
40 annual report to the secretary of state in a form that
41 meets the requirements of section 490.1622 within
42 sixty days after it is due.

43 Sec. ____ . NEW SECTION. 490.1705 REINSTATEMENT OF
44 CORPORATIONS EXISTING PRIOR TO DECEMBER 31, 1989.

45 1. A corporation subject to this chapter, whose
46 certificate of incorporation was canceled pursuant to
47 former section 496A.130 after December 30, 1981, and
48 before December 31, 1989, may apply to the secretary
49 of state for reinstatement pursuant to section
50 490.1422 on or before December 31, 1991.

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1 2. A corporation whose certificate of
2 incorporation was canceled pursuant to former section
3 496A.130 after December 30, 1979, and before December
4 31, 1981, may apply to the secretary of state for
5 reinstatement pursuant to section 490.1422 at any time
6 within ten years of the date of the issuance of the

7 certificate of cancellation.

8 3. A corporation whose corporate rights have been
9 canceled and forfeited in the manner provided in
10 section 496.9 prior to December 31, 1989, or which has
11 a right to renew pursuant to sections 491.25 through
12 491.28, may apply to the secretary of state for
13 reinstatement pursuant to section 490.1422 on or
14 before December 31, 1991.

15 4. This section applies to all reinstatements
16 delivered to the office of the secretary of state for
17 filing on or after December 31, 1989.

18 Sec. ____ . Section 491.3, subsection 8, Code 1989,
19 is amended to read as follows:

20 8. A corporation organized under or subject to
21 this chapter may make indemnification as provided in
22 ~~section 496A.4A~~ sections 490.850 through 490.858.

23 Sec. ____ . Section 491.16, Code 1989, is amended to
24 read as follows:

25 491.16 INDEMNIFICATION OF OFFICERS, DIRECTORS,
26 EMPLOYEES, AND AGENTS -- INSURANCE.

27 ~~The provisions of section 496A.4A shall~~ Sections
28 490.850 through 490.858 apply to corporations
29 organized under or subject to this chapter.

30 Sec. ____ . Section 496C.2, unnumbered paragraph 1,
31 Code 1989, is amended to read as follows:

32 ~~As For words~~ used in this chapter, unless the
33 context otherwise requires, the definitions contained
34 in the Iowa business corporation Act [~~chapter 496A~~],
35 chapter 490, apply, and:

36 Sec. ____ . Section 496C.5, Code 1989, is amended to
37 read as follows:

38 496C.5 CORPORATE NAME.

39 The corporate name of a professional corporation,
40 the corporate name of a foreign professional
41 corporation or its name as modified for use in this
42 state, and any ~~assumed fictitious~~ name or trade name
43 adopted by a professional corporation or foreign
44 professional corporation shall contain the words
45 "professional corporation" or the abbreviation "P.C.",
46 and except for the addition of such words or
47 abbreviation, shall be a name which could lawfully be
48 used by a licensed individual or by a partnership of
49 licensed individuals in the practice in this state of
50 a profession which the corporation is authorized to

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1 practice. Each regulating board may by rule or
2 regulation adopt additional requirements as to the
3 corporate names and ~~assumed fictitious~~ or trade names

4 of professional corporations and foreign professional
5 corporations which are authorized to practice a
6 profession which is within the jurisdiction of the
7 regulating board.

8 Sec. ____ . Section 504A.4, subsection 14, Code
9 1989, is amended to read as follows:

10 14. A corporation operating under this chapter may
11 indemnify any present or former director, officer,
12 employee, member, or volunteer in the manner and in
13 the instances authorized in ~~section 496A.4A~~ sections
14 490.850 through 490.858.

15 Sec. ____ . Section 504A.6, subsection 5, Code
16 Supplement 1989, is amended to read as follows:

17 5. This chapter does not control the use of
18 fictitious names; however, if a corporation or a
19 foreign corporation uses a fictitious name in this
20 state it shall deliver to the secretary of state for
21 filing a copy of the resolution of its board of
22 directors, certified by its secretary, adopting the
23 fictitious name.

24 Sec. ____ . Section 508B.2, unnumbered paragraph 2,
25 Code 1989, is amended to read as follows:

26 A plan of conversion may provide that a mutual
27 company may convert into a domestic stock company,
28 convert and merge, or convert and consolidate with a
29 domestic stock company, as provided in chapter 490 or
30 491 or 496A, whichever is applicable. However, the
31 mutual company is not required to comply with sections
32 491.102 through 491.105 or sections ~~496A.68 through~~
33 ~~496A.70~~ 490.1101 and 490.1103 relating to approval of
34 merger or consolidation plans by boards of directors
35 and shareholders, if at the time of approval of the
36 plan of conversion the board of directors approves the
37 merger or consolidation and if at the time of approval
38 of the plan by policyholders as provided in section
39 508B.6, the policyholders approve the merger or
40 consolidation. This chapter supersedes any
41 conflicting provisions of chapters 521 and 521A. A
42 mutual company may convert, merge, or consolidate as
43 part of a plan of conversion in which a majority or
44 all of the common shares of the stock company are
45 acquired by another corporation, which may be a
46 corporation organized for that purpose, or in which
47 the new stock company consolidates with a stock
48 company to form another stock company.

49 Sec. ____ . Section 514.23, subsection 1, unnumbered
50 paragraph 1, Code 1989, is amended to read as follows:

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1 A corporation organized and governed by this
2 chapter may become a mutual insurer under a plan which
3 is approved by the commissioner of insurance. The
4 plan shall state whether the insurer will be organized
5 as a for-profit corporation pursuant to chapter 490 or
6 491 or 496A or a nonprofit corporation pursuant to
7 chapter 504A. Upon consummation of the plan, the
8 corporation shall ~~thereafter~~ fully comply with the
9 requirements of the law that apply to a mutual
10 insurance company. If the insurer is to be organized
11 under chapter 504A, then at least seventy-five percent
12 of the initial board of directors of the mutual
13 insurer so formed shall be policyholders who are also
14 nonproviders of health care. All directors comprising
15 this initial board of directors shall be selected by
16 an independent committee appointed by the state
17 commissioner of insurance. This independent committee
18 shall consist of seven to eleven persons who are
19 current policyholders, who are nonproviders of health
20 care, and who are not directors of ~~any a~~ corporation
21 subject to this chapter. For purposes of this
22 subsection, a "nonprovider of health care" is an
23 individual who is not any of the following:

24 Sec. ____ . Section 524.303, subsection 2, Code
25 1989, is amended to read as follows:

26 2. Applicable fees, payable to the secretary of
27 state as specified in section ~~496A.124~~ 490.122, for
28 the filing and recording of the articles of
29 incorporation.

30 Sec. ____ . Section 524.306, Code 1989, is amended
31 to read as follows:

32 524.306 ISSUANCE OF CERTIFICATE OF INCORPORATION.

33 The receipt of the approved articles of
34 incorporation of a state bank by the secretary of
35 state ~~shall constitute~~ constitutes filing ~~thereof~~ with
36 that office. The secretary of state shall record the
37 articles of incorporation and forward a copy ~~thereof~~
38 of them to the county recorder of the county in which
39 the state bank is to have its principal place of
40 business ~~who~~. The county recorder shall record ~~same~~
41 the articles, all as ~~required~~ provided by section
42 ~~496A.53~~ section 490.130. The secretary of state upon
43 the filing of ~~such~~ the articles of incorporation shall
44 issue a certificate of incorporation and send the ~~same~~
45 certificate to the incorporators.

46 Sec. ____ . Section 524.801, subsection 8, Code
47 1989, is amended to read as follows:

48 8. To indemnify ~~any a~~ director, officer, or

49 employee, or a former director, officer, or employee
50 of the state bank in the manner and in the instances

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1 authorized by ~~section 496A.4A~~ sections 490.850 through
2 490.858.

3 Sec. ____ . Section 524.1301, subsection 1, Code
4 1989, is amended to read as follows:

5 1. Subsequent to the issuance of the certificate
6 of incorporation and prior to the issuance of the
7 authorization to do business, a state bank which has
8 not issued any shares may be voluntarily dissolved by
9 its incorporators. In such case the articles of
10 dissolution shall be prepared and filed in the manner
11 provided in section ~~496A.79~~ 490.1401. The articles of
12 dissolution shall be delivered to the superintendent,
13 together with the applicable filing and recording
14 fees, who shall deliver the same to the secretary of
15 state for filing and recording in the office of the
16 county recorder.

17 Sec. ____ . Section 524.1305, subsections 5 and 6,
18 Code 1989, are amended to read as follows:

19 5. Safe-deposit boxes, the contents of which have
20 not been removed by the owners after the date
21 specified in the notice given under paragraph "b" of
22 subsection 2 of this section, shall be opened under
23 the supervision of the superintendent and the contents
24 placed in sealed packages which, together with
25 unclaimed property held by the state bank in
26 safekeeping, shall be transmitted to the treasurer of
27 state. Amounts due to depositors who are unknown, or
28 who are under a disability and there is no person
29 legally competent to receive ~~such the~~ amount, or who
30 cannot be found after the exercise of reasonable
31 diligence, shall be transmitted to the treasurer of
32 state, together with a statement giving the name of
33 the person, if known, entitled to ~~such the~~ amount, the
34 person's last known address, the amount due ~~such the~~
35 person, and ~~such~~ other information about ~~such the~~
36 person as the treasurer of state may reasonably
37 require. All property transmitted to the treasurer of
38 state pursuant to this subsection shall be treated as
39 abandoned, retained by the treasurer of state, and
40 subject to claim, in the manner provided for in
41 sections 556.14 to 556.21. All amounts due creditors
42 described in section ~~496A.101~~ 490.1440 shall be
43 deposited with the treasurer of state in accordance
44 with ~~the provisions of~~ that section. Such amounts
45 shall be retained by the treasurer of state and are

46 subject to claim in the manner provided for in ~~said~~
47 section ~~496A.101~~ 490.1440.
48 6. Upon approval by the superintendent, assets
49 remaining after the performance of all obligations of
50 the state bank under subsections 3, 4, and 5 of this

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1 section shall be distributed to its shareholders
2 according to their respective rights and preferences.
3 Partial distributions to shareholders may be made
4 prior to such time only if, and to the extent,
5 approved by the superintendent. All amounts due
6 shareholders described in section ~~496A.101~~ 490.1440
7 shall be deposited with the treasurer of state in
8 accordance with ~~the provisions of~~ that section. Such
9 amounts shall be retained by the treasurer of state
10 and ~~are~~ subject to claim in the manner provided for in
11 said section ~~496A.101~~ 490.1440.

12 Sec. ____ . Section 524.1306, subsection 1, Code
13 1989, is amended to read as follows:

14 1. A state bank may, at any time prior to the
15 issuance of the approved copy of the statement of
16 intent to dissolve by the secretary of state, revoke
17 voluntary dissolution proceedings ~~by consent of the~~
18 ~~shareholders in the manner as~~ provided for in section
19 ~~496A.85 or by act of the state bank as provided for in~~
20 ~~section 496A.86, except that the vote taken on the~~
21 ~~resolution referred to in subsection 3 of section~~
22 ~~496A.86 shall be adopted only upon the affirmative~~
23 ~~vote of the holders of at least three-fourths of the~~
24 ~~shares entitled to vote thereon~~ 490.1404.

25 Sec. ____ . Section 524.1309, Code 1989, is amended
26 to read as follows:

27 524.1309 BECOMING SUBJECT TO CHAPTER ~~496A~~ 490.

28 In lieu of the dissolution procedure prescribed in
29 sections 524.1303 to 524.1308, a state bank may cease
30 to carry on the business of banking and, after
31 compliance with ~~the provisions of~~ this section,
32 continue as a corporation subject to ~~the provisions of~~
33 chapter ~~496A~~ 490.

34 1. A state bank which has commenced business may
35 propose to voluntarily cease to carry on the business
36 of banking and become a corporation subject to ~~the~~
37 ~~provisions of~~ chapter ~~496A~~ 490 upon the affirmative
38 vote of the holders of at least three-fourths of the
39 shares entitled to vote thereon, adopting a plan
40 involving both a provision for acquisition of its
41 assets and assumption of its liabilities by another
42 state bank or national bank and a provision for

43 continuance of its business if acquisition of its
44 assets and assumption of its liabilities is not
45 effected, or any other plan providing for the
46 cessation of banking business and the payment of its
47 liabilities.

48 2. The application to the superintendent for
49 approval of a plan described in subsection 1 of this
50 section shall be treated by the superintendent in the

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1 same manner as an application for approval of a plan
2 of dissolution under subsection 2 of section 524.1303,
3 and shall be subject to ~~the provisions of~~ subsection 3
4 of section 524.1303.

5 3. Immediately upon adoption and approval of a
6 plan to voluntarily cease to carry on the business of
7 banking and become a corporation subject to ~~the~~
8 ~~provisions of chapter 496A 490~~, the state bank shall
9 deliver to the superintendent a statement of its
10 intent to cease to carry on the business of banking
11 and become a corporation subject to ~~the provisions of~~
12 ~~said chapter 490~~, which shall be signed by two of its
13 duly authorized officers and shall contain the name of
14 the state bank, the post-office address of its
15 principal place of business, the name and address of
16 its officers and directors, the number of shares
17 entitled to vote on the plan and the number of shares
18 voted for or against the plan, respectively, the
19 nature of the business to be conducted by the
20 corporation under ~~the provisions of said chapter 490~~,
21 and the general nature of the assets to be held by
22 ~~such the~~ corporation.

23 4. If the statement of intent to cease to carry on
24 the business of banking and become a corporation
25 subject to ~~the provisions of chapter 496A 490~~
26 satisfies the requirements of this section, the
27 superintendent shall deliver the statement with
28 written approval to the secretary of state who shall
29 issue to the state bank an approved copy of ~~such the~~
30 statement. Upon the issuance of an approved copy of
31 the statement of intent, the state bank shall
32 immediately surrender to the superintendent its
33 authorization to do business as a bank and shall cease
34 to accept deposits or carry on the banking business
35 except insofar as may be necessary for it to complete
36 the settlement of its affairs as a state bank in
37 accordance with subsection 5.

38 5. The board of directors ~~shall~~ have full power to
39 complete the settlement of the affairs of the state

40 bank. Within thirty days after the issuance of an
41 approved copy of the statement of intent to cease to
42 carry on the business of banking and become a
43 corporation subject to ~~the provisions of chapter 496A~~
44 490, the state bank shall give notice of its intent to
45 persons described in subsection 2 of section 524.1305
46 and in the manner provided for in that subsection. In
47 completing the settlement of its affairs as a state
48 bank the state bank shall also follow the procedure
49 prescribed in subsections 3, 4 and 5 of section
50 524.1305.

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1 6. Upon approval by the superintendent, assets
2 remaining after the performance of all obligations
3 described in this section, except those which the
4 state bank wishes to retain when it becomes a
5 corporation subject to ~~the provisions of chapter 496A~~
6 490, shall be distributed to its shareholders
7 according to their respective rights and preferences.
8 7. Upon completion of all the requirements of this
9 section, the state bank shall deliver to the
10 superintendent articles of intent to be subject to
11 ~~chapter 496A 490~~, together with the applicable filing
12 and recording fees, which shall set forth that the
13 state bank has complied with ~~the provisions of this~~
14 section, that it has ceased to carry on the business
15 of banking, and the information required by section
16 ~~496A-49 490,202~~ relative to the contents of articles
17 of incorporation under ~~chapter 496A 490~~. If the
18 superintendent finds that the state bank has complied
19 with ~~the provisions of this section and that the~~
20 articles of intent to be subject to ~~said chapter 490~~
21 satisfy the requirements of this section, the
22 superintendent shall deliver them to the secretary of
23 state for filing and recording in the secretary of
24 state's office, and ~~the same they~~ shall be filed and
25 recorded in the office of the county recorder.
26 8. Upon the filing of the articles of intent to be
27 subject to ~~chapter 496A 490~~, the state bank shall
28 cease to be a state bank subject to ~~the provisions of~~
29 this chapter, and shall cease to have the powers of a
30 state bank subject to this chapter and shall become a
31 corporation subject to ~~the provisions of chapter 496A~~
32 490. The secretary of state shall issue a certificate
33 as to the filing of the articles of intent to be
34 subject to ~~the provisions of chapter 496A 490~~, and
35 send the ~~same certificate~~ to the corporation or its
36 representative. The articles of intent to be subject

37 to chapter ~~496A~~ 490 shall be the articles of
 38 incorporation of the corporation. The provisions of
 39 chapter ~~496A~~ 490 becoming applicable to a corporation
 40 formerly doing business as a state bank shall not
 41 affect any right accrued or established, or liability
 42 or penalty incurred under ~~the provisions of this~~
 43 chapter prior to the filing with the secretary of
 44 state of the articles of intent to be subject to
 45 chapter ~~496A~~ 490.

46 9. A shareholder of a state bank who objects, ~~in~~
 47 ~~the manner prescribed by section 496A-78~~, to adoption
 48 by the state bank of a plan to cease to carry on the
 49 business of banking and to continue as a corporation
 50 subject to ~~the provisions of chapter 496A~~ 490, shall

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1 ~~be is~~ entitled to the rights and remedies of a
 2 dissenting shareholder provided for in ~~that section~~
 3 chapter 490, division XIII.

4 10. A state bank may, at any time prior to the
 5 issuance of the approved copy of the statement of
 6 intent to cease to carry on the business of banking
 7 and become a corporation subject to ~~the provisions of~~
 8 chapter ~~496A~~ 490, revoke ~~such the~~ proceedings in the
 9 manner prescribed by section 524.1306.

10 Sec. ____ . Section 524.1310, Code 1989, is amended
 11 to read as follows:

12 524.1310 INVOLUNTARY DISSOLUTION AFTER
 13 COMMENCEMENT OF BUSINESS -- SUPERINTENDENT AS
 14 RECEIVER.

15 In a situation in which the superintendent has
 16 required, in accordance with ~~the provisions of~~ section
 17 524.226, that the state bank cease to carry on its
 18 business, the superintendent shall apply to the
 19 district court for the county in which the state bank
 20 is located for appointment as receiver for the state
 21 bank. The district court shall appoint the
 22 superintendent as receiver unless the superintendent
 23 has tendered ~~such the~~ appointment to the federal
 24 deposit insurance corporation as provided for in
 25 section 524.1313, in which case the district court
 26 shall appoint the federal deposit insurance
 27 corporation as receiver. The affairs of the state
 28 bank shall thereafter be under the direction of the
 29 district court, and the assets ~~thereof of the state~~
 30 bank shall be distributed in accordance with ~~the~~
 31 provisions of section 524.1312. All amounts due
 32 creditors and shareholders described in section

33 ~~496A.101~~ 490.1440 shall be deposited with the
34 treasurer of state in accordance with ~~the provisions~~
35 of that section. Such amounts shall be retained by
36 the treasurer of state and subject to claim in the
37 manner provided for in section ~~496A.101~~ 490.1440.
38 Amounts due to depositors who are unknown, or who are
39 under a disability and there is no person legally
40 competent to receive ~~such~~ the amount, or who cannot be
41 found after the exercise of reasonable diligence,
42 shall be transmitted to the treasurer of state in the
43 manner required by section 524.1305, subsection 5.
44 Such property shall be treated as abandoned, retained
45 by the treasurer of state, and is subject to claim, in
46 the manner provided for in sections 556.14 to 556.21.
47 The attorney general, or ~~such~~ assistants ~~as shall be~~
48 appointed by the court, shall represent the
49 superintendent in all proceedings connected with ~~such~~
50 the receivership.

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1 Sec. ____ . Section 524.1402, subsection 2, Code
2 1989, is amended to read as follows:
3 2. In the case of a state bank which is a party to
4 the plan, if the proposed merger or consolidation will
5 result in a state bank subject to this chapter,
6 adoption of the plan by such state bank shall require
7 the affirmative vote of at least a majority of the
8 directors and approval by the shareholders, in the
9 manner and according to the procedures prescribed in
10 section ~~496A.70~~ 490.1103, at a meeting called in
11 accordance with the terms of that section. In the
12 case of a national bank, or if the proposed merger or
13 consolidation will result in a national bank, adoption
14 of the plan by each party thereto shall require the
15 affirmative vote of at least such directors and
16 shareholders whose affirmative vote thereon is
17 required under the laws of the United States. Subject
18 to applicable requirements of the laws of the United
19 States in a case in which a national bank is a party
20 to a plan, any modification of a plan which has been
21 adopted shall be made by any method provided therein,
22 or in the absence of such provision, by the same vote
23 as required for adoption.
24 Sec. ____ . Section 524.1402, subsection 3,
25 paragraph b, Code 1989, is amended to read as follows:
26 b. Applicable fees payable to the secretary of
27 state, as specified in section ~~496A.124~~ 490.122, for
28 the filing and recording of the articles of merger or
29 consolidation.

30 Sec. ____ . Section 524.1406, subsection 1, Code

31 1989, is amended to read as follows:

32 1. A shareholder of a state bank, which is a party
 33 to a proposed merger or consolidation plan which will
 34 result in a state bank subject to this chapter, who
 35 objects to the plan in the manner prescribed by
 36 section 496A.78, shall be is entitled to the rights
 37 and remedies of a dissenting shareholder as provided
 38 in that section chapter 490, division XIII. Shares
 39 acquired by a state bank pursuant to payment of the
 40 their agreed value therefor or to payment of the
 41 judgment entered therefor, pursuant to section 496A.78
 42 chapter 490, division XIII, shall be sold at public or
 43 private sale, within one year from the time of their
 44 purchase or acquisition, unless the time is extended
 45 by the superintendent.

46 Sec. ____ . Section 524.1408, Code 1989, is amended
 47 to read as follows:

48 524.1408 MERGER OF CORPORATION SUBSTANTIALLY OWNED
 49 BY A STATE BANK.

50 Any A state bank owning at least ninety-five

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1 percent of the outstanding shares, of each class, of
 2 another corporation which it is authorized to own
 3 under the provisions of this chapter, may merge such
 4 the other corporation into itself without approval by
 5 a vote of the shareholders of either the state bank or
 6 the subsidiary corporation. The board of directors of
 7 the state bank shall approve a plan of merger, mail to
 8 shareholders of record of the subsidiary corporation,
 9 and prepare and execute articles of merger in the
 10 manner provided for in section 496A.72 490.1104. The
 11 articles of merger, together with the applicable
 12 filing and recording fees, shall be delivered to the
 13 superintendent who shall, if the superintendent
 14 approves of the proposed merger and if the
 15 superintendent finds the articles of merger satisfy
 16 the requirements of this section, deliver them to the
 17 secretary of state for filing and recording in the
 18 secretary of state's office, and the same they shall
 19 be filed in the office of the county recorder. The
 20 secretary of state upon filing the articles of merger
 21 shall issue a certificate of merger and send the same
 22 certificate to the state bank and a copy thereof of it
 23 to the superintendent.

24 Sec. ____ . Section 524.1410, subsection 3, Code
 25 1989, is amended to read as follows:

26 3. The applicable fee payable to the secretary of

27 state, by reason of subsection 17 of under section
28 ~~496A.124~~ 490.122, for the filing and recording of the
29 articles of conversion.

30 Sec. ____ . Section 524.1902, Code 1989, is amended
31 to read as follows:

32 524.1902 APPLICABILITY OF OTHER CHAPTERS.

33 The provisions of chapters Chapters 490, 491, 492,
34 and 493, and 496A shall do not apply to banks except
35 insofar as is provided by this chapter.

36 Sec. ____ . Section 533.4, subsection 27, Code 1989,
37 is amended to read as follows:

38 27. To provide indemnity for the director,
39 officer, or employee in the same fashion that a
40 corporation organized under chapter ~~496A~~ 490 could
41 under section ~~496A.4A~~, provided that sections 490.850
42 through 490.858; however, where section 496A.4A
43 provides those sections provide for action by
44 shareholders the ~~section~~ provision is applicable to
45 action by members of the credit union and where the
46 ~~section has~~ sections have reference to the corporation
47 organized under chapter ~~496A~~ 490, it the provision is
48 applicable to the association organized under this
49 chapter.

50 Sec. ____ . Section 533.22, subsection 2, Code 1989,

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1 is amended to read as follows:

2 2. All amounts due to members who are unknown, or
3 who are under a disability and there is no person
4 legally competent to receive ~~such~~ the amounts, or who
5 cannot be found after the exercise of reasonable
6 diligence, shall be transmitted to the treasurer of
7 state who shall hold ~~such~~ the amounts in the manner
8 prescribed by chapter 556. All amounts due to
9 creditors as described in section ~~496A.101~~ 490.1440
10 shall be transmitted to the treasurer of state in
11 accordance with ~~the provisions~~ of that section and
12 shall be retained by the treasurer of state and
13 subject to claim as provided for in that section.

14 Sec. ____ . Section 534.102, subsection 26, Code
15 1989, is amended to read as follows:

16 26. "Service corporation" means a corporation
17 which is organized under chapter ~~496A~~ 490 and which is
18 owned in any part by one or more state associations or
19 federal associations or a combination of these.

20 Sec. ____ . Section 534.501, subsection 1, paragraph
21 g, and subsection 4, Code 1989, is amended to read as
22 follows:

23 g. If a stock association, the information

24 specified in section ~~496A.49~~, ~~subsections 4, 5, 6, and~~
 25 ~~7 490.202 and sections 490.601 through 490.602.~~

26 4. AMENDMENT PROCEDURE. The procedure for
 27 amending articles of incorporation or adopting
 28 restated articles for mutual associations is that
 29 specified in section 504A.35, and for stock
 30 associations it is that specified in section 490.726
 31 and sections ~~496A.56 and 496A.57~~ 490.1002 through
 32 490.1005.

33 Sec. ____ . Section 534.504, Code 1989, is amended
 34 to read as follows:

35 534.504 MEETINGS OF STOCKHOLDERS.

36 Sections ~~496A.27, 496A.28, 496A.29, 496A.30,~~
 37 ~~496A.31, 496A.32, and 496A.33~~ 490.701 through 490.731
 38 apply to stock associations.

39 Sec. ____ . Section 534.508, subsection 1, Code
 40 1989, is amended to read as follows:

41 1. IN GENERAL. Sections ~~496A.14, 496A.15,~~
 42 ~~496A.16, 496A.17, 496A.18, 496A.19, 496A.21, 496A.22,~~
 43 ~~496A.23, 496A.24, and 496A.25~~ 490.601 through 490.604,
 44 490.620 through 490.628, 490.630, and 490.1704 apply
 45 to stock associations.

46 Sec. ____ . Section 534.605, subsection 4, Code
 47 1989, is amended to read as follows:

48 4. ~~Any~~ An association operating under this chapter
 49 ~~shall have the power to may~~ indemnify any present or
 50 former director, officer, or employee in the manner

Page 21

1 and in the instances authorized in ~~section 496A.4A~~
 2 ~~sections 490.850 through 490.858.~~ If the association
 3 is a mutual association, the references in ~~section~~
 4 ~~496A.4A~~ those sections to stockholder shall be deemed
 5 to be references to members.

6 Sec. ____ . Section 534.607, Code 1989, is amended
 7 to read as follows:

8 534.607 INDEMNIFICATION.

9 Except as otherwise provided in section 534.602,
 10 ~~section 496A.4A~~ applies sections 490.850 through
 11 490.858 apply to associations incorporated under this
 12 chapter.

13 Sec. ____ . Section 556.6, Code 1989, is amended to
 14 read as follows:

15 556.6 PROPERTY OF BUSINESS ASSOCIATIONS AND
 16 BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF
 17 DISSOLUTION.

18 Except as provided in section ~~496A.101~~ 490.1440,
 19 all intangible personal property distributable in the
 20 course of a voluntary dissolution of a business

21 association, banking organization, or financial
22 organization organized under the laws of or created in
23 this state, that is unclaimed by the owner within one
24 year after the date for final distribution, is
25 presumed abandoned.”

26 7. Page 2, line 28, by inserting after the word
27 “chapter” the following: “or chapter 77A”.

28 8. Page 2, by inserting after line 34, the
29 following:

30 “Sec. ____ . Section 602.8102, subsection 68, Code
31 Supplement 1989, is amended to read as follows:

32 68. Certify a copy of a decree of dissolution of a
33 business corporation to the secretary of state ~~and the~~
34 ~~recorder of the county in which the corporation is~~
35 ~~located~~ as provided in section ~~496A.100~~ 490.1433.

36 Sec. ____ . Chapter 496, Code 1989, is repealed.”

37 9. Page 2, by inserting after line 34, the
38 following:

39 “Sec. ____ .

40 Sections 3 and 4, and sections 100 through 104 of
41 this Act, being deemed of immediate importance, take
42 effect upon enactment, and apply to notarial acts
43 performed on or after the effective date of this Act.”

44 10. Title page, line 1, by inserting after the
45 word “to” the following: “corporate law and
46 procedures, including”.

47 11. Title page, line 4, by inserting after the
48 word “Act” the following: “, and including an
49 effective date”.

50 12. By renumbering, relettering, and

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1 redesignating as necessary.

RICHARD VARN

S-5840

1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 1, by inserting after the word
4 “Code” the following: “Supplement”.

5 2. Page 1, by striking lines 6 through 12 and
6 inserting the following: “product. The department of
7 general services shall also purchase, whenever the
8 price is reasonably competitive and the quality
9 intended, and in keeping with the schedule established
10 in this subsection, soybean-based inks and starch-

11 based plastics, including but not limited to starch-
12 based plastic garbage can liners”.

13 3. Page 1, line 19, by striking the figure “1990”
14 and inserting the following: “1991”.

15 4. Page 1, by inserting before line 21 the
16 following:

17 “ ____ . By July 1, 1991, a minimum of twenty-five
18 percent of the purchases of inks, other than inks
19 which are used for newsprint printing services, and
20 which are used internally or contracted for by the
21 department of general services, shall be soybean-based
22 to the extent formulations for such inks are
23 available. The percentage of purchases by the
24 department of the soybean-based inks, to the extent
25 formulations for such inks are available, shall
26 increase by July 1, 1992, to fifty percent of the
27 total purchases of the inks, and shall increase by
28 July 1, 1993, to one hundred percent of the total
29 purchases of the inks.”

30 5. Page 1, by striking lines 24 through 30 and
31 inserting the following: “liners. The percentage
32 purchased shall increase by five percent annually
33 until fifty percent of the purchases of garbage can
34 liners are purchases of starch-based plastic garbage
35 can liners.”

36 6. Page 2, line 11, by striking the words “based,
37 and methods of disposing of the inks and liners” and
38 inserting the following: “based”.

39 7. Page 2, line 12, by inserting after the word
40 “Code” the following: “Supplement”.

41 8. Page 2, by striking lines 15 through 22 and
42 inserting the following: “personal, belonging to the
43 institutions. The board shall purchase or require the
44 purchase of, whenever the price is reasonably
45 competitive and the quality intended, and in keeping
46 with the schedule established in this subsection,
47 soybean-based inks and starch-based plastics,
48 including but not limited to starch-based plastic
49 garbage can liners.”

50 9. Page 2, line 28, by striking the figure “1990”

Page 2

1 and inserting the following: “1991”.

2 10. Page 2, by inserting after line 30 the
3 following:

4 “ ____ . By July 1, 1991, a minimum of twenty-five
5 percent of the purchases of inks, other than inks
6 which are used for newsprint printing services, and
7 which are used internally or contracted for by the

8 board shall be soybean-based to the extent
9 formulations for such inks are available. The
10 percentage of purchases by the board of the soybean-
11 based inks, to the extent formulations for such inks
12 are available, shall increase by July 1, 1992, to
13 fifty percent of the total purchases of the inks, and
14 shall increase by July 1, 1993, to one hundred percent
15 of the total purchases of the inks."

16 11. By striking page 2, line 33 through page 3,
17 line 5, and inserting the following: "starch-based
18 plastic garbage can liners. The percentage purchased
19 shall increase by five percent annually until fifty
20 percent of the purchases of garbage can liners are
21 purchases of starch-based plastic garbage can liners."

22 12. Page 3, by striking lines 6 and 7 and
23 inserting the following:

24 "c. The board shall report to the general assembly
25 on ~~January~~ February 1 of each year, the".

26 13. Page 3, by striking lines 19 and 20 and
27 inserting the following: "liners purchased which are
28 starch-based."

29 14. Page 3, line 21, by inserting after the word
30 "Code" the following: "Supplement".

31 15. Page 3, by striking lines 23 and 24 and
32 inserting the following:

33 "NEW PARAGRAPH. d. The department of natural
34 resources shall".

35 16. Page 4, by striking lines 1 and 2 and
36 inserting the following:

37 "NEW PARAGRAPH. h. The department of natural
38 resources shall cooperate with the".

39 17. Page 4, line 4, by inserting after the word
40 "Code" the following: "Supplement".

41 18. Page 4, by striking lines 6 through 13 and
42 inserting the following:

43 "4. a. Provide centralized purchasing services
44 for the department, in co-operation with the
45 department of general services. The administrator
46 shall, whenever the price is reasonably competitive
47 and the quality intended, purchase soybean-based inks
48 and starch-based plastics, including but not limited
49 to starch-based garbage can liners, and shall purchase
50 these items in accordance with the schedule

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1 established in section 18.18. However, the
2 administrator need not purchase garbage can liners in
3 accordance with the schedule if the liners are
4 utilized by a facility approved by the environmental

5 protection commission created under section 455A.6,
6 for purposes of recycling.

7 b. The administrator shall also, in conjunction
8 with recommendations made by the department of natural
9 resources, purchase do all of the following:

10 (1) Purchase and use recycled printing and writing
11 paper in accordance with the schedule established in
12 section 18.18; shall establish and in conjunction with
13 recommendations made by the department of natural
14 resources.

15 (2) Establish a wastepaper recycling program by
16 January 1, 1990, in accordance with recommendations
17 made by the department of natural resources and the
18 requirements of section 18.20; shall comply.

19 (3) Comply with the recycling goal, recycling
20 schedule, and ultimate termination of purchase and use
21 of polystyrene products for the purpose of storing,
22 packaging, or serving food for immediate consumption
23 pursuant to section 455D.16; and shall, in accordance
24 with section 18.6, require.

25 (4) Require in accordance with section 18.6
26 product content statements, the provision of
27 information regarding on-site review of waste
28 management in product bidding and contract procedures,
29 and compliance with requirements regarding procurement
30 specifications."

31 19. Page 4, by striking lines 14 and 15 and
32 inserting the following:

33 "c. The department shall report to the general
34 assembly by February 1 of each year, the following:"

35 20. Page 4, by striking lines 26 and 27 and
36 inserting the following: "percentage of liners
37 purchased which are starch-based."

38 21. Page 4, line 28, by inserting after the word
39 "Code" the following: "Supplement".

40 22. By striking page 4, line 34 through page 5,
41 line 1 and inserting the following: "this subsection,
42 whenever, the price is reasonably competitive and the
43 qualify intended, purchase soybean-based inks and
44 starch-based plastics, including but not limited to
45 starch-based garbage can liners."

46 23. Page 5, line 7, by striking the figure "1990"
47 and inserting the following: "1991".

48 24. Page 5, by striking lines 12 through 18 and
49 inserting the following: "be starch-based plastic
50 garbage can liners. The percentage purchased shall

Page 4

1 increase by five percent annually until fifty percent
2 of the purchases of garbage can liners are purchases
3 of starch-based plastic garbage can liners.

4 — . By July 1, 1991, a minimum of twenty-five
5 percent of the purchases of inks, other than inks
6 which are used for newsprint printing services, and
7 which are used internally or contracted for by the
8 commission, shall be soybean-based to the extent
9 formulations for such inks are available. The
10 percentage of purchases by the commission of the
11 soybean-based inks, to the extent formulations for
12 such inks are available, shall increase by July 1,
13 1992, to fifty percent of the total purchases of the
14 inks, and shall increase by July 1, 1993, to one
15 hundred percent of the total purchases of the inks.”

16 25. Page 5, by striking lines 19 and 20 and
17 inserting the following:

18 “c. The commission shall report to the general
19 assembly on ~~January~~ February 1 of each year, the”.

20 26. Page 5, by striking lines 32 and 33 and

21 inserting the following: “percentage of liners
22 purchased which are starch-based.””

23 27. Page 5, line 34, by inserting after the word

24 “Code” the following: “Supplement”.

25 28. Page 6, by striking lines 1 and 2 and

26 inserting the following:

27 “NEW PARAGRAPH. d. The department of natural
28 resources shall”.”

29 29. Page 6, by striking lines 15 and 16 and

30 inserting the following:

31 “NEW PARAGRAPH. g. The department of natural
32 resources shall cooperate with the”.”

33 30. Page 6, by striking lines 18 through 21.

34 31. By renumbering as necessary.

PATRICK DELUHERY
C. JOSEPH COLEMAN

S-5841

1 Amend House File 2407, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by inserting after line 2 the

4 following:

5 “Sec. — . Section 654B.8, subsection 4, as

6 enacted in 1990 Iowa Acts, House File 2404, section

7 22, is amended to read as follows:

8 4. If the parties waive mediation, or if a
 9 mediation agreement is not reached, the parties may
 10 sign a statement prepared by the mediator that
 11 mediation was waived or that the parties did not reach
 12 an agreement. If any party does not sign the
 13 statement, the mediator shall sign the statement. The
 14 statement constitutes a mediation release. ~~Unless the
 15 farm resident waives mediation, the department shall
 16 not receive a mediation release until the party has
 17 participated in at least one mediation meeting."~~
 18 2. Title page, line 2, by inserting after the
 19 word "wetlands," the following: "providing for
 20 mediation,".

JIM RIORDAN

S-5842

1 Amend the amendment, S-5774, to House File 2412, as
 2 passed by the House, as follows:
 3 1. Page 1, by striking lines 8 and 9, and
 4 inserting the following: "403.8, by an industrial
 5 user may be punishable by a civil penalty of not".
 6 2. Page 1, by inserting after line 42 the
 7 following:
 8 "____. Page 2, by inserting after line 12 the
 9 following:
 10 "Sec. ____.
 11 If a conflict exists between a provision of this
 12 Act, as enacted, and 1990 Iowa Acts, Senate File 2393,
 13 as enacted, the provision contained in this Act shall
 14 prevail."
 15 3. By renumbering as necessary.

MIKE CONNOLLY

S-5843

1 Amend the amendment, S-5778, to House File 2551, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 22, by inserting after the word
 5 "commercial" the following: "for profit".

JIM LIND
 NORMAN J. GOODWIN
 ELAINE SZYMONIAK
 LARRY MURPHY

S-5844

1 Amend the amendment, S-5678, to House File 2536, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 13, by striking the words "A
5 person" and inserting the following:
6 "1. A person".

7 2. Page 1, by striking line 16 and inserting the
8 following: "or license, shall make a ~~pro rata~~ refund
9 ~~of as follows:~~

10 a. A refund of no less".

11 3. Page 1, by striking line 42 and inserting the
12 following: "school term or course."

13 This paragraph applies only to those persons
14 offering courses of instruction at the postsecondary
15 level, for profit, whose cohort default rate for
16 students under the Stafford loan program as defined by
17 the United States department of education is less than
18 one hundred ten percent of the national average cohort
19 default rate for that program for that period or six
20 percent, whichever is higher.

21 b. A refund of eighty-five percent of the tuition
22 for a terminating student to the appropriate agency
23 based upon the ratio of completed number of school
24 days to the total school days of the school term or
25 course.

26 This paragraph applies to those persons offering
27 courses of instruction at the postsecondary level, for
28 profit, whose cohort default rate exceeds the
29 parameters established in paragraph "a".

30 2. However, if If the financial".

31 4. Page 1, line 45, by striking the word
32 "Refunds" and inserting the following:

33 "3. Refunds".

34 5. Page 2, by striking lines 4 and 5 and
35 inserting the following:

36 "4. A violation of this section is a simple
37 misdemeanor."

RICHARD VARN

S-5845

1 Amend House File 2564, as amended, passed, and
2 reprinted, by the House, as follows:

3 1. Page 10, by striking lines 4 and 5, and
4 inserting the following: "intervention of infants and

5 children showing signs or symptoms of exposure to
6 nonprescribed drugs or alcohol.”

CHARLES BRUNER

S-5846

1 Amend House File 2551, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 6, by inserting after line 32 the follow-
4 ing:
5 “Sec. ____ . Section 422.45, Code Supplement 1989,
6 is amended by adding the following new subsection:
7 **NEW SUBSECTION. 43.** The gross receipts from the
8 sale of tangible personal property consisting of
9 advertising material including paper to a person in
10 Iowa if that person or that person’s agent will,
11 subsequent to the sale, send that advertising material
12 outside this state and the material is subsequently
13 used solely outside of Iowa. For the purpose of this
14 subsection, “advertising material” means any brochure,
15 catalog, leaflet, flyer, order form, return envelope,
16 or similar item used to promote sales of property or
17 services.”

JIM RIORDAN
RICHARD F. DRAKE
ELAINE SZYMONIAK
CALVIN O. HULTMAN
GEORGE R. KINLEY
BERL E. PRIEBE

S-5847

1 Amend House File 2503 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 17, the
4 following:
5 “j. Dental hygienist.
6 k. Dental assistant.”

JIM LIND

S-5848

1 Amend House File 2554 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 34 the
 4 following:
 5 "Sec. ____ . NEW SECTION. 331.426A MENTAL HEALTH
 6 SERVICES LIMITATION -- STATE OBLIGATION.
 7 1. The amount that a county may expend to pay the
 8 charges for services under the mental health programs
 9 in existence on July 1, 1990, from the receipts from
 10 property taxes levied under this part of division IV
 11 shall not exceed the amount expended in the fiscal
 12 year beginning July 1, 1991, to pay the charges for
 13 services under the mental health programs in existence
 14 on July 1, 1990, from the receipts from property taxes
 15 levied under this part of division IV.
 16 2. For fiscal years beginning on or after July 1,
 17 1992, the state shall pay the charges for services
 18 under the mental health programs in existence on July
 19 1, 1990, to the extent the county is unable to pay the
 20 charges as a result of the limitation imposed under
 21 subsection 1.
 22 3. For purposes of this section, "mental health
 23 programs" includes services provided for the mentally
 24 ill, mentally retarded, and the developmentally
 25 disabled."
 26 2. Title page, line 3, by inserting after the
 27 word "ill," the following: "limiting the amount of
 28 property taxes that may be expended for services under
 29 certain mental health programs,".

JOHN W. JENSEN

S-5849

1 Amend House File 2554, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 13, line 7, by striking the words "total
 4 taxable value" and inserting the following: "taxable
 5 value, not to exceed six hundred dollars per acre and
 6 three hundred thousand dollars per claim,".

JOHN W. JENSEN

S-5850

1 Amend the committee amendment, S-5321, to House
 2 File 724, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 3, by striking line 25 and inserting the
 5 following:

6 "4. At least a minimum number of two survey
7 control".

8 2. Page 15, lines 33 and 34, by striking the
9 words "when required by ordinance of the governing
10 body or".

11 3. Page 17, by striking lines 5 through 10 and
12 inserting the following: "shall apply reasonable
13 standards and conditions in accordance with applicable
14 statutes and ordinances for the review and approval of
15 subdivisions. The governing body, within sixty days
16 of application for final approval of the subdivision
17 plat, shall determine whether the subdivision".

18 4. Page 17, by striking lines 18 and 19, and
19 inserting the following: "subdivision. The governing
20 body shall not issue final approval of a subdivision
21 plat unless the subdivision plat conforms to sections
22 114A.8, 409A.6, and 409A.11.

23 If the subdivision plat and all matters related to
24 final approval of the subdivision plat conform to the
25 standards".

26 5. Page 18, by striking lines 32 through 40, and
27 inserting the following:

28 "4. Failure of the governing body to approve or
29 reject a subdivision plat within sixty days from the
30 date of application for final approval.

31 If the plat is disapproved by the governing body,
32 such disapproval shall state how the proposed plat is
33 objectionable. The applicant has the right to appeal,
34 within twenty days, the failure of the governing body
35 to issue final approval of the plat as provided in
36 this section.

37 The applicant or the aggrieved governing body has
38 the right to appeal to the district court within
39 twenty days after the date of the denial of the
40 application or the date of the receipt by the
41 applicant of the requirements for approval of the
42 subdivision. Notice of appeal shall be served on the
43 governing body in the manner provided for the service
44 of original notice pursuant to the rules of civil
45 procedure. The appeal shall be".

46 5. Page 26, line 2, by striking the word "court"
47 and inserting the following: "governing body".

48 6. Page 26, line 8, by striking the words
49 "district court" and inserting the following:
50 "governing body".

Page 2

1 7. Page 26, line 15, by striking the words
2 "district court" and inserting the following:

- 3 "governing body".
 4 8. Page 26, by inserting after line 33, the
 5 following:
 6 "Sec. ____ . **NEW SECTION. 409A.27 NOTING THE**
 7 **PERMANENT REAL ESTATE INDEX NUMBER.**
 8 When a permanent real estate index number system
 9 has been established by a county pursuant to section
 10 441.29, the auditor may note the permanent real estate
 11 index number on every conveyance."
 12 9. By striking page 28, line 44, through page 29,
 13 line 17.
 14 10. By renumbering as necessary.

C. JOSEPH COLEMAN

S-5851

- 1 Amend Senate File 2329, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 19 the fol-
 4 lowing:
 5 "(5) The motor vehicle is a school bus designed to
 6 transport more than ten persons."
 7 2. Page 7, by striking lines 1 through 9 and
 8 inserting the following: "is paid. Semiannual
 9 installments do not apply to commercial vehicles, as
 10 defined under section 326.2, subject to proportional
 11 registration, with a base state other than the state
 12 of Iowa, as defined in section 326.2, subsection 6.
 13 The penalty on vehicles registered under chapter 326
 14 accrues August 1 of each year except as provided in
 15 section 326.6."
 16 3. Page 8, lines 7 and 8, by striking the words
 17 "or when disqualified from operating the vehicle under
 18 section 321.208".
 19 4. Page 9, lines 1 and 2, by striking the words
 20 "within the legal scope of the" and inserting the fol-
 21 lowing: "within the legal scope of the".
 22 5. Page 9, line 10, by inserting after the word
 23 "fifty" the following: "air".
 24 6. Page 9, by inserting after line 25 the
 25 following:
 26 "6. A person exempted by rules adopted by the
 27 department pursuant to section 321.176B.
 28 Sec. ____ . **NEW SECTION. 321.176B PERSONS EXEMPT**
 29 **BY RULE FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.**
 30 If after July 1, 1990, federal law or federal
 31 regulations are changed to allow exemptions from
 32 commercial driver's license requirements for suppliers

33 of agricultural inputs or their employees while
34 delivering these products to their customers, the
35 department shall immediately, pursuant to chapter 17A,
36 adopt rules which allow these exemptions from the
37 commercial driver's license requirements."

38 7. Page 10, line 29, by inserting after the word
39 "person" the following: "is eighteen years of age or
40 older and the person".

41 8. Page 11, line 27, by inserting after the word
42 "issuance" the following: "from the licensee's
43 birthday anniversary in the year of issuance".

44 9. Page 13, line 9, by striking the words "or C"
45 and inserting the following: "C, or D".

46 10. Page 14, line 16, by inserting after the word
47 "years" the following: "from the licensee's birthday
48 anniversary in the year of issuance".

49 11. Page 14, by inserting after line 27, the
50 following:

Page 2

1 "Sec. ____ . NEW SECTION. 321.180A SPECIAL
2 INSTRUCTION PERMIT.

3 1. Notwithstanding other provisions of this
4 chapter, a physically disabled person, who is not
5 suffering from a convulsive disorder and who can
6 provide a favorable medical report, whose license
7 renewal has been denied under section 321.177,
8 subsection 6 or 7, or whose motor vehicle license has
9 been suspended under section 321.210, subsection 1,
10 paragraph "c", upon meeting the requirements of
11 section 321.186, other than a driving demonstration or
12 the person's limitations which caused the denial under
13 section 321.177, subsection 6 or 7, or suspension
14 under section 321.210, subsection 1, paragraph "c",
15 and upon paying the fee required in section 321.191,
16 shall be issued a special instruction permit by the
17 department. Upon issuance of the permit the denial or
18 suspension shall be stayed and the stay shall remain
19 in effect as long as the permit is valid.

20 2. a. A special instruction permit entitles the
21 permittee, while having the permit in the permittee's
22 immediate possession, to operate a noncommercial motor
23 vehicle upon the highways for a period of six months,
24 from the date of issuance. However, the permittee
25 must be accompanied by a person who is at least
26 twenty-one years of age, who has been issued a motor
27 vehicle license valid for the vehicle being operated,
28 and who is actually occupying a seat beside the
29 permittee.

30 b. A permittee shall not be penalized for failing
 31 to have the permit in immediate possession if the
 32 permittee produces in court, within a reasonable time,
 33 the special instruction permit issued to the permittee
 34 which was valid at the time of the permittee's arrest.
 35 3. The permittee may apply for a motor vehicle
 36 license if thirty days have elapsed since issuance of
 37 the special instruction permit. The department shall
 38 issue a motor vehicle license if the permittee is
 39 qualified, passes all required tests, including a
 40 driving test, and pays the required fees. If the
 41 person has not obtained a motor vehicle license before
 42 expiration of the person's special instruction permit,
 43 the person's former denial or suspension under
 44 sections 321.177, subsection 6 or 7, or section
 45 321.210, subsection 1, paragraph "c", upon service of
 46 notice by the department, shall be reinstated. A
 47 permit shall be reissued for one additional six-month
 48 period if a permittee continues to meet the
 49 qualifications of subsection 1 and has incurred no
 50 motor vehicle violations."

Page 3

1 12. By striking page 16, line 34, through page
 2 17, line 14, and inserting the following:
 3 "The department shall make every effort to
 4 accommodate a commercial driver's license applicant's
 5 need to arrange an appointment for a driving skills
 6 test at an established test site other than where the
 7 applicant passed the required knowledge test. The
 8 department shall report to the governor and the
 9 general assembly on any problems, extraordinary costs
 10 and recommendations regarding the appointment
 11 scheduling process."

12 13. Page 17, line 25, by inserting after the word
 13 "highways." the following: "However, an applicant for
 14 a new motor vehicle license other than a commercial
 15 driver's license need not pass a vision test
 16 administered by the department if the applicant files
 17 with the department a vision report in accordance with
 18 section 321.186A."

19 Sec. ____ . **NEW SECTION.** 321.186A VISION REPORT IN
 20 LIEU OF VISION TEST.

21 1. An applicant for a new or renewed motor vehicle
 22 license other than a commercial driver's license need
 23 not take a vision test administered by the department
 24 if the applicant files with the department a vision
 25 report signed by a licensed vision specialist in
 26 accordance with this section.

27 2. An applicant for such a new or renewed motor
28 vehicle license who fails a vision test administered
29 by the department may subsequently be issued the motor
30 vehicle license without need of passing a department
31 administered vision test, if the applicant files with
32 the department a vision report from a licensed vision
33 specialist in accordance with this section.

34 3. The vision report shall state the visual acuity
35 level of the applicant as measured by the vision
36 specialist and shall be in the form and include other
37 information as required by rule of the department. A
38 vision report is valid only if the visual acuity level
39 of the applicant has been measured by the licensed
40 vision specialist within thirty days before the
41 application for the new or renewed motor vehicle
42 license.

43 4. As used in this section, a "licensed vision
44 specialist" means a physician licensed under chapter
45 148, 150, or 150A, or an optometrist licensed under
46 chapter 154."

47 14. Page 18, line 5, by striking the figure
48 "(1988)" and inserting the following: "adopted as of
49 a specific date by rule by the department".

50 15. Page 18, by striking lines 6 and 7.

Page 4

1 16. Page 18, line 20, by striking the figure
2 "(1988)" and inserting the following: "adopted as of
3 a specific date by rule by the department".

4 17. Page 18, line 30, by striking the figure
5 "(1988)" and inserting the following: "adopted as of
6 a specific date by rule by the department".

7 18. Page 19, line 15, by striking the figure
8 "(1988)" and inserting the following: "adopted as of
9 a specific date by rule by the department".

10 19. Page 20, line 1, by striking the figure
11 "(1988)" and inserting the following: "adopted as of
12 a specific date by rule by the department".

13 20. Page 20, line 18, by striking the word
14 "state" and inserting the following: "state, except a
15 basic Iowa rules of the road knowledge test and, when
16 applicable, motorcycle operator knowledge and driving
17 skills tests".

18 21. Page 21, line 1, by inserting after the word
19 "pounds" the following: "and valid for the operation
20 of vehicles with lower gross combination weight
21 ratings and other vehicles except motorcycles".

22 22. Page 21, by striking lines 6 and 7 and
23 inserting the following: "provided the towing vehicle
24 has a gross vehicle weight rating of twenty-six

25 thousand one or more pounds and each towed vehicle has
26 a gross vehicle weight rating of less than”.

27 23. Page 21, line 8, by inserting after the word
28 “pounds” the following: “and valid for the operation
29 of vehicles with lower gross vehicle weight ratings or
30 gross combination weight ratings except motorcycles”.

31 24. Page 21, line 10, by inserting after the word
32 “motorcycle,” the following: “or a combination of
33 vehicles with a gross combination weight rating of
34 twenty-six thousand one or more pounds provided the
35 towing vehicle has a gross vehicle weight rating of
36 less than twenty-six thousand one pounds and the towed
37 vehicle or vehicles have a gross vehicle weight rating
38 or gross combination weight rating of less than ten
39 thousand one pounds.”.

40 25. Page 21, by striking lines 22 through 28 and
41 inserting the following: “may be issued as commercial
42 driver’s licenses. A driver’s license is not valid
43 for the operation of a vehicle requiring an
44 endorsement unless the driver’s license is endorsed
45 for the vehicle. A class D driver’s license is also
46 valid as a noncommercial class C driver’s license.
47 The”.

48 26. Page 23, by striking line 29 and inserting
49 the following: “years of age or older who has passed
50 a vision test or who files a vision test as provided

Page 5

1 in section 321.186A and who passes a”.

2 27. Page 24, line 8, by inserting after the word
3 “years” the following: “from the licensee’s birthday
4 anniversary in the year of issuance”.

5 28. Page 26, line 10, by striking the words
6 “general fund of the state” and inserting the
7 following: “~~general fund of the state~~ road use tax
8 fund”.

9 29. Page 26, by striking line 24, and inserting
10 the following: “permit, other than a special
11 instruction permit, chauffeur’s instruction permit,
12 or”.

13 30. Page 26, line 25, by inserting after the word
14 “dollars.” the following: “The fee for a special
15 instruction permit is ten dollars.”

16 31. Page 28, by striking lines 2 through 13 and
17 inserting the following:

18 **“10. UPGRADING A LICENSE CLASS PRIVILEGE -- FEE**
19 **ADJUSTMENT.** If an applicant wishes to upgrade a
20 license class privilege, the fee charged shall be
21 prorated on full-year fee increments of the new

22 license in accordance with rules adopted by the
 23 department. The expiration date of the new license
 24 shall be the expiration date of the currently held
 25 driver's license. The fee for a commercial driver's
 26 license endorsement, the removal of an air brake
 27 restriction, or a commercial driver's license
 28 instruction permit shall not be prorated.

29 As used in this subsection "to upgrade a license
 30 class privilege" means to add any privilege to a valid
 31 motor vehicle license. The addition of a privilege
 32 includes converting from a noncommercial to a
 33 commercial license, converting from a noncommercial
 34 class C to a class D license, converting an
 35 instruction permit to a class license, adding any
 36 privilege to a section 321.189, subsection 8, license,
 37 adding an instruction permit privilege, adding a
 38 section 321.189, subsection 8, license to an
 39 instruction permit, and adding any privilege relating
 40 to a motor vehicle license issued to a minor under
 41 section 321.194 or section 321.178, subsection 2."

42 32. Page 32, line 8, by inserting after the word
 43 "years" the following: "from the licensee's birthday
 44 anniversary occurring in the year of issuance".

45 33. Page 32, line 27, by inserting after the word
 46 "applicant" the following: "either".

47 34. Page 32, line 29, by inserting after the word
 48 "department" the following: "or files a vision report
 49 in accordance with section 321.186A".

50 35. Page 33, by striking lines 21 through 26 and

Page 6

1 inserting the following: "license or April 1, 1992.
 2 A person who has been issued a valid chauffeur's
 3 license by the department which expires on or after
 4 July 1, 1990, and before July 1, 1991, may renew the
 5 license and be issued a special class D driver's
 6 license which shall be valid according to the terms
 7 and limitations of the chauffeur's license previously
 8 issued to the person. However, after April 1, 1992, a
 9 chauffeur's license or a special class D driver's
 10 license issued under this section shall not be valid
 11 for operating a commercial motor vehicle. Between
 12 July 1, 1990, and April 1, 1992, the holder of a valid
 13 chauffeur's".

14 36. Page 37, line 7, by striking the words "more
 15 than".

16 37. Page 37, line 8, by inserting after the word
 17 "days" the following: "or more".

18 38. Page 37, line 10, by striking the words "more

19 than".

20 39. Page 37, line 11, by inserting after the word
21 "days" the following: "or more".

22 40. Page 39, by striking lines 3 and 4 and
23 inserting the following: "year disqualification as
24 provided in 49 C.F.R. § 383.51 adopted as of a
25 specific date by rule by the department."

26 41. Page 40, by striking line 8 and inserting the
27 following:

28 "7. A person is disqualified from operating a
29 commercial motor vehicle if the person either".

30 42. Page 40, line 12, by striking the words
31 "more, the" and inserting the following: "more.
32 The".

33 43. Page 40, line 17, by inserting after the word
34 "testing" the following: "or submitted to chemical
35 testing and the results show a blood alcohol
36 concentration as defined in section 321J.1 of 0.04 or
37 more".

38 44. Page 40, by inserting after line 34 the
39 following:

40 "11. As used in this section, the terms "acts",
41 "actions", and "offenses" mean acts, actions, or
42 offenses which occur on or after July 1, 1990."

43 45. Page 41, line 10, by striking the figure
44 "(1988)" and inserting the following: "adopted as of
45 a specific date by the department".

46 46. Page 45, line 34, by inserting after the word
47 "vehicle" the following: "and the person is
48 disqualified to operate a commercial motor vehicle
49 under section 321.208, subsections 1, 2, 3, or 4".

50 47. Page 47, line 8, by inserting after the word

Page 7

1 "LICENSE" the following: "OR WHEN DISQUALIFIED".

2 48. Page 47, by inserting after line 31 the
3 following:

4 "5. A person who operates a commercial motor
5 vehicle upon the highways of this state when
6 disqualified from operating the commercial motor
7 vehicle under section 321.208 commits a simple
8 misdeemeanor if a commercial driver's license is
9 required for the person to operate the commercial
10 motor vehicle."

11 49. Page 47, line 32, by striking the figure "5."
12 and inserting the following: "5 6."

13 50. Page 48, line 1, by striking the word "for"
14 and inserting the following: "under this section upon
15 a charge of".

16 51. Page 52, by striking lines 31 through 35 and
17 inserting the following:

18 "The driver of ~~every~~ a school bus shall ~~have a~~
19 ~~regular or special chauffeur's~~ hold a school bus
20 driver's permit issued by the department of education
21 and a driver's license issued by the department; and
22 ~~in addition thereto; must hold a school bus driver's~~
23 ~~permit issued by the department of education valid for~~
24 ~~the operation of the school bus. A person holding a~~
25 temporary restricted license issued under chapter 321J
26 shall be prohibited from operating a school bus."

27 52. Page 58, line 18, by inserting after the word
28 "revoked." the following: "A person holding a
29 temporary restricted license issued under this
30 subsection shall not operate a commercial motor
31 vehicle, as defined in section 321.1, on a highway if
32 a commercial driver's license is required for the
33 person to operate the commercial motor vehicle."

34 53. Page 59, line 12, by inserting after the word
35 "vehicle." the following: "However, this subsection
36 does not apply if the temporary restricted license was
37 issued as a result of a violation of this chapter
38 while the person was operating a vehicle other than a
39 commercial motor vehicle."

40 54. Page 59, by inserting after line 12 the
41 following:

42 "Sec. ____ . Section 321J.20, Code 1989, is amended
43 by adding the following new subsection:

44 NEW SUBSECTION. 5. A person holding a temporary
45 license issued by the department under this chapter
46 shall be prohibited from operating a school bus."

47 55. Page 59, by striking lines 13 through 29 and
48 inserting the following:

49 "Sec. 711. Section 326.6, subsection 2, paragraph
50 d, Code 1989, is amended to read as follows:

Page 8

1 d. The product so obtained under paragraph "c" of
2 this subsection shall be the amount payable by the
3 owner for proportional registration of the fleet for
4 the registration year. Payment of registration fees
5 shall be made in accordance with ~~law section 321.134,~~
6 subsection 2, or a fleet owner on a renewal
7 registration may pay a fee equal to one-half of the
8 applicable fee and post a surety bond, certificate of
9 deposit, or letter of credit, equal to one-half of the
10 applicable fee at the time of the first installment.
11 Payment of the first installment entitles an owner to
12 the issuance of full-year credentials. The second

13 installment shall be paid by July 15. If the second
 14 installment is not paid by July 15, the department
 15 shall file claim against the security for payment of
 16 fees and penalties due and the owner shall not be
 17 entitled to elect the installment payment option for
 18 the following year. Excess surety moneys received
 19 shall be refunded minus a fifty dollar administration
 20 fee.”

21 56. Page 62, by inserting after line 35, the
 22 following:

23 “Sec. ____.

24 Section 711 of this Act applies to the 1992 and
 25 subsequent registration years.”

26 57. Title page, line 1, by inserting after the
 27 word “Act” the following: “relating to motor vehicles
 28 including provisions”.

29 58. Title page, line 8, by inserting after the
 30 word “applicable” the following: “and providing for
 31 the Act’s applicability”.

32 59. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

S-5852

1 Amend House File 2486, 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. NEW SECTION. 135J.1 DEFINITIONS.

6 As used in this chapter:

7 1. “Abortion” means the termination of a human
 8 pregnancy with the intent other than to produce a live
 9 birth or to remove a dead fetus. Abortion does not
 10 include medical care which has as its primary purpose
 11 the treatment of a serious physical condition
 12 requiring emergency medical treatment necessary to
 13 save the life of the mother.

14 2. “Facility” means a place, center, or clinic
 15 where abortions are performed, other than a hospital
 16 licensed under chapter 135B.

17 Sec. 2. NEW SECTION. 135J.2 LICENSURE REQUIRED.

18 A person shall not operate an abortion facility in
 19 this state unless the person possesses a license
 20 issued pursuant to section 135J.3. Failure to obtain
 21 and retain a license shall result in the closure of
 22 the facility.

23 Sec. 3. NEW SECTION. 135J.3 REQUIREMENTS FOR
 24 LICENSURE -- CLOSURE.

25 The Iowa department of public health shall issue a

26 license to a facility if the department determines
27 that all of the following conditions are met:

28 1. a. The facility maintains medical malpractice
29 liability insurance coverage or a bond in the amount
30 of at least two million dollars, or maintains a net
31 worth of at least two million dollars, and annually
32 submits to the department proof of the insurance
33 coverage, bond, or net worth.

34 b. The facility engages physicians licensed in
35 this state, engages physicians licensed in another
36 state with admitting privileges at a hospital within
37 twenty miles of the facility, or engages physicians
38 licensed in another state who have entered into an
39 agreement with a physician with admitting privileges
40 at a hospital within twenty miles of the facility.

41 c. The facility maintains pathology reports on
42 each patient to assure that abortion procedures have
43 been completed in a manner which will not cause
44 immediate adverse health impacts on the patient.

45 d. The facility maintains copies of informed
46 consent forms signed by each patient documenting that
47 the patient has been fully informed of the risks of
48 and alternatives to the abortion procedures.

49 e. The facility maintains and makes available
50 emergency equipment, including resuscitators and

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1 oxygen, which is operational at all times, as required
2 by rule.

3 2. The facility complies with the requirements of
4 all applicable state and local building codes,
5 including electrical, plumbing, fire, and other
6 building and safety codes, unless the department
7 determines by rule that such a code is wholly
8 inappropriate for the facility.

9 3. The facility complies with all rules adopted
10 pursuant to this chapter.

11 Sec. 4. NEW SECTION. 135J.4 APPLICATION -- FEES.

12 Licenses must be obtained from the department.

13 Applications must be made upon such forms and shall
14 include such information as the department requires,
15 which may include affirmative evidence of compliance
16 with other applicable statutes and local ordinances.

17 Each application for licensure shall be accompanied by
18 the annual license fee subject to refund to the
19 applicant if the license is denied. License fees
20 shall be deposited in the general fund of the state.

21 The annual license fee shall be based upon the patient
22 capacity of the facility as determined by the

23 department. However, the fee shall not exceed fifty
24 dollars.

25 Sec. 5. NEW SECTION. 135J.5 SCOPE OF LICENSE.

26 A license for a facility shall be issued only for
27 the premises and persons named in the application and
28 shall not be transferable or assignable except with
29 the written approval of the department, obtained prior
30 to the purchase of the facility involved. The license
31 shall be posted in a conspicuous place on the licensed
32 premises as prescribed by rule of the department. A
33 license, unless sooner suspended or revoked, shall
34 expire one year after the date of issuance and may be
35 renewed annually upon application by the licensee. An
36 application for renewal must be made in writing to the
37 department, accompanied by the required fee, at least
38 thirty days prior to the expiration of a license. A
39 facility which has allowed its license to lapse
40 through failure to make timely application for renewal
41 shall pay an additional fee of twenty-five percent of
42 the annual license fee prescribed in section 135J.4.

43 Sec. 6. NEW SECTION. 135J.6 INSPECTIONS.

44 1. The department shall inspect or cause to be
45 inspected each facility before initial licensure and
46 shall make or cause to be made such further
47 unannounced inspections as it deems necessary to
48 adequately enforce this chapter, including at least
49 one unannounced general inspection each year. The
50 inspector shall show identification to the person in

Page 3

1 charge of the facility and state that an inspection is
2 to be made before beginning the inspection. A state
3 employee who gives unauthorized advance notice of an
4 inspection made or planned to be made under this
5 section shall be disciplined as determined by the
6 department employing the employee, except that if the
7 employee is employed pursuant to chapter 19A the
8 discipline shall not exceed that authorized pursuant
9 to that chapter.

10 2. An inspector may enter a licensed facility
11 without a warrant, and may examine all records
12 pertaining to the care provided by the facility. An
13 inspector may contact or interview any patient,
14 employee, or other person who might have knowledge
15 about the operation of a facility. However, the
16 inspector shall not violate any confidentiality
17 requirements relating to the facility or its employees
18 or patients.

19 Sec. 7. NEW SECTION. 135J.7 DENIAL, SUSPENSION,

20 OR REVOCATION OF LICENSE.

21 The department may deny, suspend, or revoke a
22 license if the department finds that the facility
23 fails to comply with this chapter or the rules adopted
24 pursuant to this chapter. The department shall revoke
25 the license of a facility which violates three or more
26 of the separate licensing conditions stated in section
27 135J.3, subsection 1, paragraphs "a" through "e" in
28 any twelve-month period. All licensing proceedings
29 are subject to the requirements of chapter 17A.

30 The department, after an inspection, may suspend
31 the license of a facility prior to a hearing on an
32 emergency basis if the department finds that the
33 health or safety of any patient may be endangered by
34 the conditions of the facility.

35 Sec. 8. NEW SECTION. 135J.8 CONDITIONAL LICENSE.

36 The department may conditionally issue or continue
37 a license for no longer than one year, dependent upon
38 the continuing efforts by the applicant or licensee to
39 comply with the requirements of this chapter or of
40 rules adopted pursuant to this chapter. If the
41 applicant or licensee does not make diligent efforts
42 to comply with the conditions prescribed or does not
43 comply with the conditions prescribed within a
44 reasonable period of time as established by the
45 department, the department may deny, suspend, or
46 revoke the license.

47 Sec. 9. NEW SECTION. 135J.9 JUDICIAL REVIEW.

48 Judicial review of any action of the department may
49 be sought in accordance with chapter 17A.
50 Notwithstanding the terms of the Iowa administrative

Page 4

1 procedure Act, chapter 17A, petitions for judicial
2 review may be filed in the district court of the
3 county where the facility or proposed facility is
4 located, and pending final disposition of the matter
5 the status quo of the applicant or licensee shall be
6 preserved unless the department determines that the
7 health or safety of a patient may be endangered by the
8 conditions of the facility, in which case the
9 department may order the immediate closure of the
10 facility.

11 Sec. 10. NEW SECTION. 135J.10 CIVIL ACTION.

12 A patient of a facility which violates two or more
13 of the separate licensing conditions stated in section
14 135J.3, subsection 1, paragraphs "a" through "e", in
15 any twelve-month period, may bring a civil action
16 against the facility and, on submission of proof that

17 the patient was a patient at the facility for an
18 abortion procedure during the period of time the
19 facility was in violation, the patient is entitled to
20 recover actual damages as a result of the violation,
21 plus three times the cost paid for the abortion
22 procedure at the facility, court costs, and reasonable
23 attorney fees.

24 Sec. 11. NEW SECTION. 135J.11 RULES.

25 The department, in accordance with chapter 17A,
26 shall adopt and enforce rules for the administration
27 of this chapter, including rules setting minimum
28 standards for facilities.

29 Sec. 12. NEW SECTION. 135J.12 COMPLIANCE.

30 A facility which is in operation on the date of
31 adoption of rules pursuant to this chapter, which
32 contain standards for the operation of a facility,
33 shall be given a reasonable time to comply with the
34 rules. The director of public health may grant
35 successive thirty-day extensions of the time for
36 compliance where evidence of a good faith attempt to
37 achieve compliance is furnished, if the extensions
38 will not place in undue jeopardy the patients of the
39 facility to which the extensions are granted.

40 Sec. 13. NEW SECTION. 135J.13 CONSTRUCTION.

41 This chapter shall not be construed to interfere
42 with the right of a woman to have an abortion in this
43 state subject to the constitutional limits as defined
44 by the courts of the United States.

45 Sec. 14. Section 135.11, subsection 17, Code

46 Supplement 1989, is amended to read as follows:

47 17. Administer chapters 125, 135A, 135J, 136A,
48 136C, 139, 140, 142, 144, and 147A."

49 2. Title page, line 1, by inserting after the
50 word "tanning" the following: "and abortion".

WILMER RENSINK
RICHARD VANDE HOEF

S-5853

1 Amend amendment, S-5779, to House File 2546, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—5853A

4 1. Page 1, by inserting after line 2, the
5 following:

6 "___ . Page 4, line 10, by inserting after the

7 word "pool." the following: "If a proposal for an
 8 insurance pool is developed, 120 days prior to
 9 proposing administrative rules for a pool, the
 10 department of human services shall submit a report to
 11 the legislative council providing a rationale as to
 12 the need to establish the pool."

DIVISION S—5853B

13 2. By striking page 2, line 9, through page 3,
 14 line 32, and inserting the following:
 15 "___ . By striking page 4, line 26 through page 6,
 16 line 18, and inserting the following:
 17 "Sec. ___ . RULES.
 18 The department of human services may adopt
 19 administrative rules under section 17A.4, subsection
 20 2, and section 17A.5, subsection 2, paragraph "b", to
 21 implement the section of this Act relating to grants
 22 for child day care start-up, fire safety, and
 23 equipment. The rules shall be effective immediately
 24 upon filing, unless a later date is specified in the
 25 rules. The rules shall also be published as a notice
 26 of intended action as provided in section 17A.4."
 27 ___ . Title page, by striking lines 1 through 3
 28 and inserting the following: "An Act relating to
 29 child day care and making an appropriation."
 30 ___ . By renumbering as necessary.

JULIA GENTLEMAN
 MAGGIE TINSMAN
 LINN FUHRMAN
 RICHARD F. DRAKE
 WILLIAM W. DIELEMAN

S-5854

1 Amend the House amendment, S-5838, to Senate File
 2 2408, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 5, by striking lines 9 through 15, and
 5 inserting the following:
 6 "As a condition, limitation, and qualification of
 7 this appropriation, the judicial department, except
 8 for purposes of internal processing, shall use the
 9 current state budget system, the state payroll system,
 10 and the Iowa finance and accounting system in
 11 administration of programs and payments for services,
 12 and shall not duplicate the state payroll, accounting,
 13 and budgeting systems."

14 2. Page 5, by striking lines 31 through 36 and
15 inserting the following: "this appropriation, the
16 judicial department, except for purposes of internal
17 processing, shall use the current state budget system,
18 the state payroll system, and the Iowa finance and
19 accounting system in administration of programs and
20 payments for services, and shall not duplicate the
21 state payroll, accounting, and budgeting systems."

MIKE CONNOLLY

S-5855

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 4, by striking lines 45 and 46, and
5 inserting the following: "shall be used to contract
6 with a private entity or entities not controlled or
7 administered by any state agency or any political
8 subdivision of the state, which have programs with at
9 least fifteen years experience with offender and ex-
10 offender populations, and shall be used to enhance job
11 skills through career exploration, individualized
12 employability plans, and job retention skills."

JOE WELSH
RICHARD VANDE HOEF

S-5856

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, line 14, by striking the word
5 "placement" and inserting the following: "retention
6 skills".

7 2. Page 2, line 16, by striking the words "which
8 has" and inserting the following: "which have
9 programs with".

10 3. Page 7, by inserting after line 33, the
11 following:

12 "____. Page 29, by inserting before line 15, the
13 following:

14 "Sec. ____ . 1990 Iowa Acts, Senate File 2212,
15 section 23, is amended by adding the following new
16 unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

18 8.33, the moneys appropriated in this section that
 19 remain unencumbered and unobligated on June 30, 1991,
 20 shall not revert to the general fund but shall remain
 21 available for expenditure for the purposes designated
 22 during the fiscal year beginning July 1, 1991.”
 23 4. Renumber as necessary.

JOE WELSH
 RICHARD VANDE HOEF

S-5857

1 Amend the House amendment, S-5851, to Senate File
 2 2329, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 6.
 5 2. Page 3, line 18, by inserting after the figure
 6 “321.186A” the following: “which shows that the
 7 applicant’s visual acuity level meets or exceeds those
 8 required by the department”.
 9 3. Page 4, by inserting after line 17, the
 10 following:
 11 “___ . Page 20, by striking lines 34 and 35, and
 12 inserting the following: “more pounds if one of the
 13 towed vehicles has a gross vehicle weight rating”.”
 14 4. Page 4, by striking lines 36 through 38, and
 15 inserting the following: “less than twenty-six
 16 thousand one pounds and each towed vehicle has a gross
 17 vehicle weight rating of less than ten”.
 18 5. Page 4, line 50, by striking the words “test
 19 as” and inserting the following: “report as”.
 20 6. Page 5, line 1, by inserting after the figure
 21 “321.186A” the following: “which shows that the
 22 applicant’s visual acuity level meets or exceeds those
 23 required by the department”.
 24 7. Page 5, line 49, by inserting after the figure
 25 “321.186A” the following: “which shows that the
 26 applicant’s visual acuity level meets or exceeds those
 27 required by the department”.

C. JOSEPH COLEMAN
 RICHARD DRAKE

S-5858

1 Amend House File 2009, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 13, by striking the words

4 "ELECTION DAY" and inserting the following: "SPECIAL
5 LATE".

6 2. Page 1, line 30, by striking the words
7 "election day" and inserting the following: "special
8 late".

9 3. Page 2, lines 2 and 3, by striking the words
10 "on election day" and inserting the following:
11 "pursuant to section 48.19".

12 4. By striking page 2, line 20 through page 3,
13 line 34, and inserting the following:

14 "Sec. ____ . Section 48.11, unnumbered paragraph 1,
15 Code 1989, is amended to read as follows:

16 The county commissioner of registration shall
17 register, on forms prescribed by the state
18 commissioner of elections, electors for elections in a
19 precinct until the close of registration in the
20 precinct. An elector may register during the time
21 registration is closed in the elector's precinct but
22 the registration shall not become effective until
23 registration opens again in the elector's precinct
24 unless the elector obtains an affidavit of special
25 late registration as provided in section 48.19.

26 Sec. ____ . NEW SECTION. 48.19 SPECIAL LATE
27 REGISTRATION.

28 1. The commissioner shall record the information
29 required of an eligible elector on the election
30 register for the county precinct of the eligible
31 elector or shall provide a separate listing of the
32 information required of an eligible elector to the
33 county precinct of the eligible elector who registers
34 in person at the commissioner's office or at any
35 alternative location designated by the commissioner
36 for special late registration on any day after
37 registration has closed in the elector's precinct,
38 including on election day.

39 2. If the commissioner is unable to make available
40 to a county precinct the information required of an
41 eligible elector who registers through special late
42 registration procedures, on the election register of a
43 county precinct or through the provision of a separate
44 listing of the eligible electors who register through
45 special late registration procedures, an eligible
46 elector may obtain from the commissioner of
47 registration a form of affidavit prescribed by the
48 state commissioner of elections to serve as evidence
49 of special late registration. If the affidavit is
50 completed by the elector and notarized by the

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1 commissioner of registration, the elector is deemed
 2 registered under special late registration procedures
 3 and may present the affidavit at the elector's polling
 4 place on election day as proof that the elector is
 5 registered to vote. The election officials of the
 6 elector's precinct shall accept the elector's
 7 affidavit of special late registration and shall
 8 proceed as if the elector's name were listed in the
 9 election register. The election officials shall
 10 preserve all affidavits submitted pursuant to this
 11 section and forward them to the commissioner of
 12 registration at the time the election register is
 13 returned. A registration under this section is
 14 subject to verification as provided in section 48.3.
 15 3. The commissioner may designate alternative
 16 locations, in addition to the commissioner's office,
 17 to provide access to special late registration
 18 procedures."
 19 5. Title page, by striking lines 1 and 2 and
 20 inserting the following: "An Act relating to
 21 elections, providing for special late registration to
 22 enable an eligible elector to vote at the polling".

MICHAEL E. GRONSTAL
 EMIL J. HUSAK
 BERL E. PRIEBE
 WALLY E. HORN
 JEAN LLOYD-JONES
 BILL HUTCHINS
 JOHN P. KIBBIE
 TOM MANN, Jr.

S-5859

1 Amend Senate File 2427 as follows:
 2 1. Page 4, by inserting after line 31, the
 3 following:
 4 "Sec. ____ . Section 475A.6, Code 1989, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. The office of consumer
 7 advocate may expend additional funds, including funds
 8 for outside consultants, if those additional
 9 expenditures are actual expenses which exceed the
 10 funds budgeted for utilities investigations and
 11 directly result from investigations of utilities.
 12 Before the office expends or encumbers an amount in
 13 excess of the funds budgeted for investigations, the

14 director of the department of management shall approve
 15 the expenditure or encumbrance. Before approval is
 16 given, the director of the department of management
 17 shall determine that the investigation expenses exceed
 18 the funds budgeted by the general assembly to the
 19 office of consumer advocate and that the office does
 20 not have other funds from which investigation expenses
 21 can be paid. Upon approval of the director of the
 22 department of management, the office may expend and
 23 encumber funds for excess investigation expenses. The
 24 amounts necessary to fund the excess investigation
 25 expenses shall be collected from those utilities being
 26 investigated which caused the excess expenditures, and
 27 the collections shall be treated as repayment receipts
 28 as defined in section 8.2, subsection 5.”
 29 2. Page 4, line 33, by striking the word
 30 “paragraphs” and inserting the following:
 31 “paragraph”.
 32 3. Page 5, by striking lines 12 through 31.
 33 4. By renumbering as necessary.

JOE WELSH

S-5860

1 Amend House File 2554, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 2, line 9, through page 3,
 4 line 34.
 5 2. Page 4, line 21, by inserting after the word
 6 “estate” the following: “and was not claimed as a
 7 dependent on any other person’s tax return for the
 8 base year”.
 9 3. By striking page 9, line 1, through page 15,
 10 line 16, and inserting the following:
 11 “Sec. 100. SPECIAL MENTAL HEALTH SERVICES FUND.
 12 There is appropriated from the general fund of the
 13 state for the fiscal year beginning July 1, 1991, and
 14 ending June 30, 1992, the following amount, or so much
 15 thereof as is necessary, to be used for the purpose
 16 designated:
 17 For the special mental health services fund:
 18 \$ 20,000,000
 19 1. A special mental health services fund to
 20 reimburse counties for certain expenditures for mental
 21 health, mental retardation, and developmental
 22 disabilities services in accordance with this section
 23 is established in the office of the treasurer of
 24 state. The fund is established to reduce the growth

25 of county expenditures for mental health services.

26 2. The department shall calculate a statewide
27 mental health services increase percent by identifying
28 the percent by which the total amount expended by
29 counties for mental health services in the fiscal year
30 which began July 1, 1990, exceeds the total amount
31 expended by counties for mental health services in the
32 fiscal year which began July 1, 1989, plus an
33 additional 2 percent. The department shall use the
34 financial reports submitted by counties for purposes
35 of the state mental health and mental retardation
36 services fund and for the state candidate services
37 fund as the source of the financial calculation.

38 3. The department shall calculate a county maximum
39 mental health services increase amount for each county
40 by multiplying the statewide mental health services
41 increase percent by the amount the county expended for
42 mental health services in the fiscal year which began
43 July 1, 1990, using the county's financial reports in
44 the manner provided in subsection 2.

45 4. By utilizing a county's financial reports in
46 the manner provided in subsection 2, the department
47 shall calculate the amount each county's expenditures
48 for mental health services in the fiscal year which
49 began July 1, 1990, increased over the amount of its
50 expenditures for this purpose in the fiscal year which

Page 2

1 began July 1, 1989. For each county for which the
2 county expenditures increase was less than the maximum
3 mental health services increase amount under
4 subsection 3, the county is entitled to be reimbursed
5 from the special mental health services fund in an
6 amount equal to the actual expenditures increase. If
7 the moneys in the special mental health services fund
8 are insufficient to make the full payments under this
9 subsection, the department shall prorate the payments.

10 5. As soon as reasonably possible after a county's
11 payments eligibility for reimbursement under subsec-
12 tion 4 is determined, the department shall certify to
13 the director of revenue and finance the amounts of the
14 payments eligible for reimbursement and the director
15 shall issue warrants in the amounts certified, drawn
16 upon the special mental health services fund in favor
17 of the respective counties.

18 6. A county which receives moneys from the special
19 mental health services fund shall include in each
20 property tax statement to property owners in the
21 county, written verification listing the amount of

22 moneys received from the fund and the property tax
 23 rate reduction that may have been applied to the
 24 property tax statements.
 25 Sec. ____ . INTERIM COMMITTEE REQUESTED.
 26 The legislative council is requested to establish
 27 an interim committee to develop a funding formula for
 28 state participation in mental health service funding
 29 for fiscal years beginning on or after July 1, 1992.
 30 The committee shall develop a fair and equitable
 31 funding formula that assures that responsibility for
 32 funding services is tied to administrative control and
 33 oversight of services and that financial incentives
 34 are directed toward providing care and services within
 35 the community and in community settings. It is the
 36 intent of the general assembly that services be
 37 locally administered and governed to the extent
 38 possible, consistent with the principles established
 39 in the bill of rights of persons with mental
 40 retardation, developmental disabilities, or chronic
 41 mental illness. The committee shall submit to the
 42 general assembly on January 2, 1991, a report
 43 containing its proposal for a fair and equitable
 44 funding formula."
 45 4. Page 15, by striking lines 24 through 27.
 46 5. Page 15, line 29, by striking the figure "2"
 47 and inserting the following: "100".
 48 6. Title page, by striking line 3 and inserting
 49 the following: "mental health services, by
 50 modifying".

Page 3

1 7. Title page, by striking lines 7 and 8 and
 2 inserting the following: "reimbursement; and
 3 providing effective and applicability dates."
 4 8. By renumbering as necessary.

WILLIAM W. DIELEMAN
 BERL E. PRIEBE
 EMIL J. HUSAK
 WILLIAM D. PALMER
 CHARLES BRUNER

S-5861

1 Amend the amendment, S-5830, to House File 2407, as
 2 amended, passed, and reprinted by the House, as follows:
 3 1. Page 1, line 14, by inserting after the word
 4 "to" the following: "fifty percent of".

MIKE CONNOLLY

S-5862

- 1 Amend the amendment, S-5774, to House File 2412, as
 2 passed by the House, as follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "continues." the following: "A municipal infraction
 5 based on a pretreatment standard or requirement shall
 6 not regulate the discharge of residue from grain
 7 created by processing grain from September 1 to
 8 December 30."
 9 2. Page 1, line 18, by inserting after the word
 10 "both." the following: "However, an environmental
 11 violation shall not regulate the discharge of residue
 12 from grain created by processing grain from September
 13 1 to December 30."

KENNETH J. SCOTT
 BERL E. PRIEBE
 EMIL J. HUSAK
 JOHN SOORHOLTZ
 RICHARD VANDE HOEF
 JACK RIFE

S-5863

- 1 Amend House File 2564, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 17, by striking line 27 and inserting the
 4 following:
 5 "b. Recommend that the director of human services
 6 withhold".
 7 2. Page 17, by striking line 29 and inserting the
 8 following: "treatment programs of the provider or
 9 recommend that the director".
 10 3. Page 20, line 3, by striking the word
 11 "directed" and inserting the following:
 12 "recommended".

CHARLES BRUNER

S-5864

- 1 Amend the House amendment, S-5838, to Senate File
 2 2408, as amended, passed, and reprinted by the Senate,
 3 as follows:

- 4 1. Page 1, by inserting after line 45, the
 5 following:
 6 "___ . Page 8, line 25, by striking the words "an
 7 education" and inserting the following: "a
 8 correctional education administrator".
 9 ___ . Page 8, line 26, by striking the word
 10 "director".
 11 ___ . Page 8, line 27, by inserting after the word
 12 "institutions." the following: "The department is
 13 authorized to implement the condition contained in
 14 this paragraph immediately upon enactment."
 15 2. Page 7, by inserting after line 33 the
 16 following:
 17 "___ . Page 29, by inserting after line 17 the
 18 following:
 19 "Sec. ___ .
 20 Section 5, subsection 1, unnumbered paragraph 2, of
 21 this Act, which relates to the employment of a
 22 correctional education administrator, being deemed of
 23 immediate importance, takes effect upon enactment and
 24 the department shall immediately commence the process
 25 for employing the administrator and the department of
 26 management shall authorize expenditures to be incurred
 27 in commencing this process."
 28 4. By renumbering as necessary.

DONALD V. DOYLE
 RICHARD J. VARN
 RICHARD VANDE HOEF
 EUGENE FRAISE

S-5865

- 1 Amend House File 2554, as amended, passed,
 2 and reprinted by the House, as follows:
 3 1. Page 12, line 12, by striking the word
 4 "auditor" and inserting the following: "assessor".

WILLIAM W. DIELEMAN

S-5866

- 1 Amend the House amendment, S-5838, to Senate File
 2 2408, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 6, by striking lines 8 through 32.
 5 2. By striking page 6, line 43, through page 7,
 6 line 30.

- 7 3. Page 7, by striking lines 34 through 36.
- 8 4. Renumber as necessary.

EUGENE FRAISE
 JOE WELSH

S-5867

- 1 Amend House File 2533 as follows:
- 2 1. By striking Page 15, line 20 through Page 16,
- 3 line 20.
- 4 2. Page 23, by striking lines 17 through 26 and
- 5 inserting the following:
- 6 "Effective July 1, 1990, all full-time and part-
- 7 time juvenile court referee positions are eliminated.
- 8 Additional juvenile court referees shall not be
- 9 appointed."

RAY TAYLOR

S-5868

- 1 Amend the House amendment, S-5838, to Senate File
- 2 2408, as amended, passed, and reprinted by the Senate,
- 3 as follows:

DIVISION S—5868B

- 4 1. Page 1, line 46, by striking the figure "35"
- 5 and inserting the following: "5".
- 6 2. Page 2, by striking lines 5 through 23, and
- 7 inserting the following: "much thereof as is
- 8 necessary:".
- 9 ____ . Page 10, line 8, by striking the figure
- 10 "4,345,072" and inserting the following: "4,320,847".
- 11 ____ . Page 10, by striking lines 14 through 18.
- 12 ____ . Page 10, by striking lines 24 through 28 and
- 13 inserting the following:
- 14 " ____ . For contracting for aptitude and job-related
- 15 interest assessment, career exploration, the
- 16 individualized employability development plan, and job
- 17 placement with a private entity which is not
- 18 controlled or administered by any state agency or any
- 19 political subdivision of the state, and which has a
- 20 minimum of fifteen years of service experience with
- 21 offender and ex-offender populations:
- 22\$ 90,000".
- 23 3. Page 2, by striking lines 24 and 25, and

24 inserting the following:

25 "___ . Page 11, by striking lines 18 through 22
26 and inserting the following:".

27 4. Page 2, by striking lines 28 through 39, and
28 inserting the following: "much thereof as is
29 necessary:".

30 ___ . Page 11, line 25, by striking the figure
31 "3,343,904" and inserting the following: "3,208,365".

32 ___ . Page 11, by striking lines 34 and 35, and
33 inserting the following:

34 " \$ 242,696
35 FTEs 8.53".

36 ___ . Page 12, by striking lines 23 through 27,
37 and inserting the following:".

38 5. By striking page 2, line 42 through page 3,
39 line 4, and inserting the following: "much thereof as
40 is necessary:".

41 "___ . Page 12, line 30, by striking the figure
42 "1,941,214" and inserting the following: "1,932,014".

43 ___ . Page 12, by striking lines 34 and 35, and
44 inserting the following:

45 " \$ 18,278
46 FTEs .50".

47 ___ . Page 13, by striking lines 3 and 4, and
48 inserting the following:

49 " \$ 76,303
50 FTEs 2.07".

Page 2

DIVISION S—5868B (cont'd.)

1 ___ . Page 13, by striking lines 27 through 31,
2 and inserting the following:".

3 6. Page 3, by striking lines 7 through 14, and
4 inserting the following: "much thereof as is
5 necessary:".

6 ___ . Page 13, line 34, by striking the figure
7 "1,853,870" and inserting the following: "1,816,247".

8 ___ . Page 14, by striking lines 17 through 21,
9 and inserting the following:".

10 7. Page 3, by striking lines 17 through 26, and
11 inserting the following: "much thereof as is
12 necessary:".

13 ___ . Page 14, line 24, by striking figure
14 "5,563,123" and inserting the following: "5,468,203".

15 ___ . Page 14, by striking lines 25 through 33.

16 ___ . Page 15, by striking lines 4 through 12.

17 ___ . Page 16, by striking lines 1 through 5, and
18 inserting the following:".

19 8. Page 3, by striking lines 29 through 46, and
 20 inserting the following: "much thereof as is
 21 necessary:"

22 ____ . Page 16, line 8, by striking the figure
 23 "4,008,274" and inserting the following: "3,982,335".

24 ____ . Page 16, by striking lines 17 through 30,
 25 and inserting the following:

26 "	\$	179,814
27	FTEs	3.49".

28 ____ . By striking page 16, line 35 through page
 29 17, line 1, and inserting the following:

30 "	\$	337,733
31	FTEs	7.70".

32 ____ . Page 17, by striking lines 31 through 35,
 33 and inserting the following:"

34 9. By striking page 3, line 49 through page 4,
 35 line 14, and inserting the following: "much thereof
 36 as is necessary:"

37 ____ . Page 18, by striking lines 9 through 13.
 38 ____ . Page 18, by striking lines 17 and 18, and
 39 inserting the following:

40 "	\$	57,131
41	FTEs	1.00".

42 ____ . Page 19, by striking lines 12 through 16,
 43 and inserting the following:"

44 10. Page 4, by striking lines 17 through 46, and
 45 inserting the following: "much thereof as is
 46 necessary:"

47 ____ . Page 19, line 19, by striking the figure
 48 "1,772,601" and inserting the following: "1,699,249".
 49 ____ . Page 19, by striking lines 28 and 29, and
 50 inserting the following:

Page 3

DIVISION S—5868B (cont'd.)

1 "	\$	43,384
2	FTEs	1.23".

3 ____ . Page 19, by striking lines 34 and 35, and
 4 inserting the following:

5 "	\$	570,035
6	FTEs	13.28".

7 ____ . Page 21, line 16, by striking the figure
 8 "584,632" and inserting the following: "200,000".

DIVISION S—5868A

9 11. Page 5, by striking lines 37 through 44.
 10 12. Page 5, by striking lines 49 and 50, and

- 11 inserting the following:
- 12 "____. Page 26, by inserting after line 31, the
- 13 following:".
- 14 13. Page 6, by striking lines 8 through 32.
- 15 14. By striking page 6, line 43 through page 7,
- 16 line 30.
- 17 15. Renumber as necessary.

EUGENE FRAISE
JOE WELSH

S-5869

- 1 Amend Senate File 2427 as follows:
- 2 1. Page 10, by striking lines 7 through 21.
- 3 2. by renumbering as necessary.

JOE WELSH

S-5870

- 1 Amend House Concurrent Resolution 112, as passed by
- 2 the House, as follows:
- 3 1. Page 3, line 21, by striking the word
- 4 "related".
- 5 2. Page 3, line 21, by inserting after the word
- 6 "maintenance" the following: ", including projects".
- 7 3. Page 3, line 23, by inserting after the figure
- 8 "1990" the following: ", and projects that will
- 9 correct conditions where there is risk to loss of life
- 10 or injury or conditions hazardous to the health of
- 11 persons or where the project, if delayed, will result
- 12 in substantially greater additional costs in the
- 13 future".
- 14 4. Page 3, line 28, by striking the word
- 15 "related".
- 16 5. Page 3, line 28, by inserting after the word
- 17 "maintenance" the following: ", including projects".
- 18 6. Page 3, line 30, by inserting after the figure
- 19 "1990" the following: ", and projects that will
- 20 correct conditions where there is risk to loss of life
- 21 or injury or conditions hazardous to the health of
- 22 persons or where the project, if delayed, will result
- 23 in substantially greater additional costs in the
- 24 future".
- 25 7. Page 4, line 5, by striking the word
- 26 "related".
- 27 8. Page 4, line 5, by inserting after the word

28 "maintenance" the following: ", including projects".
 29 9. Page 4, by striking lines 7 through 9, and
 30 inserting the following: "council on March 27, 1990,
 31 and projects that will correct conditions where there
 32 is risk to loss of life or injury or conditions
 33 hazardous to the health of persons or where the
 34 project, if delayed, will result in substantially
 35 greater additional costs in the future".

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chair

S-5871

1 Amend the amendment, S-5860, to House File 2554, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking lines 1 through 3 and in-
 5 serting the following: "began July 1, 1989. Each
 6 county is entitled to be reimbursed for the amount of
 7 its increase in expenditures which is equal to or less
 8 than the maximum mental health services increase
 9 amount calculated for the county under subsection 3.
 10 If".

WILLIAM W. DIELEMAN
 CHARLES BRUNER

S-5872

1 Amend House File 2554, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by inserting after line 34, the
 4 following:
 5 "Sec. 100. Section 425.11, subsection 2, Code
 6 Supplement 1989, is amended to read as follows:
 7 2. The word "owner" shall mean the person who
 8 holds the fee simple title to the homestead, and in
 9 addition shall mean the person occupying as a
 10 surviving spouse or the person occupying under a
 11 contract of purchase which contract has been recorded
 12 in the office of the county recorder of the county in
 13 which the property is located, or the person occupying
 14 the homestead under devise or by operation of the
 15 inheritance laws where the whole interest passes or
 16 where the divided interest is shared only by persons
 17 related or formerly related to each other by blood,
 18 marriage or adoption, or the person occupying the

19 homestead is a shareholder of a family farm
 20 corporation that owns the property, or the person
 21 occupying the homestead under a deed which conveys a
 22 divided interest where the divided interest is shared
 23 only by persons related or formerly related to each
 24 other by blood, marriage or adoption or where the
 25 person occupying the homestead holds a life estate
 26 with the reversion interest held by a nonprofit
 27 corporation organized under chapter 504A, provided
 28 that the holder of the life estate is liable for and
 29 pays property tax on the homestead or where the person
 30 occupying the homestead holds an interest in a
 31 horizontal property regime under chapter 499B,
 32 regardless of whether the underlying land committed to
 33 the horizontal property regime is in fee or as a
 34 leasehold interest, provided that the holder of the
 35 interest in the horizontal property regime is liable
 36 for and pays property tax on the homestead. For the
 37 purpose of this chapter the word "owner" shall be
 38 construed to mean a bona fide owner and not one for
 39 the purpose only of availing the person of the
 40 benefits of this chapter. In order to qualify for the
 41 homestead tax credit, evidence of ownership shall be
 42 on file in the office of the clerk of the district
 43 court or recorded in the office of the county recorder
 44 at the time the owner files with the assessor a
 45 verified statement of the homestead claimed by the
 46 owner as provided in section 425.2."
 47 2. Page 15, by inserting after line 27 the
 48 following:
 49 "Sec. ____
 50 Section 100 of this Act is effective January 1,

Page 2

1 1991, for homestead tax credits allowed for property
 2 taxes payable in fiscal years beginning on or after
 3 July 1, 1991."
 4 3. Title page, line 7, by inserting after the
 5 word "reimbursement" the following: "homestead tax
 6 credit,".

JACK RIFE

S-5873

1 Amend the amendment, S-5860, to House File 2554, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking line 4 and inserting the
5 following: "line 34 and inserting the following:
6 "Sec. 50. **NEW SECTION. 225C.30 REIMBURSEMENT OF**
7 **COUNTIES FOR MENTAL HEALTH SERVICES FUND.**

8 1. A reimbursement of counties for mental health
9 services fund is established in the office of the
10 treasurer of state, which shall consist of the amounts
11 appropriated to the fund by the general assembly. The
12 fund is established to incrementally increase
13 reimbursement of counties for their expenditures for
14 mental health, mental retardation, and developmental
15 disabilities expenditures over a period of ten years
16 until the state assumes the entire financial
17 responsibility for funding these services.

18 2. In order to be reimbursed for mental health,
19 mental retardation, and developmental disabilities
20 expenditures, a county shall submit an itemized
21 statement of its expenditures to the division each
22 quarter. The county is entitled to reimbursement for
23 the expenditures from the reimbursement of counties
24 for mental health services fund as follows:

25 a. In the fiscal year beginning July 1, 1992, ten
26 percent.

27 b. In the fiscal year beginning July 1, 1993,
28 twenty percent.

29 c. In the fiscal year beginning July 1, 1994,
30 thirty percent.

31 d. In the fiscal year beginning July 1, 1995,
32 forty percent.

33 e. In the fiscal year beginning July 1, 1996,
34 fifty percent.

35 f. In the fiscal year beginning July 1, 1997,
36 sixty percent.

37 g. In the fiscal year beginning July 1, 1998,
38 seventy percent.

39 h. In the fiscal year beginning July 1, 1999,
40 eighty percent.

41 i. In the fiscal year beginning July 1, 2000,
42 ninety percent.

43 j. In the fiscal year beginning July 1, 2001, and
44 succeeding fiscal years, one hundred percent.

45 3. As soon after the county's quarterly statement
46 of expenditures for mental health, mental retardation,
47 and developmental disabilities services is submitted
48 pursuant to subsection 2, as reasonably possible, the
49 administrator shall certify to the director of revenue
50 and finance the amount to which a county is entitled

Page 2

1 from the state assistance to counties fund and the
 2 director of revenue and finance shall issue warrants
 3 in the amounts certified, drawn upon the fund in favor
 4 of the respective counties.

5 4. Nothing in this section is intended by the
 6 general assembly to be the provision of a fair and
 7 equitable funding formula specified in 1985 Iowa Acts,
 8 chapter 249, section 9. Nothing in this section shall
 9 be construed, is intended, or shall imply a claim of
 10 entitlement to any programs or services specified in
 11 section 225C.28.”

12 2. Page 2, line 29, by inserting after the figure
 13 “1992” the following: “pursuant to section 225C.30”.

14 3. Page 2, by inserting after line 47 the
 15 following:

16 “___ . Page 15, by inserting after line 29 the
 17 following:

18 “Sec. ___ .

19 Section 50 of this Act takes effect July 1, 1992.”

20 4. By renumbering as necessary.

CALVIN O. HULTMAN
 JOHN W. JENSEN
 DALE L. TIEDEN
 RAY TAYLOR
 PAUL D. PATE
 RICHARD VANDE HOEF
 MARK R. HAGERLA
 WILMER RENSINK
 JACK W. HESTER
 LINN FUHRMAN
 MAGGIE TINSMAN
 JOY CORNING
 JACK RIFE
 JIM LIND
 RICHARD F. DRAKE
 H. KAY HEDGE
 NORMAN J. GOODWIN
 JULIA GENTLEMAN

S-5874

1 Amend the amendment, S-5860, to House File 2554, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, line 31, by inserting after the word

5 "assures" the following: "funding for the bill of
6 rights in sections 225C.25 through 225C.28 and".

JOE WELSH
WILLIAM W. DIELEMAN

S-5875

1 Amend the amendment, S-5864, to the House
2 amendment, S-5838, to Senate File 2408, as amended,
3 passed and reprinted by the Senate, as follows:
4 1. Page 1, by striking lines 6 through 10.

DONALD V. DOYLE

S-5876

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, line 14, by striking the word
5 "placement" and inserting the following: "retention
6 skills".
7 2. Page 2, line 16, by striking the words "which
8 has" and inserting the following: "which have
9 programs with".
10 3. Page 7, by inserting after line 33, the
11 following:
12 " ____ . Page 29, by inserting before line 15, the
13 following:
14 "Sec. ____ . 1990 Iowa Acts, Senate File 2212,
15 section 23, is amended by adding the following new
16 unnumbered paragraph:
17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
18 8.33, the moneys appropriated in this section that
19 remain unencumbered and unobligated on June 30, 1990,
20 shall not revert to the general fund but shall remain
21 available for expenditure for the purposes designated
22 during the fiscal year beginning July 1, 1990."
23 4. Renumber as necessary.

JOE WELSH
RICHARD VANDE HOEF

S-5877

1 Amend House File 2554, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. By striking page 1, line 1 through page 2,
4 line 8.
- 5 2. Page 3, by inserting after line 34, the
6 following:
7 "Sec. ____ . Section 257.3, subsections 1 and 2,
8 Code Supplement 1989, are amended to read as follows:
9 1. AMOUNT OF TAX. Except as provided in
10 subsection 2, a school district shall cause to be
11 levied each year, for the school general fund, a
12 foundation property tax equal to five dollars ~~and~~
13 ~~forty cents~~ per thousand dollars of assessed valuation
14 on all taxable property in the district. The county
15 auditor shall spread the foundation levy over all
16 taxable property in the district.
- 17 2. AMOUNT FOR REORGANIZED AND DISSOLVED DISTRICTS.
18 Reorganized school districts that met the requirements
19 of section 442.2, subsection 1, Code 1989, prior to
20 July 1, 1989, and had reduced property tax rates shall
21 continue to have the reduced levies that they would
22 have had under section 442.2, subsection 1, Code 1989,
23 and those levies shall continue to increase twenty
24 cents per year as provided in that subsection, except
25 that those levies shall not increase above five
26 dollars per thousand dollars of assessed valuation."
- 27 3. By striking page 3, line 35 through page 14,
28 line 16.
- 29 4. Page 15, by striking lines 17 through 27.
- 30 5. Page 15, by striking lines 30 through 32.
- 31 6. Title page, by striking lines 4 through 8 and
32 inserting the following: "the school foundation
33 property tax levy rate, and providing an effective
34 date."

RAY TAYLOR

S-5878

- 1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 7, by inserting after line 33, the
5 following:
6 "____ . Page 29, by inserting before line 15, the
7 following:
8 "Sec. ____ . 1990 Iowa Acts, Senate File 2212,
9 section 23, is amended by adding the following new
10 unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

12 8.33, the moneys appropriated in this section that
 13 remain unencumbered and unobligated on June 30, 1990,
 14 shall not revert to the general fund but shall remain
 15 available for expenditure for the purposes designated
 16 during the fiscal year beginning July 1, 1990.”
 17 4. Renumber as necessary.

JOE WELSH

S-5879

1 Amend House File 2564, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 3,
 4 line 11.

5 2. Page 3, line 19, by striking the figure
 6 “1,633,000” and inserting the following: “1,212,208”.

7 3. By striking page 3, line 26, through page 4,
 8 line 6, and inserting the following: “into a halfway
 9 house, and residential treatment.

10 As a further condition, limitation, and
 11 qualification of this appropriation, the division,
 12 when allocating this amount in a manner which will
 13 effectively reduce the waiting period, shall give
 14 priority to persons released or discharged from a
 15 facility under the direction of the department of
 16 corrections, pregnant women, and juveniles.

17 2. For the division of substance abuse for
 18 providing aftercare services for persons completing
 19 substance abuse treatment:

20 \$ 500,000

21 3. For the division of substance abuse for
 22 providing substance abuse prevention programs:

23 \$ 300,000

24 4. For providing funding to existing community
 25 health agencies in Des Moines and Waterloo providing
 26 treatment and outreach services:

27 \$ 200,000

28 5. For the council on chemically exposed infants
 29 established pursuant to section 235C.1:

30 \$ 50,000

31 6. For planning and establishing a program of
 32 identification, treatment, and education of students
 33 in grades kindergarten through 3 in the Waterloo
 34 community school district whose mothers were addicted
 35 to or using controlled substances while pregnant:

36 \$ 100,000

37 As a condition, limitation, and qualification of
 38 this appropriation, a pilot project shall be

39 established for the identification and education of
 40 elementary students whose mothers were using
 41 controlled substances during pregnancy resulting in
 42 the children experiencing special learning and
 43 behavioral problems. The drug enforcement and abuse
 44 prevention coordinator shall monitor the program and
 45 receive reports required to be made concerning the
 46 program. Persons responsible for the program shall
 47 report to the drug enforcement and abuse prevention
 48 coordinator concerning progress in establishing the
 49 program and the expenditures made. The coordinator
 50 shall provide such reports to the general assembly.

Page 2

1 The program shall include medical and psychiatric
 2 research with the university of Iowa, educational
 3 research with the university of northern Iowa, an
 4 educational program for parents of the children
 5 including programs for parents confined in a county
 6 jail or committed to the custody of the director of
 7 the department of corrections, a child care
 8 educational program to address the problems of
 9 parenting such children, a program for the care and
 10 education of such children before and after school,
 11 creation of a mentor program with jobs and local
 12 businesses, a treatment program for parents, and team
 13 teacher training.
 14 Persons responsible for the program shall
 15 coordinate and encourage the involvement of other
 16 programs and service providers within the community in
 17 developing this program.

18 7. For the state board of pharmacy examiners for”.

19 4. Page 4, line 26, by striking the figure
 20 “50,000” and inserting the following: “31,792”.

21 5. By striking page 4, line 34, through page 5,
 22 line 15, and inserting the following:

23 “2. For the division of narcotics for the salaries
 24 and support of additional full-time equivalent
 25 positions:

26 \$ 75,000”.

27 6. Page 5, line 20, by striking the words “up to
 28 an additional 10 full-time” and inserting the
 29 following: “additional”.

30 7. Page 5, by inserting after line 21, the
 31 following:

32 “3. For the division of narcotics for funding drug
 33 enforcement operations to be used for the purchase of
 34 illegal substances in furtherance of these enforcement
 35 operations:

36 \$ 150,000
 37 Sec. ____
 38 There is appropriated from the road use tax fund to
 39 the department of public safety for the fiscal year
 40 beginning July 1, 1990, and ending June 30, 1991, the
 41 following amount, or so much thereof as is necessary,
 42 to be used for the following purpose:
 43 For use by the department to provide additional law
 44 enforcement officials to initiate project D.A.R.E.
 45 (drug abuse resistance education) within local
 46 communities, and for not more than the following full-
 47 time equivalent positions:
 48 \$ 52,500
 49 FTEs 4.00
 50 As a condition, limitation, and qualification of

Page 3

1 this appropriation, the department shall use the
 2 amount appropriated in this subsection to match and
 3 obtain available federal funds, the total amount of
 4 these funds to be used to employ 4 additional members
 5 of the highway safety patrol to assist with the
 6 initiation of project D.A.R.E. within local
 7 communities."

8 8. Page 5, line 29, by striking the figure "1."

9 9. Page 5, line 31, by striking the figure
10 "10,000" and inserting the following: "59,000".

11 10. Page 6, by striking lines 3 through 34.

12 11. Page 8, by striking lines 5 through 22, and
13 inserting the following:

14 "2. For the prosecuting attorney training program:
 15 \$ 100,000

16 3. For reimbursement payments to law enforcement
 17 officers under the guaranteed loan payment program
 18 pursuant to section 261.51, if enacted by the Seventy-
 19 third General Assembly, 1990 Session:

20 \$ 50,000".

21 12. By striking page 8, line 29 through page 9,
22 line 3, and inserting the following:

23 "Notwithstanding section 602.6201, for an
24 additional".

25 13. By striking page 9, line 34, through page 10,
 26 line 23, and inserting the following: "be given to
 27 the extent possible, to reducing substance abuse
 28 waiting lists, providing aftercare for persons
 29 completing substance abuse treatment, providing
 30 additional substance abuse prevention specialists,
 31 dual diagnosis, and for early identification and
 32 intervention of children born afflicted with a

33 substance addiction. Of the funds used for reducing
34 substance abuse waiting lists, priority shall be given
35 to persons released or discharged from a facility
36 under the direction of the department of corrections,
37 pregnant women, and juveniles."

38 14. By striking page 11, line 18, through page
39 21, line 26, and inserting the following:

40 "Sec. ____ . ADVISORY COUNCIL ESTABLISHED.

41 The legislative council shall establish an advisory
42 council to recommend policy changes and proposed
43 legislation intended to provide for the effective
44 regulation and assessment of substance abuse treatment
45 providers in this state. The advisory council shall
46 make recommendations concerning the factors to be
47 considered in evaluating treatment programs and
48 methods of data collection for this purpose. The
49 council shall report its findings and recommendations
50 to the general assembly no later than December 15,

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1 1990.

2 Sec. ____ . Section 232.73, Code 1989, is amended to
3 read as follows:

4 232.73 IMMUNITY FROM LIABILITY.

5 A person participating in good faith in the making
6 of a report, ~~or~~ photographs, or X rays, ~~or in the~~
7 performance of a medically relevant test pursuant to
8 this chapter, or aiding and assisting in an
9 investigation of a child abuse report pursuant to
10 section 232.71, shall have immunity from any
11 liability, civil or criminal, which might otherwise be
12 incurred or imposed. The person shall have the same
13 immunity with respect to participation in good faith
14 in any judicial proceeding resulting from the report
15 or relating to the subject matter of the report.

16 As used in this section and section 232.77,

17 "medically relevant test" means a test that produces
18 reliable results of exposure to cocaine, heroin,
19 amphetamine, methamphetamine, or other illegal drugs,
20 or combinations or derivatives thereof, including a
21 drug urine screen test.

22 Sec. ____ . Section 232.77, Code 1989, is amended to
23 read as follows:

24 232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY
25 RELEVANT TESTS.

26 1. Any person who is required to report a case of
27 child abuse may take or cause to be taken, at public
28 expense, photographs or X rays of the areas of trauma
29 visible on a child. Any health practitioner may, if

30 medically indicated, cause to be performed
 31 radiological examination of the child. Any person who
 32 takes any photographs or X rays pursuant to this
 33 section shall notify the department of human services
 34 that such photographs or X rays have been taken, and
 35 shall retain such photographs or X rays for a
 36 reasonable time thereafter. Whenever such person is
 37 required to report under section 232.69, in that
 38 person's capacity as a member of the staff of a
 39 medical or other private or public institution, agency
 40 or facility, that person shall immediately notify the
 41 person in charge of such institution, agency, or
 42 facility or that person's designated delegate of the
 43 need for photographs or X rays.

44 2. If a health practitioner discovers in a child
 45 under one year of age physical or behavioral symptoms
 46 of the effects of exposure to cocaine, heroin,
 47 amphetamine, methamphetamine, or other illegal drugs,
 48 or combinations or derivatives thereof, which were not
 49 prescribed by a health practitioner, or if the health
 50 practitioner has determined through examination of the

Page 5

1 natural mother of the child that the child was exposed
 2 in utero, the health practitioner may perform or cause
 3 to be performed a medically relevant test, as defined
 4 in section 232.73, on the child. The practitioner
 5 shall report any positive results of such a test on
 6 the child to the department, unless the natural mother
 7 has shown good faith in seeking appropriate care and
 8 treatment. The department shall begin an
 9 investigation pursuant to section 232.71 upon receipt
 10 of such a report. The positive result shall
 11 constitute a showing of probable cause under section
 12 232.71, subsection 3, but shall not be used in any
 13 criminal prosecution of the natural mother of the
 14 child, and shall not represent grounds for a
 15 determination of child abuse.

16 Sec. ____ . NEW SECTION. 235C.1 COUNCIL CREATED --
 17 PURPOSE.

18 A council on chemically exposed infants is
 19 established as a subcommittee of the committee on
 20 maternal and child health of the community health
 21 division of the Iowa department of public health. The
 22 purpose of the council is to help the state develop
 23 and implement policies to reduce the likelihood that
 24 infants will be born chemically exposed, and to assist
 25 those who are born chemically exposed to grow and

26 develop in a safe environment.

27 As used in this chapter, a "chemically exposed
28 infant" is an infant who shows evidence of exposure to
29 or the presence of alcohol, cocaine, heroin,
30 amphetamine, methamphetamine, or other illegal drugs
31 or combinations or derivatives thereof which were not
32 prescribed by a health practitioner.

33 Sec. ____ . NEW SECTION. 235C.2 MEMBERSHIP.

34 The council on chemically exposed infants shall be
35 composed of the following members:

36 1. Two members of the Iowa department of public
37 health selected by the director of the Iowa department
38 of public health, one from the division of substance
39 abuse and one from the division of family and
40 community health.

41 2. The director of the department of human
42 services or the director's designee.

43 3. The department coordinator of the department of
44 human rights or the coordinator's designee.

45 4. The director of the department of education or
46 the director's designee.

47 5. The chairperson of the state maternal and child
48 health advisory council or the chairperson's designee.

49 6. A physician selected by the board of the Iowa
50 medical society with expertise in the care of the

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1 mother and a physician selected by the board of the
2 Iowa medical society with expertise in the care of the
3 infant.

4 7. A hospital administrator selected by the board
5 of the Iowa hospital association.

6 8. A representative from a community health center
7 located in Iowa selected by the Iowa/Nebraska primary
8 care association.

9 9. A representative from a maternal and child
10 health center selected by the governor.

11 10. A representative from a substance abuse
12 treatment program, selected by the governor.

13 11. Two legislators, designated by the legislative
14 council.

15 12. Two citizen members, selected by the governor.

16 13. A representative from the governor's alliance
17 on substance abuse selected by the alliance.

18 14. A representative from the university of Iowa
19 medical school selected by the director of the medical
20 school.

21 15. A representative from a community-based
22 substance abuse prevention program, selected by the

23 governor.

24 16. A representative from the juvenile court,
25 selected by the chief justice of the Iowa supreme
26 court.

27 17. An attorney who practices in the area of
28 juvenile law, selected by the Iowa state bar
29 association.

30 The council shall be staffed by the Iowa department
31 of public health. The council shall elect its own
32 chairperson.

33 Sec. ____ . NEW SECTION. 235C.3 COUNCIL DUTIES.

34 The council shall be responsible for the following
35 activities:

36 1. DATA COLLECTION. The council shall assemble
37 relevant materials regarding the extent to which
38 infants born in Iowa are chemically exposed, the
39 services currently available to meet the needs of
40 infants born who are chemically exposed, and the costs
41 incurred in caring for infants born who are chemically
42 exposed, including both costs borne directly by the
43 state and costs borne by society.

44 2. PREVENTION AND EDUCATION. The council, after
45 reviewing education and prevention programs employed
46 in Iowa and in other states, shall develop a state
47 prevention and education campaign, including the
48 following components:

49 a. A broad-based public education campaign
50 outlining the dangers inherent in substance use during

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1 pregnancy.

2 b. A health professional training campaign
3 providing assistance in the identification of women at
4 risk of substance abuse during pregnancy and
5 strategies to be employed in assisting those women to
6 maintain healthy lifestyles during pregnancy.

7 Included in this education campaign shall be
8 guidelines to health professionals offering
9 information on assessment, laboratory testing,
10 medication use, and referrals.

11 c. A targeted public education campaign directed
12 toward high-risk populations.

13 d. A technical assistance program for developing
14 support programs to identified high-risk populations,
15 including pregnant women who previously have given
16 birth to chemically exposed infants or currently are
17 using substances dangerous to the health of the fetus.

18 e. An education program for use within the school
19 system, including training materials for school

20 personnel to assist those personnel in identification,
21 care, and referral.

22 3. IDENTIFICATION. The council shall develop
23 recommendations regarding state programs or policies
24 to increase the identification of chemically exposed
25 infants.

26 4. TREATMENT SERVICES. The council shall seek to
27 improve effective treatment services within the state
28 for chemically exposed infants. As part of this
29 responsibility, the council shall:

30 a. Serve as a clearinghouse for information on
31 treatment program efforts and their effectiveness in
32 helping chemically exposed infants and their families,
33 and the conditions under which, and families for
34 which, these programs are most likely to be effective.

35 b. Identify programs available within the state
36 for serving chemically exposed infants and their
37 families.

38 c. Recommended ways to enhance funding for
39 effective treatment programs, including the use of
40 state health care programs and services under the
41 medical assistance program and the maternal and child
42 health programs.

43 d. Identify means to serve children who were
44 chemically exposed infants when the children enter the
45 school system.

46 5. CARE AND PLACEMENT. The council shall work
47 with the department of human services to expand
48 appropriate placement options for chemically exposed
49 infants who have been abandoned by their parents or
50 cannot safely be returned home. As part of this

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1 responsibility, the council shall do all of the
2 following:

3 a. Assist the department of human services in
4 developing rules to establish specialized foster care
5 services that can attract foster parents to care for
6 chemically exposed infants.

7 b. Identify additional services, such as
8 therapeutic day care services, that may be needed to
9 effectively care for chemically exposed infants.

10 c. Review the need for residential programs
11 designed to meet the needs of chemically exposed
12 infants.

13 6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT
14 PROGRAMS. From funds appropriated for this purpose,
15 the council shall award grants or develop pilot
16 programs to achieve the purposes of the council.

17 7. ANNUAL REPORT. The council shall annually
18 report to the governor and members of the general
19 assembly on the progress it has made toward meeting
20 its responsibilities.

21 The council shall meet at least twice annually, and
22 may establish such subcommittees and task forces as
23 are necessary to achieve its purpose.

24 8. CONFIDENTIALITY OF INFORMATION. Data collected
25 pursuant to this chapter shall be confidential to the
26 extent necessary to protect the identity of persons
27 who are the subjects of the data collection."

28 15. Page 21, by inserting before line 27, the
29 following:

30 "Sec. 101. ALCOHOL AND DRUG ABUSE AND MENTAL
31 HEALTH SERVICES APPROPRIATION.

32 1. There is appropriated from the fund created by
33 section 8.41 to the Iowa department of public health
34 for the federal fiscal year beginning October 1, 1990,
35 the following amount:

36 \$ 7,804,000

37 Funds appropriated by this section are the
38 anticipated funds to be received from the federal
39 government for the designated federal fiscal year
40 under Pub. L. No. 97-35, Title IX, Subtitle A, and
41 Pub. L. No. 97-414 which provides for the alcohol and
42 drug abuse and mental health services block grant.
43 The department shall expend the funds appropriated by
44 this section as provided in the federal law making the
45 funds available and in conformance with chapter 17A.

46 Of the funds appropriated in this section, an
47 amount not exceeding \$33,133 shall be used for audits.
48 The auditor of state shall bill the Iowa department of
49 public health for the cost of the audits.

50 The Iowa department of public health shall pay to

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1 the auditor of state an amount sufficient to pay the
2 cost of auditing the use and administration of the
3 state's portion of the funds appropriated in this
4 subsection from funds appropriated to the department
5 from the general fund of the state, in addition to the
6 amount to be used for audits as provided in this
7 subsection. The auditor of state shall bill the Iowa
8 department of public health for the costs of the
9 audit.

10 2. 10 percent of the remaining funds, as allowed
11 pursuant to Pub. L. No. 97-35, Title IX, Subtitle A,
12 and which are appropriated in subsection 1 shall be
13 transferred to the division of mental health, mental

14 retardation, and developmental disabilities within the
 15 department of human services and allocated for
 16 community mental health centers with priority being
 17 given to dual diagnosis. Of this amount, 10 percent
 18 shall be used to provide services and programs for
 19 severely emotionally disturbed children and
 20 adolescents, and 55 percent shall be used to develop
 21 and provide community mental health services and
 22 programs not available on October 1, 1988. New
 23 services developed between October 1, 1984, and
 24 October 1, 1988, with alcohol, drug abuse, and mental
 25 health services block grant funds may be treated as
 26 new services.

27 3. An amount not exceeding 5 percent of the funds
 28 in excess of \$2,839,000 appropriated in subsection 1
 29 shall be used by the Iowa department of public health
 30 for administrative expenses.

31 4. 10 percent of the funds appropriated in
 32 subsection 1 shall be used to provide alcohol and drug
 33 abuse services to women.

34 5. After deducting the funds allocated in
 35 subsections 1, 2, 3, and 4, the remaining funds
 36 appropriated in subsection 1 shall be allocated
 37 according to the following percentages to supplement
 38 appropriations for the following programs within the
 39 Iowa department of public health:

- 40 a. Drug abuse treatment programs 38.89 percent
- 41 Of the amount appropriated under this paragraph, at
- 42 least \$1,358,000 must be used for intravenous drug
- 43 abusers unless a waiver is granted from the federal
- 44 government.
- 45 b. Alcohol abuse treatment programs 38.89 percent
- 46 c. Alcohol and drug abuse prevention
- 47 programs 22.22 percent

48 As a condition, limitation, and qualification of
 49 the appropriation in this section, and the allocations
 50 in subsection 5, paragraphs "a" and "b", priority

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1 shall be given to maintaining existing services,
 2 reducing the treatment waiting lists, including
 3 increasing provider salaries, providing aftercare
 4 services, and providing early intervention in the
 5 treatment of infants affected by cocaine.

6 As a condition, limitation, and qualification of
 7 the appropriation in this section, and the allocations
 8 in subsection 5, paragraph "c", priority shall be
 9 given to maintaining existing services, funding
 10 additional prevention specialists, and increasing

11 provider salaries.

12 Sec. 102. DRUG CONTROL AND SYSTEM IMPROVEMENT
13 GRANT PROGRAM APPROPRIATION.

14 1. There is appropriated from the fund created in
15 section 8.41 to the governor's substance abuse
16 coordinator for the federal fiscal year beginning
17 October 1, 1990, the following amount:

18 \$ 4,860,000

19 Funds appropriated by this subsection are the
20 anticipated funds to be received from the federal
21 government for the designated fiscal year under Pub.
22 L. No. 100-690 which provides for the drug control and
23 system improvement grant program. The coordinator
24 shall expend the funds appropriated by this subsection
25 as provided in the federal law making the funds
26 available and in conformance with chapter 17A.

27 2. An amount not exceeding 5 percent of the funds
28 appropriated in subsection 1 shall be used by the
29 governor's substance abuse coordinator for
30 administrative expenses. From the funds set aside by
31 this subsection for administrative expenses, the
32 coordinator shall pay to the auditor of state an
33 amount sufficient to pay the cost of auditing the use
34 and administration of the state's portion of the funds
35 appropriated in subsection 1. The auditor of state
36 shall bill the governor's substance abuse coordinator
37 for the cost of the audit.

38 Sec. ____ . PROCEDURE FOR REDUCED FEDERAL FUNDS.

39 1. If the funds received from the federal government for the
40 block grants specified in sections 101 and 102 of this
41 Act are less than the amounts appropriated, the funds
42 actually received shall be prorated by the governor
43 for the various programs, for which each block grant
44 is available according to the percentages that each
45 program is to receive as specified in this Act.
46 However, if the governor determines that the funds
47 allocated by the percentages will not be sufficient to
48 effect the purposes of a particular program, or if the
49 appropriation is not allocated by percentage, the
50 governor may allocate the funds in a manner which will

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1 effect to the greatest extent possible the purposes of
2 the various programs for which the block grants are
3 available.

4 2. Before the governor implements the actions
5 provided for in subsection 1, the following procedures
6 shall be taken:

7 a. The chairpersons and ranking members of the

8 senate and house standing committees on
9 appropriations, the appropriate chairpersons and
10 ranking members of subcommittees of those committees,
11 and the director of the legislative fiscal bureau
12 shall be notified of the proposed action.

13 b. The notice shall include the proposed
14 allocations, and information on the reasons why
15 particular percentages or amounts of funds are
16 allocated to the individual programs, the departments
17 and programs affected, and other information deemed
18 useful. Chairpersons notified shall be allowed at
19 least 2 weeks to review and comment on the proposed
20 action before the action is taken.

21 Sec. ____ . PROCEDURE FOR INCREASED FEDERAL FUNDS.

22 If funds received from the federal government in
23 the form of block grants exceed the amounts
24 appropriated in sections 101 and 102 of this Act, the
25 excess shall be prorated to the appropriate programs
26 according to the percentages specified in those
27 sections, except additional funds shall not be
28 prorated for administrative expenses.

29 Sec. ____ . PROCEDURE FOR CONSOLIDATED, CATEGORICAL,
30 OR EXPANDED FEDERAL BLOCK GRANTS.

31 Notwithstanding section 8.41, federal funds made
32 available to the state which are authorized for the
33 federal fiscal year beginning October 1, 1990,
34 resulting from the federal government consolidating
35 former categorical grants into block grants, or which
36 expand block grants included in Pub. L. No. 97-35, to
37 include additional programs formerly funded by
38 categorical grants, which are not otherwise
39 appropriated by the general assembly, are appropriated
40 for the programs formerly receiving the categorical
41 grants, subject to the conditions of this section.
42 The governor shall, whenever possible, allocate from
43 the block grant to each program in the same proportion
44 as the amount of federal funds received by the program
45 during the 1990 federal fiscal year as modified by the
46 1990 Session of the Seventy-third Iowa General
47 Assembly for the state fiscal year beginning July 1,
48 1990, compared to the total federal funds received in
49 the federal fiscal year by all programs consolidated
50 into the block grant. However, if one agency did not

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1 have categorical funds appropriated for the federal
2 fiscal year beginning October 1, 1989, but had
3 anticipated applying for funds during the federal
4 fiscal year beginning October 1, 1990, the governor

5 may allocate the funds in order to provide funding.

6 If the amount received in the form of a
7 consolidated or expanded block grant is less than the
8 total amount of federal funds received for the
9 programs in the form of categorical grants for the
10 1990 federal fiscal year, state funds appropriated to
11 the program by the general assembly to match the
12 federal funds shall be reduced by the same proportion
13 of the reduction in federal funds for the program.
14 State funds released by the reduction shall be
15 deposited in a special fund in the state treasury and
16 are available for appropriation by the general
17 assembly. The governor shall notify the chairpersons
18 and ranking members of the senate and house standing
19 committees on appropriations, the appropriate
20 chairpersons and ranking members of the subcommittees
21 of those committees, and the director of the
22 legislative fiscal bureau before making the allocation
23 of federal funds or any proportional reduction of
24 state funds under this section. The notice shall
25 state the amount of federal funds to be allocated to
26 each program, the amount of federal funds received by
27 the program during the 1990 federal fiscal year, the
28 amount by which state funds for the program will be
29 reduced according to this section, and the amount of
30 state funds received by the program during the 1990
31 fiscal year. Chairpersons notified shall be allowed
32 at least 2 weeks to review and comment on the proposed
33 action before the action is taken.

34 If the amount received in the form of a
35 consolidated or expanded block grant is more than the
36 total amount of federal funds received for the
37 programs in the form of categorical grants for the
38 1990 federal fiscal year, the excess funds shall be
39 deposited in the special fund created in section 8.41
40 and are subject to the provisions of that section.

41 Sec. ____ . IOWA DEPARTMENT OF PUBLIC HEALTH.

42 There is appropriated from the federal grants,
43 receipts, and funds and other nonstate grants,
44 receipts, and funds, available in whole or in part for
45 the fiscal year beginning July 1, 1990, and ending
46 June 30, 1991, to the Iowa department of public
47 health, the following amounts, to be used for the
48 purposes designated:

49 1. For drug free schools and comprehensive
50 prevention services, to high-risk youth, grant number

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1 S186A90067:
 2 \$ 1,346,000
 3 2. For the drug abuse treatment waiting list
 4 reduction grant program, grant number ADH000020-01:
 5 \$ 279,647

6 It is the intent of the general assembly that of
 7 the funds appropriated in this subsection, priority
 8 shall be given to the extent possible, for the youth
 9 2000 coordinating council for awarding community
 10 planning grants for collaborative efforts to establish
 11 local drug prevention and youth development programs
 12 as provided in section 256.42, subsection 5.

13 Sec. ____ DEPARTMENT OF EDUCATION.

14 There is appropriated from federal grants,
 15 receipts, and funds, available in whole or in part for
 16 the fiscal year beginning July 1, 1990, and ending
 17 June 30, 1991, to the department of education, the
 18 following amount, to be used for the purposes
 19 designated:

20 \$ 3,500,000

21 It is the intent of the general assembly that of
 22 the funds appropriated in this section and provided to
 23 school districts, priority shall be given to the
 24 extent possible, to providing funding for curriculum
 25 development and training, implementation of human
 26 growth and development curriculum, staff training, and
 27 other related programs. It is also the intent of the
 28 general assembly that to the extent possible, funds
 29 provided to the school districts by this section be
 30 used for projects with demonstrated success. The
 31 department shall collect program evaluations and
 32 assess the effectiveness of programs related to
 33 controlled substances and provide the results of such
 34 assessment to schools making application for these
 35 funds. The department shall monitor school district
 36 programs and report to the general assembly by
 37 December of each year concerning the impact of the
 38 programs funded with these funds."

39 16. Page 22, by striking lines 27 through 31, and
 40 inserting the following: "waiting lists with priority
 41 to be given to persons released or discharged from a
 42 facility under the direction of the department of
 43 corrections, pregnant women, and juveniles. Effective
 44 July 1, 1990, existing services shall be maintained,
 45 \$1,528,702 shall be used to reduce substance abuse
 46 treatment waiting lists with priority to be given to
 47 persons released or discharged from a facility under
 48 the direction of the department of corrections,

49 pregnant women, and juveniles."

50 17. Page 23, line 1, by striking the figure

Page 14

1 "200,000" and inserting the following: "450,698".

2 18. Page 23, by striking lines 2 through 4, and

3 inserting the following: "additional prevention

4 specialists.

5 As an additional condition, limitation, and
6 qualification of the funds appropriated in this
7 section, the department shall evaluate and determine
8 the variations in per service hour costs for all state
9 and federally funded substance abuse prevention
10 providers providing services in the state. The
11 results of this study shall be submitted to the
12 general assembly no later than November 1, 1990."

13 19. Page 23, by inserting after line 34, the

14 following:

15 "Sec. ____ . 1989 Iowa Acts, chapter 310, section 4,

16 is amended by adding the following new subsections:

17 NEW SUBSECTION. 4. Priority shall be given, to
18 the extent possible, to programs which accomplish any
19 of the following:

20 a. Expand analysis capabilities at the state
21 criminalistics laboratory.

22 b. The formation of multijurisdictional task
23 forces, created for the purpose of cooperating jointly
24 in enforcement efforts related primarily to controlled
25 substances, counterfeit substances, or simulated
26 controlled substances.

27 c. Expand prosecutorial capabilities at the county,
28 and state level for drug-related offenses.

29 d. Establish or continue training programs for law
30 enforcement officers, prosecutors, judges, probation
31 officers, correctional officers, staff working with
32 juvenile offenders, substance abuse prevention and
33 treatment providers, and members of the community,
34 which emphasize multidisciplinary understanding of
35 drug abuse, including prevention and intervention
36 policies.

37 e. Establish or continue treatment programs for
38 prison-based populations and juvenile rehabilitation
39 programs.

40 f. Establish or continue project D.A.R.E. (drug
41 abuse resistance education).

42 g. Other programs authorized under the drug
43 control and system improvement grant program.

44 NEW SUBSECTION. 5. The department shall collect
45 program evaluations and document the effectiveness of

46 the various programs funded under this grant program.
47 The department shall make this information available
48 to applicants and grantees and report to the general
49 assembly, no later than December 15, 1990, concerning
50 the effectiveness of programs funded."

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1 20. Renumber as necessary.

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chair

S-5880

- 1 Amend the committee amendment, S-5879, to House
- 2 File 2564, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 2, line 26, by striking the figure
- 5 "75,000" and inserting the following: "197,000".
- 6 2. Page 2, by striking lines 27 through 29.

JIM LIND

HOUSE AMENDMENT TO
SENATE FILE 2423

S-5881

- 1 Amend Senate File 2423, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the figure
- 4 "468,735" and inserting the following: "398,735".
- 5 2. Page 3, line 3, by striking the figure
- 6 "321,600" and inserting the following: "250,000".
- 7 3. Page 4, line 15, by striking the figure
- 8 "2,520,100" and inserting the following: "2,570,100".
- 9 4. Page 4, by striking lines 29 through 35.
- 10 5. Page 5, line 4, by striking the figure
- 11 "350,000" and inserting the following: "250,000".
- 12 6. Page 8, by inserting after line 17, the
- 13 following:
- 14 " . . . VOCATIONAL AGRICULTURE YOUTH ORGANIZATION
- 15 To assist a vocational agriculture youth
- 16 organization sponsored by the schools to support the
- 17 foundation established by that vocational agriculture
- 18 youth organization:

19	.....	\$ 50,000".
20	7. Page 10, line 1, by striking the figure	
21	"3,175,215" and inserting the following: "3,200,215".	
22	8. Page 10, by striking lines 6 and 7, and	
23	inserting the following: "project, if a requirement	
24	to develop guidelines for school lunch and breakfast	
25	programs and to plan a nutrition pilot project is".	
26	9. Page 10, line 12, by striking the figure "20"	
27	and inserting the following: "10".	
28	10. Page 10, line 15, by striking the figure	
29	"643,053" and inserting the following: "368,413".	
30	11. Page 11, line 9, by striking the figure	
31	"84,075,560" and inserting the following:	
32	"86,316,796".	
33	12. Page 11, by striking lines 10 through 24, and	
34	inserting the following:	
35	"a. Merged Area I	\$ 3,936,168
36	b. Merged Area II	\$ 4,909,784
37	c. Merged Area III	\$ 4,646,625
38	d. Merged Area IV	\$ 2,301,829
39	e. Merged Area V	\$ 4,714,422
40	f. Merged Area VI	\$ 4,731,678
41	g. Merged Area VII	\$ 6,656,574
42	h. Merged Area IX	\$ 7,339,996
43	i. Merged Area X	\$11,444,016
44	j. Merged Area XI	\$12,349,593
45	k. Merged Area XII	\$ 5,144,554
46	l. Merged Area XIII	\$ 5,081,695
47	m. Merged Area XIV	\$ 2,252,941
48	n. Merged Area XV	\$ 6,866,253
49	o. Merged Area XVI	\$ 3,940,668
50	As a condition, limitation, and qualification of	

Page 2

1 the moneys appropriated in this subsection, the merged
2 area schools shall expend at least \$2,100,000 for
3 additional salary increases for full-time
4 nonadministrative licensed faculty members and at
5 least \$141,235 for additional salary increases for
6 full-time salaried professional employees other than
7 administrators, faculty, and hourly support staff at
8 each merged area school. For purposes of this
9 subsection, full-time licensed faculty includes
10 instructors who teach at an area school on a half-time
11 basis or more. Distribution of the moneys for salary
12 increases shall be negotiated pursuant to chapter 20,
13 if the licensed nonadministrative faculty members of
14 the merged area school are organized for collective
15 bargaining purposes. For purposes of this subsection,

16 professional staff includes employees of an area
 17 school such as academic advisors, media specialists,
 18 student services staff, financial aid advisors, data
 19 processing staff, program coordinators, counselors,
 20 librarians who are not licensed faculty members, and
 21 other staff members who are funded pursuant to an
 22 existing area school foundation formula cost center
 23 under chapter 286A.”

24 13. By striking page 12, line 23, through page
 25 13, line 12.

26 14. Page 13, line 25, by striking the figure
 27 “14,809,864” and inserting the following:
 28 “15,205,373”.

29 15. By striking page 13, line 29, through page
 30 14, line 33, and inserting the following:

31	“a. Merged Area I	\$ 704,974
32	b. Merged Area II	\$ 879,444
33	c. Merged Area III	\$ 832,391
34	d. Merged Area IV	\$ 379,320
35	e. Merged Area V	\$ 844,401
36	f. Merged Area VI	\$ 847,516
37	g. Merged Area VII	\$1,058,390
38	h. Merged Area IX	\$1,314,655
39	i. Merged Area X	\$1,961,430
40	j. Merged Area XI	\$2,211,876
41	k. Merged Area XII	\$ 921,500
42	l. Merged Area XIII	\$ 910,137
43	m. Merged Area XIV	\$ 403,567
44	n. Merged Area XV	\$1,229,954
45	o. Merged Area XVI	\$ 705,818

46 As a condition, limitation, and qualification of
 47 the moneys appropriated in this subsection, the merged
 48 area schools shall expend at least \$370,588 for
 49 additional salary increases for full-time
 50 nonadministrative licensed faculty members and at

Page 3

1 least \$24,922 for additional salary increases for
 2 full-time salaried professional employees other than
 3 administrators, faculty, and hourly support staff at
 4 each merged area school. For purposes of this
 5 subsection, full-time licensed faculty includes
 6 instructors who teach at an area school on a half-time
 7 basis or more. Distribution of the moneys for salary
 8 increases shall be negotiated pursuant to chapter 20,
 9 if the licensed nonadministrative faculty members of
 10 the merged area school are organized for collective
 11 bargaining purposes. For purposes of this subsection,
 12 professional staff includes employees of an area

13 school such as academic advisors, media specialists,
 14 student services staff, financial aid advisors, data
 15 processing staff, program coordinators, counselors,
 16 librarians who are not licensed faculty members, and
 17 other staff members who are funded pursuant to an
 18 existing area school foundation formula cost center
 19 under chapter 286A. Payments for salary increases
 20 under this subsection shall be accrued as income and
 21 used for salary increases for the fiscal year
 22 beginning July 1, 1990, and ending June 30, 1991.”

23 16. By striking page 20, line 33, through page
 24 21, line 1.

25 17. Page 24, line 4, by inserting after the word
 26 “maintenance,” the following: “equipment.”

27 18. Page 26, line 12, by inserting after the word
 28 “maintenance,” the following: “equipment.”

29 19. Page 29, by striking lines 6 through 17, and
 30 inserting the following:

31 “Sec. ____ .

32 Reallocations of sums received under section 15,
 33 subsections 2, 3, 4, 5, and 6, including sums received
 34 for salaries, shall be reported on a quarterly basis
 35 to the co-chairpersons and ranking members of both the
 36 legislative fiscal committee and the education
 37 appropriations joint subcommittee.”

38 20. Page 29, by striking lines 28 through 34, and
 39 inserting the following:

40 “Sec. ____ .

41 There is appropriated from the general fund of the
 42 state to the Iowa department of public health for the
 43 fiscal year beginning July 1, 1990, and ending June
 44 30, 1991, the following amount, or so much thereof as
 45 may be necessary, to be used for purposes of
 46 administering a graduate nursing grant program at
 47 accredited private colleges or universities:

48 \$ 225,000

49 As a condition, limitation, and qualification of
 50 the funds appropriated in this paragraph, the moneys

Page 4

1 appropriated shall be used specifically for instructor
 2 salaries, equipment, student services, or rural
 3 recruitment. At least 80 percent of the students
 4 enrolled in the program shall be Iowa residents. All
 5 program participants shall be licensed to practice
 6 nursing in Iowa. The Iowa department of public health
 7 shall be responsible for the oversight and
 8 administration of the program.

9 As a condition, limitation, and qualification of

10 the funds appropriated in this section the Iowa
11 department of public health shall adopt rules for
12 administration of the graduate nursing grant program.”

13 21. Page 30, by inserting after line 15 the
14 following:

15 “Sec. ____.

16 Notwithstanding the allocation of phase III moneys
17 under sections 294A.14 and 294A.25, for the fiscal
18 year beginning July 1, 1990, prior to the allocation
19 to school districts and area education agencies,
20 \$250,000 of the moneys allocated for phase III shall
21 be retained by the department of education to contract
22 with the regional educational laboratory for this
23 state to establish and monitor an independent
24 evaluation of the operation of phase III of the
25 educational excellence program. The regional
26 educational laboratory shall determine the scope of
27 the evaluation, including a methodology for the
28 evaluation; the evaluation techniques; the sampling
29 size for numbers of different plans to evaluate; the
30 sampling size for numbers of interviews to be
31 conducted with teachers, school administrators, school
32 board members, members of the general public, and
33 others; and the process for oversight of the
34 evaluation. The laboratory, in consultation with the
35 department, shall select a consortium consisting of
36 Iowa teachers participating in phase III programs and
37 a public or private institution of higher education
38 offering a graduate program of teacher education to
39 work with the laboratory in the conduct of the
40 evaluation. The results of the evaluation shall be
41 reported to the department of education and to the
42 general assembly by January 1, 1992.

43 The evaluation shall be conducted using the
44 following timetable:

- 45 1. By July 15, 1990, an advisory committee shall
46 be selected by the department of education.
- 47 2. By August 31, 1990, the determination of the
48 evaluation methodology and oversight process must be
49 completed and members of the consortium selected.
- 50 3. By September 30, 1990, the advisory committee

Page 5

1 shall review the evaluation methodology, the
2 laboratory shall finalize the evaluation methodology,
3 and the laboratory shall begin training the teacher
4 members of the consortium and consulting with the
5 faculty of the institution of higher education.

6 4. By December 15, 1990, the first phase of the

7 evaluation design must be implemented.
8 5. By January 15, 1991, the advisory committee
9 shall review progress and the next phase of the
10 evaluation design.
11 6. By May 31, 1991, the advisory committee shall
12 review a progress report of the evaluation.
13 7. By September 30, 1991, the laboratory, with the
14 assistance of the consortium, shall write the
15 evaluation report.
16 8. By October 31, 1991, the advisory committee
17 shall review the evaluation report and may suggest
18 revisions.
19 9. By December 15, 1991, the evaluation report
20 must be completed and prepared for distribution.
21 Moneys allocated in this section may be paid to the
22 regional educational laboratory and to the consortium.
23 Boards of directors of school districts and area
24 education agencies shall allow their teachers to be
25 members of a consortium and shall be reimbursed under
26 the terms of the contract for the cost of salaries and
27 benefits of each participating teacher.”
28 22. Page 30, by inserting after line 26, the
29 following:
30 “Sec. ____ . MODIFICATION OF RULES.
31 By October 1, 1990, the state board of education
32 shall adopt rules which modify existing rules,
33 relating to extended year special education, to
34 specify that the determination of the need for
35 extended year special education for each pupil be made
36 by the multidisciplinary team based on empirical and
37 quantitative data collected by the multidisciplinary
38 team. Rules adopted shall also contain criteria which
39 include, but are not limited to, criteria which
40 require that extended special education be provided if
41 a special education pupil fails to maintain an
42 acquired critical skill, as a result of an
43 interruption of special education instruction or
44 support services in a critical skill area, to the
45 extent that a period of reteaching of four or more
46 weeks will be required.”
47 23. By striking page 34, line 11, through page
48 35, line 29.
49 24. Page 36, line 27, by striking the word
50 “subsections” and inserting the following:

Page 6

1 “subsection”.
2 25. By striking page 36, line 28, through page
3 37, line 34.

4 26. Page 38, by striking lines 19 through 29.

5 27. Page 38, line 30, by striking the words
6 "paragraph b."

7 28. Page 38, by inserting after line 32, the
8 following:

9 "9. a. Effective July 1, 1989, through June 30,
10 ~~1990 1992~~, to facilitate the implementation and
11 economical operation of the educational program
12 defined in subsections 4 and 5, each school offering
13 any of grades seven through twelve, except a school
14 which offers grades one through eight as an elementary
15 school, shall meet the media center requirements
16 specified in section 256.11, subsection 9, paragraph
17 "a", Code Supplement 1987."

18 29. Page 39, line 11, by striking the figure
19 "1991" and inserting the following: "~~1991~~ 1992".

20 30. Page 39, by inserting after line 18, the
21 following:

22 "Sec. ____ . Section 256.11A, subsections 3 and 4,
23 Code Supplement 1989, are amended to read as follows:

24 3. Schools and school districts unable to meet the
25 standard adopted by the state board under section
26 256.17, Code Supplement 1987, and contained in section
27 256.11, subsection 9A, effective July 1, 1989,
28 requiring that on July 1, 1989, each board operating a
29 kindergarten through grade twelve program provide a
30 articulated sequential elementary-secondary guidance
31 program may, not later than January 1, 1989, for the
32 school year beginning July 1, 1989, file a written
33 request to the department of education that the
34 department waive the requirement for that school or
35 school district. The procedures specified in
36 subsection 5 apply to the request. Not later than
37 January 1, 1990, for the school year beginning July 1,
38 1990, the board or authorities may request a one-year
39 extension of the waiver. Not later than January 1,
40 1991, for the school year beginning July 1, 1991, the
41 board or authorities may request an additional one-
42 year extension of the waiver.

43 If a waiver is approved under subsection 5, the
44 school or school district shall meet the requirements
45 of section 256.11, subsection 9, paragraph "b", Code
46 Supplement 1987, for the period for which the waiver
47 is approved.

48 4. Schools and school districts are not required
49 to meet the standard adopted by the state board of
50 education under section 256.17, Code Supplement 1987,

Page 7

1 and contained in section 256.11, subsection 9,
2 paragraph "b", effective July 1, 1990, that requires
3 the board to establish and operate a media services
4 program to support the total curriculum until July 1,
5 1990, except as otherwise provided in this subsection.
6 Not later than January 1, 1990, for the school year
7 beginning July 1, 1990, the board of directors of a
8 school district, or authorities in charge of a
9 nonpublic school, may file a written request with the
10 department of education that the department waive the
11 requirement for that district or school. The
12 procedures specified in subsection 5 apply to the
13 request. Not later than January 1, 1991, for the
14 school year beginning July 1, 1991, the board of
15 directors of a school district, or authorities in
16 charge of a nonpublic school, may file a request for a
17 one-year extension of the waiver.

18 If a waiver is approved under subsection 5, the
19 school district or school shall meet the requirements
20 of section 256.11, subsection 9, paragraph "a", Code
21 Supplement 1987, for the period for which the waiver
22 is approved."

23 31. Page 47, by inserting after line 7, the
24 following:

25 "Sec. ____ . Section 261.50, Code Supplement 1989,
26 is amended by adding the following new unnumbered
27 paragraph:

28 NEW UNNUMBERED PARAGRAPH. For purposes of this
29 section, an "eligible community" means a community
30 which agrees to provide an eligible physician with a
31 first year income guarantee, malpractice insurance
32 coverage for four years, family health insurance,
33 reimbursement for moving expenses, two weeks of
34 vacation for each of the first four years, and one
35 week of continuing medical education per year for four
36 years."

37 32. Page 47, by inserting after line 12, the
38 following:

39 "Sec. ____ . NEW SECTION. 261.92 DEFINITIONS.

40 When used in this division, unless the context
41 otherwise requires:

42 1. "Accredited higher education institution" means
43 a public institution of higher learning located in
44 Iowa which is accredited by the north central
45 association of colleges and secondary schools
46 accrediting agency based on their requirements as of
47 April 1, 1969, or an institution of higher learning
48 located in Iowa which is operated privately and not

49 controlled or administered by any state agency or any
50 subdivision of the state, and which meets the

Page 8

1 following requirements:

2 a. Is accredited by the north central association
3 of colleges and secondary schools accrediting agency
4 based on their requirements as of April 1, 1969, and,

5 b. Promotes equal opportunity and affirmative
6 action efforts in the recruitment, appointment,
7 assignment, and advancement of personnel at the
8 institution. In carrying out this responsibility the
9 institution shall do all of the following:

10 (1) Designate a position as the affirmative action
11 coordinator.

12 (2) Adopt affirmative action standards.

13 (3) Gather data necessary to maintain an ongoing
14 assessment of affirmative action efforts.

15 (4) Monitor accomplishments with respect to
16 affirmative action remedies identified in affirmative
17 action plans.

18 (5) Conduct studies of preemployment and
19 postemployment processes in order to evaluate
20 employment practices and develop improved methods of
21 dealing with all employment issues related to equal
22 employment opportunity and affirmative action.

23 (6) Establish an equal employment committee to
24 assist in addressing affirmative action needs,
25 including recruitment.

26 (7) Address equal opportunity and affirmative
27 action training needs by doing all of the following:

28 (a) Providing appropriate training for managers
29 and supervisors.

30 (b) Insuring that training is available for all
31 staff members whose duties relate to personnel
32 administration.

33 (c) Investigating means for training in the area
34 of career development.

35 (8) Require development of equal employment
36 opportunity reports, including the initiation of the
37 processes necessary for the completion of the annual
38 EEO-6 reports required by the federal equal employment
39 opportunity commission.

40 (9) Address equal opportunity and affirmative
41 action policies with respect to employee benefits and
42 leaves of absence.

43 (10) File annual reports with the college aid
44 commission of activities under this paragraph.

45 2. "Commission" means the college student aid

46 commission.

47 3. "Financial need" means the difference between
48 the student's financial resources available, including
49 those available from the student's parents as
50 determined by a completed parents' confidential

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1 statement, and the student's anticipated expenses
2 while attending the accredited higher education
3 institution. Financial need shall be redetermined at
4 least annually.

5 4. "Full-time resident student" means an
6 individual resident of Iowa who is enrolled at an
7 accredited higher education institution in a course of
8 study including at least twelve semester hours or the
9 trimester equivalent of twelve semester hours or the
10 quarter equivalent of twelve semester hours. "Course
11 of study" does not include correspondence courses.

12 5. "Grant" means an award by the state of Iowa to
13 a qualified resident student under the Iowa grant
14 program.

15 6. "Part-time resident student" means an
16 individual resident of Iowa who is enrolled at an
17 accredited higher education institution in a course of
18 study including at least three semester hours or the
19 trimester or the four quarter equivalent of three
20 semester hours. "Course of study" does not include
21 correspondence courses.

22 7. "Qualified student" means a resident student
23 who has established financial need and who is making
24 satisfactory progress toward graduation.

25 Sec. ____ . NEW SECTION. 261.93 PROGRAM
26 ESTABLISHED -- WHO QUALIFIED.

27 An Iowa grant program is established.

28 A grant may be awarded to a resident of Iowa who is
29 admitted and in attendance as a full-time or part-time
30 resident student at an accredited higher education
31 institution and who establishes financial need.

32 Sec. ____ . NEW SECTION. 261.94 EXTENT OF GRANT.

33 A qualified full-time resident student may receive
34 grants for not more than eight semesters of
35 undergraduate study or the trimester or quarter
36 equivalent. A qualified part-time resident student
37 may receive grants for not more than sixteen semesters
38 of undergraduate study or the trimester or quarter
39 equivalent.

40 Sec. ____ . NEW SECTION. 261.95 AMOUNT OF GRANT.

41 1. The amount of a grant to a qualified full-time
42 student for an academic year shall be the lesser of

43 the student's financial need for that period or up to
44 one thousand dollars.

45 2. The amount of a grant to a qualified part-time
46 student enrolled in a course of study shall be equal
47 to the average amount of a grant to a full-time
48 student times a number which represents twenty-four
49 semester hours, or the trimester or quarter
50 equivalent, divided by the number of hours in which

Page 10

1 the part-time student is actually enrolled.

2 3. A grant may be made annually for both the fall
3 and spring semesters or the trimester equivalent.
4 Payments under the grant shall be allocated equally
5 among the semesters or trimesters and shall be paid at
6 the beginning of each semester or trimester, upon
7 certification by the accredited higher education
8 institution that the student is admitted and in
9 attendance. If the student discontinues attendance
10 before the end of the semester or trimester after
11 receiving payment under the grant, the entire amount
12 of any refund due that student, up to the amount of
13 any payments made under the annual grant, shall be
14 paid by the accredited higher education institution to
15 the state.

16 4. If a student receives financial aid under any
17 other program, the full amount of the other financial
18 aid shall be considered part of the student's
19 financial resources available in determining the
20 amount of the student's financial need for that
21 period. In no case may the state's total financial
22 contribution to the student's education, including
23 financial aid under any other state program, exceed
24 the tuition and mandatory fees at the institution
25 which the student attends.

26 Sec. — . NEW SECTION. 261.96 ADMINISTRATION BY
27 COMMISSION -- RULES.

28 The commission shall administer this program and
29 shall:

30 1. Provide application forms and parents'
31 confidential statement forms.

32 2. Adopt rules and regulations for determining
33 financial need, defining tuition and mandatory fees,
34 defining residence for the purposes of the Iowa grant
35 program, determining grant award amounts on the basis
36 of student need, processing and approving applications
37 for grants, and determining priority of grants. The
38 commission may provide for proration of funds if the
39 available funds are insufficient to pay all approved

40 grants. The proration shall take primary account of
41 the financial need of the applicant. In determining
42 who is a resident of Iowa, the commission's rules
43 shall be at least as restrictive as those of the board
44 of regents.

45 3. Approve and award grants.

46 4. Make an annual report to the governor and
47 general assembly, and evaluate the Iowa grant program
48 for the period. The commission may require the
49 accredited higher education institution to promptly
50 furnish any information which the commission may

Page 11

1 request in connection with the Iowa grant program.

2 Sec. ____ . NEW SECTION. 261.97 APPLICATION FOR
3 GRANTS.

4 Each applicant, in accordance with the rules of the
5 commission, shall:

6 1. Complete and file an application for a grant.

7 2. Be responsible for the submission of the
8 parents' confidential statement for processing, the
9 processed information to be returned both to the
10 commission and to the accredited higher education
11 institution in which the applicant is enrolling.

12 3. Report promptly to the commission any
13 information requested.

14 4. File a new application and parents'
15 confidential statement annually on the basis of which
16 the applicant's eligibility for a renewed grant will
17 be evaluated and determined.

18 Sec. ____ . NEW SECTION. 261.98 ACCESS TO
19 EDUCATION PILOT PROJECT.

20 An access to education pilot project is established
21 for the fiscal year beginning July 1, 1990, and ending
22 June 30, 1991, for purposes of providing grants to
23 resident students who attend community colleges in
24 this state. Students whose financial resources are up
25 to twenty percent over the eligibility level for a
26 PELL grant are eligible to receive grants under this
27 program. Students meeting the eligibility level may
28 receive a grant of up to two hundred fifty dollars.

29 The pilot project shall be administered by the
30 college student aid commission. The commission shall
31 allocate, from the amount allocated for community
32 colleges under the Iowa grant program, five hundred
33 thousand dollars for purposes of awarding grants under
34 this pilot project. Community colleges which have
35 students receiving grants under the pilot project
36 shall provide the commission with information as to

37 the income levels and age of grant recipients and the
38 length of time since grant recipients have enrolled in
39 an educational program. The commission shall tabulate
40 and submit the information in a report to the general
41 assembly by January 1, 1991.

42 The commission shall adopt rules for the
43 administration of this program.”

44 33. By striking page 47, line 33, through page
45 48, line 17.

46 34. Page 49, by inserting after line 2, the
47 following:

48 “Sec. ____ . Section 279.51, subsection 1, paragraph
49 d, Code Supplement 1989, is amended to read as
50 follows:

Page 12

1 d. For the fiscal year beginning July 1, 1990,
2 three million dollars, and for each fiscal year
3 thereafter, four million dollars of the funds
4 appropriated shall be allocated as grants to school
5 districts that have elementary schools that
6 demonstrate the greatest need for programs for at-risk
7 students with preference given to innovative programs
8 for the early elementary school years. Of the amount
9 allocated under this paragraph for each fiscal year,
10 seventy-five thousand dollars shall be allocated to
11 school districts which have an actual student
12 population of ten thousand or less and have an actual
13 non-English speaking student population which
14 represents greater than five percent of the total
15 actual student population for grants to elementary
16 schools in those districts.”

17 35. Page 49, line 33, by striking the word “The”
18 and inserting the following: “Beginning with the
19 fiscal year commencing July 1, 1990, and ending June
20 30, 1991, and in succeeding years, the”.

21 36. Page 51, line 16, by striking the word “The”
22 and inserting the following: “Beginning with the
23 fiscal year commencing July 1, 1990, and ending June
24 30, 1991, and in succeeding years, the”.

25 37. Page 53, by inserting after line 19 the
26 following:

27 “Sec. ____ . Section 298.20, Code 1989, is amended
28 to read as follows:

29 298.20 FUNDING OR REFUNDING BONDS.

30 For the purpose of providing for the payment of any
31 indebtedness of any school corporation represented by
32 judgments or bonds, the board of directors of such
33 school corporation, at any time or times, may provide

34 by resolution for the issuance of bonds of such school
 35 corporation, to be known as funding or refunding
 36 bonds. The proceeds derived from the ~~negotiation~~
 37 public or private sale of such funding or refunding
 38 bonds shall be applied in payment of such
 39 indebtedness; or ~~said the~~ funding bonds or refunding
 40 bonds may be issued in exchange for the evidences of
 41 such indebtedness, par for par."

42 38. By striking page 53, line 20, through page
 43 54, line 5.

44 39. By renumbering, relettering, or redesignating
 45 and correcting internal references as necessary.

S-5882

1 Amend the amendment, S-5837, to House File 2268, as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1. Page 1, by striking line 29, and inserting the
 5 following: "patient's or client's emotional".

6 2. Page 1, by striking lines 34 through 41.

7 3. Page 1, line 49, by striking the words "or
 8 former patient or former client".

9 4. Page 2, lines 1 and 2, by striking the words
 10 "former patient, or former client,".

11 5. Page 2, lines 12 and 13, by striking the words
 12 "or former patient or former client".

TOM MANN, Jr.

S-5883

1 Amend Senate File 2428 as follows:

DIVISION S—5883A

2 1. Page 12, line 19, by striking the word and
 3 figures, "5, and 7" and inserting the following: "and
 4 5".

5 2. Page 12, by inserting after line 32 the fol-
 6 lowing:

7 "4. If funds received from the federal government
 8 from the social services block grant exceed the
 9 amounts appropriated in section 7 of this Act, 100
 10 percent of the excess shall be allocated to local
 11 administrative costs and other local services."

DIVISION S—5883B

12 3. Page 22, by inserting after line 7 the
13 following:

14 "All other federal grants, receipts, and funds and
15 other nonstate grants, receipts, and funds, available
16 in whole or in part for the fiscal year beginning July
17 1, 1990, and ending June 30, 1991, are appropriated to
18 the Iowa department of public health for the purposes
19 set forth in the grants, receipts, or conditions
20 accompanying the receipt of the funds, unless
21 otherwise provided by law."

22 4. Page 25, by inserting after line 25 the fol-
23 lowing:

24 "All other federal grants, receipts, and funds and
25 other nonstate grants, receipts, and funds, available
26 in whole or in part for the fiscal year beginning July
27 1, 1990, and ending June 30, 1991, are appropriated to
28 the department of public safety for the purposes set
29 forth in the grants, receipts, or conditions
30 accompanying the receipt of the funds, unless
31 otherwise provided by law."

32 5. Page 27, by inserting after line 26 the fol-
33 lowing:

34 "Sec. ____ . FULL-TIME EQUIVALENT POSITIONS --
35 ADJUSTMENTS.

36 Full-time equivalent positions funded entirely with
37 federal funds are exempt from the limits on the number
38 of full-time equivalent positions provided for in
39 other Acts of the general assembly, but are approved
40 only for the period of time for which the federal
41 funds are available for the position. All departments
42 and establishments of government and the judicial
43 department shall notify the department of management
44 and the legislative fiscal bureau of any change in the
45 number of full-time equivalent positions approved.
46 The format of the notifications shall be specified by
47 the legislative fiscal bureau."

CHARLES BRUNER

S-5884

1 Amend the amendment, S-5830, to House File 2407, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 29, by inserting after the word
5 "wetland," the following: "The reimbursement shall be
6 as provided in section 111E.4."

MIKE CONNOLLY

S-5885

- 1 Amend House File 2559, as passed by the House, as
 2 follows:
 3 1. Page 1, line 4, by striking the figure "1"
 4 2. Page 1, line 16, by inserting after the word
 5 "review" the following: ", clerk of the board of
 6 review, the assessor, or deputy assessor".
 7 3. Page 1, by striking lines 18 through 33.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chair

HOUSE AMENDMENT TO
 SENATE FILE 205

S-5886

- 1 Amend Senate File 205, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 14, by striking the word
 4 "certification" and inserting the following:
 5 "~~certification~~ licensure".
 6 2. Page 1, line 24, by striking the word
 7 "certification" and inserting the following:
 8 "~~certification~~ licensure".
 9 3. By striking page 1, line 30, through page 2,
 10 line 3.
 11 4. Page 2, by inserting before line 4 the
 12 following:
 13 "Sec. ____ . Section 135F.2, Code 1989, is amended
 14 by adding the following new unnumbered paragraph after
 15 subsection 5:
 16 NEW UNNUMBERED PARAGRAPH. "Respiratory care as a
 17 practice" does not include the delivery, assembly,
 18 setup, testing, or demonstration of respiratory care
 19 equipment in the home upon the order of a licensed
 20 physician. As used in this paragraph, "demonstration"
 21 does not include the actual teaching, administration,
 22 or performance of the respiratory care procedures.
 23 Sec. ____ . Section 135F.5, unnumbered paragraph 3,
 24 Code 1989, is amended to read as follows:
 25 A graduate of an approved respiratory care training
 26 program employed in an organized health care system
 27 may render services as defined in sections 135F.2 and

28 135F.3 under the direct and immediate supervision of a
29 respiratory care practitioner for one year. The
30 graduate shall be identified as a "respiratory care
31 practitioner-~~certification~~ licensure applicant".

32 5. Page 2, by striking line 4, and inserting the
33 following:

34 "Sec. ____ . Section 135F.6, subsections 2 and 3,
35 Code 1989, are".

36 6. Page 2, line 7, by striking the word
37 "certification" and inserting the following:
38 "licensure".

39 7. Page 2, line 9, by striking the word
40 "certification" and inserting the following:
41 "licensure".

42 8. Page 2, by inserting after line 12 the
43 following:

44 "3. The designation of ~~certification~~ licensure
45 examinations for respiratory care practitioners."

46 9. Page 2, line 17, by striking the word
47 "certified" and inserting the following: "licensed".

48 10. Page 2, line 21, by striking the word
49 "certified" and inserting the following: "licensed".

50 11. Page 2, line 26, by striking the word

Page 2

1 "certified" and inserting the following: "licensed".

2 12. Page 3, line 1, by striking the figure "1990"
3 and inserting the following: "1991".

4 13. Page 3, line 3, by striking the word
5 "certification" and inserting the following:

6 "~~certification~~ licensure".

7 14. Page 3, line 7, by striking the word
8 "certification" and inserting the following:
9 "~~certification~~ licensure".

10 15. Page 3, by striking lines 8 and 9 and
11 inserting the following:

12 "Persons who are not licensed under this chapter
13 but who perform respiratory care as defined by
14 sections 135F.2 and 135F.3 shall comply with the".

15 16. Page 3, by inserting after line 12 the
16 following:

17 "This section does not apply to persons who are
18 licensed to practice a health profession covered by
19 chapter 147 or to any person who performs respiratory
20 care procedures as a first responder, emergency rescue
21 technician, emergency medical technician-ambulance,
22 advanced emergency medical care provider, or other
23 person functioning as part of a rescue unit or in a
24 hospital as authorized by chapter 147A, or to persons

25 whose function with respect to respiratory care is
 26 limited to the home delivery and connection of oxygen
 27 tanks.

28 Sec. ____ . Section 135F.12, Code 1989, is amended
 29 to read as follows:

30 135F.12 SUSPENSION AND REVOCATION OF ~~CERTIFICATES~~
 31 LICENSES.

32 The department may suspend, revoke or impose
 33 probationary conditions upon a certificate license
 34 issued pursuant to rules adopted in accordance with
 35 section 135F.6.”

36 17. Page 3, by striking lines 13 through 32.

37 18. Page 3, line 33, by striking the words
 38 “subsection 1, Code” and inserting the following:
 39 “subsection 6, Code Supplement”.

40 19. Page 4, line 1, by striking the word

41 “certifying” and inserting the following:

42 “licensing”.

43 20. By renumbering as necessary.

S-5887

1 Amend the amendment, S-5837, to House File 2268, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, line 40, by inserting after the word
 5 “years” the following: “, but not more than six
 6 years.”.

7 2. Page 2, by striking lines 6 through 8 and
 8 inserting the following: “breast, groin, buttock,
 9 anus, pubes, or genitals; or a sex act as defined in
 10 section 702.17. “Sexual exploitation” does not
 11 include conduct which is part of a standard medical
 12 treatment of a patient.”

JEAN LLOYD-JONES

HOUSE AMENDMENT TO
 SENATE FILE 2413

S-5888

1 Amend Senate File 2413, as amended, passed, and
 2 reprinted by the Senate, as follows:

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

5 “Sec. ____ . Section 22.7, subsection 18, paragraph

6 c, Code Supplement 1989, is amended to read as
7 follows:

8 c. Information contained in the communication is a
9 public record to the extent that it indicates the
10 date, time, specific location, and immediate facts and
11 circumstances surrounding the occurrence of a crime or
12 other illegal act, except to the extent that its
13 disclosure would plainly and seriously jeopardize a
14 continuing investigation, ~~or would~~ pose a clear and
15 present danger to the safety of any person, ~~or would~~
16 reveal, prior to the filing of an information or
17 indictment as provided in section 802.8, the residence
18 or business address or telephone number of any victim
19 or witness to a violent crime against a person or a
20 crime using a dangerous weapon, as defined in section
21 702.7. In any action challenging the failure of the
22 lawful custodian to disclose any particular
23 information of the kind enumerated in this paragraph,
24 the burden of proof is on the lawful custodian to
25 demonstrate that the disclosure of that information
26 would jeopardize such an investigation, ~~or would~~ pose
27 such a clear and present danger, ~~or would~~ reveal such
28 identifying information prior to the filing of an
29 information or indictment. The communication shall be
30 disclosed after removal of the information which is
31 not to be disclosed pursuant to this paragraph.”

32 2. Page 1, line 24, by inserting after the word
33 “services” the following: “or an inmate providing
34 services pursuant to a chapter 28E agreement entered
35 into pursuant to section 246.703.””

36 3. Page 1, line 32, by inserting after the word
37 “services,” the following: “or an inmate providing
38 services pursuant to a chapter 28E agreement entered
39 into pursuant to section 246.703.””

40 4. Page 2, line 7, by inserting after the word
41 “services,” the following: “or in connection with the
42 provision of services pursuant to a chapter 28E
43 agreement entered into pursuant to section 246.703.””

44 5. Page 2, line 25, by inserting after the word
45 “services,” the following: “or in connection with the
46 provision of services pursuant to a chapter 28E
47 agreement entered into pursuant to section 246.703.””

48 6. By striking page 2, line 29 through page 3,
49 line 8.

50 7. Page 3, line 13, by striking the word

Page 2

1 “counterfeit” and inserting the following:
2 “counterfeit”.

3 8. Page 3, by striking lines 19 through 21, and
4 inserting the following: "private elementary,
5 vocational, or secondary school, or a public or
6 private college, junior college, or university, or
7 within one hundred feet of a public park, playground,
8 public or private youth center, public swimming pool,
9 or video arcade facility, may, at the judge's
10 discretion, be sentenced up to an additional term of
11 confinement".

12 9. Page 3, by striking lines 31 and 32, and
13 inserting the following: "private elementary,
14 vocational, or secondary school, or a public or
15 private college, junior college, or university, or
16 within one hundred feet of a public park, playground,
17 public or private youth center, public swimming pool,
18 or video arcade facility, the person shall serve a".

19 10. Page 4, by striking lines 8 and 9 and
20 inserting the following: "elementary, vocational, or
21 secondary school, or a public or private college,
22 junior college, or university, or within one hundred
23 feet of a public park, playground, public or private
24 youth center, public swimming pool, or video arcade
25 facility, the person shall serve a minimum".

26 11. Page 4, by striking lines 11 through 24.

27 12. Page 4, by inserting after line 32 the
28 following:

29 "Sec. ____ . **NEW SECTION. 204.701 DRUG-RELATED**
30 **OBJECTS USED IN VIOLATION OF CHAPTER.**

31 1. As used in this section, "drug-related object"
32 means a raw material, instrument, device, article,
33 contrivance, or other object commonly used to plant,
34 propagate, cultivate, grow, harvest, manufacture,
35 compound, convert, produce, process, prepare, test,
36 analyze, pack, repack, store, contain, conceal,
37 inject, ingest, inhale, or otherwise introduce into
38 the human body a controlled substance. Drug-related
39 object includes but is not limited to:

40 a. Kits commonly used in planting, propagating,
41 cultivating, growing, or harvesting a species of plant
42 which is a controlled substance or from which a
43 controlled substance can be derived.

44 b. Kits commonly used in manufacturing,
45 compounding, converting, producing, processing, or
46 preparing controlled substances.

47 c. Isomerization devices commonly used in
48 increasing the potency of a species of plant which is
49 a controlled substance.

50 d. Testing equipment commonly used in identifying,

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- 1 or in analyzing the strength, effectiveness, or purity
2 of a controlled substance.
- 3 e. Scales and balances commonly used in weighing
4 or measuring a controlled substance.
- 5 f. Diluents and adulterants, such as quinine
6 hydrochloride, mannitol, mannite, dextrose, and
7 lactose, commonly used in cutting a controlled
8 substance.
- 9 g. Separation gins and sifters commonly used in
10 removing twigs and seeds from, or in otherwise
11 cleaning or refining, marijuana.
- 12 h. Blenders, bowls, containers, spoons, and mixing
13 devices commonly used in compounding a controlled
14 substance.
- 15 i. Capsules, balloons, envelopes, and other
16 containers commonly used in packaging small quantities
17 of a controlled substance.
- 18 j. Containers and other objects commonly used in
19 storing or concealing a controlled substance.
- 20 k. Hypodermic syringes, needles, and other objects
21 commonly used in parenterally injecting a controlled
22 substance into the human body.
- 23 l. Objects commonly used in ingesting, inhaling,
24 or otherwise introducing marijuana, cocaine, hashish,
25 or hashish oil into the human body, such as:
- 26 (1) Metal, wooden, acrylic, glass, stone, plastic,
27 or ceramic pipes with or without screens, permanent
28 screens, hashish heads, or punctured metal bowls.
- 29 (2) Water pipes.
- 30 (3) Carburetion tubes and devices.
- 31 (4) Smoking and carburetion masks.
- 32 (5) Roach clips, meaning objects commonly used to
33 hold burning material, such as a marijuana cigarette,
34 that has become too small or too short to be held in
35 the hand.
- 36 (6) Miniature cocaine spoons, and cocaine vials.
- 37 (7) Chamber pipes.
- 38 (8) Carburetor pipes.
- 39 (9) Electric pipes.
- 40 (10) Air-driven pipes.
- 41 (11) Chillums.
- 42 (12) Bongs.
- 43 (13) Ice pipes or chillers.
- 44 2. In determining whether an object is commonly
45 used in connection with a controlled substance, a
46 court or other authority may consider, in addition to
47 all other logically relevant factors, the following:
- 48 a. Statements by an owner or by anyone in control

49 of the object concerning its use.

50 b. A prior conviction of an owner or of anyone in

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1 control of the object under a state or federal law
2 relating to a controlled substance.

3 c. The proximity of the object, in time and space,
4 to a direct violation of this chapter.

5 d. The proximity of the object to a controlled
6 substance.

7 e. The existence of a residue of a controlled
8 substance on the object.

9 f. Instructions, oral or written, provided with
10 the object concerning its use.

11 g. Descriptive materials accompanying the object
12 which explain or depict its use.

13 h. National and local advertising concerning its
14 use.

15 i. The manner in which the object is displayed for
16 sale.

17 j. Whether the owner, or anyone in control of the
18 object, is a legitimate supplier of similar or related
19 items to the community, such as a licensed distributor
20 or dealer of tobacco products.

21 k. Direct or circumstantial evidence of the ratio
22 of sales of the object to the total sales of the
23 business enterprise.

24 l. The existence and scope of legitimate uses for
25 the object in the community.

26 m. Expert testimony concerning its use.

27 3. a. A person shall not use or possess with
28 intent to use a drug-related object to plant,
29 propagate, cultivate, grow, harvest, manufacture,
30 compound, convert, produce, process, prepare, test,
31 analyze, pack, repack, store, contain, conceal,
32 inject, ingest, inhale, or otherwise introduce into
33 the human body a controlled substance in violation of
34 this chapter. A person who violates this paragraph is
35 guilty of a simple misdemeanor.

36 b. A person shall not deliver, possess with intent
37 to deliver, or manufacture with intent to deliver, a
38 drug-related object intending that the object will be
39 used, and knowing, or under circumstances where one
40 reasonably should know, that the object will be used
41 to plant, propagate, cultivate, grow, harvest,
42 manufacture, compound, convert, produce, process,
43 prepare, test, analyze, pack, repack, store, contain,
44 conceal, inject, ingest, inhale, or otherwise
45 introduce into the human body a controlled substance

46 in violation of this chapter. A person eighteen years
47 of age or older who violates this paragraph by
48 delivering a drug-related object to a person under
49 eighteen years of age who is at least three years
50 younger than the person delivering the drug-related

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1 object is guilty of an aggravated misdemeanor. Any
2 other person who violates this paragraph is guilty of
3 a serious misdemeanor.

4 c. A person shall not deliver, possess with intent
5 to deliver, or manufacture with intent to deliver, a
6 drug-related object which has no common use other than
7 its use in connection with the use of a controlled
8 substance in violation of this chapter, knowing, or
9 under circumstances where one reasonably should know,
10 that the object will be used to plant, propagate,
11 cultivate, grow, harvest, manufacture, compound,
12 convert, produce, process, prepare, test, analyze,
13 pack, repack, store, contain, conceal, inject, ingest,
14 inhale, or otherwise introduce into the human body a
15 controlled substance in violation of this chapter. A
16 person eighteen years of age or older who violates
17 this paragraph by delivering a drug-related object,
18 which has no common use other than its use in
19 connection with the use of a controlled substance in
20 violation of this chapter, to a person under eighteen
21 years of age who is at least three years younger than
22 the person delivering the drug-related object is
23 guilty of an aggravated misdemeanor. Any other person
24 who violates this paragraph is guilty of a serious
25 misdemeanor.

26 d. A person shall not place an advertisement in a
27 newspaper, magazine, handbill, or other publication,
28 intending, and knowing, or under circumstances where
29 one reasonably should know, that the purpose of the
30 advertisement, taken as a whole, is to promote the
31 sale in this state of a drug-related object that will
32 be used to plant, propagate, cultivate, grow, harvest,
33 manufacture, compound, convert, produce, process,
34 prepare, test, analyze, pack, repack, store, contain,
35 conceal, inject, ingest, inhale, or otherwise
36 introduce into the human body a controlled substance
37 in violation of this chapter. A person who violates
38 this paragraph is guilty of a serious misdemeanor."

39 13. Page 9, line 17, by striking the word "--
40 PENALTY" and inserting the following: "-- PENALTY".

41 14. Page 10, by inserting after line 28, the
42 following:

43 "Sec. ____ . Section 232.2, subsection 6, paragraph
 44 d, Code Supplement 1989, is amended to read as
 45 follows:
 46 d. Who has been, or is imminently likely to be,
 47 sexually abused by the child's parent, guardian,
 48 custodian or other member of the household in which
 49 the child resides.
 50 Sec. ____ . Section 232.8, subsection 1, unnumbered

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1 paragraph 2, Code 1989, is amended to read as follows:
 2 Violations by a child of provisions of chapter 106,
 3 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G
 4 which would be simple misdemeanors if committed by an
 5 adult, and violations by a child of county or
 6 municipal curfew or traffic ordinances, ~~and violations~~
 7 ~~by a child of section 123.47,~~ are excluded from the
 8 jurisdiction of the juvenile court and shall be
 9 prosecuted as simple misdemeanors as provided by law.
 10 ~~The court may advise appropriate juvenile authorities~~
 11 ~~and may refer violations of section 123.47 to the~~
 12 ~~juvenile court when there is reason to believe the~~
 13 ~~child regularly abuses alcohol and may be in need of~~
 14 ~~treatment. The court shall notify the parents or~~
 15 ~~legal guardians of a child who appears before it for a~~
 16 ~~violation of section 123.47.~~ A child convicted of a
 17 violation excluded from the jurisdiction of the
 18 juvenile court under this unnumbered paragraph shall
 19 be sentenced pursuant to section 805.8, where
 20 applicable, and pursuant to section 903.1, subsection
 21 3, for all other violations."
 22 15. Page 11, by inserting after line 5, the
 23 following:
 24 "Sec. ____ . Section 232.19, Code 1989, is amended
 25 by adding the following new subsection:
 26 NEW SUBSECTION. 3. Notwithstanding any other
 27 provision of this chapter, a child shall not be placed
 28 in detention as a result of a violation by that child
 29 of section 123.47."
 30 16. Page 11, line 11, by inserting after the word
 31 "alcohol" the following: "or controlled substance".
 32 17. Page 11, by inserting after line 19, the
 33 following:
 34 "Sec. ____ . Section 232.82, Code 1989, is amended
 35 to read as follows:
 36 232.82 REMOVAL OF SEXUAL OFFENDERS AND PHYSICAL
 37 ABUSERS FROM THE RESIDENCE PURSUANT TO COURT ORDER.
 38 1. Notwithstanding section 561.15, if it is
 39 alleged by a person authorized to file a petition

40 under section 232.87, subsection 2, or by the court on
41 its own motion, that a parent, guardian, custodian, or
42 an adult member of the household in which a child
43 resides has committed a sexual offense with or against
44 the child, pursuant to chapter 709 or section 726.2,
45 or a physical abuse as defined by section 232.2,
46 subsection 38, the juvenile court may enter an ex
47 parte order requiring the alleged sexual offender or
48 physical abuser to vacate the child's residence upon a
49 showing that probable cause exists to believe that the
50 sexual offense or physical abuse has occurred and that

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1 substantial evidence exists to believe that the
2 presence of the alleged sexual offender or physical
3 abuser in the child's residence presents a danger to
4 the child's life or physical, emotional, or mental
5 health.

6 2. If an order is entered under subsection 1 and a
7 petition has not yet been filed under this chapter,
8 the petition shall be filed under section 232.87 by
9 the county attorney, the department of human services,
10 or a juvenile court officer within three days of the
11 entering of the order.

12 3. The juvenile court may order on its own motion,
13 or shall order upon the request of the alleged sexual
14 offender or physical abuser, a hearing to determine
15 whether the order to vacate the residence should be
16 upheld, modified, or vacated. The juvenile court may
17 in any later child in need of assistance proceeding
18 uphold, modify, or vacate the order to vacate the
19 residence.

20 Sec. ____ . Section 232.116, subsection 1, Code
21 Supplement 1989, is amended by adding a new paragraph:
22 NEW PARAGRAPH. 1. The court finds that both of
23 the following have occurred:

24 (1) The child has been adjudicated a child in need
25 of assistance pursuant to section 232.96 after finding
26 that the child has been physically or sexually abused
27 as a result of the acts or omissions of a parent.

28 (2) The parent found to have physically or
29 sexually abused the child has been imprisoned for such
30 abuse against the child, the child's sibling, or any
31 other child in the household and the court finds it is
32 unlikely that the parent will be released within five
33 years."

34 18. Page 11, line 22, by striking the word
35 "shall" and inserting the following: "may".

36 19. Page 11, by striking line 23, and inserting

37 the following: "of suitable space and reading
38 material for inmates. For purposes of this section,
39 "suitable reading materials" does not include material
40 depicting or describing the genitals, sex acts,
41 masturbation, excretory functions, or sadomasochistic
42 abuse which the average person, taking the material as
43 a whole and applying contemporary community standards
44 with respect to what is suitable material for inmates,
45 would find appeals to the prurient interest and is
46 patently offensive; and the material, taken as a
47 whole, lacks serious literary, scientific, political,
48 or artistic value. The director shall consider if the
49 availability or possession of the material represents
50 a potential danger to inmates, the community, or to

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1 personnel of the department of corrections. The".

2 20. By striking page 11, line 27, through page
3 12, line 14.

4 21. Page 12, by inserting after line 14, the
5 following:

6 "Sec. ____ . Section 246.514, unnumbered paragraph
7 2, Code 1989, is amended to read as follows:

8 "Failure to comply with an order issued pursuant to
9 this section may result in the forfeiture of good
10 conduct time, not to exceed one year, earned up to the
11 time of the failure to comply. If good conduct time
12 has not been earned, the person may be determined to
13 be ineligible by the department to earn good conduct
14 time for a period of up to three months."

15 22. Page 12, by inserting after line 14, the
16 following:

17 "Sec. ____ . Section 246.703, Code 1989, is amended
18 by adding the following new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. The director may enter
20 into a chapter 28E agreement with a county board of
21 supervisors or county conservation board to provide
22 inmate services for environmental maintenance
23 including but not limited to brush and weed cutting,
24 tree planting, and erosion control. The board of
25 supervisors or conservation board shall reimburse the
26 department of corrections for the allowance paid the
27 inmates by the director. The supervision, security,
28 and transportation of inmates used pursuant to the
29 chapter 28E agreement shall be provided by the
30 department of corrections."

31 23. Page 12, by striking line 20, and inserting
32 the following: "sentence performing labor in the
33 program. Duties, if possible, shall consist of

34 physical labor outside in plain view of the public.
35 However, an inmate shall not be required to perform
36 work which is beyond an inmate's physical ability,
37 which constitutes a physical hardship, or which is
38 dangerous or threatening to the inmate's life or
39 health, medically prohibited, or unduly painful."
40 24. Page 12, by inserting after line 20, the
41 following:

42 "Sec. 101. Section 321.85, Code 1989, is amended
43 to read as follows:
44 321.85 STOLEN VEHICLES OR COMPONENT PARTS.
45 1. When a vehicle or component part is seized
46 under section 321.84 or is stolen or embezzled, and is
47 not claimed by the owner before the date on which the
48 person charged with its stealing or embezzling is
49 convicted, the officer having the vehicle or component
50 part in the officer's custody shall, on that date by

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1 certified regular mail, notify the department that the
2 officer has the vehicle or component part in the
3 officer's possession, giving a full and complete
4 description of it, including all vehicle
5 identification numbers and component part numbers. If
6 there is a dispute regarding a claim for the vehicle
7 or component part, the agency holding the vehicle or
8 component part shall conduct an evidentiary hearing to
9 adjudicate the claim.

10 2. If a person claims to be the owner, and there
11 is a dispute as to the claim, the department shall
12 hold an evidentiary hearing within thirty days of
13 receiving the claim. If it is shown that the vehicle
14 or component part is needed as evidence in a criminal
15 prosecution or that further investigation is needed to
16 identify the vehicle or part or its owner, the hearing
17 shall be continued a reasonable amount of time for the
18 completion of the prosecution or investigation. If
19 the person from whom the vehicle or part was seized
20 establishes ownership of a vehicle or part, the
21 vehicle or part shall be returned to the person
22 without imposition of towing or storage fees.

23 3. A claimant may establish ownership of a motor
24 vehicle by demonstrating any of the following:
25 a. That the claimant is the holder of a valid
26 certificate of title, including rebuilt vehicle title,
27 or junking certificate which in fact corresponds to
28 all component parts of the vehicle, or by other
29 competent evidence. Ownership shall not be denied if
30 the only parts bearing numbers not corresponding to

31 the title are those found on the engine, door, or
32 fender of the vehicle unless the numbers are the
33 public vehicle identification number. However, if the
34 claimant cannot establish ownership of the engine,
35 door, or fender pursuant to subsection 4, the part
36 shall not be returned to the claimant. Numbers on
37 motorcycle engine cases are not engine numbers for
38 purposes of this paragraph.

39 b. That the claimant is the owner of all component
40 parts of the vehicle as set forth in subsection 4.

41 c. That the claimant is the legal owner of the
42 vehicle under the laws of another state if the vehicle
43 is registered or titled in that other state.

44 4. A claimant may establish ownership of a
45 component part by demonstrating that the claimant
46 holds a valid certificate of title or junking
47 certificate for the vehicle on which the part was
48 initially installed by the manufacturer, or was placed
49 in accordance with a valid rebuilt vehicle title, or
50 by evidence of a legitimate unbroken chain of

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1 ownership of the part back to the holder of such title
2 or certificate, or by other competent evidence.
3 Ownership of component parts on which the numbers have
4 been altered, defaced, switched, removed, or otherwise
5 disguised shall not be established unless there is
6 sufficient competent or physical evidence identifying
7 it as part of a vehicle owned by the claimant.

8 5. If a claimant establishes ownership of a
9 vehicle, the entire vehicle shall be awarded to the
10 claimant, unless ownership of a door or fender or of
11 the engine is established in another person, in which
12 case that part shall be awarded to that person. If
13 ownership of a vehicle is not established, the
14 component parts shall be awarded to the claimants
15 establishing title to the parts.

16 6. The final decision shall be served by certified
17 mail upon the persons found to be owners of vehicles
18 or parts, and shall notify such persons that the
19 vehicle or part is no longer needed for prosecution or
20 investigation and that they have forty-five days to
21 retrieve the vehicle or part from the agency having
22 custody of the vehicle or part. Failure to do so
23 shall result in the vehicle or part being deemed
24 abandoned for purposes of section 321.89.

25 7. If the ownership of a vehicle or part cannot be
26 established, the agency having custody of the vehicle

27 or part shall proceed as directed in sections 321.86
28 through 321.89.

29 Sec. 102. Section 321.88, Code 1989, is amended to
30 read as follows:

31 321.88 FAILURE OF OWNER TO CLAIM.

32 If the owner does not appear within ~~forty forty-~~
33 five days, the motor vehicle or component part shall
34 be deemed abandoned and the officer having possession
35 of the motor vehicle or component part shall proceed
36 as provided in section 321.89, subsections 3 and 4.

37 Sec. 103. Section 321.89, Code 1989, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 5. Component parts not claimed by
40 an owner as provided in section 321.88 shall be
41 disposed of as provided in subsections 3 and 4."

42 25. Page 12, by striking lines 21 through 26 and
43 inserting the following:

44 "Sec. ____ . NEW SECTION. 321L.1 DEFINITIONS.

45 As used in this chapter unless the context
46 otherwise requires:

47 1. "Alcohol concentration" means the number of
48 grams of alcohol per any of the following:

- 49 a. One hundred milliliters of blood.
50 b. Two hundred ten liters of breath.

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1 c. Sixty-seven milliliters of urine.

2 2. "Alcoholic beverage" includes alcohol, wine,
3 spirits, beer, or any other beverage which contains
4 ethyl alcohol and is fit for human consumption.

5 3. "Arrest" includes but is not limited to taking
6 into custody pursuant to section 232.19.

7 4. "Department" means the state department of
8 transportation.

9 5. "Director" means the director of transportation
10 or the director's designee.

11 6. "Motor vehicle license" means any license or
12 permit issued to a person to operate a motor vehicle
13 in this state, including but not limited to an
14 operator, chauffeur, or motorized bicycle license and
15 an instruction or temporary permit.

16 7. "Peace officer" means:

17 a. A member of the highway patrol.

18 b. A police officer under civil service as

19 provided in chapter 400.

20 c. A sheriff.

21 d. A regular deputy sheriff who has had formal
22 police training.

23 e. Any other law enforcement officer who has

24 satisfactorily completed an approved course relating
 25 to motor vehicle operators under the influence of
 26 alcoholic beverages at the Iowa law enforcement
 27 academy or a law enforcement training program approved
 28 by the department of public safety.

29 8. "Serious injury" means a bodily injury which
 30 creates a substantial risk of death, or which causes
 31 serious permanent disfigurement, or which causes
 32 protracted loss or impairment of the function of any
 33 bodily organ or major bodily member, or which causes
 34 the loss of any bodily member."

35 26. Page 12, line 27, by striking the figure
 36 "321L.1" and inserting the following: "321L.1A".

37 27. Page 12, line 32, by striking the figure
 38 "321J.2" and inserting the following: "321L.2A".

39 28. Page 13, by striking lines 10 through 28, and
 40 inserting the following:

41 "Failure to attend or complete a course for
 42 drinking drivers, or a substance abuse treatment
 43 program as ordered by the court is punishable as
 44 contempt of court."

45 29. Page 13, by inserting after line 28 the
 46 following:

47 "Sec. ____ . NEW SECTION. 321L.2A OPERATING WHILE
 48 UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE
 49 HAVING AN ALCOHOL CONCENTRATION OF .08 OR MORE. (OWI)

50 1. A person commits the offense of operating while

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1 intoxicated if the person operates a motor vehicle in
 2 this state in either of the following conditions:

3 a. While under the influence of an alcoholic
 4 beverage or other drug or a combination of such
 5 substances.

6 b. While having an alcohol concentration as
 7 defined in section 321L.2 of .08 or more.

8 2. A person who violates this section commits:

9 a. A serious misdemeanor for the first offense and
 10 shall be imprisoned in the county jail for not less
 11 than forty-eight hours to be served as ordered by the
 12 court, less credit for any time the person was
 13 confined in a jail or detention facility following
 14 arrest, and assessed a fine of not less than five
 15 hundred dollars nor more than one thousand dollars.
 16 As an alternative to a portion or all of the fine, the
 17 court may order the person to perform not more than
 18 two hundred hours of unpaid community service. The
 19 court may accommodate the sentence to the work
 20 schedule of the defendant.

21 b. An aggravated misdemeanor for a second offense
22 and shall be imprisoned in the county jail or
23 community-based correctional facility not less than
24 seven days, which minimum term cannot be suspended
25 notwithstanding section 901.5, subsection 3 and
26 section 907.3, subsection 3, and assessed a fine of
27 not less than seven hundred fifty dollars.

28 c. A class "D" felony for a third offense and each
29 subsequent offense and shall be imprisoned in the
30 county jail for a determinate sentence of not more
31 than one year but not less than thirty days, or
32 committed to the custody of the director of the
33 department of corrections, and assessed a fine of not
34 less than seven hundred fifty dollars. The minimum
35 jail term of thirty days cannot be suspended
36 notwithstanding section 901.5, subsection 3, and
37 section 907.3, subsection 3, however, the person
38 sentenced shall receive credit for any time the person
39 was confined in a jail or detention facility following
40 arrest. If a person is committed to the custody of
41 the director of the department of corrections pursuant
42 to this paragraph and the sentence is suspended, the
43 sentencing court shall order that the offender serve
44 the thirty-day minimum term in the county jail. If
45 the sentence which commits the person to the custody
46 of the director of the department of corrections is
47 later imposed by the court, all time served in a
48 county jail toward the thirty-day minimum term shall
49 count as time served toward the sentence which
50 committed the person to the custody of the director of

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1 the department of corrections. A person convicted of
2 a second or subsequent offense shall be ordered to
3 undergo a substance abuse evaluation prior to
4 sentencing. If a person is convicted of a third or
5 subsequent offense or if the evaluation recommends
6 treatment, the offender may be committed to the
7 custody of the director of the department of
8 corrections, who, if the sentence is not suspended,
9 shall assign the person to a facility pursuant to
10 section 246.513 or the offender may be committed to
11 treatment in the community under the provisions of
12 section 907.6.

13 3. No conviction for, deferred judgment for, or
14 plea of guilty to, a violation of this section which
15 occurred more than six years prior to the date of the
16 violation charged shall be considered in determining
17 that the violation charged is a second, third, or

18 subsequent offense. For the purpose of determining if
19 a violation charged is a second, third, or subsequent
20 offense, deferred judgments pursuant to section 907.3
21 for violations of this section and convictions or the
22 equivalent of deferred judgments for violations in any
23 other states under statutes substantially
24 corresponding to this section shall be counted as
25 previous offenses. The courts shall judicially notice
26 the statutes of other states which define offenses
27 substantially equivalent to the one defined in this
28 section and can therefore be considered corresponding
29 statutes. Each previous violation shall be considered
30 a separate previous offense without regard to whether
31 each was complete as to commission and conviction or
32 deferral of judgment following or prior to any other
33 previous violation.

34 4. A person shall not be convicted and sentenced
35 for more than one violation of this section if the
36 violation is shown to have been committed by either or
37 both of the means described in subsection 1 in the
38 same occurrence.

39 5. The clerk of court shall immediately certify to
40 the department a true copy of each order entered with
41 respect to deferral of judgment, deferral of sentence
42 or pronouncement of judgment and sentence for a
43 defendant under this section.

44 6. This section does not apply to a person
45 operating a motor vehicle while under the influence of
46 a drug if the substance was prescribed for the person
47 and was taken under the prescription and in accordance
48 with the directions of a medical practitioner as
49 defined in chapter 155A, if there is no evidence of
50 the consumption of alcohol and the medical

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1 practitioner had not directed the person to refrain
2 from operating a motor vehicle.

3 7. In any prosecution under this section, evidence
4 of the results of analysis of a specimen of the
5 defendant's blood, breath, or urine is admissible upon
6 proof of a proper foundation. The alcohol
7 concentration established by the results of an
8 analysis of a specimen of the defendant's blood,
9 breath, or urine withdrawn within two hours after the
10 defendant was driving or in physical control of a
11 motor vehicle is presumed to be the alcohol
12 concentration at the time of driving or being in
13 physical control of the motor vehicle.

14 8. The court shall order a defendant convicted of

15 or receiving a deferred judgment for a violation of
16 this section to make restitution, in an amount not to
17 exceed two thousand dollars, for damages resulting
18 directly from the violation. An amount paid pursuant
19 to this restitution order shall be credited toward any
20 adverse judgment in a subsequent civil proceeding
21 arising from the same occurrence. However, other than
22 establishing a credit, a restitution proceeding
23 pursuant to this section shall not be given
24 evidentiary or preclusive effect in a subsequent civil
25 proceeding arising from the same occurrence.
26 9. In any prosecution under this section, the
27 results of a chemical test may not be used to prove a
28 violation of paragraph "b" of subsection 1 if the
29 alcohol concentration indicated by the chemical test
30 minus the established margin of error inherent in the
31 device or method used to conduct the chemical test
32 does not equal an alcohol concentration of .08 or
33 more.

34 Sec. — NEW SECTION. 321L.3 COURT ORDERED
35 SUBSTANCE ABUSE EVALUATION OR TREATMENT.

36 1. On a conviction for a violation of section
37 321L.2A, the court may order the defendant to attend a
38 course for drinking drivers under section 321L.22. If
39 the defendant submitted to a chemical test on arrest
40 for the violation of section 321L.2A and the test
41 indicated an alcohol concentration of .20 or higher,
42 or if the defendant is charged with a second or
43 subsequent offense, the court shall order the
44 defendant, on conviction, to undergo a substance abuse
45 evaluation and the court may order the defendant to
46 follow the recommendations proposed in the substance
47 abuse evaluation for appropriate substance abuse
48 treatment for the defendant. Court-ordered substance
49 abuse treatment is subject to the periodic reporting
50 requirements of section 125.86. If a defendant is

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1 committed by the court to a substance abuse treatment
2 facility, the administrator of the facility shall
3 report to the court when it is determined that the
4 defendant has received the maximum benefit of
5 treatment at the facility and the defendant shall be
6 released from the facility. The time for which the
7 defendant is committed for treatment shall be credited
8 against the defendant's sentence. The court may
9 prescribe the length of time for the evaluation and
10 treatment or it may request that the area school
11 conducting the course for drinking drivers which the

12 person is ordered to attend or the treatment program
 13 to which the person is committed immediately report to
 14 the court when the person has received maximum benefit
 15 from the course for drinking drivers or treatment
 16 program or has recovered from the person's addiction,
 17 dependency, or tendency to chronically abuse alcohol
 18 or drugs. A person committed under this section who
 19 does not possess sufficient income or estate to make
 20 payment of the costs of the treatment in whole or in
 21 part shall be considered a state patient and the costs
 22 of treatment shall be paid as provided in section
 23 125.44. A defendant who fails to carry out the order
 24 of the court or who fails to successfully complete or
 25 attend a course for drinking drivers or an ordered
 26 substance abuse treatment program shall be confined in
 27 the county jail for twenty days in addition to any
 28 other imprisonment ordered by the court or may be
 29 ordered to perform unpaid community service work, and
 30 shall be placed on probation for one year with a
 31 violation of this probation punishable as contempt of
 32 court.

33 2. As a condition of a suspended sentence or
 34 portion of sentence for a second, third, or subsequent
 35 offense in violation of section 321L.2A, the court
 36 upon hearing may commit the defendant for inpatient
 37 treatment of alcoholism or drug addiction or
 38 dependency to any hospital, institution, or community
 39 correctional facility in Iowa providing such
 40 treatment. The time for which the defendant is
 41 committed for treatment shall be credited against the
 42 defendant's sentence. The court may prescribe the
 43 length of time for the evaluation and treatment or it
 44 may request that the hospital to which the person is
 45 committed immediately report to the court when the
 46 person has received maximum benefit from the program
 47 of the hospital or institution or has recovered from
 48 the person's addiction, dependency, or tendency to
 49 chronically abuse alcohol or drugs. A person
 50 committed under this section who does not possess

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1 sufficient income or estate to make payment of the
 2 costs of the treatment in whole or in part shall be
 3 considered a state patient and the costs of treatment
 4 shall be paid as provided in section 125.44.

5 Sec. ____ . **NEW SECTION. 321L.4 REVOCATION OF**
 6 **LICENSE -- IGNITION INTERLOCK DEVICES -- CONDITIONAL**
 7 **TEMPORARY RESTRICTED LICENSE.**

8 1. If a defendant is convicted of a violation of

9 section 321L.2A and the defendant's motor vehicle
10 license or nonresident operating privilege has not
11 been revoked under section 321L.9 or 321L.12 for the
12 occurrence from which the arrest arose, the department
13 shall revoke the defendant's motor vehicle license or
14 nonresident operating privilege for one hundred eighty
15 days if the defendant has had no previous conviction
16 under section 321L.2A or revocation under section
17 321L.9 or 321L.12 within the previous six years and
18 for one year if the defendant has had one or more
19 previous convictions or revocations under those
20 sections within the previous six years.

21 2. If the court defers judgment pursuant to
22 section 907.3 for a violation of section 321L.2A, the
23 court shall order the department to revoke the
24 defendant's motor vehicle license or nonresident
25 operating privilege for a period of not less than
26 thirty days nor more than ninety days if the
27 defendant's motor vehicle license or nonresident
28 operating privilege has not been revoked under section
29 321L.9 or 321L.12 for the occurrence from which the
30 arrest arose. The court shall immediately require the
31 defendant to surrender to it all Iowa licenses or
32 permits held by the defendant, which the court shall
33 forward to the department with a copy of the order
34 deferring judgment.

35 3. a. Upon a plea or verdict of guilty of a third
36 or subsequent violation of section 321L.2A, the court
37 shall order the department to revoke the defendant's
38 motor vehicle license or nonresident operating
39 privilege for a period of six years. The court shall
40 require the defendant to surrender to it all Iowa
41 licenses or permits held by the defendant, which the
42 court shall forward to the department with a copy of
43 the order for revocation.

44 b. After two years from the date of the order for
45 revocation, the defendant may apply to the court for
46 restoration of the defendant's eligibility for a motor
47 vehicle license. The application may be granted only
48 if all of the following are shown by the defendant by
49 a preponderance of the evidence:

50 (1) The defendant has completed an evaluation and,

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1 if recommended by the evaluation, a program of
2 treatment for chemical dependency and is recovering,
3 or has substantially recovered, from that dependency
4 on or tendency to abuse alcohol or drugs.

5 (2) The defendant has not been convicted, since

6 the date of the revocation order, of any subsequent
7 violations of section 321L.2A or 123.46, or any
8 comparable city or county ordinance, and the defendant
9 has not, since the date of the revocation order,
10 submitted to a chemical test under this chapter that
11 indicated an alcohol concentration as defined in
12 section 321L.1 of .08 or more, or refused to submit to
13 chemical testing under this chapter.

14 (3) The defendant has abstained from the excessive
15 consumption of alcoholic beverages and the consumption
16 of controlled substances, except at the direction of a
17 licensed physician or pursuant to a valid
18 prescription.

19 (4) The defendant's motor vehicle license is not
20 currently subject to suspension or revocation for any
21 other reason.

22 c. The court shall forward to the department a
23 record of any application submitted under paragraph
24 "b" and the results of the court's disposition of the
25 application.

26 4. Upon a plea or verdict of guilty of a violation
27 of section 321L.2A which involved a personal injury,
28 the court shall determine in open court, from
29 consideration of the information in the file and any
30 other evidence the parties may submit, whether a
31 serious injury was sustained by any person other than
32 the defendant and, if so, whether the defendant's
33 conduct in violation of section 321L.2A caused the
34 serious injury. If the court so determines, the court
35 shall order the department to revoke the defendant's
36 motor vehicle license or nonresident operating
37 privilege for a period of one year in addition to any
38 other period of suspension or revocation. The
39 defendant shall surrender to the court any Iowa
40 license or permit and the court shall forward it to
41 the department with a copy of the order for
42 revocation.

43 5. Upon a plea or verdict of guilty of a violation
44 of section 321L.2A which involved a death, the court
45 shall determine in open court, from consideration of
46 the information in the file and any other evidence the
47 parties may submit, whether a death occurred and, if
48 so, whether the defendant's conduct in violation of
49 section 321L.2A caused the death. If the court so
50 determines, the court shall order the department to

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1 revoke the defendant's motor vehicle license or
2 nonresident operating privilege for a period of six

3 years. The defendant shall surrender to the court any
4 Iowa license or permit and the court shall forward it
5 to the department with a copy of the order for
6 revocation.

7 6. If a license or permit to operate a motor
8 vehicle is revoked or denied under this section or
9 section 321L.9 or 321L.12, the period of revocation or
10 denial shall be the period provided for such a
11 revocation or until the defendant reaches the age of
12 eighteen whichever period is longer.

13 7. On a conviction for or as a condition of a
14 deferred judgment for a violation of section 321L.2A,
15 the court may order the defendant to install ignition
16 interlock devices of a type approved by the
17 commissioner of public safety on all motor vehicles
18 owned or operated by the defendant which, without
19 tampering or the intervention of another person, would
20 prevent the defendant from operating the motor vehicle
21 with an alcohol concentration greater than a level set
22 by rule of the commissioner of public safety. The
23 commissioner of public safety shall adopt rules to
24 approve certain ignition interlock devices and the
25 means of installation of the devices, and shall
26 establish the level of alcohol concentration beyond
27 which an ignition interlock device will not allow
28 operation of the motor vehicle in which it is
29 installed. The order shall remain in effect for a
30 period of time as determined by the court which shall
31 not exceed the maximum term of imprisonment which the
32 court could have imposed according to the nature of
33 the violation. While the order is in effect, the
34 defendant shall not operate a motor vehicle which does
35 not have an approved ignition interlock device
36 installed. If the defendant's motor vehicle license
37 or nonresident operating privilege has been revoked,
38 the department shall not issue a temporary permit or a
39 motor vehicle license to the person without
40 certification that approved ignition interlock devices
41 have been installed in all motor vehicles owned or
42 operated by the defendant while the order is in
43 effect. A defendant who fails within a reasonable
44 time to comply with an order to install an approved,
45 ignition interlock device may be declared in contempt
46 of court and punished accordingly. A person who
47 tampers with or circumvents an ignition interlock
48 device installed under a court order while an order is
49 in effect commits a serious misdemeanor.

50 8. A person whose motor vehicle license has been

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1 revoked under this chapter and who is not eligible for
2 a temporary restricted license under this chapter may
3 petition the court for an order to the department to
4 require the department to issue a temporary restricted
5 license to the person. The court shall determine if
6 the temporary restricted license is necessary for the
7 person to maintain the person's present employment.
8 If the court determines that the temporary restricted
9 license is necessary for the person to maintain the
10 person's present employment, the court shall order the
11 department to issue to the person a temporary
12 restricted license conditioned upon the person's
13 certification to the court of the installation of
14 approved ignition interlock devices in all motor
15 vehicles that it is necessary for the person to
16 operate to maintain the person's present employment.
17 If the person operates a motor vehicle which does not
18 have an approved ignition interlock device or if the
19 person tampers with or circumvents an ignition
20 interlock device, in addition to other penalties
21 provided, the person's temporary restricted license
22 shall be revoked.

23 Sec. ____ . NEW SECTION. 321L.5 PRELIMINARY
24 SCREENING TEST.

25 When a peace officer has reasonable grounds to
26 believe that a motor vehicle operator may be violating
27 or has violated section 321L.2A, or the operator has
28 been involved in a motor vehicle collision resulting
29 in injury or death, the peace officer may request the
30 operator to provide a sample of the operator's breath
31 for a preliminary screening test using a device
32 approved by the commissioner of public safety for that
33 purpose. The results of this preliminary screening
34 test may be used for the purpose of deciding whether
35 an arrest should be made and whether to request a
36 chemical test authorized in this chapter, but shall
37 not be used in any court action except to prove that a
38 chemical test was properly requested of a person
39 pursuant to this chapter.

40 Sec. ____ . NEW SECTION. 321L.6 IMPLIED CONSENT TO
41 TEST.

42 1. A person who operates a motor vehicle in this
43 state under circumstances which give reasonable
44 grounds to believe that the person has been operating
45 a motor vehicle in violation of section 321L.2A is
46 deemed to have given consent to the withdrawal of
47 specimens of the person's blood, breath, or urine and
48 to a chemical test or tests of the specimens for the

49 purpose of determining the alcohol concentration or
50 presence of drugs, subject to this section. The

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1 withdrawal of the body substances and the test or
2 tests shall be administered at the written request of
3 a peace officer having reasonable grounds to believe
4 that the person was operating a motor vehicle in
5 violation of section 321L.2A, and if any of the
6 following conditions exist:
7 a. A peace officer has lawfully placed the person
8 under arrest for violation of section 321L.2A.
9 b. The person has been involved in a motor vehicle
10 accident or collision resulting in personal injury or
11 death.
12 c. The person has refused to take a preliminary
13 breath screening test provided by this chapter.
14 d. The preliminary breath screening test was
15 administered and it indicated an alcohol concentration
16 as defined in section 321L.1 of .08 or more.
17 e. The preliminary breath screening test was
18 administered and it indicated an alcohol concentration
19 of less than .08 and the peace officer has reasonable
20 grounds to believe that the person was under the
21 influence of a drug other than alcohol or a
22 combination of alcohol and another drug.
23 2. The peace officer shall determine which of the
24 three substances, breath, blood, or urine, shall be
25 tested. Refusal to submit to a chemical test of urine
26 or breath is deemed a refusal to submit, and section
27 321L.9 applies. A refusal to submit to a chemical
28 test of blood is not deemed a refusal to submit, but
29 in that case, the peace officer shall then determine
30 which one of the other two substances shall be tested
31 and shall offer the test. If the peace officer fails
32 to offer a test within two hours after the preliminary
33 screening test is administered or refused or the
34 arrest is made, whichever occurs first, a test is not
35 required, and there shall be no revocation under
36 section 321L.9.
37 3. Notwithstanding subsection 2, if the peace
38 officer has reasonable grounds to believe that the
39 person was under the influence of a drug other than
40 alcohol or a combination of alcohol and another drug,
41 a urine test may be required even after a blood or
42 breath test has been administered. Section 321L.9
43 applies to a refusal to submit to a chemical test of
44 urine requested under this subsection.
45 Sec. ____ . NEW SECTION. 321L.7 DEAD OR

46 UNCONSCIOUS PERSONS.

47 A person who is dead, unconscious, or otherwise in
48 a condition rendering the person incapable of consent
49 or refusal is deemed not to have withdrawn the consent
50 provided by section 321L.6, and the test may be given

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1 if a licensed physician certifies in advance of the
2 test that the person is dead, unconscious, or
3 otherwise in a condition rendering that person
4 incapable of consent or refusal.

5 Sec. ____ . NEW SECTION. 321L.8 STATEMENT OF
6 OFFICER.

7 A person who has been requested to submit to a
8 chemical test shall be advised by a peace officer of
9 the following:

10 1. If the person refuses to submit to the test,
11 the person's license or operating privilege will be
12 revoked by the department for the applicable period
13 under section 321L.9.

14 2. If the person submits to the test and the
15 results indicate an alcohol concentration as defined
16 in section 321L.1 of .08 or more, the person's license
17 or operating privilege will be revoked by the
18 department for the applicable period under section
19 321L.12.

20 This section does not apply in any case involving a
21 person described in section 321L.7.

22 Sec. ____ . NEW SECTION. 321L.9 REFUSAL TO SUBMIT
23 -- REVOCATION.

24 If a person refuses to submit to the chemical
25 testing, a test shall not be given, but the
26 department, upon the receipt of the peace officer's
27 certification, subject to penalty for perjury, that
28 the officer had reasonable grounds to believe the
29 person to have been operating a motor vehicle in
30 violation of section 321L.2A, that specified
31 conditions existed for chemical testing pursuant to
32 section 321L.6, and that the person refused to submit
33 to the chemical testing, shall revoke the person's
34 motor vehicle license and any nonresident operating
35 privilege for a period of two hundred forty days if
36 the person has no previous revocation within the
37 previous six years under this chapter; and five
38 hundred forty days if the person has one or more
39 previous revocations within the previous six years
40 under this chapter; or if the person is a resident
41 without a license or permit to operate a motor vehicle
42 in this state, the department shall deny to the person

43 the issuance of a license or permit for the same
44 period a license or permit would be revoked, subject
45 to review as provided in this chapter. The effective
46 date of revocation shall be twenty days after the
47 department has mailed notice of revocation to the
48 person by certified mail or, on behalf of the
49 department, a peace officer offering or directing the
50 administration of a chemical test may serve immediate

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1 notice of intention to revoke and of revocation on a
2 person who refuses to permit chemical testing. If the
3 peace officer serves that immediate notice, the peace
4 officer shall take the Iowa license or permit of the
5 driver, if any, and issue a temporary license
6 effective for only twenty days. The peace officer
7 shall immediately send the person's license to the
8 department along with the officer's certificate
9 indicating the person's refusal to submit to chemical
10 testing.

11 Sec. ____ . NEW SECTION. 321L.10 TESTS PURSUANT TO
12 WARRANTS.

13 1. Refusal to consent to a test under section
14 321L.6 does not prohibit the withdrawal of a specimen
15 for chemical testing pursuant to a search warrant
16 issued in the investigation of a suspected violation
17 of section 707.5 if all of the following grounds
18 exist:

19 a. A traffic accident has resulted in a death or
20 personal injury reasonably likely to cause death.
21 b. There are reasonable grounds to believe that
22 one or more of the persons whose driving may have been
23 the proximate cause of the accident was violating
24 section 321L.2A at the time of the accident.

25 2. Search warrants may be issued under this
26 section in full compliance with chapter 808 or they
27 may be issued under subsection 3.

28 3. Notwithstanding section 808.3, the issuance of
29 a search warrant under this section may be based upon
30 sworn oral testimony communicated by telephone if the
31 magistrate who is asked to issue the warrant is
32 satisfied that the circumstances make it reasonable to
33 dispense with a written affidavit. The following
34 shall then apply:

35 a. When a caller applies for the issuance of a
36 warrant under this section and the magistrate becomes
37 aware of the purpose of the call, the magistrate shall
38 place under oath the person applying for the warrant.

39 b. The person applying for the warrant shall

40 prepare a duplicate warrant and read the duplicate
41 warrant, verbatim, to the magistrate who shall enter,
42 verbatim, what is read to the magistrate on a form
43 that will be considered the original warrant. The
44 magistrate may direct that the warrant be modified.
45 c. The oral application testimony shall set forth
46 facts and information tending to establish the
47 existence of the grounds for the warrant and shall
48 describe with a reasonable degree of specificity the
49 person or persons whose driving is believed to have
50 been the proximate cause of the accident and from whom

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1 a specimen is to be withdrawn and the location where
2 the withdrawal of the specimen or specimens is to take
3 place.
4 d. If a voice recording device is available, the
5 magistrate may record by means of that device all of
6 the call after the magistrate becomes aware of the
7 purpose of the call. Otherwise, the magistrate shall
8 cause a stenographic or longhand memorandum to be made
9 of the oral testimony of the person applying for the
10 warrant.
11 e. If the magistrate is satisfied from the oral
12 testimony that the grounds for the warrant exist or
13 that there is probable cause to believe that they
14 exist, the magistrate shall order the issuance of the
15 warrant by directing the person applying for the
16 warrant to sign the magistrate's name on the duplicate
17 warrant. The magistrate shall immediately sign the
18 original warrant and enter on its face the exact time
19 when the issuance was ordered.
20 f. The person who executes the warrant shall enter
21 the time of execution on the face of the duplicate
22 warrant.
23 g. The magistrate shall cause any record of the
24 call made by means of a voice recording device to be
25 transcribed, shall certify the accuracy of the
26 transcript, and shall file the transcript and the
27 original record with the clerk. If a stenographic or
28 longhand memorandum was made of the oral testimony of
29 the person who applied for the warrant, the magistrate
30 shall file a signed copy with the clerk.
31 h. The clerk of court shall maintain the original
32 and duplicate warrants along with the record of the
33 telephone call and any transcript or memorandum made
34 of the call in a confidential file until a charge, if
35 any, is filed.
36 4. Search warrants issued under this section shall

37 authorize and direct peace officers to secure the
38 withdrawal of blood specimens by medical personnel
39 under section 321L.11. Reasonable care shall be
40 exercised to ensure the health and safety of the
41 persons from whom specimens are withdrawn in execution
42 of the warrants. If a person from whom a specimen is
43 to be withdrawn objects to the withdrawal of blood,
44 and the person is capable of giving a specimen of
45 breath, and a direct breath testing instrument is
46 readily available, the warrant may be executed by the
47 withdrawal of a specimen of breath for chemical
48 testing.
49 5. The act of any person knowingly resisting or
50 obstructing the withdrawal of a specimen pursuant to a

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1 search warrant issued under this section constitutes a
2 contempt punishable by a fine not exceeding one
3 thousand dollars or imprisonment in a county jail not
4 exceeding one year or by both such fine and
5 imprisonment. Also, if the withdrawal of a specimen
6 is so resisted or obstructed, sections 321L.9 and
7 321L.16 apply.

8 6. Nonsubstantive variances between the contents
9 of the original and duplicate warrants shall not cause
10 a warrant issued under subsection 3 of this section to
11 be considered invalid.

12 7. Specimens obtained pursuant to warrants issued
13 under this section are not subject to disposition
14 under section 808.9 or chapter 809.

15 8. Subsections 1 to 7 of this section do not apply
16 where a test may be administered under section 321L.7.

17 9. Medical personnel who use reasonable care and
18 accepted medical practices in withdrawing blood
19 specimens are immune from liability for their actions
20 in complying with requests made of them pursuant to
21 search warrants or pursuant to section 321L.11.

22 Sec. ____ . NEW SECTION. 321L.11 TAKING SAMPLE FOR
23 TEST.

24 Only a licensed physician, licensed physician
25 assistant as defined in section 148C.1, medical
26 technologist, or registered nurse, acting at the
27 request of a peace officer, may withdraw a specimen of
28 blood for the purpose of determining the alcohol
29 concentration or the presence of drugs. However, any
30 peace officer, using devices and methods approved by
31 the commissioner of public safety, may take a specimen
32 of a person's breath or urine for the purpose of
33 determining the alcohol concentration or the presence

34 of drugs. Only new equipment kept under strictly
35 sanitary and sterile conditions shall be used for
36 drawing blood.

37 The person may have an independent chemical test or
38 tests administered at the person's own expense in
39 addition to any administered at the direction of a
40 peace officer. The failure or inability of the person
41 to obtain an independent chemical test or tests does
42 not preclude the admission of evidence of the results
43 of the test or tests administered at the direction of
44 the peace officer. Upon the request of the person who
45 is tested, the results of the test or tests
46 administered at the direction of the peace officer
47 shall be made available to the person.

48 Sec. ____ . NEW SECTION. 321L.12 TEST RESULT
49 REVOCATION.

50 Upon certification, subject to penalty for perjury,

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1 by the peace officer that there existed reasonable
2 grounds to believe that the person had been operating
3 a motor vehicle in violation of section 321L.2A, that
4 there existed one or more of the necessary conditions
5 for chemical testing described in section 321L.6,
6 subsection 1, and that the person submitted to
7 chemical testing and the test results indicated an
8 alcohol concentration as defined in section 321L.1 of
9 .08 or more, the department shall revoke the person's
10 motor vehicle license or nonresident operating
11 privilege for a period of one hundred eighty days if
12 the person has had no revocation within the previous
13 six years under this chapter, and one year if the
14 person has had one or more previous revocations within
15 the previous six years under this chapter.

16 The effective date of the revocation shall be
17 twenty days after the department has mailed notice of
18 revocation to the person by certified mail. The peace
19 officer who requested or directed the administration
20 of the chemical test may, on behalf of the department,
21 serve immediate notice of revocation on a person whose
22 test results indicated an alcohol concentration of .08
23 or more.

24 If the peace officer serves that immediate notice,
25 the peace officer shall take the person's Iowa license
26 or permit, if any, and issue a temporary license valid
27 only for twenty days. The peace officer shall
28 immediately send the person's driver's license to the
29 department along with the officer's certificate
30 indicating that the test results indicated an alcohol

31 concentration of .08 or more.

32 The results of a chemical test may not be used as
33 the basis for a revocation of a person's motor vehicle
34 license or nonresident operating privilege if the
35 alcohol concentration indicated by the chemical test
36 minus the established margin of error inherent in the
37 device or method used to conduct the chemical test
38 does not equal an alcohol concentration of .08 or
39 more.

40 Sec. ____ . NEW SECTION. 321L.13 HEARING ON
41 REVOCATION -- APPEAL.

42 1. Notice of revocation of a person's motor
43 vehicle license or operating privilege served pursuant
44 to section 321L.9 or 321L.12 shall include a form
45 accompanied by a preaddressed envelope on which the
46 person served may indicate by a checkmark if the
47 person wishes to request a temporary restricted
48 license only or if the person wishes a hearing to
49 contest the revocation. The form shall clearly state
50 on its face that the form must be completed and

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1 returned within thirty days of receipt or the person's
2 right to a hearing to contest the revocation is
3 foreclosed. The form shall also be accompanied by a
4 statement of the operation of and the person's rights
5 under this chapter.

6 2. The department shall grant the person an
7 opportunity to be heard within forty-five days of
8 receipt of a request for a hearing if the request is
9 made not later than thirty days after receipt of
10 notice of revocation served pursuant to section 321L.9
11 or 321L.12. The hearing shall be before the
12 department in the county where the alleged events
13 occurred, unless the director and the person agree
14 that the hearing may be held in some other county, or
15 the hearing may be held by telephone conference at the
16 discretion of the agency conducting the hearing. The
17 hearing may be recorded and its scope shall be limited
18 to the issues of whether a peace officer had
19 reasonable grounds to believe that the person was
20 operating a motor vehicle in violation of section
21 321L.2 and either of the following:

22 a. Whether the person refused to submit to the
23 test or tests.

24 b. Whether a test was administered and the test
25 results indicated an alcohol concentration as defined
26 in section 321L.1 of .08 or more.

27 3. After the hearing the department shall order

28 that the revocation be either rescinded or sustained.
29 If the revocation is sustained, the administrative law
30 judge who conducted the hearing may issue a temporary
31 restricted license to the person whose motor vehicle
32 license or operating privilege was revoked. Upon
33 receipt of the decision of the department to sustain a
34 revocation, the person contesting the revocation has
35 ten days to file a request for review of the decision
36 by the director. The director or the director's
37 designee shall review the decision within fifteen days
38 and shall either rescind or sustain the revocation or
39 order a new hearing. If the director orders a new
40 hearing, the department shall grant the person a new
41 hearing within thirty days of the director's order.
42 4. A person whose motor vehicle license or
43 operating privilege has been or is being revoked under
44 section 321L.9 or 321L.12 may reopen a department
45 hearing on the revocation if the person submits a
46 petition stating that new evidence has been discovered
47 which provides grounds for rescission of the
48 revocation, or prevail at the hearing to rescind the
49 revocation, if the person submits a petition stating
50 that a criminal action on a charge of a violation of

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1 section 321L.2A filed as a result of the same
2 circumstances which resulted in the revocation has
3 resulted in a decision in which the court has held
4 that the peace officer did not have reasonable grounds
5 to believe that a violation of section 321L.2A had
6 occurred to support a request for or to administer a
7 chemical test or which has held the chemical test to
8 be otherwise inadmissible or invalid. Such a decision
9 by the court is binding on the department and the
10 department shall rescind the revocation.
11 5. The department shall stay the revocation of a
12 person's motor vehicle license or operating privilege
13 for the period that the person is contesting the
14 revocation under this section or section 321L.14 if it
15 is shown to the satisfaction of the department that
16 the new evidence is material and that there were valid
17 reasons for failure to present it in the contested
18 case proceeding before the department.
19 6. If the department fails to comply with the time
20 limitations of this section regarding granting a
21 hearing, review by the director or the director's
22 designee, or granting a new hearing, and if the
23 request for a hearing or review by the director was
24 properly made under this section, the revocation of

25 the motor vehicle license or operating privilege of
26 the person who made the request for a hearing or
27 review shall be rescinded. This subsection shall not
28 apply in those cases in which a continuance to the
29 hearing has been granted at the request of either the
30 person who requested the hearing or the peace officer
31 who requested or administered the chemical test.

32 . Sec. ____ . NEW SECTION. 321L.14 JUDICIAL REVIEW.

33 Judicial review of an action of the department may
34 be sought in accordance with the terms of the Iowa
35 administrative procedure Act, chapter 17A.

36 Notwithstanding the terms of that chapter, a petition
37 for judicial review may be filed in the district court
38 in the county where the alleged events occurred or in
39 the county in which the administrative hearing was
40 held.

41 Sec. ____ . NEW SECTION. 321L.15 EVIDENCE IN ANY
42 ACTION.

43 Upon the trial of a civil or criminal action or
44 proceeding arising out of acts alleged to have been
45 committed by a person while operating a motor vehicle
46 in violation of section 321L.2A, evidence of the
47 alcohol concentration or the presence of drugs in the
48 person's body substances at the time of the act
49 alleged as shown by a chemical analysis of the
50 person's blood, breath, or urine is admissible. If it

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1 is established at trial that an analysis of a breath
2 specimen was performed by a certified operator using a
3 device and methods approved by the commissioner of
4 public safety, no further foundation is necessary for
5 introduction of the evidence.

6 Sec. ____ . NEW SECTION. 321L.16 PROOF OF REFUSAL
7 ADMISSIBLE.

8 If a person refuses to submit to a chemical test,
9 proof of refusal is admissible in any civil or
10 criminal action or proceeding arising out of acts
11 alleged to have been committed while the person was
12 operating a motor vehicle in violation of section
13 321L.2A.

14 Sec. ____ . NEW SECTION. 321L.17 CIVIL PENALTY --
15 SEPARATE FUND -- REINSTATEMENT.

16 When the department revokes a person's motor
17 vehicle license or nonresident operating privilege
18 under this chapter, the department shall assess the
19 person a civil penalty of one hundred dollars. The
20 money collected by the department under this section
21 shall be transmitted to the treasurer of state who

22 shall deposit the money in a separate fund dedicated
 23 to and used for the purposes of chapter 912 and
 24 section 709.10, and for the operation of a missing
 25 person clearinghouse and domestic abuse registry by
 26 the department of public safety. Notwithstanding
 27 section 8.33, any balance in the fund on June 30 of
 28 any fiscal year shall not revert to the general fund
 29 of the state. A temporary restricted license shall
 30 not be issued or a motor vehicle license or
 31 nonresident operating privilege reinstated until the
 32 civil penalty has been paid.

33 Sec. ____ . NEW SECTION. 321L.18 OTHER EVIDENCE.
 34 This chapter does not limit the introduction of any
 35 competent evidence bearing on the question of whether
 36 a person was under the influence of an alcoholic
 37 beverage or a drug, including the results of chemical
 38 tests of specimens of blood, breath or urine obtained
 39 more than two hours after the person was operating a
 40 motor vehicle.

41 Sec. ____ . NEW SECTION. 321L.19 INFORMATION
 42 RELAYED TO OTHER STATES.
 43 When it has been finally determined under this
 44 chapter that a nonresident's privilege to operate a
 45 motor vehicle in this state has been revoked or
 46 denied, the department shall give information in
 47 writing of the action taken to the official in charge
 48 of traffic control or public safety of the state of
 49 the person's residence and of any state in which the
 50 person has a license.

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1 Sec. ____ . NEW SECTION. 321L.20 TEMPORARY
 2 RESTRICTED LICENSE.
 3 1. The department may, on application, issue a
 4 temporary restricted license to a person whose motor
 5 vehicle license is revoked under this chapter allowing
 6 the person to drive to and from the person's home and
 7 specified places at specified times which can be
 8 verified by the department and which are required by
 9 the person's full-time or part-time employment,
 10 continuing health care or the continuing health care
 11 of another who is dependent upon the person,
 12 continuing education while enrolled in an educational
 13 institution on a part-time or full-time basis and
 14 while pursuing a course of study leading to a diploma,
 15 degree, or other certification of successful
 16 educational completion, substance abuse treatment, and
 17 court-ordered community service responsibilities if
 18 the person's motor vehicle license has not been

19 revoked under 321L.4, 321L.9, or 321L.12 within the
20 previous six years and if any of the following apply:

- 21 a. The person's motor vehicle license is revoked
22 under section 321L.4, subsection 1, 2, 4, or 6.
23 b. The person's motor vehicle license is revoked
24 under section 321L.9 and the person has entered a plea
25 of guilty on a charge of a violation of section
26 321L.2A which arose from the same set of circumstances
27 which resulted in the person's motor vehicle license
28 revocation under section 321L.9 and the guilty plea is
29 not withdrawn at the time of or after application for
30 the temporary restricted license.
31 c. The person's motor vehicle license is revoked
32 under section 321L.12.

33 However, a temporary restricted license may be
34 issued if the person's motor vehicle license is
35 revoked under section 321L.9, and the revocation is a
36 second revocation under this chapter, and the first
37 three hundred and sixty days of the revocation have
38 expired.

39 2. This section does not apply to a person whose
40 license was revoked under section 321L.4, subsection 3
41 or 5, or to a person whose license is suspended or
42 revoked for another reason.

43 3. A person holding a temporary restricted license
44 issued by the department under this section shall not
45 operate a motor vehicle for pleasure.

46 Sec. — . NEW SECTION. 321L.21 DRIVING WHILE
47 LICENSE DENIED OR REVOKED.

48 A person whose motor vehicle license or nonresident
49 operating privilege has been denied or revoked as
50 provided in this chapter and who drives a motor

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1 vehicle upon the highways of this state while the
2 license or privilege is denied or revoked commits a
3 serious misdemeanor. The department, upon receiving
4 the record of the conviction of a person under this
5 section upon a charge of driving a motor vehicle while
6 the license of the person was revoked or denied, shall
7 extend the period of revocation or denial for an
8 additional like period, and the department shall not
9 issue a new license during the additional period.

10 Sec. — . NEW SECTION. 321L.22 COURT-ORDERED
11 DRINKING DRIVERS COURSE.

12 1. As used in this section, unless the context
13 otherwise requires:

14 a. "Course for drinking drivers" means an approved
15 course designed to inform the offender about drinking

16 and driving and encourage the offender to assess the
 17 offender's own drinking and driving behavior in order
 18 to select practical alternatives.

19 b. "Satisfactory completion of a course" means
 20 receiving at the completion of a course a grade from
 21 the course instructor of "C" or "2.0," or better.

22 2. After a conviction for, or a plea of guilty of,
 23 a violation of section 321L.2A, the court in addition
 24 to its power to commit the defendant for treatment of
 25 alcoholism under section 321L.3, may order the
 26 defendant, at the defendant's own expense, to enroll
 27 in, attend, and successfully complete a course for
 28 drinking drivers. The court may alternatively or
 29 additionally require the defendant to seek evaluation,
 30 treatment or rehabilitation services under section
 31 125.33 at the defendant's expense and to furnish
 32 evidence of successful completion. A copy of the
 33 order shall be forwarded to the department.

34 3. The course provided in this section shall be
 35 offered on a regular basis at each area school as
 36 defined in section 280A.2. Enrollment in the courses
 37 is not limited to persons ordered to enroll, attend
 38 and successfully complete the course under subsection
 39 2, and any person convicted of a violation of section
 40 321L.2A who was not ordered to enroll in a course may
 41 enroll in and attend a course for drinking drivers.
 42 The course required by this section shall be taught by
 43 the area schools under the department of education and
 44 approved by the department. The department of
 45 education shall establish reasonable fees to defray
 46 the expense of obtaining classroom space, instructor
 47 salaries, and class materials. A person shall not be
 48 denied enrollment in a course by reason of the
 49 person's indigency.

50 4. An employer shall not discharge a person from

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1 employment solely for the reason of work absence to
 2 attend a course required by this section. Any
 3 employer who violates this section is liable for
 4 damages which include but are not limited to actual
 5 damages, court costs, and reasonable attorney fees.
 6 The person may also petition the court for imposition
 7 of a cease and desist order against the person's
 8 employer and for reinstatement to the person's
 9 previous position of employment.

10 5. The department of education shall prepare a
 11 list of the locations of the courses taught under this
 12 section, the dates and times taught, the procedure for

13 enrollment, and the schedule of course fees. The list
14 shall be kept current and a copy of the list shall be
15 sent to each court having jurisdiction over offenses
16 provided in this chapter.

17 6. The department of education shall maintain
18 enrollment, attendance, successful and unsuccessful
19 completion data on the persons ordered to enroll,
20 attend and successfully complete a course for drinking
21 drivers. This data shall be forwarded to the court."

22 30. Page 13, by inserting after line 28 the fol-
23 lowing:

24 "Sec. ____ . NEW SECTION. 321L.3 SEIZURE OF
25 VEHICLE.

26 Upon a plea or verdict of guilty of a third or
27 subsequent violation of section 321J.2, which occurs
28 while the person's license is suspended or revoked
29 pursuant to chapter 321J, the court shall order the
30 defendant to surrender to the state department of
31 transportation, the motor vehicle operated by the
32 defendant at the time of the third or subsequent
33 violation.

34 However, the court shall stay such order upon proof
35 by the owner or co-owner of the vehicle, if other than
36 the defendant, that the owner or co-owner was not
37 aware that the defendant's motor vehicle license was
38 suspended or revoked pursuant to chapter 321J, or that
39 the defendant operated the motor vehicle without the
40 owner's or co-owner's knowledge or permission."

41 31. Page 20, line 6, by striking the word "--
42 REFUNDS" and inserting the following: "-- REFUNDS".

43 32. Page 22, by inserting after line 34, the
44 following:

45 "Sec. 104. Section 602.6405, subsection 1, Code
46 1989, is amended to read as follows:

47 1. Magistrates have jurisdiction of simple
48 misdemeanors, including traffic and ordinance
49 violations, and preliminary hearings, search warrant
50 proceedings, county and municipal infractions, and

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1 small claims. They also Magistrates have jurisdiction
2 to exercise the powers specified in sections 644.2 and
3 644.12, and to hear complaints or preliminary
4 informations, issue warrants, order arrests, make
5 commitments, and take bail. They also Magistrates
6 have jurisdiction over violations of section 123.47
7 involving persons eighteen years of age, and section
8 123.49, subsection 2, paragraph "h". Magistrates have
9 jurisdiction to conduct hearings authorized under

10 section 809.4 and section 809.10, subsection 2."

11 33. By striking page 22, line 35 through page 23,
12 line 6, and inserting the following:

13 "Sec. ____ . Section 707.6A, Code Supplement 1989,
14 is amended to read as follows:

15 707.6A HOMICIDE OR SERIOUS INJURY BY VEHICLE.

16 1. A person commits a class "~~D~~" "C" felony when
17 the person unintentionally causes the death of another
18 by either of the following means:

19 a. Operating a motor vehicle while under the
20 influence of alcohol or ~~a~~ other drug or a combination
21 of such substances or while having an alcohol
22 concentration, as defined in section 321J.1,
23 subsection 1, of .10 .08 or more; in violation of

24 section 321J.2. Upon a plea or verdict of guilty of a
25 violation of this paragraph, the court shall order the
26 state department of transportation to revoke the
27 defendant's motor vehicle license or nonresident
28 operating privileges for a period of six years. The
29 defendant shall surrender to the court any Iowa
30 license or permit and the court shall forward it to
31 the department with a copy of the revocation order.

32 b. Driving a motor vehicle in a reckless manner
33 with willful or wanton disregard for the safety of
34 persons or property, in violation of section 321.277.

35 2. A person commits ~~an aggravated misdemeanor a~~
36 class "D" felony when the person unintentionally
37 causes the death of another by operating a motor
38 vehicle in any of the following manners:

39 a. Drag racing, in violation of section 321.278.

40 b. Eluding or attempting to elude a pursuing law
41 enforcement vehicle, in violation of section 321.279.

42 3. A person commits an aggravated misdemeanor when
43 the person unintentionally causes a serious injury, as
44 defined in section 321J.1, subsection 8, by either of
45 the means described in subsection 1 of this section.

46 3 4. As used in this section, "motor vehicle"
47 includes any vehicle defined as a motor vehicle in
48 section 321.1.

49 5. Except for the purpose of sentencing under
50 section 321J.2, subsection 2, a conviction or deferral

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1 of judgment for a violation of this section, where a
2 violation of section 321J.2 is admitted or proved,
3 shall be treated as a conviction or deferral of
4 judgment for a violation of section 321J.2 for the
5 purposes of chapters 321, 321A, and 321J, and section

6 907.3, subsection 1."

7 34. Page 24, by inserting after line 15, the
8 following:

9 "Sec. 105. Section 809.3, subsection 2, Code 1989,
10 is amended to read as follows:

11 2. The application for the return of seized
12 property shall state the specific item or items
13 sought, the nature of the claimant's interest in the
14 property, and the grounds upon which the claimant
15 seeks to have the property immediately returned. Mere
16 ownership is insufficient as grounds for immediate
17 return. ~~The written application shall be specific and
18 the claimant shall be limited at the judicial hearing
19 to proof of the grounds set out in the application for
20 immediate return.~~ The fact that the property is
21 inadmissible as evidence or that it may be suppressed
22 is not grounds for its return. ~~If no specific grounds
23 are set out in the application for return, or the
24 grounds set out are insufficient as a matter of law,
25 the court may enter judgment on the pleadings without
26 further hearing.~~

27 Sec. 106. Section 809.11, subsections 1 and 2,
28 Code 1989, are amended to read as follows:

29 1. Forfeiture is a civil proceeding. At the
30 hearing the burden is on the state to prove by a
31 ~~preponderance of the clear and convincing~~ evidence
32 that the property is forfeitable. However, forfeiture
33 is not dependent upon a prosecution for, or conviction
34 of, a criminal offense and forfeiture proceedings are
35 separate and distinct from any related criminal
36 action.

37 ~~2. Court appointed counsel; Counsel shall be~~
38 ~~appointed~~ at the state's expense; ~~is not available in~~
39 ~~forfeiture proceedings for indigent persons having an~~
40 ~~ownership interest exceeding a value of five hundred~~
41 ~~dollars in the property that is subject to the~~
42 ~~forfeiture proceeding.~~ The attorney general or county
43 attorney may represent the state in all forfeiture
44 proceedings.

45 Sec. 107. Section 809.11, Code 1989, is amended by
46 adding the following new subsections:

47 NEW SUBSECTION. 5. At a hearing to determine
48 whether real property should be forfeited, any of the
49 following may be established as affirmative defenses,
50 by the person seeking return of the property:

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- 1 a. That the person, who is not a party to the
- 2 alleged criminal activity, before becoming aware of

3 the investigation, reported the alleged criminal
4 activity to the appropriate law enforcement agency
5 prior to the seizure of the property.

6 b. That the person acted reasonably in attempting
7 to prevent or terminate the unlawful use of the
8 property.

9 c. That the person seeking return of the property
10 had no prior knowledge of the criminal activity.

11 NEW SUBSECTION. 6. Cash found in close proximity
12 to controlled substances is presumed to be forfeitable
13 property."

14 35. Page 24, by inserting after line 15 the
15 following:

16 "Sec. ____ . NEW SECTION. 809.17 PROCEEDS APPLIED
17 TO VARIOUS PROGRAMS.

18 Except as provided in section 809.21, proceeds from
19 the disposal of seized or forfeited property pursuant
20 to this chapter shall be divided equally and
21 transferred to the Iowa department of public health
22 for funding of youth education, prevention, and
23 treatment programs for substance abusers, to the
24 department of public safety for funding for law
25 enforcement of drug offenses, and to the department of
26 education for funding of drunk driving prevention and
27 education programs."

28 36. Page 25, by striking lines 1 through 9.

29 37. Page 26, by striking lines 4 through 7, and
30 inserting the following:

31 "1. A brief personal and social history of the
32 defendant.

33 2. The defendant's criminal record."

34 38. Page 26, by inserting after line 33, the
35 following:

36 "Sec. ____ . Section 903.1, subsection 3, unnumbered
37 paragraph 1, Code 1989, is amended to read as follows:

38 3. A person under eighteen years of age convicted
39 of a simple misdemeanor under chapter 106, 106A, 109,
40 109A, 110, 110A, 110B, 111, 321, or 321G, ~~section~~
41 ~~123.47~~, or a violation of a county or municipal curfew
42 or traffic ordinance, except for an offense subject to
43 section 805.8, may be required to pay a fine, not to
44 exceed one hundred dollars, as fixed by the court, or
45 may be required to perform community service as
46 ordered by the court."

47 39. Page 27, line 10, by striking the words
48 "substance abuse" and inserting the following:

49 "treatment".

50 40. Page 27, by inserting after line 15, the

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1 following:

2 "Sec. ____ . Section 903A.5, unnumbered paragraph 1,
3 Code 1989, is amended to read as follows:

4 An inmate shall not be discharged from the custody
5 of the director of the Iowa department of corrections
6 until the inmate has served the full term for which
7 the inmate was sentenced, less good conduct time
8 earned and not forfeited, unless the inmate is
9 pardoned or otherwise legally released. Good conduct
10 time earned and not forfeited shall apply to reduce a
11 mandatory minimum sentence being served pursuant to
12 section ~~204.406, 204.413~~, 902.7, 902.8, or 906.5. An
13 inmate shall be deemed to be serving the sentence from
14 the day on which the inmate is received into the
15 institution. However, if an inmate was confined to a
16 county jail or other correctional or mental facility
17 at any time prior to sentencing, or after sentencing
18 but prior to the case having been decided on appeal,
19 because of failure to furnish bail or because of being
20 charged with a nonbailable offense, the inmate shall
21 be given credit for the days already served upon the
22 term of the sentence. The clerk of the district court
23 of the county from which the inmate was sentenced,
24 shall certify to the warden the number of days so
25 served."

26 41. Page 27, by striking lines 16 through 21.

27 42. By striking page 27, line 22, through page
28 29, line 11.

29 43. By striking page 35, line 15, through page
30 36, line 11.

31 44. Page 36, by inserting after line 11 the
32 following:

33 "Sec. ____ . ALTERNATIVE DRUG TESTING FOR OFFICERS.

34 The department of public safety shall develop a
35 plan for the implementation of alternative drug
36 testing programs for law enforcement, parole, and
37 probation officers. The plan shall be submitted to
38 the general assembly by January 15, 1991, in a form
39 which could be adopted and implemented by the
40 department of public safety or individual law
41 enforcement agencies throughout the state."

42 45. Page 36, by striking lines 16 through 20 and
43 inserting the following:

44 "The Code editor shall redesignate chapter 321L as
45 enacted in this Act, in a new chapter or different
46 chapter so that these sections do not conflict with
47 chapter 321L as enacted during the 1989 Session of the
48 General Assembly and as it appears in the 1989 Code

49 Supplement.

50 Sec. ____ . Chapter 321J is repealed.”

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- 1 46. Page 36, by inserting after line 20, the
 2 following:
 3 “Sec. ____ .
 4 Sections 101 through 107 of this Act apply to any
 5 seizure or forfeiture proceeding or action commenced
 6 on or after the effective date of this Act.”
 7 47. Title page, by striking page 1, line 1
 8 through page 2, line 12, and inserting the following:
 9 “An Act relating to certain criminal offenses,
 10 providing for the disposition, confinement, detention,
 11 and treatment of certain offenders, providing
 12 protections for certain victims or potential victims,
 13 providing for the identification of certain precursors
 14 drugs, establishing a tax on certain substances,
 15 providing certain tax incentives relating to
 16 employment of certain offenders, providing for victim
 17 reparation, and providing penalties and an effective
 18 date.”
 19 48. By renumbering, relettering, or redesignating
 20 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE CONCURRENT RESOLUTION 112

S-5889

- 1 Amend the Senate amendment, H-6084, to House
 2 Concurrent Resolution 112, as passed by the House, as
 3 follows:
 4 1. Page 1, by striking lines 11 through 13, and
 5 inserting the following: “persons”.
 6 2. Page 1, by striking lines 22 through 24, and
 7 inserting the following: “persons”.
 8 3. Page 1, by striking lines 33 through 35, and
 9 inserting the following: “hazardous to the health of
 10 persons”.

S-5890

- 1 Amend Senate File 2428 as follows:
 2 1. Page 18, line 32, by inserting after the word

3 "used" the following: "as set forth in the grants,
4 receipts, or conditions accompanying the receipt of
5 the funds".
6 2. Page 24, line 30, by inserting after the word
7 "used" the following: "as set forth in the grants,
8 receipts, or conditions accompanying the receipt of
9 the funds".

JOE J. WELSH

S-5891

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 3, by striking the words "two
4 hundred fifty" and inserting the following: "three
5 hundred".

CALVIN O. HULTMAN

S-5892

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 5, by striking the word "fifty"
4 and inserting the following: "seventy-five".

CALVIN O. HULTMAN

S-5893

1 Amend House File 209 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 27, by inserting after the word
4 "rooms." the following: "The provisions of this
5 subsection shall not apply to a restaurant which has
6 posted signs designating either "Smoking Permitted" or
7 "Smoking Not Permitted" in conspicuous locations at
8 all outside entrances to the restaurant.".

C. JOSEPH COLEMAN

S-5894

1 Amend Senate File 2430 as follows:
2 1. Page 1, by inserting after line 27 the fol-
3 lowing:

4 "Sec. ____ . 1990 Iowa Acts, Senate File 2410,
 5 section 49, subsection 5, is amended by adding the
 6 following new paragraph:
 7 NEW PARAGRAPH. c. Discontinue the program or
 8 programs which have been identified as deficient."

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chair

S-5895

1 Amend the House amendment, S-5888, to Senate File
 2 2413, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 48 and 49.
 5 2. Page 2, by striking line 26.
 6 3. Renumber as necessary.

JIM LIND

S-5896

1 Amend the House amendment, S-5888, to Senate File
 2 2413, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 32, by inserting after line 10 the
 5 following:
 6 "Sec. ____ . Section 702.11, Code Supplement 1989,
 7 is amended to read as follows:
 8 702.11 FORCIBLE FELONY.
 9 A "forcible felony" is any felonious child
 10 endangerment, assault, murder, sexual abuse other than
 11 sexual abuse in the third degree committed between
 12 spouses or in violation of section 709.4, subsection
 13 2, paragraph "c", subparagraph (4), kidnapping,
 14 robbery, arson in the first or second degree, or
 15 burglary in the first degree."
 16 2. Page 33, by inserting after line 6, the
 17 following:
 18 " ____ . Page 23, by inserting after line 14, the
 19 following:
 20 "Sec. ____ . NEW SECTION. 712.1A ARSON IN THE
 21 FIRST DEGREE.
 22 Arson in the first degree is arson which results in
 23 the death of a person, including the death of a paid
 24 or volunteer firefighter. Arson in the first degree
 25 is a class "A" felony.
 26 Sec. ____ . Section 712.2, Code 1989, is amended to

27 read as follows:

28 712.2 ARSON IN THE ~~FIRST~~ SECOND DEGREE.

29 Arson is arson in the ~~first~~ second degree when the
30 property which the defendant intends to destroy or
31 damage, or which the defendant knowingly endangers, is
32 property in which the presence of one or more persons
33 can be reasonably anticipated; ~~or the arson results in~~
34 ~~the death of a fire fighter, whether paid or~~
35 ~~volunteer.~~

36 Arson in the ~~first~~ second degree is a class "B"
37 felony.

38 Sec. ____ . Section 712.3, Code 1989, is amended to
39 read as follows:

40 712.3 ARSON IN THE ~~SECOND~~ THIRD DEGREE.

41 Arson which is not arson in the first ~~or~~ second
42 degree is arson in the ~~second~~ third degree when the
43 property which the defendant intends to destroy or
44 damage, or which the defendant knowingly endangers, is
45 a building or a structure, or real property of any
46 kind, or standing crops, or is personal property the
47 value of which exceeds five hundred dollars. Arson in
48 the ~~second~~ third degree is a class "C" felony.

49 Sec. ____ . Section 712.4, Code 1989, is amended to
50 read as follows:

Page 2

1 712.4 ARSON IN THE ~~THIRD~~ FOURTH DEGREE.

2 Arson which is not arson in the first, ~~second, or~~
3 ~~third~~ degree or arson in the second degree is arson in
4 the ~~third~~ fourth degree. Arson in the ~~third~~ fourth
5 degree is an aggravated misdemeanor."'"

6 3. Renumber as necessary.

DONALD V. DOYLE

S-5897

1 Amend the amendment, S-5774, to House File 2412, as
2 passed by the House, as follows:

3 1. Page 1, line 11, by inserting after the word
4 "continues," the following: "An ordinance, the
5 violation of which is punishable as a municipal
6 infraction, which is based on a pretreatment standard
7 or requirement shall not exceed the most stringent
8 pretreatment standard or requirement referred to in 40
9 C.F.R. § 403.8."

10 2. Page 1, line 18, by inserting after the word
11 "both," the following: "An ordinance, the violation

12 of which is classified as an environmental violation,
 13 shall not exceed the most stringent standard or
 14 requirement contained in a statute regulating conduct
 15 which is the subject of the environmental violation.
 16 The environmental violation shall not be based on a
 17 departmental rule. The environmental violation shall
 18 not regulate the discharge of residue from grain
 19 created by handling or processing grain from September
 20 1 to December 30."

KENNETH SCOTT
 BERL E. PRIEBE
 EMIL J. HUSAK
 JOHN E. SOORHOLTZ
 RICHARD VANDE HOEF
 PAUL D. PATE
 JACK RIFE

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2552

S-5898

1 Amend the Senate amendment, H-6028, to House File
 2 2552, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 12, by inserting after the word
 5 "person" the following: "operating an eligible
 6 underground bulk storage facility".
 7 2. Page 1, line 20, by inserting after the word
 8 "load." the following: "'Eligible underground bulk
 9 storage facility" means an underground bulk storage
 10 facility in operation on or before January 1, 1990."
 11 3. Page 1, line 25, by striking the word
 12 "paragraphs" and inserting the following:
 13 "paragraph".
 14 4. Page 1, line 29, by striking the word "state."
 15 and inserting the following: "state."
 16 5. Page 2, line 6, by striking the words "and
 17 subparagraph (3)".
 18 6. Page 2, line 15, by striking the word
 19 "payment." and inserting the following: "payment."
 20 7. By striking page 2, line 16, through page 3,
 21 line 2.
 22 8. Page 4, by striking lines 14 through 23, and
 23 inserting the following: "solid waste or hazardous
 24 waste."

25 9. Page 4, line 30, by striking the words and
26 figures "subparagraphs (1) and (3)" and inserting the
27 following: "subparagraph (1)".

28 10. By striking page 4, line 31, through page 5,
29 line 11.

30 11. Page 5, by inserting after line 13, the
31 following:

32 "Sec. ____.

33 In response to concerns over the cost of recurring
34 liability due to regulatory uncertainty and the threat
35 of continued liability in connection with prior
36 contamination after conducting a remediation action or
37 tank closure consistent with current action standards,
38 the petroleum underground storage tank board, in
39 consultation with the state attorney general and the
40 department of natural resources, shall assess state
41 and federal laws regarding liability for site
42 remediation and third-party liability in connection
43 with underground storage tanks. Based on this
44 assessment, the board shall identify whether it is
45 desirable and appropriate to define limits to
46 liability among parties involved in the purchase or
47 transfer of property which has been subject to a
48 remediation action or tank closure consistent with
49 action standards at the time of the action or tank
50 closure. Any recommendations of the board shall be

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1 incorporated into a written report and the written
2 report shall be submitted to the general assembly on
3 or before January 15, 1991. The report shall include
4 a discussion of the financial implications of any
5 proposals, including, but not limited to, any risk
6 that the state would incur if the state would assume
7 some portion of the liability to pay for future
8 remedial action due to a change in regulatory action
9 standards."

10 12. By renumbering, relettering, and
11 redesignating as necessary.

S-5899

1 Amend Senate File 2426 as follows:

2 1. Page 2, by inserting after line 25 the
3 following:

4 "Sec. ____ . Section 2.12, unnumbered paragraphs 1
5 through 3, Code 1989, are amended to read as follows:

6 There is appropriated out of any funds in the state

7 treasury not otherwise appropriated a sum sufficient
8 to pay for legislative printing and all current and
9 miscellaneous expenses of the general assembly,
10 authorized by either the senate or the house, and the
11 director of revenue and finance shall issue warrants
12 for such items of expense upon requisition of the
13 president, majority leader, and secretary of the
14 senate or the speaker and chief clerk of the house.

15 There is appropriated out of any funds in the state
16 treasury not otherwise appropriated, such sums as are
17 necessary, for each house of the general assembly for
18 the payment of any unpaid expense of the general
19 assembly incurred during or in the interim between
20 sessions of the general assembly, including but not
21 limited to salaries and necessary travel and actual
22 expenses of members, expenses of standing and interim
23 committees or subcommittees, and per diem or expenses
24 for members of the general assembly who serve on
25 statutory boards, commissions, or councils for which
26 per diem or expenses are authorized by law. The
27 director of revenue and finance shall issue warrants
28 for such items of expense upon requisition of the
29 president, majority leader, and secretary of the
30 senate for senate expense or the speaker and chief
31 clerk of the house for house expense.

32 There is appropriated out of any funds in the state
33 treasury not otherwise appropriated, such sums as are
34 necessary for the renovation, remodeling, or
35 preparation of the legislative chambers, legislative
36 offices, or other areas or facilities used or to be
37 used by the legislative branch of government, and for
38 the purchase of legislative equipment and supplies
39 deemed necessary to properly carry out the functions
40 of the general assembly. The director of revenue and
41 finance shall issue warrants for such items of
42 expense, whether incurred during or between sessions
43 of the general assembly, upon requisition of the
44 president, majority leader, and secretary of the
45 senate for senate expense or the speaker and chief
46 clerk of the house for house expense.

47 Sec. ____ . Section 2.13, Code 1989, is amended to
48 read as follows:

49 2.13 ISSUANCE OF WARRANTS.

50 The director of revenue and finance shall also

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1 issue to each officer and employee of the general
2 assembly, during legislative sessions or interim
3 periods, upon vouchers signed by the president.

4 majority leader, and secretary of the senate or the
5 speaker and chief clerk of the house, warrants for the
6 amount due for services rendered. The warrants shall
7 be paid out of any moneys in the treasury not
8 otherwise appropriated.”

9 2. By renumbering as necessary.

BILL HUTCHINS
GEORGE R. KINLEY

S-5900

1 Amend the amendment, S-5899, to Senate File 2426,
2 as follows:

3 1. Page 1, line 13, by inserting after the word
4 “leader,” the following: “minority leader.”

5 2. Page 1, line 29, by inserting after the word
6 “leader,” the following: “minority leader.”

7 3. Page 1, line 44, by inserting after the word
8 “leader,” the following: “minority leader.”

9 4. Page 2, line 4, by inserting after the word
10 “leader,” the following: “minority leader.”

CALVIN O. HULTMAN

S-5901

1 Amend the House amendment, S-5888, to Senate File
2 2413, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 8, by striking line 40 through page 10,
5 line 41.

6 2. Page 33, by striking line 7 through page 34,
7 line 13.

MARK R. HAGERLA
RICHARD VANDE HOEF

S-5902

1 Amend Senate File 2428 as follows:

2 1. Page 5, line 15, by inserting after the word
3 “grant” the following: “economic development set-
4 aside program”.

JOE J. WELSH

AMENDMENTS FILED

S-5903

- 1 Amend the House amendment, S-5888, to Senate File
- 2 2413, as amended, passed, and reprinted by the Senate,
- 3 as follows:

DIVISION S—5903A

- 4 1. By striking page 10, line 42, through page 31,
- 5 line 21.

DIVISION S—5903B

- 6 2. Page 31, by striking lines 22 through 40.

DIVISION S—5903A (cont'd.)

- 7 3. Page 35, by striking lines 49 and 50, and
- 8 inserting the following: "Supplement.""
- 9 4. Renumber as necessary.

JULIA B. GENTLEMAN

S-5904

- 1 Amend the House amendment, S-5888, to Senate File
- 2 2413, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 5, by striking lines 43 through 49.

JULIA GENTLEMAN

S-5905

- 1 Amend the amendment, S-5774, to House File 2412, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "both." the following: "An ordinance, the violation
- 5 of which is classified as an environmental violation,
- 6 shall not exceed the most stringent standard or
- 7 requirement contained in a statute regulating conduct
- 8 which is the subject of the environmental violation.
- 9 The environmental violation shall not be based on a
- 10 departmental rule. The environmental violation shall
- 11 not regulate the discharge of residue from grain
- 12 created by handling or drying of grain from September
- 13 1 to December 30."

KENNETH SCOTT
BERL E. PRIEBE
EMIL J. HUSAK
PAUL D. PATE
MIKE CONNOLLY
JOHN SOORHOLTZ

S-5906

1 Amend the amendment, S-5779, to House File 2546, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 49, by striking the figure
5 "10,000." and inserting the following: "10,000.
6 3. As a condition, qualification, and limitation
7 of the funds appropriated in this section,
8 unanticipated federal moneys received which may be
9 used for the purposes designated in this section shall
10 supplant the funds appropriated in this section."

EMIL J. HUSAK

S-5907

1 Amend Senate File 2417 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "corporation" the following: "whose facilities or
4 indebtedness are supported in whole or in part with
5 public tax revenue and which is".
6 2. Page 1, line 12, by inserting after the word
7 "corporation" the following: "whose facilities or
8 indebtedness are supported in whole or in part with
9 public tax revenue and which is".
10 3. Page 1, line 19, by inserting after the word
11 "corporation" the following: "whose facilities or
12 indebtedness are supported in whole or in part with
13 public tax revenue and which is".
14 4. Page 1, by inserting after line 25 the follow-
15 ing:
16 "Sec. 100. Section 22.7, Code Supplement 1989, is
17 amended by adding the following new subsection:
18 NEW SUBSECTION. 27. Marketing and advertising
19 budget and strategy of a nonprofit corporation which
20 is subject to this chapter. However, this exemption
21 does not apply to salaries or benefits of employees
22 who are employed by the nonprofit corporation to
23 handle the marketing and advertising
24 responsibilities."

- 25 5. Page 2, by inserting after line 22 the follow-
 26 ing:
 27 "Sec. ____ .
 28 This Act, being deemed of immediate importance,
 29 takes effect upon enactment. However, section 6 of
 30 this Act takes effect July 1, 1990, and sections 1, 2,
 31 and 100 of this Act take effect March 1, 1991."
 32 6. Title page, line 5, by inserting after the
 33 word "fund," the following: "by providing effective
 34 dates,".
 35 7. By renumbering sections and internal
 36 references to sections as required.

JOE WELSH

S-5908

- 1 Amend Senate File 2428 as follows:
 2 1. Page 5, by striking lines 11 through 15.

JOE J. WELSH

S-5909

- 1 Amend House File 2533, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by striking lines 1 and 2.
 4 2. Page 6, by inserting after line 11 the follow-
 5 ing:
 6 "The specific confidentiality and disclosure
 7 requirements and procedures applicable to particular
 8 types of court records, which applied to those court
 9 records before the court records became family court
 10 records under this Act, shall continue to apply to
 11 those particular types of court records generated
 12 either before or on or after the effective date of
 13 this Act."
 14 3. Page 8, line 29, by inserting after the word
 15 "part" the following: "unless good cause exists not
 16 to appoint the same guardian ad litem".
 17 4. By striking page 10, line 26 through page 11,
 18 line 4.
 19 5. Page 11, by striking lines 21 through 23, and
 20 inserting the following:
 21 "The costs of custody mediation counseling shall be
 22 paid in full or in part by the parties and taxed as
 23 court costs."
 24 6. Page 12, line 2, by striking the words "a

25 substantial” and inserting the following: “an”.
26 7. Page 12, line 4, by inserting after the word
27 “child” the following: “including, but not limited
28 to, reports of physical or sexual abuse to a child”.
29 8. Page 12, by striking lines 7 through 9, and
30 inserting the following:
31 “d. The court determines that either party alleges
32 that domestic abuse has occurred, or either party
33 voluntarily makes available to the court, any of the
34 following:
35 (1) Sworn statements from the victim or members of
36 the victim’s family concerning such occurrence of
37 domestic abuse.
38 (2) Copies of police reports or medical records
39 concerning such occurrence of domestic abuse.
40 (3) References to police records, criminal court
41 records, or medical records concerning such occurrence
42 of domestic abuse.
43 (4) References to any other legal proceedings,
44 including proceedings for a restraining order or
45 orders of protection relating to an occurrence of
46 domestic abuse.
47 (5) Documentation of use of domestic violence
48 shelter services by either party.
49 (6) Any other documentation of domestic abuse.”
50 9. Page 12, by inserting after line 25, the

Page 2

1 following:
2 “4. The court may order the costs of custody
3 mediation to be paid in full or in part by the parties
4 and taxed as court costs.”
5 10. Page 14, by striking lines 18 through 34 and
6 inserting the following:
7 “Sec. 26. Section 602.6201, subsection 3,
8 paragraph b, Code 1989, as amended by 1990 Iowa Acts,
9 House File 2045, section 1, is amended to read as
10 follows:
11 b. All other judicial election districts are
12 entitled to the number of judgeships equal to the
13 average, rounded to the nearest whole number, of the
14 following two quotients, each rounded to the nearest
15 hundredth:
16 (1) The combined civil and criminal filings in the
17 election district divided by four hundred fifty.
18 (2) The election district’s population divided by
19 forty thousand.
20 However, the judicial election district in which
21 the Iowa state penitentiary is located is entitled to

22 ~~one two additional judgeship judgeships, and each~~
 23 ~~judicial district except the judicial district in~~
 24 ~~which the Iowa state penitentiary is located shall be~~
 25 ~~entitled to one additional judgeship.~~

26 Sec. 27. Section 602.6201, subsection 10, Code
 27 1989, as amended by 1990 Iowa Acts, House File 2045,
 28 section 2, is amended to read as follows:

29 10. Notwithstanding the formula for determining
 30 the number of judgeships in this section, the number
 31 of district judges shall not exceed one hundred one
 32 during the period commencing July 1, 1990, and shall
 33 not exceed one hundred nine during the period
 34 commencing January 1, 1991."

35 11. Page 15, by striking lines 25 through 33 and
 36 inserting the following: "nominated by the county
 37 magistrate appointing commission by the appropriate
 38 district associate judge nominating commission
 39 established in section 602.6307. In the case of a
 40 district associate judge to be appointed to more than
 41 one county, the appointment shall be from persons
 42 nominated by the county magistrate appointing
 43 commissions acting jointly and in the case of a
 44 district associate judge to be appointed to more than
 45 one judicial election district of the same judicial
 46 district, the appointment shall be by a majority of
 47 the district judges in each judicial election
 48 district. The supreme court shall prescribe rules
 49 governing procedures for the nomination of district
 50 associate judges."

Page 3

1 12. Page 15, by inserting before line 34 the
 2 following:

3 "Sec. ____ . Section 602.6304, subsections 2 through
 4 5, Code 1989, are amended by striking the
 5 subsections."

6 13. By striking page 15, line 34 through page 16,
 7 line 6.

8 14. Page 16, by striking lines 19 and 20 and
 9 inserting the following: "apply to former juvenile
 10 referees who became district associate judges pursuant
 11 to 1990 Iowa Acts, House File 2533."

12 15. Page 16, by striking lines 24 and 25 and
 13 inserting the following: "civil actions for money
 14 judgment where the amount in controversy does not
 15 exceed five thousand dollars as assigned by the chief
 16 judge of the judicial district."

17 16. Page 16, line 29, by inserting after the
 18 figure "232," the following: "234,"

19 17. Page 16, by inserting after line 32, the
20 following:
21 "Sec. 100. NEW SECTION. 602.6307 DISTRICT
22 ASSOCIATE JUDGE NOMINATING COMMISSION.
23 1. A district associate judge nominating
24 commission is established in each judicial district.
25 The commission shall be composed of the following
26 members:
27 a. A district judge designated by the chief judge
28 of the judicial district to serve until a successor is
29 designated.
30 b. Four members who are not attorneys, appointed
31 as provided in section 602.6310.
32 c. Three attorneys elected by the attorneys in the
33 district, as provided in section 602.6311.
34 2. The district associate judge nominating
35 commission shall be balanced as to gender, political
36 affiliation, and the number of attorneys and
37 nonattorneys designated, elected, or appointed. For
38 the purposes of this subsection, the district judge
39 member shall be considered an attorney.
40 3. The district court administrator shall maintain
41 a permanent record of the name, address, and term of
42 office of each commissioner.
43 4. A member of a district associate judge
44 nominating commission shall be reimbursed for actual
45 and necessary expenses reasonably incurred in the
46 performance of official duties. Reimbursements are
47 payable by the county where the member resided when
48 designated, appointed, or elected, upon certification
49 of the expenses to the county auditor by the district
50 court administrator.

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1 Sec. 101. NEW SECTION. 602.6308 MEMBER OF
2 COMMISSION NOT TO BE APPOINTED TO OFFICE.
3 A member of the district associate judge nominating
4 commission shall not be appointed to the office of
5 district associate judge.
6 Sec. 102. NEW SECTION. 602.6309 DISTRICT JUDGE
7 MEMBER OF COMMISSION.
8 1. The district judge member of the district
9 associate judge nominating commission shall serve at
10 the pleasure of the chief judge of the judicial
11 district. The chief judge of the judicial district
12 may designate a successor at any time, as long as the
13 successor meets the requirements of section 602.6307,
14 subsection 2.
15 Sec. 103. NEW SECTION. 602.6310 APPOINTMENT OF

16 NONATTORNEY COMMISSIONERS BY PANEL OF COUNTY
17 SUPERVISORS.

18 1. The four nonattorney members of the district
19 associate judge nominating commission shall be
20 appointed by a panel of county supervisors. The panel
21 shall be composed of one representative of each county
22 board of supervisors within the appropriate judicial
23 district. The chairpersons of the various boards of
24 supervisors shall designate a representative to the
25 panel, who shall serve until a successor is
26 designated, at the pleasure of the chairpersons.
27 2. The panel of county supervisors shall appoint
28 four nonattorney members, and these four members shall
29 be balanced as to gender and political affiliation.
30 The panel shall appoint members who reside within the
31 judicial district, and are not attorneys or active law
32 enforcement officers.
33 3. The nonattorney commissioners shall serve
34 staggered six-year terms, commencing on July 1 of
35 even-numbered years, except for the commissioners
36 appointed in 1990. The terms of commissioners
37 appointed in 1990 shall commence upon appointment.
38 The panel of county supervisors shall randomly select
39 one member appointed in 1990 whose term shall expire
40 on June 30, 1992, and one member appointed in 1990
41 whose term shall expire on June 30, 1994. The terms
42 of the other two members appointed in 1990 shall
43 expire on June 30, 1996. Upon the expiration of a
44 term, the commissioner appointed to fill the vacancy
45 shall meet the same qualifications as to gender and
46 political affiliation as the member whose term
47 expired.
48 4. The panel of county supervisors shall certify
49 to the district court administrator the name, address,
50 and expiration date of term for all appointees of the

Page 5

1 panel.
2 5. A representative to the panel of county
3 supervisors shall be reimbursed for actual and
4 necessary expenses incurred in the performance of
5 official duties. Reimbursements are payable by the
6 county in which the representative serves, upon
7 certification of the expenses to the county auditor by
8 the district court administrator.
9 Sec. 104. NEW SECTION. 602.6311 COMMISSIONERS
10 ELECTED BY ATTORNEYS.
11 1. The resident attorneys of each judicial
12 district shall elect three resident attorneys of the

13 judicial district to the district associate judge
14 nominating commission for staggered six-year terms,
15 commencing on July 1 of even-numbered years, except
16 for the commissioners elected in 1990. The terms of
17 commissioners elected in 1990 shall commence upon
18 election. The chief judge of the judicial district
19 shall randomly select one of the commissioners elected
20 in 1990 whose term shall expire on June 30, 1992, and
21 one of the commissioners elected in 1990 whose term
22 shall expire on June 30, 1994. The remaining
23 commissioner shall serve until June 30, 1996. Upon
24 the expiration of a term, the commissioner elected to
25 fill the vacancy shall meet the same qualifications as
26 to gender and political affiliation as the member
27 whose term expired, unless there is a vacancy on the
28 commission that is to be filled by a district judge,
29 in which event, the commissioner elected may meet the
30 gender and political affiliation qualifications of the
31 last district judge serving on the commission, as long
32 as the requirements of section 602.6307, subsection 2,
33 are followed.

34 2. In meeting the requirements of section
35 602.6307, subsection 2, the district judge
36 commissioner shall be considered as a fourth attorney
37 commissioner, and the commission shall be balanced as
38 to gender, political affiliation, and attorney and
39 nonattorney status in this basis.

40 3. A county attorney shall not be elected to the
41 commission.

42 4. An attorney is eligible to vote in elections of
43 district associate judge nominating commissioners
44 within a judicial district if eligible to vote under
45 sections 46.7 and 46.8, and if a resident of the
46 judicial district.

47 5. The district judges of each judicial district
48 shall prescribe rules for the administration of this
49 section.

50 Sec. 105. NEW SECTION. 602.6312 VACANCY.

Page 6

1 A vacancy in the office of district associate judge
2 nominating commissioner shall be filled for the
3 unexpired term in the same manner as the original
4 appointment was made."

5 18. Page 17, line 7, by inserting after the
6 figure "232," the following: "234."

7 19. Page 17, line 8, by inserting after the
8 figure "675" the following: "and over other related
9 matters. To the extent feasible, the family court

10 shall prescribe procedures to expedite the handling of
 11 cases arising under chapters 232, 236, 252A, 252B,
 12 252C, 252D, 598A, 600, 600A, and 675 before the
 13 handling of cases arising under chapter 598”.

14 20. Page 17, line 14, by striking the words “and
 15 or” and inserting the following: “and, in addition to
 16 any district judges designated, may designate one or
 17 more”.

18 21. Page 17, by inserting after line 27, the
 19 following:

20 “6. The chief judge shall not assign all
 21 proceedings involving dissolution of marriage or child
 22 custody to the district associate judge or district
 23 associate judges, but shall assign such cases so that
 24 these proceedings are equitably assigned among the
 25 judges and district associate judges designated
 26 pursuant to subsection 3.”

27 22. Page 17, by inserting after line 34 the
 28 following:

29 “The specific confidentiality and disclosure
 30 requirements and procedures applicable to particular
 31 types of court records, which applied to those court
 32 records before the court records became family court
 33 records under this Act, shall continue to apply to
 34 those particular types of court records generated
 35 either before or on or after the effective date of
 36 this Act.”

37 23. Page 18, line 34, by inserting after the word
 38 “mediation” the following: “or negotiation”.

39 24. Page 20, by striking lines 3 and 4.

40 25. By striking page 20, line 34 through page 21,
 41 line 3.

42 26. Page 21, line 8, by striking the words “is
 43 entitled to” and inserting the following: “is
 44 entitled to shall”.

45 27. Page 21, line 21, by inserting after the word
 46 “section” the following: “unless good cause exists
 47 not to appoint the same guardian ad litem”.

48 28. Page 23, line 8, by striking the words “the
 49 court shall order” and inserting the following: “if
 50 mediation is ordered, the court shall order the”.

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1 29. Page 23, by striking lines 12 and 13.

2 30. Page 23, by striking lines 19 through 21 and
 3 inserting the following: “juvenile court referees
 4 shall not be appointed.”

5 31. Page 23, by striking lines 25 and 26.

6 32. By striking page 23, line 28 through page 24,

7 line 2, and inserting the following:

8 "1. Within five days of the enactment of this Act,
9 the chief judges of the judicial districts shall
10 designate a district judge to serve on the appropriate
11 district associate judge nominating commissions, as
12 provided in sections 100 and 102 of this Act.

13 2. Within ten days of the enactment of this Act,
14 the chairpersons of the county boards of supervisors
15 shall appoint a representative to the appropriate
16 panel of county supervisors, as provided in section
17 103 of this Act.

18 3. Within ten days of the enactment of this Act,
19 the district judges of the judicial districts shall
20 prescribe the rules specified in section 104 of this
21 Act.

22 4. Within twenty-five days of the enactment of
23 this Act, the supreme court shall prescribe rules
24 governing the nomination process, as specified in
25 section 29 of this Act.

26 5. Within twenty-five days of the enactment of
27 this Act, the panel of county supervisors shall
28 appoint the nonattorney members of the district
29 associate judge nominating commissions, as provided in
30 section 103 of this Act.

31 6. Within twenty-five days of the enactment of
32 this Act, the election of attorney members of the
33 district associate judge nominating commissions shall
34 be concluded, as provided section 104 of this Act.

35 7. Within thirty days of the enactment of this
36 Act, the appropriate district associate judge
37 nominating commissions shall certify as provided in
38 section 602.6304, to the district judges of the
39 judicial election district, the names of nominees to
40 the vacant district associate judge positions created
41 by section 28 of this Act, and persons shall be
42 appointed to fill the vacancies as provided in section
43 602.6304.

44 8. This section and sections 29 and 100 through
45 105 of this Act, being deemed of immediate importance,
46 take effect upon enactment."

47 33. Page 24, by inserting after line 13, the
48 following:

49 "Sec. ____

50 The judicial department shall report to the general

Page 8

1 assembly by January 1, 1991, concerning the
2 feasibility of the appointment of all district
3 associate judges as district judges and increasing the

4 number of allowable district court judges to permit
5 such appointments. The report shall include necessary
6 details concerning such appointments and make
7 recommendations concerning the time frame and
8 appointment of such district judges.”

9 34. By renumbering as necessary.

THOMAS MANN, Jr.

HOUSE AMENDMENT TO
SENATE FILE 2011

S-5910

1 Amend Senate File 2011, 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. 104B.1 MINIMUM TOILET
6 FACILITY STANDARD.

7 1. Places of assembly for public use including but
8 not limited to theaters, auditoriums, and convention
9 halls, constructed on or after January 1, 1991, shall
10 conform to the standards for minimum plumbing
11 facilities as provided in the uniform plumbing code.

12 2. Restaurants, pubs, and lounges constructed on
13 or after January 1, 1991, shall conform to the
14 standards for minimum plumbing facilities as provided
15 in the uniform plumbing code, except that if the
16 restaurant, pub, or lounge has a capacity of one
17 hundred fifty-one or more, there shall be twice the
18 number of women's toilets as the minimum number of
19 men's toilets required by the uniform plumbing code.

20 3. All toilets installed pursuant to this section
21 shall be water efficient toilets which use three
22 gallons or less of water per flush.

23 4. The state building code commissioner, with the
24 approval of the state building code advisory council
25 established pursuant to section 103A.14, shall adopt
26 rules to enforce this chapter. Any ruling of the
27 building code commissioner made pursuant to this
28 chapter is subject to administrative review and appeal
29 as provided in chapter 17A.”

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2488

S-5911

- 1 Amend the Senate amendment, H-6045, to House
2 File 2488, as amended, passed, and reprinted by
3 the House, as follows:
4 1. Page 21, line 45, by inserting before the
5 word "corporate" the following: "civil law,
6 including notarial acts and".

S-5912

- 1 Amend Senate File 2428 as follows:

DIVISION S—5912A

- 2 1. Page 12, line 19, by striking the word and
3 figures, "5, and 7" and inserting the following: "and
4 5".
5 2. Page 12, by inserting after line 32 the fol-
6 lowing:
7 "4. If funds received from the federal government
8 from the social services block grant exceed the
9 amounts appropriated in section 7 of this Act, 100
10 percent of the excess shall be allocated to local
11 administrative costs and other local services."

DIVISION S—5912B

- 12 3. Page 22, by inserting after line 7 the
13 following:
14 "If other federal grants, receipts, and funds and
15 other nonstate grants, receipts, and funds become
16 available or are awarded which are not available or
17 awarded during the period in which the general
18 assembly is in session, but which require expenditure
19 by the Iowa department of public health prior to March
20 15 of the fiscal year beginning July 1, 1990, and
21 ending June 30, 1991, these grants, receipts, and
22 funds are appropriated to the extent necessary,
23 provided that the fiscal committee of the legislative
24 council is notified within thirty days of receipt of
25 the grants, receipts, or funds and the fiscal
26 committee of the legislative council has an

27 opportunity to comment on the expenditure of the
28 grants, receipts, or funds.”

29 4. Page 25, by inserting after line 25 the fol-
30 lowing:

31 “If other federal grants, receipts, and funds and
32 other nonstate grants, receipts, and funds become
33 available or are awarded which are not available or
34 awarded during the period in which the general
35 assembly is in session, but which require expenditure
36 by the department of public safety prior to March 15
37 of the fiscal year beginning July 1, 1990, and ending
38 June 30, 1991, these grants, receipts, and funds are
39 appropriated to the extent necessary, provided that
40 the fiscal committee of the legislative council is
41 notified within thirty days of receipt of the grants,
42 receipts, or funds and the fiscal committee of the
43 legislative council has an opportunity to comment on
44 the expenditure of the grants, receipts, or funds.”

DIVISION S—5912A (cont'd.)

45 5. Page 27, by inserting after line 26 the fol-
46 lowing:

47 “Sec. ____ . FULL-TIME EQUIVALENT POSITIONS --
48 ADJUSTMENTS.

49 Full-time equivalent positions funded entirely with
50 federal funds are exempt from the limits on the number

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DIVISION S—5912A (cont'd.)

1 of full-time equivalent positions provided for in
2 other Acts of the general assembly, but are approved
3 only for the period of time for which the federal
4 funds are available for the position. All departments
5 and establishments of government and the judicial
6 department shall notify the department of management
7 and the legislative fiscal bureau of any change in the
8 number of full-time equivalent positions approved.
9 The format of the notifications shall be specified by
10 the legislative fiscal bureau.”

CHARLES BRUNER

S-5913

1 Amend House File 2533, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 1 and 2.

4 2. Page 6, by inserting after line 11 the follow-
5 ing:

6 “The specific confidentiality and disclosure
7 requirements and procedures applicable to particular
8 types of court records, which applied to those court
9 records before the court records became family court
10 records under this Act, shall continue to apply to
11 those particular types of court records generated
12 either before or on or after the effective date of
13 this Act.”

14 3. Page 8, line 29, by inserting after the word
15 “part” the following: “unless good cause exists not
16 to appoint the same guardian ad litem”.

17 4. By striking page 10, line 26 through page 11,
18 line 4.

19 5. Page 11, by striking lines 21 through 23, and
20 inserting the following:

21 “The costs of custody mediation counseling shall be
22 paid in full or in part by the parties and taxed as
23 court costs.”

24 6. Page 12, line 2, by striking the words “a
25 substantial” and inserting the following: “an”.

26 7. Page 12, line 4, by inserting after the word
27 “child” the following: “including, but not limited
28 to, reports of physical or sexual abuse to a child”.

29 8. Page 12, by striking lines 7 through 9, and
30 inserting the following:

31 “d. The court determines that either party alleges
32 that domestic abuse has occurred, or either party
33 voluntarily makes available to the court, any of the
34 following:

35 (1) Sworn statements from the victim or members of
36 the victim’s family concerning such occurrence of
37 domestic abuse.

38 (2) Copies of police reports or medical records
39 concerning such occurrence of domestic abuse.

40 (3) References to police records, criminal court
41 records, or medical records concerning such occurrence
42 of domestic abuse.

43 (4) References to any other legal proceedings,
44 including proceedings for a restraining order or
45 orders of protection relating to an occurrence of
46 domestic abuse.

47 (5) Documentation of use of domestic violence
48 shelter services by either party.

49 (6) Any other documentation of domestic abuse.”

50 9. Page 12, by inserting after line 25, the

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1 following:

2 "4. The court may order the costs of custody
3 mediation to be paid in full or in part by the parties
4 and taxed as court costs."

5 10. Page 14, by striking lines 18 through 34 and
6 inserting the following:

7 "Sec. 26. Section 602.6201, subsection 3,
8 paragraph b, Code 1989, as amended by 1990 Iowa Acts,
9 House File 2045, section 1, is amended to read as
10 follows:

11 b. All other judicial election districts are
12 entitled to the number of judgeships equal to the
13 average, rounded to the nearest whole number, of the
14 following two quotients, each rounded to the nearest
15 hundredth:

16 (1) The combined civil and criminal filings in the
17 election district divided by four hundred fifty.

18 (2) The election district's population divided by
19 forty thousand.

20 However, the judicial election district in which
21 the Iowa state penitentiary is located is entitled to
22 one two additional judgeship judgeships, and each
23 judicial district except the judicial district in
24 which the Iowa state penitentiary is located shall be
25 entitled to one additional judgeship.

26 Sec. 27. Section 602.6201, subsection 10, Code
27 1989, as amended by 1990 Iowa Acts, House File 2045,
28 section 2, is amended to read as follows:

29 10. Notwithstanding the formula for determining
30 the number of judgeships in this section, the number
31 of district judges shall not exceed one hundred one
32 during the period commencing July 1, 1990, and shall
33 not exceed one hundred nine during the period
34 commencing January 1, 1991."

35 11. Page 15, by striking lines 25 through 33 and
36 inserting the following: "nominated by the county
37 magistrate appointing commission by the appropriate
38 district judicial nominating commission in the same
39 manner as provided for the nominations of district
40 judges in chapter 46. In the case of a district
41 associate judge to be appointed to more than one
42 county, the appointment shall be from persons
43 nominated by the county magistrate appointing
44 commissions acting jointly and in the case of a
45 district associate judge to be appointed to more than
46 one judicial election district of the same judicial
47 district, the appointment shall be by a majority of
48 the district judges in each judicial election

49 district. The procedures in chapter 46 relating to
50 the nomination of district judges shall apply to the

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1 nomination of district associate judges.”

2 12. Page 15, by inserting before line 34 the
3 following:

4 “Sec. ____ . Section 602.6304, subsections 2 through
5 5, Code 1989, are amended by striking the
6 subsections.”

7 13. By striking page 15, line 34 through page 16,
8 line 6.

9 14. Page 16, by striking lines 19 and 20 and
10 inserting the following: “apply to former juvenile
11 referees who became district associate judges pursuant
12 to 1990 Iowa Acts, House File 2533.”

13 15. Page 16, by striking lines 24 and 25 and
14 inserting the following: “civil actions for money
15 judgment ~~where the amount in controversy does not~~
16 ~~exceed five thousand dollars as assigned by the chief~~
17 judge of the judicial district.”

18 16. Page 16, line 29, by inserting after the
19 figure “232,” the following: “234.”

20 17. Page 17, line 7, by inserting after the
21 figure “232,” the following: “234.”

22 18. Page 17, line 8, by inserting after the
23 figure “675” the following: “and over other related
24 matters. To the extent feasible, the family court
25 shall prescribe procedures to expedite the handling of
26 cases arising under chapters 232, 236, 252A, 252B,
27 252C, 252D, 598A, 600, 600A, and 675 before the
28 handling of cases arising under chapter 598”.

29 19. Page 17, line 14, by striking the words “and
30 or” and inserting the following: “and, in addition to
31 any district judges designated, may designate one or
32 more”.

33 20. Page 17, by inserting after line 27, the
34 following:

35 “6. The chief judge shall not assign all
36 proceedings involving dissolution of marriage or child
37 custody to the district associate judge or district
38 associate judges, but shall assign such cases so that
39 these proceedings are equitably assigned among the
40 judges and district associate judges designated
41 pursuant to subsection 3.”

42 21. Page 17, by inserting after line 34 the
43 following:

44 “The specific confidentiality and disclosure

45 requirements and procedures applicable to particular
46 types of court records, which applied to those court
47 records before the court records became family court
48 records under this Act, shall continue to apply to
49 those particular types of court records generated
50 either before or on or after the effective date of

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1 this Act.
2 22. Page 18, line 34, by inserting after the word
3 "mediation" the following: "or negotiation".
4 23. Page 20, by striking lines 3 and 4.
5 24. By striking page 20, line 34 through page 21,
6 line 3.
7 25. Page 21, line 8, by striking the words "is
8 entitled to" and inserting the following: "is
9 entitled to shall".
10 26. Page 21, line 21, by inserting after the word
11 "section" the following: "unless good cause exists
12 not to appoint the same guardian ad litem".
13 27. Page 23, line 8, by striking the words "the
14 court shall order" and inserting the following: "if
15 mediation is ordered, the court shall order the".
16 28. Page 23, by striking lines 12 and 13.
17 29. Page 23, by striking lines 19 through 21 and
18 inserting the following: "juvenile court referees
19 shall not be appointed."
20 30. Page 23, by striking lines 25 and 26.
21 31. Page 23, by striking lines 29 through 35 and
22 inserting the following: "appropriate district
23 judicial nominating commissions shall meet and certify
24 as provided in chapter 46 the proper number of
25 nominees to the vacant district associate judge
26 positions created by section 28 of this Act, and
27 persons shall be appointed to fill the vacancies as
28 provided in chapter 46.
29 Persons appointed to fill the district associate
30 judge positions created by section 28 of this Act
31 shall not stand for retention in office at the
32 judicial election in 1990."
33 32. Page 24, by inserting after line 13, the
34 following:
35 "Sec. ____
36 The judicial department shall report to the general
37 assembly by January 1, 1991, concerning the
38 feasibility of the appointment of all district
39 associate judges as district judges and increasing the
40 number of allowable district court judges to permit

41 such appointments. The report shall include necessary
42 details concerning such appointments and make
43 recommendations concerning the time frame and
44 appointment of such district judges.”
45 33. By renumbering as necessary.

THOMAS MANN, Jr.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2534

S-5914

1 Amend the Senate amendment, H-5745, to House File
2 2534, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 3 through 40 and
5 inserting the following:
6 “___ . By striking everything after the enacting
7 clause and inserting the following:
8 “Section 1. NEW SECTION. 455B.305A LOCAL
9 APPROVAL OF SANITARY LANDFILL AND INCINERATOR
10 PROJECTS.
11 1. Prior to the siting of a proposed sanitary
12 landfill or incinerator, a city, county, or private
13 agency shall submit a request for local siting
14 approval to the city council or county board of
15 supervisors which governs the city or county in which
16 the proposed site is to be located. The city council
17 or county board of supervisors shall approve or
18 disapprove the site for each sanitary landfill or
19 incinerator.
20 2. An applicant for siting approval shall submit
21 information to the city council or county board of
22 supervisors to demonstrate compliance with the
23 requirements prescribed by this chapter regarding a
24 sanitary landfill or incinerator. Siting approval
25 shall be granted only if the proposed project meets
26 all of the following criteria:
27 a. The project is necessary to accommodate the
28 solid waste management needs of the area which the
29 project is intended to serve.
30 b. The project is designed, located, and proposed
31 to be operated so that the public health, safety, and
32 welfare will be protected.
33 c. The project is located so as to minimize
34 incompatibility with the character of the surrounding

35 area and to minimize the effect on the value of the
36 surrounding property.

37 d. The plan of operations for the project is
38 designed to minimize the danger to the surrounding
39 area from fire, spills, or other operational
40 accidents.

41 e. The traffic patterns to or from the project are
42 designed in order to minimize the impact on existing
43 traffic flows.

44 f. Information regarding the previous operating
45 experience of a private agency applicant and its
46 subsidiaries or parent corporation in the area of
47 solid waste management or related activities are made
48 available to the city council or county board of
49 supervisors.

50 3. No later than fourteen days prior to a request

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1 for siting approval, the applicant shall cause written
2 notice of the request to be served either in person or
3 by restricted certified mail on the owners of all
4 property within the proposed local site area not
5 solely owned by the applicant, and on the owners of
6 all property within one thousand feet in each
7 direction of the lot line of the proposed local site
8 property if the proposed local site is within the city
9 limits, or within two miles in each direction of the
10 lot line of the proposed local site property if the
11 proposed local site is outside of the city limits.
12 The owners shall be identified based upon the
13 authentic tax records of the county in which the
14 project is to be located.

15 Written notice shall be published in the official
16 newspaper of the county in which the site is located.
17 The notice shall state the name and address of the
18 applicant, the location of the proposed site, the
19 nature and size of the development, the nature of the
20 activity proposed, the probable life of the proposed
21 activity, the date when the request for site approval
22 will be submitted, and a description of the right of
23 persons to comment on the request.

24 4. An applicant shall file a copy of its request
25 with the department and with the city council or the
26 county board of supervisors in which the proposed site
27 is located. The request shall include the substance
28 of the applicant's proposal and all documents, if any,
29 submitted as of that date to the department pertaining
30 to the proposed project. All documents or other
31 materials pertaining to the proposed project on file

32 with the city council or county board of supervisors
33 shall be made available for public inspection at the
34 office of the city council or county board of
35 supervisors and may be copied upon payment of the
36 actual cost of reproduction.

37 Any person may file written comment with the city
38 council or county board of supervisors concerning the
39 appropriateness of the proposed site for its intended
40 purpose. The city council or county board of
41 supervisors shall consider any comment received or
42 postmarked not later than thirty days after the date
43 of the last public hearing.

44 5. The city council or county board of supervisors
45 shall obtain the advice of the appropriate planning
46 and zoning commission regarding the application.

47 6. At least one public hearing shall be held by
48 the city council or county board of supervisors no
49 sooner than ninety days but no later than one hundred
50 twenty days from receipt of the request for siting

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1 approval. A hearing shall be preceded by published
2 notice in an official newspaper of the county of the
3 proposed site, including in any official newspaper
4 located in the city of the proposed site. The public
5 hearing shall develop a record sufficient to form the
6 basis of an appeal of the decision.

7 7. Decisions of the city council or the county
8 board of supervisors shall be in writing, specifying
9 the reasons for the decision. The written decision of
10 the city council or the county board of supervisors
11 shall be available for public inspection at the office
12 of the city council or county board of supervisors and
13 may be copied upon payment of the actual cost of
14 reproduction. Final action shall be taken by the city
15 council or the county board of supervisors within one
16 hundred eighty days after the filing of the request
17 for site approval.

18 At any time prior to completion by the applicant of
19 the presentation of the applicant's factual evidence
20 and an opportunity for questioning by the city council
21 or the county board of supervisors and members of the
22 public, the applicant may file not more than one
23 amended application upon payment of additional fees
24 pursuant to subsection 9. The time limitation for
25 final action on an amended application shall be
26 extended for an additional ninety days.

27 8. Construction of a project which is granted
28 local siting approval under this section shall

29 commence within one calendar year from the date upon
30 which it was granted or the permit shall be nullified.
31 If the local siting decision is appealed, the one-year
32 period shall begin on the date upon which the appeal
33 process is concluded.

34 9. The local siting approval, criteria, and appeal
35 procedures provided for in this section and in section
36 455B.305B are the exclusive local siting procedures
37 and appeal procedures. Local zoning or other local
38 land use requirements may be superseded by the city
39 council or county board of supervisors provided that
40 they have received advice from the appropriate
41 planning and zoning commission.

42 10. A city council or a county board of
43 supervisors shall charge an applicant for siting
44 approval, under this section, a fee to cover the
45 reasonable and necessary costs incurred by the city or
46 county in the siting approval process.

47 11. An applicant shall not file a request for
48 local siting approval which is substantially the same
49 as a request which was denied within the preceding two
50 years pursuant to a finding against the applicant

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1 under the established criteria.

2 Sec. 2. NEW SECTION. 455B.305B APPEAL FROM
3 DECISION.

4 1. If the city council or the county board of
5 supervisors does not approve a siting request under
6 section 455B.305A, the applicant, within sixty days of
7 notice of the decision, may petition for a hearing
8 before the commission to contest the decision. The
9 commission shall publish notice of the hearing on the
10 appeal thirty days prior to the hearing in an official
11 newspaper of the county of the proposed site,
12 including in any official newspaper located in the
13 city of the proposed site. The city council or the
14 county board of supervisors shall appear as respondent
15 in the hearing, and the hearing shall be based
16 exclusively on the record before the city council or
17 the county board of supervisors. At the hearing, the
18 burden of proof shall be on the petitioner. In making
19 its orders and determinations under this section, the
20 commission shall consider the written decision and
21 reasons for the decision of the city council or the
22 county board of supervisors and the transcribed record
23 of the hearing held pursuant to section 455B.305A.
24 The commission shall transmit a copy of its decision
25 to the office of the city council or the county board

26 of supervisors where it shall be available for public
27 inspection and copied upon payment of the actual cost
28 of reproduction. Final action by the commission shall
29 be taken within one hundred twenty days.
30 2. If the city council or the county board of
31 supervisors grants approval under section 455B.305A, a
32 third party other than the applicant who participated
33 in the public hearing conducted by the city council or
34 the county board of supervisors, may petition the
35 commission within sixty days of filing of the written
36 decision at the office of the city council or county
37 board of supervisors for a hearing to contest the
38 approval. Unless the commission determines that the
39 petition is duplicitous or frivolous, the commission
40 shall hear the petition in accordance with the
41 procedures of subsection 1. The burden of proof shall
42 be on the petitioner, and the city council or the
43 county board of supervisors and the applicant shall be
44 named as correspondents.
45 The commission shall transmit a copy of its
46 decision to the office of the city council or the
47 county board of supervisors where it shall be
48 available for public inspection and may be copied upon
49 payment of the actual cost of reproduction.
50 3. Any person who files a petition to contest a

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1 decision of the city council or the county board of
2 supervisors shall pay a reasonable filing fee.
3 4. Judicial review may be sought of actions of the
4 commission in accordance with chapter 17A.
5 Sec. 3. **NEW SECTION. 455B.315 RADIOACTIVE**
6 **MATERIALS -- PROHIBITED DEPOSIT IN SANITARY LANDFILLS.**
7 A person shall not dispose of, and a sanitary
8 landfill shall not accept for final disposal,
9 radioactive materials, as defined as of January 1,
10 1990, pursuant to section 136C.1.
11 Sec. 4. Section 455D.9, subsection 2, Code
12 Supplement 1989, is amended to read as follows:
13 2. The department shall assist local communities
14 in the development of collection systems for yard
15 waste generated from residences and shall assist in
16 the establishment of local composting facilities. **By**
17 **July 1, 1990, Within one hundred twenty days of the**
18 **adoption of rules by the department regarding yard**
19 **waste, each city and county shall, by ordinance,**
20 **require persons within the city or county to separate**
21 **yard waste from other solid waste generated.**
22 Municipalities which provide a collection system for

23 solid waste shall provide for a collection system for
 24 yard waste which is not composted.
 25 Sec. 5. MORATORIUM -- COMMERCIAL INFECTIOUS WASTE
 26 INCINERATORS.
 27 The department of natural resources shall not grant
 28 a permit for the construction or operation of a
 29 commercial for-profit infectious waste incinerator
 30 prior to July 1, 1991. The moratorium does not apply
 31 to a hospital licensed pursuant to chapter 135B which
 32 accepts waste from other infectious waste generators
 33 if the total amount of infectious waste accepted from
 34 other generators is less than sixty-six percent of the
 35 infectious waste incinerated.
 36 Sec. 6.
 37 Section 5 of this Act is retroactively applicable
 38 to January 1, 1990.
 39 Sec. 7.
 40 This Act, being deemed of immediate importance,
 41 takes effect upon enactment.””
 42 2. Title page, line 1, by striking the words
 43 “sanitary disposal projects” and inserting the
 44 following: “sanitary landfill and incineration
 45 projects, providing a retroactive applicability date,
 46 and providing an effective date”.

HOUSE AMENDMENT TO
 SENATE FILE 2153

S-5915

1 Amend Senate File 2153, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 12.61, subsection 2,
 6 unnumbered paragraph 3, Code Supplement 1989, is
 7 amended to read as follows:
 8 In selecting a credit card issuer, the treasurer
 9 shall consider the issuer’s record of investments in
 10 the state, shall take into consideration credit card
 11 features which will enhance the promotion of the
 12 state-sponsored credit card including, but not limited
 13 to, favorable interest rates, annual fees, and other
 14 fees for using the card, and shall require that the
 15 card be available to any person who qualifies for a
 16 credit card. Upon entering into an agreement with the
 17 financial institution, the treasurer shall notify all
 18 state agencies then possessing a credit card to obtain

19 the new state-sponsored credit card. The financial
20 institution is authorized to solicit participation
21 from state employees."

22 2. Page 1, by inserting after line 21 the
23 following:

24 "Sec. ____ . Section 99E.9, subsection 3, paragraph
25 m, Code 1989, is amended to read as follows:

26 m. The form and type of marketing, informational,
27 and educational material to be permitted. Marketing
28 material and campaigns shall include the concept of
29 investing in Iowa's economic development environment,
30 agriculture, and natural resources and show the
31 economic development initiatives environmental,
32 agricultural, and natural resources programs funded
33 from lottery revenue."

34 3. Page 1, by inserting after line 21 the
35 following:

36 "Sec. 200. Section 99E.10, subsection 1, paragraph
37 b, Code 1989, is amended to read as follows:

38 b. An amount equal to four percent of the gross
39 sales price of each ticket or share sold shall be
40 deducted as the sales tax on the sale of that ticket
41 or share, remitted to the treasurer of state and
42 deposited into the state general fund rural community
43 2000 bond security account established under section
44 220.142, subsection 8."

45 4. By striking page 3, line 9 through page 8,
46 line 27, and inserting the following:

47 "Sec. ____ . NEW SECTION. 99E.34 APPROPRIATIONS --
48 TEN FISCAL YEARS.

49 1. The treasurer of state shall, for each fiscal
50 year of the fiscal period beginning July 1, 1990, and

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1 ending June 30, 2000, make allotments of the moneys
2 within the CLEAN fund created in section 99E.10 to
3 separate accounts within that fund as follows:

4 a. For each fiscal year, sixty-two and five-tenths
5 percent to the Iowa resources enhancement and
6 protection fund created in section 455A.18 and which
7 amount is appropriated for the purposes of that fund.
8 However, the total amount allotted under this
9 paragraph in any single fiscal year shall not exceed
10 twenty-five million dollars.

11 b. For each fiscal year, eighteen percent to the
12 environmental protection account.

13 c. For each fiscal year, six percent to the soil
14 conservation account.

15 d. For each fiscal year, eight percent to the

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16 energy efficiency account.

17 e. For each fiscal year, five and five-tenths
18 percent plus the amount, if any, that would have been
19 allotted to paragraph "a" but for the dollar
20 limitation specified in paragraph "a" to the annual
21 appropriations account. It is the intent of the
22 general assembly that moneys in this account be
23 appropriated annually for environmentally related
24 programs and purposes.

25 2. For each fiscal year of the fiscal period,
26 moneys allotted to the environmental protection
27 account shall be appropriated as follows:

28 a. Fifty-nine percent to the waste volume
29 reduction and recycling fund to be used as follows:

30 (1) One-half of the moneys deposited under this
31 lettered paragraph shall be used for the purposes
32 specified pursuant to section 455D.15, subsection 2.
33 The moneys shall be allocated to each county on the
34 basis of population. The county allocation shall be
35 distributed quarterly by the department to each
36 county. The county shall immediately distribute the
37 funds to the cities based upon the proportion of the
38 city's respective population to the total county
39 population, and the county shall retain the portion of
40 the funds based upon the proportion of the
41 unincorporated area of the county to the total
42 population of the county. The funds shall be used by
43 the county and the cities for the implementation of
44 the comprehensive plan elements required pursuant to
45 section 455B.306 and relative to chapter 455D.

46 (2) One-half of the moneys deposited under this
47 lettered paragraph shall be used for the purposes
48 designated pursuant to section 455D.15, subsection 3.

49 b. Four and one-tenths percent to the agricultural
50 management account of the groundwater protection fund

Page 3

1 as provided in section 455E.11, subsection 2,
2 paragraph "b", to be used for plugging abandoned wells
3 and cisterns.

4 c. Three and five-tenths percent to the department
5 of natural resources to implement and administer the
6 state and local government waste management program
7 established pursuant to section 455B.484 and section
8 455B.510.

9 d. Seven percent to the groundwater protection
10 fund created in section 455E.11, to be used for the
11 household hazardous waste cleanup program established
12 in section 455F.8. The department may use this

13 allocation to fund its administration of the program
14 and to provide assistance to local communities in
15 holding cleanup events and operating the collection
16 centers.

17 e. Seven percent to the groundwater protection
18 fund created in section 455E.11, to be used to finance
19 household hazardous material collection sites
20 established pursuant to section 455F.8A and the local
21 government education programs established pursuant to
22 section 455F.8B.

23 f. Three and five-tenths percent to the department
24 of natural resources for the state rural well water
25 survey to be conducted in conjunction with the center
26 for health effects of environmental contamination
27 established pursuant to section 263.17.

28 g. Four and nine-tenths percent to the
29 environmental protection division of the department of
30 natural resources for an ongoing air quality toxics
31 monitoring, permitting, and inspection program.

32 h. Two percent to the Iowa state university of
33 science and technology for allocation to the Iowa
34 state university water research institute for the
35 purposes and under the conditions specified in section
36 99E.32, subsection 4, paragraph "e".

37 i. Seven percent to the environmental protection
38 division of the department of natural resources to be
39 used for the assessment and evaluation of surface
40 water streams and rivers.

41 j. Two percent to the environmental advertising
42 board created in section 190C.2 for purposes of
43 chapter 190C.

44 3. For each fiscal year of the fiscal period,
45 moneys in the soil conservation account are
46 appropriated to the department of agriculture and land
47 stewardship to be allocated as follows:

48 a. Sixty-two and four-tenths percent to the soil
49 conservation division of the department of agriculture
50 and land stewardship to provide state soil and water

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1 conservation cost-sharing funds pursuant to sections
2 467A.42 through 467A.75.

3 b. Eighteen and eight-tenths percent to the water
4 protection fund created in section 467F.4, to be used
5 for filter strips and waterways projects. The
6 governing body of each soil and water conservation
7 district shall identify those critical areas within
8 the district where permanent grass and buffer zones
9 would mitigate the effects of concentrated runoff on

10 surface water quality. The governing body shall
11 notify the landowners of those critical areas and
12 provide the landowners with recommendations to
13 establish these permanent grass and buffer zones,
14 including any erosion control structures that may be
15 appropriate, to mitigate the effects of concentrated
16 runoff on surface water quality. In providing this
17 notification and these recommendations, the governing
18 body shall also inform the landowners that the
19 establishment of these zones along with any erosion
20 control structures may be eligible for financial
21 assistance under the incentive programs with in the
22 water protection fund created in section 467 F.4 and
23 the landowner's costs may also qualify for a state
24 income tax credit.

25 c. Eighteen and eight-tenths percent to the soil
26 conservation division of the department of agriculture
27 and land stewardship for reforestation programs.

28 4. For each fiscal year of the fiscal period,
29 moneys allotted to the energy efficiency account shall
30 be appropriated as follows:

31 a. Twelve percent to the energy and geological
32 resources division of the department of natural
33 resources, to be used to establish the ethanol
34 research and technology office at the state university
35 of Iowa. The office shall coordinate its ethanol
36 research with Iowa state university of science and
37 technology in regard to the use of alternative
38 agricultural products and distillation efforts. Up to
39 ten percent of the funds appropriated in this
40 paragraph may be awarded by the office to communities
41 to study the feasibility of opening processing plants
42 which are dry milling ethanol facilities.

43 b. Thirty-one and three-tenths percent to the Iowa
44 energy center established pursuant to Senate File
45 2403, if enacted by the Seventy-third General
46 Assembly, 1990 Session, to be used for competitive
47 grants for alternative, renewable, and biofuel
48 demonstration projects to, and transportation studies
49 and projects which enhance energy efficiency and self-
50 sufficiency.

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1 c. Twenty-five and four-tenths percent to the Iowa
2 energy center established pursuant to Senate File
3 2403, if enacted by the Seventy-third General
4 Assembly, 1990 Session, to be used for competitive
5 grants to communities for comprehensive,
6 communitywide, low-income home weatherization

7 projects. Applications shall be made in conjunction
8 with a community action agency designated pursuant to
9 section 601K.93.

10 d. Thirty-one and three-tenths percent to the Iowa
11 energy center established pursuant to Senate File
12 2403, if enacted by the Seventy-third General
13 Assembly, 1990 Session to be used for competitive
14 grants, for comprehensive, in-depth, communitywide
15 projects to reduce energy consumption and enhance
16 energy self-sufficiency. Cities, clusters of cities
17 and counties are eligible to apply for grants.
18 Applications may be limited to building efficiency or
19 vehicle efficiency or may contain both and shall
20 contain a component for ongoing education concerning
21 the goals of the plan and how to achieve those goals.
22 The moneys under this paragraph shall be allocated
23 equally for building efficiency and vehicle
24 efficiency. However, if the moneys allocated to
25 either category are not used or dedicated by April 1
26 of the fiscal year, the moneys may be reallocated to
27 the other category.

28 5. For the fiscal year beginning July 1, 1990,
29 moneys allotted to the annual appropriations account
30 shall be appropriated as follows:

31 a. Four hundred thousand dollars to the center for
32 health effects of environmental contamination
33 established in section 263.17, to be used for research
34 involving environmental exposure and risk from
35 contamination of the air, soil, and water.

36 b. Seven hundred thousand dollars to the
37 department of natural resources to be used for the
38 completion of the Three-mile lake reservoir.

39 c. One hundred thousand dollars to the department
40 of natural resources to be used for the restoration of
41 Spring Brook lake.

42 d. Three hundred thousand dollars to the
43 department of natural resources to be used to contract
44 for a statewide analysis of town and country water
45 systems and development of a plan for the efficient
46 delivery of water to Iowa citizens through municipal,
47 county, and rural water systems.

48 e. Two hundred thousand dollars to the department
49 of agriculture and land stewardship to be used for the
50 purpose of funding the development of a program to

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1 preserve the state's crop and native plant seed
2 stocks.

3 The department of agriculture and land stewardship

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4 shall employ an Iowa seed crop curator to work in
5 cooperation with the United States department of
6 agriculture's north central plant introduction station
7 at Ames and with the Iowa state university of science
8 and technology.

9 The department of agriculture and land stewardship
10 in conjunction with the Iowa state university of
11 science and technology and the north central plant
12 introduction station at Ames shall establish an
13 advisory committee to conduct a study to identify crop
14 and native plant seed stocks for the purpose of
15 preserving threatened plant genetic resources. The
16 committee shall include representatives of the
17 department of natural resources, the department of
18 agriculture and land stewardship, the state department
19 of transportation, the Iowa state university of
20 science and technology, and representatives of other
21 public and private organizations. The committee shall
22 submit a report of its findings to the general
23 assembly by January 1, 1992. The department of
24 agriculture and land stewardship may contract with the
25 Iowa state university of science and technology to
26 assist in the collection, cataloging, and maintenance
27 of the crop and native plant seed stocks.

28 f. Four hundred thousand dollars to the center for
29 global and regional environmental research at the
30 state university of Iowa to study the regional impact
31 of environmental change. The center shall consult
32 with Iowa state university of science and technology
33 and the university of northern Iowa.

34 g. One hundred thousand dollars to the department
35 of natural resources to be transferred immediately to
36 the Iowa resources enhancement and protection fund
37 created in section 455A.18 to replace funds advanced
38 to the designated counties in the designated amounts
39 for purposes of the agreements entered into with the
40 department to restore and repair lowhead dams in the
41 counties as provided in 1989 Iowa Acts, chapter 311,
42 section 9, subsection 4:

43 (1) Lyon county, the sum of fifty thousand
44 dollars.

45 (2) Jasper county, the sum of twenty-five thousand
46 dollars.

47 (3) Buena Vista county, the sum of twenty-five
48 thousand dollars.

49 If the amount of funds in the annual appropriations
50 account is insufficient to fund all the amounts

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1 appropriated under this subsection, each appropriation
2 made in this subsection shall be reduced by the
3 percent by which the amount of funds is insufficient.

4 6. The moneys appropriated in subsection 1,
5 paragraph "a", and subsections 2, 3, 4, and 5 shall
6 remain in the appropriate account of the CLEAN fund
7 until such time as the agency, entity, or fund to
8 which moneys are appropriated has made a request to
9 the treasurer for use of moneys appropriated to it and
10 the amount needed for that use. Notwithstanding
11 section 8.33, moneys remaining of the appropriations
12 made for a fiscal year from any of the accounts within
13 the CLEAN fund on June 30 of that fiscal year, shall
14 not revert to any fund but shall remain in that
15 account to be used for the purposes for which they
16 were appropriated and the moneys remaining in that
17 account shall not be considered in making the
18 allotments for the next fiscal year.

19 7. The agency, entity, or fund to which moneys are
20 appropriated under this section shall to the extent
21 feasible make every effort to maximize the impact of
22 these moneys through matching government and private
23 funds unless otherwise provided by law.

24 Sec. — . NEW SECTION. 190C.1 DEFINITIONS.

25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Board" means the environmental advertising
28 board created in section 190C.2.

29 2. "Degradable" means as defined in section
30 455B.301.

31 3. "Degradable package" means package which is at
32 least fifty percent composed of a product designated
33 by the Iowa department of agriculture and land
34 stewardship pursuant to section 159.30, subsection 1.

35 4. "Ecologically or environmentally sound or safe"
36 means an absence of long-term harmful effects to the
37 ecology or environment as a result of use or disposal.

38 5. "Recyclable material" means a material which
39 would otherwise become waste, except that processes
40 and markets exist which would allow the material to be
41 returned to use in the form of raw materials or
42 products. A material is recyclable when the board
43 determines that processes and markets are available to
44 a degree that makes recycling reasonably possible
45 within Iowa.

46 6. "Recycled material" means a material whose
47 ratio of recycled substance to original substance
48 exceeds fifty percent, unless a lower ratio of the

49 recycled substance is required to maintain a property
50 of a material necessary for the material's intended

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1 use.
2 Sec. ____ . NEW SECTION. 190C.2 ENVIRONMENTAL
3 ADVERTISING BOARD.
4 There is established within the waste management
5 authority of the department of natural resources a
6 five-member environmental advertising board consisting
7 of the following persons:
8 1. The secretary of agriculture, or the
9 secretary's designee.
10 2. The director of the department of natural
11 resources, or the director's designee.
12 3. The director of the Iowa department of public
13 health, or the director's designee.
14 4. The director of the center for health effects
15 of environmental contamination established pursuant to
16 section 263.17, subsection 1, or the director's
17 designee.
18 5. A member of the advisory committee established
19 in section 190C.4.
20 Sec. ____ . NEW SECTION. 190C.3 GENERAL POWERS AND
21 DUTIES OF THE BOARD.
22 The board:
23 1. Has rulemaking authority under chapter 17A.
24 2. May employ a director and staff.
25 3. Shall monitor the development of national
26 standards relating to claims of environmental benefit
27 made for products, seek to assist in their
28 development, and seek to host periodically, as
29 necessary, national and regional forums on the issue.
30 4. Shall educate the public on the issue.
31 5. Gather information relating to claims of
32 environmental benefit made for products sold in the
33 state and provide periodic reports to the consumer
34 protection division of the attorney general's office.
35 6. May develop a program using a logo or logos
36 authorized for use in promoting the environmental
37 benefit of products. Standards shall be developed as
38 a part of the program.
39 In authorizing the use of a logo under this
40 program, the board, the state, and any state agency,
41 official, or employee involved in the authorization,
42 is immune from a civil suit for damages, including but
43 not limited to a suit based on contract, breach of
44 warranty, negligence, strict liability, or tort.
45 Authorization of the use of a logo by the board, the

46 state, or any state agency, official, or employee, is
47 not an express or implied guarantee or warranty
48 concerning the environmental benefit of the
49 applicant's product. This paragraph does not create a
50 duty of care to the applicant or any other person.

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1 7. May use fees for the purposes of this chapter.
2 Fees received by and appropriations made to the board
3 shall not revert.

4 Sec. ____ . NEW SECTION. 190C.4 ADVISORY
5 COMMITTEE.

6 There is established an advisory committee to
7 provide technical assistance and advice to the board.
8 The advisory committee shall consist of at least three
9 members and not more than nine members. The members
10 shall be appointed by the governor, subject to
11 confirmation by the senate. To the extent possible,
12 members shall have an expertise in environmental and
13 health issues. The members serve at the pleasure of
14 the governor. Members of the advisory committee shall
15 receive a per diem of forty dollars and actual and
16 necessary expenses incurred in the performance of
17 their duties. The advisory committee shall designate
18 one of its members to be the fifth member of the
19 board. The advisory committee shall seek input from
20 manufacturers of and consumers of products and
21 packages as to the issues, trends, and technologies
22 emerging in the environmental safety area.”

23 5. Page 8, by inserting before line 28 the
24 following:

25 “Sec. ____ . Section 220.142, Code Supplement 1989,
26 is amended by adding the following new subsection:
27 NEW SUBSECTION. 8. a. The authority shall
28 establish a rural community 2000 bond security
29 account, which shall consist of all revenues
30 designated in section 99E.10, subsection 1, paragraph
31 “b” to be deposited in the account and all other
32 appropriations, grants, or gifts received by the
33 authority for use under this subsection. The
34 authority may transfer to this account any other funds
35 not obligated for any other purpose.

36 b. In a fiscal year in which moneys in a reserve
37 fund established under section 220.142, subsection 2,
38 are insufficient to fully meet obligations to pay
39 principal and interest on the bonds or notes, moneys
40 in the security account established under paragraph
41 “a” shall first be used to eliminate the
42 insufficiency.

43 c. In a fiscal year in which there are funds
 44 remaining in the security account established under
 45 paragraph "a" after meeting the obligations of
 46 paragraph "b", fifty percent of the remaining funds
 47 shall be deposited in the sewage treatment works
 48 revolving loan fund established in section 455B.295,
 49 and fifty percent shall be transferred to the rural
 50 community 2000 program for water systems."

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1 6. Page 10, by inserting after line 30 the
 2 following:
 3 "Sec. ____ . Section 331.441, subsection 2,
 4 paragraph b, Code Supplement 1989, is amended by
 5 adding the following new subparagraph:
 6 NEW SUBPARAGRAPH. (12) Funding the construction,
 7 reconstruction, improvement, repair, and equipping of
 8 waterworks, water mains and extensions, ponds,
 9 reservoirs, wells, dams, pumping installations or
 10 other facilities for the storage, transportation, or
 11 utilization of potable water owned and operated by a
 12 rural water district established pursuant to chapter
 13 357A, only when the rural water district and a
 14 sufficient number of participating members have
 15 entered into agreements which satisfy the board of
 16 supervisors that sufficient revenue to retire the
 17 principal and interest on the county general
 18 obligation bonds will be generated by the rural water
 19 district, and the rural water district and the board
 20 of supervisors have agreed that the interest and
 21 principal on the county general obligation bonds will
 22 be retired from the rural water district revenues.
 23 If the rural water district revenues are
 24 insufficient to pay the principal and interest on the
 25 county's general obligation bonds, the county's debt
 26 service tax levy for the county general obligation
 27 bonds shall not be levied against property located in
 28 any city except a city which has entered into the
 29 chapter 28E agreement with the rural water district.
 30 The county and the cities entering into the rural
 31 water district agreement may provide in the agreement
 32 for a different rate of the county's debt service tax
 33 levy against property in unincorporated areas of the
 34 county and property within those cities.
 35 Sec. ____ . Section 357A.11, subsection 7, Code
 36 1989, is amended to read as follows:
 37 7. Have power to borrow from, co-operate with and
 38 enter into such agreements as deemed necessary with
 39 any agency of the federal government, this state, or a

40 county of this state, and to accept financial or other
41 aid from any agency of the federal government. To
42 evidence any indebtedness the obligations may be one
43 or more bonds or notes and the obligations may be sold
44 at private sale.

45 Sec. ____ . Section 357A.11, Code 1989, is amended
46 by adding the following new subsection:

47 **NEW SUBSECTION. 9.** Finance all or part of the
48 cost of the construction or purchase of a project
49 necessary to carry out the purposes for which the
50 district is incorporated or to refinance all or part

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1 of the original cost of that project, including, but
2 not limited to, obligations originated by the district
3 as a nonprofit corporation under chapter 504 A and
4 assumed by the district reorganized under this
5 chapter. Financing or refinancing carried out under
6 this subsection shall be in accordance with the terms
7 and procedures set forth in the applicable provisions
8 of sections 384.83 through 384.88, 384.92, and 384.93.
9 References in these sections to a city shall be
10 applicable to a rural water district operating under
11 this chapter, and references in that division to a
12 city council shall be applicable to the board of
13 directors of a rural water district.

14 Sec. ____ . **NEW SECTION. 364.10 STORM WATER**
15 **DRAINAGE SYSTEM.**

16 A city shall have the same authority to create,
17 fund, and implement by ordinance a storm water
18 drainage system in all or parts of a city as it has
19 for a sanitary sewage system as provided in chapters
20 362, 384, and 388. The ordinances may include
21 criteria and standards by which benefits and cost
22 allocation have been previously determined for special
23 assessments for storm water drainage improvements
24 under chapter 384."

25 7. Page 12, by inserting after line 9 the
26 following:

27 "Sec. ____ . Section 422.43, subsection 2, Code
28 1989, is amended to read as follows:

29 2. There is imposed a tax of four percent upon the
30 gross receipts derived from the operation of all forms
31 of amusement devices and games of skill, games of
32 chance, raffles and bingo games as defined in chapter
33 99B, operated or conducted within the state of Iowa,
34 the tax to be collected from the operator in the same
35 manner as is provided for the collection of taxes upon
36 the gross receipts of tickets or admission as provided

37 in this section. The tax shall also be imposed upon
 38 the gross receipts derived from the sale of lottery
 39 tickets or shares pursuant to chapter 99E. The tax on
 40 the lottery tickets or shares shall be included in the
 41 sales price and distributed to the general fund as
 42 provided in section 99E.10."

43 8. Page 12, by striking lines 10 through 33.

44 9. Page 12, by inserting before line 34 the
 45 following:

46 "Sec. ____ . Section 455A.18, subsection 4,
 47 unnumbered paragraph 1, Code Supplement 1989, is
 48 amended to read as follows:

49 For each fiscal year of the fiscal period beginning
 50 July 1, 1990, and ending June 30, ~~2000~~ 2001, there is

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1 appropriated from the general fund, to the Iowa
 2 resources enhancement and protection fund, the amount
 3 of ~~\$20,000,000~~ thirty million dollars, except that for
 4 the fiscal year beginning July 1, 1990, the amount is
 5 twenty million dollars, to be used as provided in this
 6 chapter. However, in any fiscal year of the fiscal
 7 period, if moneys from the lottery are appropriated by
 8 the state to the fund, the amount appropriated under
 9 this subsection shall be reduced by the amount
 10 appropriated from the lottery.

11 Sec. ____ . NEW SECTION. 455B.110 RELEASE OF
 12 BALLOONS.

13 1. The general assembly finds that the release
 14 into the atmosphere of large numbers of balloons
 15 inflated with lighter-than-air gases poses a danger
 16 and nuisance to the environment, particularly to
 17 wildlife and marine animals.

18 2. It is unlawful for any person, firm,
 19 governmental entity, or corporation to intentionally
 20 release, organize the release, or intentionally cause
 21 to be released within a twenty-four hour period ten or
 22 more balloons inflated with a gas that is lighter than
 23 air except for:

24 a. Balloons released by a person on behalf of a
 25 governmental agency or pursuant to a governmental
 26 contract for scientific or meteorological purposes.

27 b. Hot air balloons that are recovered after
 28 launching.

29 c. Balloons released indoors.

30 3. Any person who violates subsection 2 is guilty
 31 of a simple misdemeanor.

32 4. The department shall adopt rules for the
 33 implementation of this section and may, by rule,

34 increase the number of balloons that may be released
35 within a twenty-four hour period from the number
36 allowed under subsection 2.
37 Sec. ____ . Section 455B.173, subsection 6,
38 paragraph b, Code Supplement 1989, is amended to read
39 as follows:
40 b. Adopt rules which require each public water
41 system regulated under chapter 455B to test the source
42 water of that supply for the presence of synthetic
43 organic chemicals and pesticides every ~~two~~ three
44 years. The rules shall enumerate the synthetic
45 organic chemicals and pesticides, but not more than
46 ten of each, for which the samples are to be tested;
47 shall specify the approved analytical methods for
48 conducting the analysis of water samples; and shall
49 require the reporting of the analytical test results
50 to the department. Priority for testing in the first

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1 year shall be those public water supplies for which
2 none of the specified contaminants have been analyzed
3 within the past five years. All of the laboratory
4 analysis and data management shall be conducted by the
5 center for health effects of environmental
6 contamination. Sample collection shall be conducted
7 using a standard sampling protocol by personnel within
8 the department and the center for health effects of
9 environmental contamination in conjunction with other
10 ongoing field activities. Samples from private wells
11 and samples from privately owned public water supplies
12 shall be allowed to undergo the same analysis. The
13 cost for the analysis provided for samples from
14 private wells and privately owned public water
15 supplies shall not exceed one hundred ninety-five
16 dollars for the first year of testing. The department
17 shall submit a report to the general assembly, by
18 September 1 of each year, of the findings of the tests
19 and the conclusions which may be drawn from the tests.
20 Sec. ____ . Section 455B.306, subsection 1, Code
21 Supplement 1989, is amended to read as follows:
22 1. A city, county, and a private agency operating
23 or planning to operate a sanitary disposal project
24 shall file with the director a comprehensive plan
25 detailing the method by which the city, county, or
26 private agency will comply with this part 1. All
27 cities and counties shall also file with the director
28 a comprehensive plan detailing the method by which the
29 city or county will comply with the requirements of
30 section 455B.302 to establish and implement a

31 comprehensive solid waste reduction program for its
32 residents. For the purposes of this section, a public
33 agency managing the waste stream for cities or
34 counties pursuant to chapter 28E, shall file one
35 comprehensive plan on behalf of its members, which
36 constitutes full compliance by the public agency's
37 members with the filing requirements of this section.
38 If both a public agency managing the waste stream for
39 a city or county pursuant to chapter 28E, and one or
40 more of the public agency's member cities or counties
41 file a comprehensive plan under this subsection, the
42 director shall, following notice to the agency, make a
43 determination that a ny plan filed by a member city or
44 county is compatible with the comprehensive plan of
45 the chapter 28E public agency. If the director
46 determines that the comprehensive plan of a city or
47 county is not compatible with the comprehensive plan
48 of a chapter 28E public agency, the director shall
49 require the city or county to provide justification
50 for approval of the comprehensive plan based upon the

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1 innovative nature of the comprehensive plan, the
2 urgency of implementation, or other unique features of
3 the comprehensive plan of the city or county, and that
4 the plan otherwise complies with the provisions of
5 this chapter. This subsection does not prevent the
6 director from approving pilot projects which otherwise
7 comply with the provisions of this chapter. The
8 director shall review each comprehensive plan
9 submitted and may reject, suggest modification, or
10 approve the proposed plan. The director shall aid in
11 the development of comprehensive plans for compliance
12 with this part. The director shall make available to
13 a city, county, and private agency appropriate forms
14 for the submission of comprehensive plans and may hold
15 hearings for the purpose of implementing this part.
16 The director and governmental agencies with primary
17 responsibility for the development and conservation of
18 energy resources shall provide research and
19 assistance, when cities and counties operating or
20 planning to operate sanitary disposal projects request
21 aid in planning and implementing resource recovery
22 systems. A comprehensive plan filed by a private
23 agency operating or planning to operate a sanitary
24 disposal project required pursuant to section 455B.302
25 shall be developed in cooperation and consultation
26 with the city or county responsible to provide for the

27 establishment and operation of a sanitary disposal
28 project.”

29 10. By striking page 12, line 34 through page 16,
30 line 5.

31 11. Page 17, by inserting after line 14, the
32 following:

33 “Sec. ____ . 1990 Iowa Acts, Senate File 2364,
34 section 12, subsection 1, unnumbered paragraph 1, is
35 amended to read as follows:

36 There is appropriated from the general fund of the
37 state to the department of natural resources for the
38 fiscal year beginning July 1, 1990, and ending June
39 30, 1991, the following amount or so much thereof as
40 is necessary, to be used for the purpose designated:

41 Sec. ____ . 1990 Iowa Acts, Senate File 2364,
42 section 25, is amended to read as follows:

43 “SEC. 25. Section 455B.304, Code Supplement 1989,
44 is amended by adding the following new unnumbered
45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
47 provisions of this chapter regarding the requirement
48 of the equipping of a sanitary landfill with a
49 leachate control system and the establishment and
50 continuation of a postclosure account, the department

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1 shall adopt rules which provide for an exemption from
2 the requirements to equip a publicly owned sanitary
3 landfill with a leachate control system and to
4 establish and maintain a postclosure account if the
5 sanitary landfill operator is a public agency, if the
6 sanitary landfill has closed or will close by July 1,
7 1992, and will no longer accept waste for disposal
8 after that date, and if at the time of closure of the
9 sanitary landfill monitoring of the groundwater does
10 not reveal the presence of leachate. The rules may
11 department shall require postclosure groundwater
12 monitoring and shall establish the requirements for
13 the implementation of leachate collection and control
14 in cases in which leachate is found during postclosure
15 monitoring. The rules department shall provide for a
16 closure completion period following the date of
17 closure of a sanitary landfill. Notwithstanding the
18 provisions of this paragraph, the public agency shall
19 retain financial responsibility for closure and
20 postclosure requirements applicable to sanitary
21 disposal projects.”

22 12. Page 17, by inserting before line 15 the
23 following:

24 "Sec. ____ . Section 455D.15, subsections 2 and 3,
 25 Code Supplement 1989, are amended to read as follows:
 26 2. The department shall award grants based upon
 27 the solid waste management hierarchy set forth in
 28 section 455B.301A, subsection 1. A grant shall not be
 29 awarded to a county, city, or central planning agency
 30 which has not complied with the requirements of a
 31 comprehensive solid waste management program and which
 32 has not complied with or demonstrated an intent to
 33 comply with the requirements of section 455B.306.
 34 One-half of the moneys deposited in the fund shall be
 35 allocated to each county on the basis of population.
 36 The county allocation shall be distributed quarterly
 37 by the department to each county. The county shall
 38 immediately distribute the funds to the cities based
 39 upon the proportion of the city's respective
 40 population to the total county population, and the
 41 county shall retain the portion of the funds based
 42 upon the proportion of the unincorporated area of the
 43 county to the total population of the county. The
 44 funds shall be used by the county and the cities for
 45 the implementation of the comprehensive plan elements
 46 required pursuant to section 455B.306 and relative to
 47 chapter 455D.
 48 3. The One-half of the moneys deposited in the
 49 fund shall be utilized for the following purposes:
 50 a: The initial thirty-five thousand dollars

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1 collected for deposit in the fund shall be
 2 appropriated to the department for establishment of
 3 the pollution hotline program established pursuant to
 4 section 455B.116, and for the salary and support of
 5 not more than one full-time equivalent position.
 6 b a. To provide financial assistance to public and
 7 private entities to develop and implement waste
 8 reduction and minimization programs for Iowa
 9 industries.
 10 e b. To provide financial assistance to public and
 11 private entities and to develop and implement programs
 12 to create and enhance markets for recyclable and other
 13 waste products.
 14 d: To develop and implement educational and
 15 technical assistance programs that support and
 16 encourage waste reduction and recycling efforts by
 17 Iowans.
 18 e: To administer the provisions of chapter 455B,
 19 division IV, part 1.

20 f. c. The department may utilize up to ~~ten~~ twenty
21 percent of the fund to administer the provisions of
22 this chapter.

23 g. To provide grants to local communities or
24 private individuals for projects which establish
25 recycling collection centers; establish local curbside
26 collection of separated recyclable waste materials;
27 promote public awareness regarding waste volume
28 reduction and the use of recyclable materials; and
29 create markets for recyclable materials. Grants shall
30 not be awarded for incineration.

31 h. To provide technical assistance to local
32 communities in establishing collection systems and
33 composting facilities for yard waste.

34 i. To fund the study required pursuant to section
35 455D.11, subsection 3, and to provide loans and grants
36 for waste tire recycling and reprocessing projects.

37 j. To carry out the functions of the department of
38 natural resources concerning recycling.

39 k. To promote the recycling of chlorofluorocarbons
40 used as refrigerant.

41 Sec. ____ . Section 455D.16, Code Supplement 1989,
42 is amended by striking the section and inserting in
43 lieu thereof the following:

44 455D.16 PROHIBITION OF POLYSTYRENE PRODUCTS.

45 1. Beginning January 1, 1991, a person shall not
46 offer for sale, sell, or commercially use polystyrene
47 packaging products or food service items in this
48 state.

49 2. A person who violates subsection 1 is subject
50 to a civil penalty of one hundred dollars for each day

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1 of violation. The department shall collect the
2 penalties and shall deposit the moneys in the waste
3 volume reduction and recycling fund created under
4 section 455D.15.

5 Sec. ____ . NEW SECTION. 455D.19 PACKAGING --HEAVY
6 METAL CONTENT.

7 1. The general assembly finds and declares all of
8 the following:

9 a. The management of solid waste can pose a wide
10 range of hazards to public health and safety and to
11 the environment.

12 b. Packaging comprises a significant percentage of
13 the overall solid waste stream.

14 c. The presence of heavy metals in packaging is a
15 concern in light of the likely presence of heavy
16 metals in emissions or ash when packaging is

17 incinerated or in leachate when packaging is
18 landfilled.

19 d. Lead, mercury, cadmium, and hexavalent
20 chromium, on the basis of available scientific and
21 medical evidence, are of particular concern.

22 e. It is desirable as a first step in reducing the
23 toxicity of packaging waste to eliminate the addition
24 of heavy metals to packaging.

25 f. The intent of the general assembly is to
26 achieve reduction in toxicity without impeding or
27 discouraging the expanded use of postconsumer
28 materials in the production of packaging and its
29 components.

30 2. As used in this section unless the context
31 otherwise requires:

32 a. "Distributor" means a person who takes title to
33 products or packaging purchased for resale.

34 b. "Manufacturer" means a person who offers for
35 sale or sells products or packaging to a distributor.

36 c. "Package" means a container which provides a
37 means of marketing, protecting, or handling a product
38 including a unit package, intermediate package, or a
39 shipping container. "Package" also includes but is
40 not limited to unsealed receptacles such as carrying
41 cases, crates, cups, pails, rigid foil and other
42 trays, wrappers and wrapping films, bags, and tubs.

43 d. "Packaging component" means any individual
44 assembled part of a package including but not limited
45 to interior and exterior blocking, bracing,
46 cushioning, weatherproofing, exterior strapping,
47 coatings, closures, inks, or labels.

48 3. No later than July 1, 1992, a manufacturer or
49 distributor shall not offer for sale or sell, or offer
50 for promotional purposes a package or packaging

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1 component, in this state, which includes, in the
2 package itself, or in any packaging component, inks,
3 dyes, pigments, adhesives, stabilizers, or any other
4 additives, any lead, cadmium, mercury, or hexavalent
5 chromium which has been intentionally introduced as an
6 element during manufacturing or distribution as
7 opposed to the incidental presence of any of these
8 elements and which exceed the concentration level
9 established by the department.

10 4. No later than July 1, 1992, a manufacturer or
11 distributor shall not offer for sale or sell, or offer
12 for promotional purposes, in this state, a product in
13 a package which includes in the package itself or in

14 any of the packaging components, inks, dyes, pigments,
15 adhesives, stabilizers, or any other additives, any
16 lead, cadmium, mercury, or hexavalent chromium which
17 has been intentionally introduced as an element during
18 manufacturing or distribution as opposed to the
19 incidental presence of any of these elements and which
20 exceed the concentration level established by the
21 department.

22 5. The concentration levels of lead, cadmium,
23 mercury, and hexavalent chromium present in a package
24 or packaging component shall not exceed the following:

25 a. Six hundred parts per million by weight by July
26 1, 1992.

27 b. Two hundred fifty parts per million by weight
28 by July 1, 1993.

29 c. One hundred parts per million by weight by July
30 1, 1994.

31 Concentration levels of lead, cadmium, mercury, and
32 hexavalent chromium shall be determined using American
33 standard of testing materials test methods, as
34 revised, or United States environmental protection
35 agency test methods for evaluating solid waste, S-W
36 846, as revised.

37 6. The following packaging and packaging
38 components are exempt from the requirements of this
39 section:

40 a. Packaging or packaging components with a code
41 indicating a date of manufacture prior to July 1,
42 1990.

43 b. Packages or packaging components to which lead,
44 cadmium, mercury, or hexavalent chromium have been
45 added in the manufacturing, forming, printing, or
46 distribution process in order to comply with health or
47 safety requirements of federal law or for which there
48 is no feasible alternative if the manufacturer of a
49 package or packaging component petitions the
50 department for an exemption from the provisions of

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1 this paragraph for a particular package or packaging
2 component. The department may grant a two year
3 exemption, if warranted, by the circumstances, and an
4 exemption may, upon meeting either criterion of this
5 paragraph be renewed for two years. For purposes of
6 this paragraph, a use for which there is no feasible
7 alternative is one in which the regulated substance is
8 essential to the protection, safe handling, or
9 function of the package's contents.

10 Packages and packaging components that would not

11 exceed the maximum contaminant levels established but
12 for the addition of postconsumer materials.

13 7. By July 1, 1992, a manufacturer or distributor
14 of packaging or packaging components shall make
15 available to purchasers, to the department, and to the
16 general public upon request, certificates of
17 compliance which state that the manufacturer's or
18 distributor's packaging or packaging components comply
19 with, or are exempt from, the requirements of this
20 section.

21 If the manufacturer or distributor of the package
22 or packaging component reformulates or creates a new
23 package or packaging component, the manufacturer or
24 distributor shall provide an amended or new
25 certificate of compliance for the reformulated or new
26 package or packaging component.

27 8. The commission shall adopt rules to implement
28 this section and report to the general assembly on the
29 effectiveness of this section no later than forty-two
30 months following the enactment of this section and
31 recommend any other toxic substances contained in
32 packaging to be added to the list in order to further
33 reduce the toxicity of packaging waste.

34 9. A manufacturer or distributor who does not
35 comply with the requirements of this section is guilty
36 of a simple misdemeanor.

37 Sec. ____ . Section 455E.11, subsection 2, paragraph
38 b, subparagraph (3), subparagraph subdivision (b),
39 Code Supplement 1989, is amended to read as follows:

40 (b) Two percent is appropriated annually to the
41 department of natural resources for the purpose of
42 administering grants to counties and conducting
43 oversight of county-based programs relative to the
44 testing of private water supply wells and the proper
45 closure of private abandoned wells. Not more than
46 seventeen and one-half percent of the moneys is
47 appropriated annually to the department of natural
48 resources for grants to counties for the purpose of
49 conducting programs of private, rural water supply
50 testing, not more than six percent of the moneys is

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1 appropriated annually to the state hygienic laboratory
2 to assist in well testing, and not more than seventeen
3 and one-half percent of the moneys is appropriated
4 annually to the department of natural resources for
5 grants to counties for the purpose of conducting
6 programs for properly closing abandoned, rural water
7 supply wells and cisterns. For purposes of this

8 subparagraph subdivision, "cistern" means an
9 artificial reservoir constructed underground for the
10 purpose of storing rainwater.
11 Sec. ____ . Section 455E.11, subsection 2, paragraph
12 c, unnumbered paragraph 1, Code Supplement 1989, is
13 amended to read as follows:
14 A household hazardous waste account. The moneys
15 collected pursuant to section 455F.7 shall be
16 deposited in the household hazardous waste account.
17 Except for the first one hundred thousand dollars
18 received annually for deposit in the waste volume
19 reduction and recycling fund to be used by the
20 department to provide financial assistance to counties
21 in investigation of complaints; and the next one
22 hundred thousand dollars received annually for deposit
23 in the emergency response fund, the treasurer of state
24 shall deposit moneys received from civil penalties and
25 fines imposed by the court pursuant to sections
26 455B.146, 455B.191, 455B.386, 455B.417, 455B.454,
27 455B.466, and 455B.477, in the household hazardous
28 waste account. Two thousand dollars is appropriated
29 annually to the Iowa department of public health to
30 carry out departmental duties under section 135.11,
31 subsections 20 and 21, and section 139.35; ~~eighty~~
32 ~~thousand dollars is appropriated to the department of~~
33 ~~natural resources for city, county, or service~~
34 ~~organization project grants relative to recycling and~~
35 ~~reclamation events; and eight thousand dollars is~~
36 ~~appropriated to the department of transportation for~~
37 ~~the period of October 1, 1987, through June 30, 1989,~~
38 ~~for the purpose of conducting the used oil collection~~
39 ~~pilot project.~~ The remainder of the account shall be
40 used to fund Toxic Cleanup Days ~~programs and the~~
41 ~~efforts of the department to support a collection~~
42 ~~system for household hazardous materials, including~~
43 ~~public education programs, training, and consultation~~
44 ~~of local governments in the establishment and~~
45 ~~operation of permanent collection systems, and the~~
46 ~~management of collection sites.~~ education programs,
47 and other activities pursuant to chapter 455F,
48 including the administration of the household
49 hazardous materials permit program by the department
50 of revenue and finance.

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1 Sec. ____ . Section 455F.8, Code 1989, is amended to
2 read as follows:
3 455F.8 HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM
4 CREATED.

5 The department shall conduct programs to collect
6 and dispose of small amounts of hazardous wastes which
7 are being stored in residences or on farms. The
8 program shall be known as "Toxic Cleanup Days". The
9 department shall promote and conduct the program and
10 shall by contract with a qualified and bonded waste
11 handling company, collect and properly dispose of
12 wastes believed by the person disposing of the waste
13 to be hazardous. The department shall establish
14 maximum amounts of hazardous wastes to be accepted
15 from a person during the "Toxic Cleanup Days" program.
16 Amounts accepted from a person above the maximum shall
17 be limited by the department and may be subject to a
18 fee set by the department, but the department shall
19 not assess a fee for amounts accepted below the
20 maximum amount. The department shall designate the
21 times and dates for the collection of wastes. ~~The~~
22 ~~department shall have as a goal twelve "Toxic Cleanup~~
23 ~~Days" during the period beginning July 1, 1987, and~~
24 ~~ending October 31, 1988. In any event, the department~~
25 ~~shall offer the number of days that can be properly~~
26 ~~and reasonably conducted with funds deposited in the~~
27 ~~household hazardous waste account. In order to~~
28 achieve the maximum benefit from the program, the
29 department shall offer "Toxic Cleanup Days" on a
30 statewide basis and provide at least one "Toxic
31 Cleanup Day" in each departmental region. "Toxic
32 Cleanup Days" shall be offered in both rural and urban
33 areas to provide a comparison of response levels and
34 to test the viability of multicounty "Toxic Cleanup
35 Days". ~~The department may also offer at least one~~
36 ~~"Toxic Cleanup Day" at a previously serviced location~~
37 ~~to test the level of residual demand for the event and~~
38 ~~the effect of the existing public awareness on the~~
39 ~~program. The department shall prepare an annual~~
40 ~~report citing the results and costs of the program for~~
41 ~~submittal to the general assembly.~~
42 Sec. ____ . NEW SECTION. 455F.8A HOUSEHOLD
43 HAZARDOUS MATERIAL COLLECTION SITES.
44 1. By January 1, 1991, the department shall
45 complete an assessment of the needs of local
46 governments for temporary collection sites for
47 household hazardous materials. Upon completion of the
48 assessment, the department shall design a model
49 facility which would adequately serve the needs
50 identified. During the design phase, the department

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1 shall also identify facility permit requirements.

2 2. a. Following the completion of the assessment
3 and design of the model facility, the department shall
4 set a goal of establishing a three-year competitive
5 grant program to assist in the development of five
6 pilot household hazardous waste reduction and
7 collection programs. The grants shall be in the
8 amount of one hundred thousand dollars.

9 b. The grant program shall provide for the
10 establishment of five pilot sites so that both rural
11 and urban populations are served.

12 c. The department shall develop criteria to
13 evaluate proposals for the establishment of sites.
14 The criteria shall give priority to proposals for
15 sites which provide the most efficient services and
16 which provide local, public, and private contributions
17 for establishment of the sites. The criteria shall
18 also include a requirement that the recipient of a
19 grant design and construct a facility sufficient for
20 the collection, sorting, and packaging of materials
21 prior to transportation of the materials to the final
22 disposal site. Final review of design and
23 construction of the proposed facilities shall be by
24 the department.

25 d. Two of the recipients of grants shall provide
26 for collection of hazardous wastes from conditionally
27 exempt small quantity generators in the area of the
28 facility established. The facility shall require
29 payment for collection from conditionally exempt small
30 quantity generators if the amount of waste disposed is
31 greater than ten pounds.

32 Sec. ____ . **NEW SECTION. 455F.8B LOCAL GOVERNMENT**
33 **EDUCATION PROGRAMS.**

34 A recipient of a household hazardous waste
35 reduction and collection program grant shall do all of
36 the following:

37 1. Identify a regional or local agency to
38 coordinate a public education effort, and provide for
39 staff to implement the education program.

40 2. Establish an intensive three-year educational
41 project to educate the local population regarding
42 alternatives to the purchase or disposal of toxic
43 materials. The educational project shall include
44 efforts to promote the use of household hazardous
45 materials labeling required pursuant to chapter 455F.

46 3. Establish a community education effort to be
47 integrated within the existing educational system
48 regarding household hazardous waste reduction and

49 recycling.

50 4. Develop a plan for the recycling of hazardous

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1 substances not minimized by the public. The plan
2 shall optimize resource use while minimizing waste and
3 shall include a formal arrangement for the exchange of
4 materials at no cost to the participants and an
5 arrangement for the acceptance by the department of
6 general services or the local or regional government
7 agency of hazardous materials useful in its
8 operations.”

9 13. Page 17, by striking lines 15 through 24 and
10 inserting the following:

11 “Sec. ____.

12 The appropriation to the Iowa resources enhancement
13 and protection fund in 1989 Iowa Acts, chapter 307,
14 section 35, shall be considered an appropriation for a
15 separate fiscal year for purposes of the allocation to
16 be made to the conservation education board under
17 section 455A.19, subsection 1, unnumbered paragraph 1.
18 Up to 3 percent of the amount allocated to the
19 conservation education board as a result of this
20 section, shall be used, or so much thereof as is
21 necessary, by the department of education, in
22 cooperation with the department of cultural affairs,
23 to distribute to all public libraries, libraries at
24 state institutions, college libraries, and libraries
25 at public and nonpublic schools in the state, and to
26 each member of the Iowa general assembly, the
27 publication “50 simple things you can do to save the
28 earth”.

29 Sec. ____.

30 1. Notwithstanding the nonreversion provision in
31 section 99E.32, subsection 7, or any other provision,
32 all unencumbered or unobligated moneys remaining on
33 June 30, 1990, and all encumbered or obligated moneys
34 as of June 30, 1990, from appropriations made from the
35 surplus account, jobs now account, education and
36 agricultural research and development account, and the
37 jobs now capitals account to the department of
38 economic development for purposes for which moneys are
39 appropriated for the fiscal year beginning July 1,
40 1990, in Senate File 2327, if enacted by the Seventy-
41 third General Assembly, 1990 Session, shall be
42 transferred to the general fund of the state and shall
43 be available for expenditure for those same purposes
44 as provided in Senate File 2327, if enacted and are in
45 addition to moneys appropriated for those same

46 purposes for the fiscal year beginning July 1, 1990.
47 2. Except as otherwise provided in subsection 1,
48 notwithstanding the nonreversion provision in section
49 99E.32, subsection 7, or any other provision, all
50 unencumbered or unobligated moneys remaining in the

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1 surplus account, jobs now account, education and
2 agricultural research and development account, and the
3 jobs now capitals account on June 30, 1991, or
4 remaining on June 30, 1991, from appropriations made
5 from any of those accounts shall revert to the CLEAN
6 fund for allocation and expenditure as provided in
7 this Act for the fiscal year beginning July 1, 1991.
8 3. The agency, board, commission, or overseer of
9 the funds to which moneys have been appropriated from
10 any of the accounts in the Iowa plan fund for economic
11 development for any of the fiscal years beginning July
12 1, 1985, July 1, 1986, July 1, 1987, July 1, 1988, and
13 July 1, 1989, shall provide by December 15, 1990, to
14 the department of management a status report and any
15 encumbered or obligated moneys remaining unspent on
16 June 30, 1990, from moneys appropriated from the Iowa
17 plan fund for any fiscal year, except the fiscal year
18 beginning July 1, 1989, shall be available for
19 expenditure by the department of economic development
20 for purposes of chapter 15. The status report shall
21 specify the status of the moneys appropriated as of
22 June 30, 1990, or such later date as designated by the
23 department of management, and the amount of loans
24 outstanding, if any, that were made from those moneys
25 appropriated, and other information relating to the
26 status of the moneys appropriated as required by the
27 department of management."

28 14. Page 17, by inserting after line 27 the
29 following:

30 "Sec. ____

31 Section 200 of this Act is effective July 1, 1991."

32 15. Title page, line 1, by striking the word
33 "and" and inserting the following: "the environment,
34 agriculture, and natural resources including".

35 16. Title page, line 3, by inserting after the
36 word "providing" the following: "for funding for
37 rural water districts, for city storm water drainage
38 systems, and".

39 17. Title page, line 5, by inserting after the
40 word "structures" the following: "providing a
41 penalty,".

42 18. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

S-5916

1 Amend the House amendment, S-5910, to Senate File
2 2011, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 15 through 19 and
5 inserting the following: "in the uniform plumbing
6 code."

BEVERLY HANNON

S-5917

1 Amend House File 2495, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. 100. Section 331.301, subsection 10, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:
8 10. A county may enter into leases or lease-
9 purchase contracts for real and personal property in
10 accordance with the following terms and procedures:
11 a. A county shall lease or lease-purchase real or
12 personal property only for a term which does not
13 exceed the economic life of the property, as
14 determined by the board.
15 b. A lease or lease-purchase contract entered into
16 by a county may contain provisions similar to those
17 sometimes found in leases between private parties,
18 including the obligation of the lessee to pay any of
19 the costs of operation or ownership of the leased
20 property, and the right to purchase the leased
21 property.
22 c. A provision of a lease or lease-purchase
23 contract which stipulates that a portion of the rent
24 payments be applied as interest is subject to chapter
25 74A. Other laws relating to interest rates do not
26 apply. Chapter 75 shall not be applicable. A county
27 enterprise is a separate entity under the provisions
28 of this section whether it is governed by the board or
29 another governing body.
30 d. The board must follow substantially the same
31 authorization procedure required for the issuance of
32 general obligation bonds issued for the same purpose

33 to authorize a lease or a lease-purchase contract made
34 payable from the debt service fund.

35 e. The board may authorize a lease or lease-
36 purchase contract which is payable from the general
37 fund and which would not cause the total of annual
38 lease and lease-purchase payments of the county due
39 from the general fund of the county in any future year
40 for lease or lease-purchase contracts in force on the
41 date of the authorization, excluding payments to
42 exercise purchase options or to pay the expenses of
43 operation or ownership of the property, to exceed ten
44 percent of the last certified general fund budget
45 amount in accordance with the following procedures:

46 (1) The board must follow substantially the
47 authorization procedures of section 331.443 to
48 authorize a lease or lease-purchase contract for real
49 property which is payable from the general fund if the
50 principal amount of the lease or lease-purchase

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1 contract does not exceed the following limits:

2 (a) Two hundred thousand dollars in a county

3 having a population of twenty-five thousand or less.

4 (b) Two hundred fifty thousand dollars in a county

5 having a population of more than twenty-five thousand

6 but not more than fifty thousand.

7 (c) Three hundred thousand dollars in a county

8 having a population of more than fifty thousand but

9 not more than one hundred thousand.

10 (d) Four hundred thousand dollars in a county

11 having a population of more than one hundred thousand

12 but not more than two hundred thousand.

13 (e) Five hundred thousand dollars in a county

14 having a population of more than two hundred thousand.

15 (2) The board must follow the following procedures

16 to authorize a lease or lease-purchase contract for

17 real property which is payable from the general fund

18 if the principal amount of the lease or lease-purchase

19 contract exceeds the limits set forth in subparagraph

20 (1):

21 (a) The board must institute proceedings for

22 entering into a lease or lease-purchase contract by

23 causing a notice of the proposal to enter such lease

24 or lease-purchase contract, including a statement of

25 the principal amount and purpose of the lease or

26 lease-purchase, and the right to petition for an

27 election, to be published as provided in section

28 331.305 at least ten days prior to the meeting at

29 which it is proposed to take such action.

30 (b) If at any time before the date fixed for
31 taking such action a petition is filed with the
32 auditor in the manner provided by section 331.306
33 asking that the question of entering into such lease
34 or lease-purchase contract be submitted to the
35 qualified electors of the county, the board shall
36 either by resolution declare the proposal to enter
37 into such lease or lease-purchase contract to have
38 been abandoned or shall direct the county commissioner
39 of elections to call a special election upon the
40 question of entering into such lease or lease-purchase
41 contract. However, for purposes of this paragraph the
42 petition need not have signatures in excess of one
43 thousand persons. Notice of the election and its
44 conduct shall be in the manner provided in subsections
45 2, 3, and 4 of section 331.442.

46 (c) If no petition is filed, or if a petition is
47 filed and the proposition of entering into a lease or
48 lease-purchase contract is approved at the election,
49 the board may proceed and enter into such lease or
50 lease-purchase contract.

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1 (d) The governing body may authorize a lease or
2 lease-purchase contract payable from the net revenues
3 of a county enterprise, or combined county enterprise
4 by following the authorization procedures of section
5 331.464.

6 (e) A lease or lease-purchase contract to which a
7 county is a party or in which a county has a
8 participatory interest, is an obligation of a
9 political subdivision of this state for the purposes
10 of chapters 502 and 682, and is a lawful investment
11 for banks, trust companies, building and loan
12 associations, savings and loan associations,
13 investment companies, insurance companies, insurance
14 associations, executors, guardians, trustees, and any
15 other fiduciaries responsible for the investment of
16 funds.

17 (f) Property that is lease-purchased by a county
18 is exempt under section 427.1, subsection 2.

19 (g) A contract for construction by a private party
20 of property to be leased or lease-purchased by a
21 county is not a contract for a public improvement
22 under section 331.341, subsection 1. However, if a
23 lease-purchase contract is funded in advance by means
24 of the lessor depositing moneys to be administered by
25 a county, with the county's obligation to make rent
26 payments commencing with its receipt of moneys, a

27 contract for construction of the property in question
28 awarded by the county is a public improvement and is
29 subject to section 331.341, subsection 1.
30 Sec. 101. section 331.402, subsection 3, Code
31 1989, is amended by striking the subsection and
32 inserting in lieu thereof the following:
33 3. A county may enter into loan agreements to
34 borrow money for any public purpose in accordance with
35 the following terms and procedures:
36 a. A loan agreement entered into by a county may
37 contain provisions similar to those sometimes found in
38 loan agreements between private parties, including the
39 issuance of notes to evidence its obligations.
40 b. A provision of a loan agreement which
41 stipulates that a portion of the payments be applied
42 as interest is subject to chapter 74A. Other laws
43 relating to interest rates do not apply. Chapter 75
44 is not applicable. A county enterprise is a separate
45 entity under the provisions of this section whether it
46 is governed by the board or another governing body.
47 c. The board shall follow substantially the same
48 authorization procedure required for the issuance of
49 general obligation bonds issued for the same purpose,
50 to authorize a loan agreement made payable from the

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1 debt service fund.
2 d. The board may authorize a loan agreement which
3 is payable from the general fund and which would not
4 cause the total of scheduled annual payments of
5 principal or interest or both principal and interest
6 of the county due from the general fund of the county
7 in any future year with respect to all loan agreements
8 in force on the date of the authorization to exceed
9 ten percent of the last certified general fund budget
10 amount in accordance with the following procedures:
11 (1) The board must follow substantially the
12 authorization procedures of section 331.443 to
13 authorize a loan agreement for real property which is
14 payable from the general fund if the principal amount
15 of the loan agreement does not exceed the following
16 limits:
17 (a) Two hundred thousand dollars in a county
18 having a population of twenty-five thousand or less.
19 (b) Two hundred fifty thousand dollars in a county
20 having a population of more than twenty-five thousand
21 but not more than fifty thousand.
22 (c) Three hundred thousand dollars in a county
23 having a population of more than fifty thousand but

24 not more than one hundred thousand.

25 (d) Four hundred thousand dollars in a county
26 having a population of more than one hundred thousand
27 but not more than two hundred thousand.

28 (e) Five hundred thousand dollars in a county
29 having a population of more than two hundred thousand.

30 (2) The board must follow the following procedures
31 to authorize a loan agreement for real property which
32 is payable from the general fund if the principal
33 amount of the loan agreement exceeds the limits set
34 forth in subparagraph (1):

35 (a) The board must institute proceedings for
36 entering into a loan agreement by causing a notice of
37 the proposal to enter into such loan agreement,
38 including a statement of the principal amount and
39 purpose of the loan agreement, and the right to
40 petition for an election, to be published as provided
41 in section 331.305 at least ten days prior to the
42 meeting at which it is proposed to take such action.

43 (b) If at any time before the date fixed for
44 taking such action a petition is filed with the
45 auditor in the manner provided by section 331.306
46 asking the question of entering into such loan
47 agreement be submitted to the qualified electors of
48 the county, the board shall either by resolution
49 declare the proposal to enter into such loan agreement
50 to have been abandoned or shall direct the county

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1 commissioner of elections to call a special election
2 upon the question of entering into such loan
3 agreement. However, for purposes of this paragraph
4 the petition need not have signatures in excess of one
5 thousand persons. Notice of the election and its
6 conduct shall be in the manner provided in subsections
7 2, 3, and 4 of section 331.442.

8 (c) If no petition is filed, or if a petition is
9 filed and the proposition of entering into the loan
10 agreement is approved at an election, the board may
11 proceed and enter into such loan agreement.

12 (d) The governing body may authorize a loan
13 agreement payable from the net revenues of a county
14 enterprise or combined county enterprise by following
15 the authorization procedures of section 331.464.

16 (e) A loan agreement to which a county is a party
17 or in which a county has a participatory interest, is
18 an obligation of a political subdivision of this state
19 for the purpose of chapters 502 and 682, and is a
20 lawful investment for banks, trust companies, building

21 and loan associations, savings and loan associations,
22 investment companies, insurance companies, insurance
23 associations, executors, guardians, trustees, and any
24 other fiduciaries responsible for the investment of
25 funds.”

26 2. Page 1, by inserting after line 9 the
27 following:

28 “Sec. 102. Section 364.4, subsection 4, Code 1989,
29 is amended by striking the subsection and inserting in
30 lieu thereof the following:

31 4. Enter into leases or lease-purchase contracts
32 for real and personal property in accordance with the
33 following terms and procedures:

34 a. A city shall lease or lease-purchase real or
35 personal property only for a term which does not
36 exceed the economic life of the property, as
37 determined by the governing body.

38 b. A lease or lease-purchase contract entered into
39 by a city may contain provisions similar to those
40 sometimes found in leases between private parties,
41 including the obligation of the lessee to pay any of
42 the costs of operation of ownership of the leased
43 property, and the right to purchase the leased
44 property.

45 c. A provision of a lease or lease-purchase
46 contract which stipulates that a portion of the rent
47 payments be applied as interest is subject to chapter
48 74A. Other laws relating to interest rates do not
49 apply. Chapter 75 shall not be applicable. A city
50 utility or city enterprise is a separate entity under

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1 the provisions of this section whether it is governed
2 by the council or another governing body.
3 d. The governing body must follow substantially
4 the same authorization procedure required for the
5 issuance of general obligation bonds issued for the
6 same purpose to authorize a lease or a lease-purchase
7 contract made payable from the debt service fund.
8 The governing body may authorize a lease or lease-
9 purchase contract which is payable from the general
10 fund and which would not cause the total of annual
11 lease and lease-purchase payments of the city due from
12 the general fund of the city in any future year for
13 lease or lease-purchase contracts in force on the date
14 of the authorization, excluding payments to exercise
15 purchase options or to pay the expenses of operation
16 or ownership of the property, to exceed ten percent of
17 the last certified general fund budget amount in

18 accordance with the following procedures:

19 (1) The governing body must follow substantially
20 the authorization procedures of section 384.25 to
21 authorize a lease or lease-purchase contract for real
22 property which is payable from the general fund if the
23 principal amount of the lease or lease-purchase
24 contract does not exceed the following limits:

25 (a) Twenty-five thousand dollars in a city having
26 a population of five thousand or less.

27 (b) Seventy-five thousand dollars in a city having
28 a population of more than five thousand but not more
29 than seventy-five thousand.

30 (c) One hundred fifty thousand dollars in a city
31 having a population of more than seventy-five
32 thousand.

33 (2) The governing body must follow the following
34 procedures to authorize a lease or lease-purchase
35 contract for real property which is payable from the
36 general fund if the principal amount of the lease or
37 lease-purchase contract exceeds the limits set forth
38 in subparagraph (1):

39 (a) The governing body may institute proceedings
40 to enter into a lease or lease-purchase contract by
41 causing a notice of the proposal to enter into the
42 lease or lease-purchase contract, including a
43 statement of the principal amount and purpose of the
44 lease or lease-purchase contract, and the right to
45 petition for an election, to be published at least
46 once in a newspaper of general circulation within the
47 city at least ten days prior to the meeting at which
48 it is proposed to take action to enter into the lease
49 or lease-purchase contract.

50 (b) If any time before the date fixed for taking

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1 action to enter into the lease or lease-purchase
2 contract, a petition is filed with the clerk of the
3 city in the manner provided by section 362.4, asking
4 that the question of entering into the lease or lease-
5 purchase contract be submitted to the qualified
6 electors of the city, the governing body shall either
7 by resolution declare the proposal to enter into the
8 lease or lease-purchase contract to have been
9 abandoned or shall direct the county commissioner of
10 elections to call a special election upon the question
11 of entering into the lease or lease-purchase contract.
12 However, for purposes of this paragraph, the petition
13 need not have signatures in excess of one thousand
14 persons. Notice of the election and its conduct shall

15 be in the manner provided in subsections 2, 3, and 4
16 of section 384.26.

17 (c) If no petition is filed, or if a petition is
18 filed and the proposition of entering into the lease
19 or lease-purchase contract is approved at an election,
20 the governing body may proceed and enter into the
21 lease or lease-purchase contract.

22 The governing body may authorize a lease or lease-
23 purchase contract payable from the net revenues of a
24 city utility, combined utility system, city
25 enterprise, or combined city enterprise by following
26 the authorization procedures of section 384.83.

27 (d) A lease or lease-purchase contract to which a
28 city is a party or in which a city has a participatory
29 interest, is an obligation of a political subdivision
30 of this state for the purposes of chapters 502 and
31 682, and is a lawful investment for banks, trust
32 companies, building and loan associations, savings and
33 loan association, investment companies, insurance
34 companies, insurance associations, executors,
35 guardians, trustees, and any other fiduciaries
36 responsible for the investment of funds.

37 (e) Property that is lease-purchased by a city is
38 exempt under section 427.1, subsection 2.

39 (f) A contract for construction by a private party
40 of property to be leased or lease-purchased by a city
41 is not a contract for a public improvement under
42 section 384.95, subsection 1, except for purposes of
43 section 384.102. However, if a lease-purchase
44 contract is funded in advance by means of the lessor
45 depositing moneys to be administered by a city, with
46 the city's obligations to make rent payments
47 commencing with its receipt of moneys, a contract for
48 construction of the property in question awarded by
49 the city is subject to division VI of chapter 384.

50 Sec. 103. Section 384.24A, Code 1989, is amended

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1 by striking the section and inserting in lieu thereof
2 the following:

3 384.24A LOAN AGREEMENTS.

4 A city may enter into loan agreements to borrow
5 money for any public purpose in accordance with the
6 following terms and procedures:

7 1. A loan agreement entered into by a city may
8 contain provisions similar to those sometimes found in
9 loan agreements between private parties, including the
10 issuance of notes to evidence its obligations.

11 2. A provision of a loan agreement which

12 stipulates that a portion of the payments be applied
13 as interest is subject to chapter 74A. Other laws
14 relating to interest rates do not apply. Chapter 75
15 is not applicable. A city utility or city enterprise
16 is a separate entity under this section whether it is
17 governed by the council or another governing body.

18 3. The governing body shall following
19 substantially the same authorization procedure
20 required for the issuance of general obligation bonds
21 issued for the same purpose, to authorize a loan
22 agreement made payable from the debt service fund.
23 The governing body may authorize a loan agreement
24 which is payable from its general fund and which would
25 not cause the total of scheduled annual payments of
26 principal or interest or principal and interest of the
27 city due from the general fund of the city in any
28 future year with respect to all loan agreements in
29 force on the date of the authorization, to exceed ten
30 percent of the last certified general fund budget
31 amount in accordance with the following procedures:

32 (a) The governing body must follow substantially
33 the authorization procedures of section 384.25 to
34 authorize a loan agreement for real property which is
35 payable from the general fund if the principal amount
36 of the loan agreement does not exceed the following
37 limits:

38 (1) Twenty-five thousand dollars in a city having
39 a population of five thousand or less.

40 (2) Seventy-five thousand dollars in a city having
41 a population of more than five thousand but not more
42 than seventy-five thousand.

43 (3) One hundred fifty thousand dollars in a city
44 having a population of more than seventy-five
45 thousand.

46 (b) The governing body must follow the following
47 procedures to authorize a loan agreement for real
48 property which is payable from the general fund if the
49 principal amount of the loan agreement exceeds the
50 limits set forth in subparagraph (a):

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1 (1) The governing body may institute proceedings
2 to enter into a loan agreement payable from its
3 general fund by causing a notice of the proposal to
4 enter into the loan agreement, including a statement
5 of the principal amount and purpose of the loan
6 agreement, and the right to petition for an election,
7 to be published at least once in a newspaper of
8 general circulation within the city at least ten days

9 prior to the meeting at which it is proposed to take
10 action to enter into the loan agreement.

11 (2) If any time before the date fixed for taking
12 action to enter into the loan agreement, a petition is
13 filed with the clerk of the city in the manner
14 provided by section 362.4, asking that the question of
15 entering into the loan agreement be submitted to the
16 qualified electors of the city, the governing body
17 shall either by resolution declare the proposal to
18 enter into the loan agreement to have been abandoned
19 or shall direct the county commissioner of elections
20 to call a special election upon the question of
21 entering into the loan agreement. However, for
22 purposes of this paragraph, the petition need not have
23 signatures in excess of one thousand persons. Notice
24 of the election and its conduct shall be in the manner
25 provided in subsections 2, 3, and 4 of section 384.26.

26 (3) If no petition is filed, or if a petition is
27 filed and the proposition of entering into the loan
28 agreement is approved at an election, the governing
29 body may proceed and enter into the loan agreement.

30 The governing body may authorize a loan agreement
31 payable from the net revenues of a city utility,
32 combined utility system, city enterprise, or combined
33 city enterprise by following the authorization
34 procedures of section 384.83.

35 (c) A loan agreement to which a city is a party,
36 or in which the city has a participatory interest, is
37 an obligation of a political subdivision of this state
38 for the purposes of chapters 502 and 682, and is a
39 lawful investment for banks, trust companies, building
40 and loan associations, savings and loan associations,
41 investment companies, insurance companies, insurance
42 associations, executors, guardians, trustees, and any
43 other fiduciaries responsible for the investment of
44 funds."

45 3. Page 2, by inserting after line 33, the
46 following:

47 "Sec. ____.

48 Sections 100 through 103 of this Act are applicable
49 to a lease, lease-purchase, or loan agreement entered
50 into on or after July 1, 1990."

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1 4. Title page, line 1, by inserting after the
2 word "to" the following: "the right of cities and
3 counties to enter into lease, lease-purchase, or loan
4 agreements,".

5 5. Title page, line 3, by inserting after the

6 word "charges" the following: ", and providing an
7 applicability date".

RICHARD VANDE HOEF

S-5918

1 Amend Senate File 2431 as follows:
2 1. Page 1, lines 5 and 6, by striking the words
3 "and professional services".
4 2. Page 1, lines 22 and 23, by striking the words
5 "and professional services".

RICHARD F. DRAKE
WILLIAM W. DIELEMAN

S-5919

1 Amend Senate File 2431 as follows:
2 1. Page 1, by inserting after line 17, the
3 following:
4 "(4) When a state agency will be the contractor.
5 (5) When a situation exists where possession of
6 special knowledge and expertise will result in a more
7 economical and efficient contract for the state."
8 2. Page 1, by inserting after line 34, the
9 following:
10 "(4) When the contract is with another state
11 agency.
12 (5) When a situation exists where possession of
13 special knowledge and expertise will result in a more
14 economical and efficient contract for the state."

JIM RIORDAN

S-5920

1 Amend House File 2268, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after 27 the following:
4 "Sec. ____ . Section 702.11, Code Supplement 1989,
5 is amended to read as follows:
6 702.11 FORCIBLE FELONY.
7 A "forcible felony" is any felonious child
8 endangerment, assault, murder, sexual abuse other than
9 sexual abuse in the third degree committed between
10 spouses or in violation of section 709.4, subsection

11 2, paragraph "c", subparagraph (4), sexual
12 exploitation by a counselor or therapist in violation
13 of section 709.15, kidnapping, robbery, arson in the
14 first degree, or burglary in the first degree.
15 Sec. ____ . NEW SECTION. 709.15 SEXUAL
16 EXPLOITATION BY A COUNSELOR OR THERAPIST.
17 1. As used in this section:
18 a. "Counselor or therapist" means a physician,
19 psychotherapist, psychologist, nurse, social worker,
20 chemical dependency counselor, member of the clergy,
21 or other person whether or not licensed by the state,
22 who renders or purports to render psychotherapy,
23 counseling, or other assessment or treatment involving
24 any mental illness, symptom, or condition or emotional
25 illness, symptom, or condition.
26 b. "Emotionally dependent" means impaired in the
27 ability to withhold consent to a sexual act by the
28 counselor or therapist, based upon the nature of the
29 former patient's or former client's emotional
30 condition and the nature of the assessment or
31 treatment provided by the counselor or therapist,
32 which impairment is known or should be known to the
33 counselor or therapist.
34 c. "Former patient or former client" means a
35 person who received psychotherapy, counseling, or
36 other assessment or treatment involving any mental
37 illness, symptom, or condition or emotional illness,
38 symptom, or condition from a counselor or therapist
39 within two years of the violation or who after two
40 years from the termination of treatment remains
41 emotionally dependent on the counselor or therapist.
42 d. "Patient or client" means any person who
43 receives psychotherapy, counseling, or other
44 assessment or treatment concerning any mental illness,
45 symptom, or condition or emotional illness, symptom,
46 or condition from a counselor or therapist.
47 e. "Sexual exploitation" means any sexual contact
48 by a counselor or therapist with a patient or client
49 or former patient or former client for the purpose of
50 arousing or satisfying the sexual desires of a

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1 counselor or therapist or the patient, client, former
2 patient, or former client, which shall include but is
3 not limited to kissing; touching of the inner thigh,
4 breast, groin, buttock, anus, pubes, or genitals or
5 the touching of the clothing covering the inner thigh,
6 breast, groin, buttock, anus, pubes, or genitals, a
7 sex act as defined in section 702.17; or verbal

8 suggestions of sexual involvement.

9 2. It is unlawful for a counselor or therapist to
10 engage in conduct which constitutes sexual
11 exploitation as defined in subsection 1, with or
12 without the consent of the patient or client or former
13 patient or former client.

14 3. A person who violates this section commits a
15 class "D" felony, except that any person who violates
16 this section by conduct defined as a sex act under
17 section 702.17 commits a class "C" felony."

18 2. Page 1, line 29, by striking the word "This"
19 and inserting the following: "Sections 1 and 2 of
20 this".

21 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5921

1 Amend the amendment, S-5920, to House File 2268, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 40, by inserting after the word
5 "years" the following: ", but not more than six
6 years,".

7 2. Page 2, by striking lines 6 through 8 and
8 inserting the following: "breast, groin, buttock,
9 anus, pubes, or genitals; or a sex act as defined in
10 section 702.17. "Sexual exploitation" does not
11 include conduct which is part of a standard medical
12 treatment of a patient."

JEAN LLOYD-JONES

S-5922

1 Amend the amendment, S-5920, to House File 2268, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking line 29, and inserting the
5 following: "patient's or client's emotional".

6 2. Page 1, by striking lines 34 through 41.

7 3. Page 1, line 49, by striking the words "or
8 former patient or former client".

9 4. Page 2, lines 1 and 2, by striking the words
10 "former patient, or former client,".

11 5. Page 2, lines 12 and 13, by striking the words
12 "or former patient or former client".

TOM MANN, Jr.

S-5923

1 Amend House File 2546 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting before line 11, the
4 following:
5 "Sec. ____ . RECEIPT OF FEDERAL FUNDS.
6 When unanticipated federal moneys are received
7 which may be used for the purposes of child day care
8 resource and referral programs or child day care
9 start-up grants, the federal moneys shall be used
10 before state moneys appropriated for these purposes
11 are further expended and the federal moneys received
12 shall be considered to be in addition to the amounts
13 of the state appropriations."

EMIL HUSAK

S-5924

1 Amend the amendment, S-5913, to House File 2533, 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 11, line 29, by inserting after the
7 word "mediator." the following: "However, a private
8 mediator conducting mediation services under this
9 section shall meet the training requirements
10 established in section 679.8, and serve as a mediator
11 in an approved center under chapter 679.""
12 2. Page 4, by striking lines 2 and 3, and
13 inserting the following:
14 " ____ . Page 19, line 1, by striking the words "or
15 negotiation".
16 ____ . Page 19, line 2, by striking the words "or
17 negotiation"."
18 3. Page 4, by inserting after line 6 the fol-
19 lowing:
20 " ____ . Page 21, by inserting before line 4 the
21 following:
22 "Sec. ____ . Section 679.1, subsection 6, Code 1989,
23 is amended to read as follows:
24 6. "Mediator" means a person who assists parties
25 involved in a minor dispute to reach an impartial,
26 neutral third party with no decision-making power, who

27 intervenes in a dispute or negotiation to assist
28 contending parties in reaching a mutually acceptable
29 resolution of their settlement of issues in dispute.
30 Sec. ____ . Section 679.2, Code 1989, is amended by
31 adding the following new subsection:
32 NEW SUBSECTION. 3. The executive director shall
33 perform the following administrative duties:
34 a. Conduct a survey of existing dispute resolution
35 programs in the state to determine their number, the
36 number of mediators involved, the type of training
37 mediators receive, the types of disputes being
38 mediated, and the percentage of disputes which are
39 resolved through the dispute resolution process.
40 b. Evaluate the effectiveness of dispute
41 resolution programs.
42 c. Perform the duties related to training for
43 mediators contained in section 679.8.
44 Sec. ____ . NEW SECTION. 679.2A POWERS AND DUTIES.
45 The council may do all of the following:
46 1. Execute contracts with public and private
47 agencies and organizations to administer this chapter.
48 2. Cooperate with and assist public or private
49 agencies or organizations in administering this
50 chapter.

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1 3. Make recommendations to the general assembly on
2 matters pertaining to its responsibilities under this
3 chapter.
4 Sec. ____ . Section 679.4, Code 1989, is amended to
5 read as follows:
6 679.4 FUNDING OF DISPUTE RESOLUTION CENTERS.
7 1. The executive director, subject to approval by
8 the council, shall distribute state grants to approved
9 dispute resolution centers from funds appropriated for
10 that purpose. The amount distributed may vary among
11 the centers based on need. The state grant shall not
12 exceed fifty percent of the estimated annual cost of a
13 center. In order to receive grants pursuant to this
14 section, an approved center shall apply on a form
15 specified by the executive director. The application
16 shall include the information specified by the
17 executive director, and shall be filed with the
18 council on the date specified by the executive
19 director.
20 2. The administrator of each center may accept and
21 disburse the state grants and grants and gifts from
22 federal and other public and private sources for the
23 operation of the center. However, only state funds

24 must be allocated through the council. Centers are
 25 encouraged to make use of local resources whenever
 26 possible, including the use of volunteers and
 27 available space in public facilities.

28 3. The executive director may accept, ~~and~~
 29 disburse, and utilize grants and gifts from federal
 30 and other public and private sources ~~for the dispute~~
 31 ~~resolution program.~~

32 Sec. ____ . Section 679.5, Code 1989, is amended to
 33 read as follows:

34 679.5 REFERRALS TO DISPUTE RESOLUTION CENTERS.

35 1. ~~The following types of cases~~ Disputes may be
 36 accepted for dispute resolution at an approved dispute
 37 resolution center, subject to such limitations as the
 38 council prescribes by rule. These disputes include,
 39 but are not limited to, the following:

40 a. Civil claims and disputes, including ~~but not~~
 41 ~~limited to~~ neighborhood disputes, landlord-tenant
 42 disputes, debtor-creditor disputes, and consumer
 43 complaints.

44 b. Disputes concerning dissolution of marriage,
 45 child custody, and visitation rights.

46 c. Juvenile offenses.

47 d. Criminal complaints.

48 e. Public policy disputes involving the state or
 49 one or more of its political subdivisions, concerning
 50 the environment, education, transportation, or other

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1 areas.

2 2. A center may accept cases referred by a court,
 3 prosecuting attorney, law enforcement officer, social
 4 service agency, or any other interested person or
 5 agency, or at the request of the parties involved in
 6 the dispute. A case dispute may be referred prior to
 7 the commencement of formal judicial proceedings or at
 8 any stage of such proceedings. The center shall
 9 provide follow-up information on inform the court of
 10 the disposition of a case dispute if the case dispute
 11 was referred by a court and the court requests the
 12 information.

13 Sec. ____ . Section 679.7, Code 1989, is amended to
 14 read as follows:

15 679.7 FEES.

16 Except as otherwise provided in this section, an
 17 approved dispute resolution center which receives any
 18 state funding for the payment of its administrative
 19 costs shall require each party to pay a fee to help

20 defray the administrative costs of the dispute
 21 resolution process. ~~The council~~ Approved centers
 22 receiving state funding for the payment of
 23 administrative costs shall establish a sliding scale
 24 of fees to be charged, based upon ability to pay. A
 25 person shall not be denied the services of ~~a~~ an
 26 approved dispute resolution center receiving state
 27 funds solely because of inability to pay the fee.

28 Sec. ____ . Section 679.8, unnumbered paragraph 1,
 29 Code 1989, is amended to read as follows:

30 ~~An impartial~~ A mediator shall be assigned to each
 31 ~~case scheduled for a~~ mediation session. A person is
 32 not eligible to serve as a mediator in an approved
 33 center until the person has completed ~~at least twenty-~~
 34 ~~five hours of~~ training in conflict resolution
 35 techniques approved by the executive director. The
 36 council may by rule establish classifications of
 37 disputes and provide that a person is not eligible to
 38 serve as a mediator in a particular class of dispute
 39 unless the person possesses additional credentials or
 40 completes additional specialized training, or both.

41 Sec. ____ . Section 679.10, Code 1989, is amended by
 42 adding the following new subsections:

43 NEW SUBSECTION. 5. Credentials and training
 44 requirements for mediators in approved centers.

45 NEW SUBSECTION. 6. Standards to be used by the
 46 executive director in approving applications under
 47 section 679.3.

48 NEW SUBSECTION. 7. Procedures concerning the
 49 operation of the council.

50 NEW SUBSECTION. 8. Other necessary matters.

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1 Sec. ____ . Section 679.11, Code 1989, is amended to
 2 read as follows:

3 679.11 REPORT.

4 The executive director shall report annually to the
 5 general assembly, ~~and the governor,~~ the supreme court,
 6 and the attorney general concerning the operation of
 7 the dispute resolution program results of the
 8 activities of the council.

9 Sec. ____ . Section 679.12, unnumbered paragraph 1,
 10 Code 1989, is amended to read as follows:

11 All verbal or written information relating to the
 12 subject matter of ~~an agreement a~~ dispute and
 13 transmitted between any party to a dispute and a
 14 mediator or the staff of an approved center or any
 15 other person present during any stage of a dispute
 16 resolution process conducted by an approved center,

17 whether reflected in notes, memoranda, or other work
18 products in the case files, are confidential
19 communications except as otherwise expressly provided
20 in this chapter. Mediators and center staff members
21 shall not be examined in any judicial or
22 administrative proceeding regarding confidential
23 communications and are not subject to judicial or
24 administrative process requiring the disclosure of
25 confidential communications.

26 Sec. ____ . Section 679.12, unnumbered paragraph 3,
27 Code 1989, is amended to read as follows:

28 This section does not prohibit the ~~release of~~
29 ~~information to approved center from informing the~~
30 ~~referring agency or authority regarding of the~~
31 ~~disposition of a case dispute~~ which arose from a
32 criminal complaint and was referred by a court or
33 prosecuting attorney. ~~Nor does this section apply~~
34 ~~where a mediator or center staff member has reason to~~
35 ~~believe that a party to a dispute has given perjured~~
36 ~~evidence.~~

37 Sec. ____ . Section 679.14, Code 1989, is amended to
38 read as follows:

39 679.14 TOLLING OF STATUTE OF LIMITATIONS.

40 During the period of the dispute resolution
41 process, any applicable statute of limitations is
42 tolled as to the participants. The tolling shall
43 commence on the date the center accepts the ~~case~~
44 ~~dispute~~ and shall end on the date the parties are
45 notified in writing that the ~~case dispute~~ has been
46 closed by the center. Notices of the closing of ~~cases~~
47 ~~disputes~~ shall be provided in accordance with
48 appropriate rules adopted under this chapter.

49 Sec. ____ . NEW SECTION. 679.15 FUND CREATED AND
50 TRANSFER OF MONEYS.

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1 The Iowa dispute resolution fund is established in
2 the office of the treasurer of state. The fund shall
3 be an endowment for the council and moneys deposited
4 in the fund shall not be expended, but shall be
5 invested by the treasurer of state in investments
6 authorized for the Iowa public employees' retirement
7 fund in section 97B.7.

8 The council may accept gifts, grants, bequests,
9 other moneys, and in-kind contributions for deposit in
10 the fund as a part of the endowment. Interest earned
11 on the fund shall be transferred by the department of
12 revenue and finance to the credit of the fund at the
13 request of the council. However, the interest may be

- 14 used at any time for the purposes of this chapter, as
 15 directed by the council.
 16 Other gifts, grants, and bequests from public and
 17 private sources, state and federal funds, and other
 18 moneys received by the council may be used for the
 19 purposes of this chapter, and need not be deposited in
 20 the fund.””
 21 4. By renumbering as necessary.

JEAN LLOYD-JONES

S-5925

- 1 Amend the amendment, S-5774, to House File 2412, as
 2 passed by the House, as follows:
 3 1. Page 1, line 18, by inserting after the word
 4 “both,” the following: “The discharge of airborne
 5 residue from grain, created by the handling, drying,
 6 or storing of grain by a person, shall not be subject
 7 to an ordinance, the violation of which is classified
 8 as an environmental violation, unless the person is
 9 engaged in industrial production or manufacturing of
 10 grain products. The discharge of airborne residue
 11 from grain, created by the handling, drying, or
 12 storing of grain by a person engaged in industrial
 13 production or manufacturing of grain products, shall
 14 not be subject to an ordinance, the violation of which
 15 is classified as an environmental violation, if the
 16 discharge occurs from September 15 to January 15.”

KENNETH SCOTT
 EMIL J. HUSAK
 BERL E. PRIEBE
 LEONARD L. BOSWELL
 MIKE CONNOLLY

S-5926

- 1 Amend House File 2533, 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.
 6 The legislative council is requested to create an
 7 interim study committee to consider the creation of a
 8 family court to handle cases involving family issues.
 9 The study committee shall submit a report of its
 10 findings and recommendations to the legislative

11 council and the general assembly before the 1991
12 regular session."

JULIA B. GENTLEMAN

S-5927

1 Amend the amendment, S-5917, to House File 2495, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, lines 48 and 49 by striking the words
5 "real property" and inserting the following: "land or
6 a building".

RICHARD VANDE HOEF

S-5928

1 Amend the amendment, S-5560, to House File 366, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, lines 48 and 49 by striking the words
5 "real property" and inserting the following: "land or
6 a building".

JOHN W. JENSEN

S-5929

1 Amend House File 2564, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 20, line 1, by striking the word "Shall"
4 and inserting the following: "May".
5 2. Page 20, line 3, by striking the word
6 "directed" and inserting the following:
7 "recommended".

CHARLES BRUNER

S-5930

1 Amend House amendment, S-5611, to Senate File 2277,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 10, and
5 inserting the following:
6 "___ . Page 1, by striking lines 1 through 17.

7 ____ . Page 1, lines 25 and 26, by striking the
8 words and figures "under section 321.252, unnumbered
9 paragraph 4".

10 ____ . Page 1, line 30, by striking the words "For
11 purposes of this division," and inserting the
12 following: "The rules shall include but are not
13 limited to the following:

14 a. Criteria for eligibility for signing.

15 b. Criteria for limiting or excluding businesses
16 that maintain advertising devices that do not conform
17 to the requirements of chapter 306B, chapter 306C,
18 division II, or other statutes or administrative rules
19 regulating outdoor advertising.

20 c. Provisions for a fee schedule to cover the
21 direct and indirect costs of sign erection and
22 maintenance and related administrative costs.

23 d. Provisions for specifying the maximum distance
24 to eligible businesses.

25 e. Provisions specifying the maximum number of
26 signs permitted per panel and per interchange.

27 f. Provisions for determining what businesses are
28 signed when there are more applicants than the maximum
29 number of signs permitted.

30 g. Provisions for removing signs when businesses
31 cease to meet minimum requirements for participation
32 and related costs.

33 For purposes of this division,".

34 ____ . Page 1, lines 32 and 33, by striking the
35 words "outdoor recreation," and inserting the
36 following: "outdoor recreation,".

37 ____ . Page 2, lines 12 and 13, by striking the
38 words and figures "section 321.252, unnumbered
39 paragraph 4," and inserting the following: "this
40 subsection"."

41 2. Page 1, by striking lines 19 and 20 and
42 inserting the following:

43 " ____ . Page 3, line 17, by striking the words "an
44 outdoor advertising agency" and inserting the
45 following: "the outdoor advertising association of
46 Iowa"."

47 3. Page 1, line 30, by inserting after the word
48 "available." the following: "If an adjacent landowner
49 complains to the department about the placement of a
50 tourist oriented directional sign, the department

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1 shall attempt to reach an agreement with the landowner
2 for relocating the sign. If possible, the sign shall

3 be relocated from the place of objection. If the sign
4 must be located on an objectionable place, it shall be
5 located on the least objectionable place possible."

6 4. Page 1, by inserting after line 35 the
7 following:

8 "____. Page 4, line 13, by inserting after the
9 word "basis." the following: "Faded signs shall be
10 replaced and the commercial vendor charged for the
11 cost of replacement based upon the fee schedule
12 adopted."

13 ____ . Page 4, by inserting after line 21 the
14 following:

15 "The department shall not authorize or erect signs
16 which do not comply with the manual of uniform traffic
17 control devices."

18 5. Page 2, line 8, by inserting after the word
19 "public." the following: "However, if it is not
20 reasonable and feasible to display specific historic
21 sites on the state transportation map, the department
22 shall consult with the agency managing the historic
23 site."

JIM LIND

S-5931

1 Amend Senate File 2431 as follows:

2 1. Page 1, by inserting after line 17, the
3 following:

4 "(4) When in the judgment of the department, it is
5 more advantageous and appropriate to request proposals
6 for professional services and to select from those
7 submitting proposals those most qualified and to
8 negotiate a contract with one of those selected."

9 2. Page 1, by inserting after line 34, the
10 following:

11 "(4) When in the judgment of the department, it is
12 more advantageous and appropriate to request proposals
13 for professional services and to select from those
14 submitting proposals those most qualified and to
15 negotiate a contract with one of those selected."

RICHARD DRAKE
JIM RIORDAN
WILLIAM DIELEMAN

S-5932

1 Amend House File 2235, 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 601K.91, Code 1989, is amended
6 by adding the following new subsection 1, and
7 renumbering subsequent subsections:
8 NEW SUBSECTION. 1. "Commission" means the
9 commission on community action agencies."
10 2. Page 1, by striking lines 1 through 5, and
11 inserting the following:
12 "Sec. ____ . Section 601K.92, Code 1989, is amended
13 to read as follows:
14 601K.92 DIRECTOR DUTIES.
15 The administrator shall:
16 1. Administer the division.
17 2. Implement programs required in the division.
18 3. Adopt rules pursuant to chapter 17A to
19 administer the division.
20 4. Issue an annual report to the governor and
21 general assembly on January 15 of each year regarding
22 the community action programs conducted within the
23 state.
24 Sec. ____ . NEW SECTION. 601K.92A COMMISSION
25 ESTABLISHED.
26 1. The commission on community action agencies is
27 created, composed of nine members appointed by the
28 governor, subject to confirmation by the Senate. The
29 membership of the commission shall reflect the
30 composition of local community action agency boards as
31 follows:
32 a. One-third of the members shall be elected
33 officials.
34 b. One-third of the members shall be
35 representatives of business, industry, labor,
36 religious, welfare, and educational organizations, or
37 other major interest groups.
38 c. One-third of the members shall be persons who,
39 according to federal guidelines, have incomes at or
40 below poverty level.
41 2. Commission members shall serve three-year terms
42 which shall begin and end pursuant to section 69.19.
43 Vacancies on the commission shall be filled for the
44 remainder of the term of the original appointment.
45 Members whose terms expire may be reappointed.
46 Members of the commission shall receive actual
47 expenses for their services. Members may also be
48 eligible to receive compensation as provided in
49 section 7E.6. The membership of the commission shall
50 also comply with the political party affiliation and

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1 gender balance requirements of sections 69.16 and
2 69.16A.

3 3. The commission shall select from its membership
4 a chairperson and other officers as it deems
5 necessary. A majority of the members of the
6 commission shall constitute a quorum.

7 Sec. ____ . NEW SECTION. 601K.92B DUTIES OF THE
8 COMMISSION.

9 The commission shall:

10 1. Meet at least quarterly to review the progress
11 of programs of the division.

12 2. Adopt rules pursuant to chapter 17A as it deems
13 necessary for the commission and division, including
14 rules concerning programs and policies for all bureaus
15 of the division.

16 3. Supervise the collection of data relative to
17 the scope of services provided by the community action
18 agencies.

19 4. Recommend legislation to the governor and the
20 general assembly designed to improve the status of
21 low-income persons in the state."

22 3. Page 1, by inserting after line 27 the
23 following:

24 "Sec. ____ . CONTINGENCY -- CREATION OF COMMISSION
25 ON COMMUNITY ACTION AGENCIES.

26 If the commission on community action agencies is
27 established, the provisions of 1990 Iowa Acts, House
28 File 2294, creating the affordable heating program
29 advisory council, shall not be implemented."

BEVERLY A. HANNON
JULIA GENTLEMAN

S-5933

1 Amend House File 2564, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 9.

4 2. Page 1, by inserting after line 25, the
5 following:

6 "Applicants for grants to be made pursuant to this
7 program shall include with the application a letter of
8 support from a comprehensive prevention program funded
9 through the division serving the district within which
10 a part of the school district is situated."

11 3. By striking page 1, line 26, through page 3,
12 line 11.

13 4. Page 3, line 19, by striking the figure
14 "1,633,000" and inserting the following: "1,212,208".

15 5. Page 3, by inserting after line 27, the
16 following:

17 "As a further condition, limitation, and
18 qualification of this appropriation, the division,
19 when allocating this amount in a manner which will
20 effectively reduce the waiting period, shall give
21 priority to persons released or discharged from a
22 facility under the direction of the department of
23 corrections who were in treatment programs and who are
24 identified by the parole board to be in need of
25 further treatment, women of childbearing age, and
26 juveniles.

27 As a further condition, limitation, and
28 qualification of this appropriation, the division of
29 substance abuse and the department of corrections
30 shall cooperate in developing a continuum of care
31 related to substance abuse treatment of inmates and
32 persons released or discharged from a facility.

33 2. For the division of substance abuse for
34 providing aftercare services for persons completing
35 substance abuse treatment:

36 \$ 250,000

37 3. For the division of substance abuse for
38 providing substance abuse prevention programs:

39 \$ 300,000

40 4. For the division of substance abuse to initiate
41 demonstration projects in the two urban areas
42 currently experiencing the highest incidence of
43 infants born with addiction problems, as determined by
44 the division, to provide outreach services, and
45 prenatal and postnatal services and treatment for
46 these infants, mothers with substance abuse problems,
47 and women of childbearing age:

48 \$ 200,000

49 5. For the council on chemically exposed infants
50 established pursuant to section 235C.1:

Page 2

1 \$ 50,000

2 6. For the division of substance abuse for
3 planning and establishing a program of identification,
4 treatment, and education of students whose mothers
5 were addicted to or used controlled substances while
6 pregnant, in grades kindergarten through 3 in a school
7 district, as determined by the division, experiencing
8 a high incidence of such students:

9 \$ 100,000

10 As a condition, limitation, and qualification of
 11 this appropriation, a pilot project shall be
 12 established for the identification and education of
 13 elementary students whose mothers were addicted to or
 14 used controlled substances during pregnancy resulting
 15 in the children experiencing special learning and
 16 behavioral problems. The drug enforcement and abuse
 17 prevention coordinator shall monitor the program and
 18 receive reports required to be made concerning the
 19 program. Persons responsible for the program shall
 20 report to the drug enforcement and abuse prevention
 21 coordinator concerning progress in establishing the
 22 program and the expenditures made. The coordinator
 23 shall provide such reports to the general assembly.
 24 The program, to the extent possible, shall include
 25 medical and psychiatric research with the university
 26 of Iowa, educational research with the university of
 27 northern Iowa, an educational program for parents of
 28 the children including programs for parents confined
 29 in a county jail or committed to the custody of the
 30 director of the department of corrections, a child
 31 care educational program to address the problems of
 32 parenting such children, a program for the care and
 33 education of such children before and after school,
 34 creation of a mentor program with jobs and local
 35 businesses, a treatment program for parents, and team
 36 teacher training.

37 Persons responsible for the program shall
 38 coordinate and encourage the involvement of other
 39 programs and service providers within the community in
 40 developing this program.”

41 6. Page 3, line 33, by striking the figure “1.50”
 42 and inserting the following: “2.50”.

43 7. Page 4, by inserting after line 5, the
 44 following:
 45 “Notwithstanding section 8.33, funds appropriated
 46 by this subsection shall not revert.”

47 8. Page 4, line 26, by striking the figure
 48 “50,000” and inserting the following: “31,792”.

49 9. By striking page 4, line 34, through page 5,
 50 line 15, and inserting the following:

Page 3

1 “2. For the division of narcotics for the salaries
 2 and support of additional full-time equivalent
 3 positions:
 4 \$ 75,000”.

5 10. Page 5, line 20, by striking the words “up to
 6 an additional 10 full-time” and inserting the

7 following: "additional".

8 11. Page 5, by inserting after line 21, the

9 following:

10 "Sec. ____.

11 There is appropriated from the road use tax fund to
12 the department of public safety for the fiscal year
13 beginning July 1, 1990, and ending June 30, 1991, the
14 following amount, or so much thereof as is necessary,
15 to be used for the following purpose:

16 For use by the department to provide additional law
17 enforcement officials to initiate project D.A.R.E.
18 (drug abuse resistance education) within local
19 communities, and for not more than the following full-
20 time equivalent positions:

21	\$	52,500
22	FTEs	4.00

23 As a condition, limitation, and qualification of
24 this appropriation, the department shall use the
25 amount appropriated in this subsection to match and
26 obtain available federal funds, the total amount of
27 these funds to be used to employ 4 additional members
28 of the highway safety patrol to assist with the
29 initiation of project D.A.R.E. within local
30 communities."

31 12. Page 5, line 29, by striking the figure "1."

32 13. Page 5, line 31, by striking the figure
33 "10,000" and inserting the following: "59,000".

34 14. Page 6, by striking lines 3 through 34.

35 15. Page 7, by striking lines 9 through 21 and
36 inserting the following:

37 "~~For the administration of a drug enforcement~~
38 ~~training program for law enforcement officers, as~~
39 ~~defined in section 80B.3, subsection 3, including, but~~
40 ~~not limited to, training for the detection of gang and~~
41 ~~juvenile activity and the apprehension of gang members~~
42 ~~and juvenile delinquents, subject to the limitation~~
43 ~~that the council shall not pay for more than fifty~~
44 ~~percent of the cost of training of any officer,~~
45 ~~including salary and other benefits, with the~~
46 ~~remaining fifty percent to be paid by the law~~
47 ~~enforcement officer's local jurisdiction:~~
48

.....	\$	300,000".
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49 16. Page 8, line 5, by striking the figure "2."

50 and inserting the following: "1."

Page 4

1 17. Page 8, line 14, by striking the figure "3."
2 and inserting the following: "2."

3 18. Page 8, by inserting after line 22, the

4 following:

5 “3. For the prosecuting attorney training program:
6 \$ 147,000

7 4. For reimbursement payments to law enforcement
8 officers under the guaranteed loan payment program
9 pursuant to section 261.51, if enacted by the Seventy-
10 third General Assembly, 1990 Session:
11 \$ 50,000

12 5. Notwithstanding section 8.33, funds
13 appropriated by this section shall not revert.”

14 19. Page 8, line 30, by inserting after the word
15 “delays” the following: “and for training of judges”.

16 20. By striking page 9, line 34, through page 10,
17 line 23, and inserting the following: “be given to
18 the extent possible, to reducing substance abuse
19 waiting lists, providing aftercare for persons
20 completing substance abuse treatment, providing
21 additional substance abuse prevention specialists,
22 dual diagnosis, for early identification and
23 intervention of children born afflicted with a
24 substance addiction, and for increasing provider
25 salaries. Of the funds used for reducing substance
26 abuse waiting lists, priority shall be given to
27 persons released or discharged from an institution
28 under the direction of the department of corrections
29 who were in treatment programs and who are identified
30 by the board of parole to be in need of further
31 treatment, women of childbearing age, and juveniles.”

32 21. Page 10, line 25, by inserting after the word
33 “education” the following: “, in consultation with
34 the division of substance abuse of the Iowa department
35 of public health,”.

36 22. Page 10, by inserting after line 28, the
37 following: “The department, in consultation with the
38 division, shall issue a request for proposals for the
39 purpose of contracting with an entity to conduct a
40 longitudinal study to evaluate and assess the
41 effectiveness of the programs provided, and shall
42 include in the study, follow-up information concerning
43 students participating in such programs, including
44 students who subsequently drop out of school.”

45 23. Page 10, by striking lines 31 and 32, and
46 inserting the following: “department shall report the
47 findings of the joint survey and study to the general
48 assembly no later than January 15, 1991. the
49 department shall monitor school district programs and
50 report to the general assembly by December of each

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1 year concerning the impact of the programs funded with
2 these funds.”.

3 24. Page 11, by striking lines 26 through 29 and
4 inserting the following:

5 “a. One physician licensed in this state who has
6 substantial experience in substance abuse treatment
7 and who is certified by the association of specialists
8 in addiction medicine.”

9 25. By striking page 11, line 32 through page 12,
10 line 8, and inserting the following:

11 “c. Two persons, one who will represent certified
12 substance abuse counselors and one who will represent
13 substance abuse treatment providers. One shall be
14 appointed to represent such private persons and
15 entities and one shall be appointed to represent such
16 public persons and entities.

17 d. One person representing the master’s degree
18 program in substance abuse counseling, division of
19 counselor education, college of education at the state
20 university of Iowa.

21 e. Two representatives of the business community.
22 One appointee under this paragraph shall represent the
23 business consumers of health insurance, and the other
24 appointee shall represent providers of such health
25 insurance.

26 f. Four citizens of the state.”

27 26. By striking page 13, line 7 through page 19,
28 line 17, and inserting the following:

29 “Sec. ____ . NEW SECTION. 125.15B DUTIES OF
30 COUNCIL.

31 Except as otherwise provided by law, the council
32 shall:

33 1. Recommend policy and rule changes to the
34 director necessary to provide for the effective
35 regulation and assessment of treatment providers in
36 this state and the effective administration of this
37 chapter.

38 2. Receive and review the information contained in
39 the provider reports received by the department.
40 After review and evaluation of such reports, if the
41 council determines that additional information is
42 necessary, the council may recommend to the director a
43 contractor for the purpose of data collection related
44 to the evaluation of providers subject to the
45 provisions of this chapter and for the collection of
46 patient data.

47 3. Recommend standards to the department to be
48 established pursuant to section 125.15E for all

49 programs and make any recommendations to the
50 department concerning appropriate changes.

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1 Sec. — . NEW SECTION. 125.15C REQUIRED
2 REPORTING.

3 Unless otherwise provided, a substance abuse
4 treatment provider, regardless of whether the provider
5 is licensed by the commission on substance abuse,
6 shall report to the department on forms provided by
7 the department, information relating to all patients
8 applying for and admitted to treatment and discharged
9 from such treatment as required by department rule.
10 The provider shall provide all information requested
11 which is available to the treatment provider. The
12 department, after consultation with the advisory
13 council, shall adopt rules providing for the
14 information to be reported to the department and the
15 advisory council.

16 Sec. — . NEW SECTION. 125.15D DATA CONTRACTOR.

17 The department, after consultation with and upon
18 recommendation of the advisory council, may contract
19 with an independent data collector to survey substance
20 abuse treatment providers required to report
21 information under section 125.15C, and shall provide
22 such information to the council and to the health data
23 commission.

24 Sec. — . NEW SECTION. 125.15E MEASUREMENT
25 STANDARDS.

26 The department, after consultation with the
27 advisory council shall adopt rules establishing
28 minimum standards of measurement relating to the
29 effectiveness of substance abuse treatment programs.

30 Sec. — . NEW SECTION. 125.15F PROGRAM
31 SANCTIONS.

32 1. A treatment program which fails to meet the
33 minimum standards established pursuant to section
34 125.15E shall be reviewed by the advisory council.
35 Within thirty days after the advisory council has
36 concluded its review, the advisory council shall
37 provide recommendations for program changes, if any,
38 to the substance abuse treatment program, or recommend
39 other appropriate action to be taken pursuant to this
40 section.

41 2. If the advisory council recommends program
42 changes, the advisory council shall recommend to the
43 director that no further action be taken for one year
44 from the date the recommendations are made during
45 which time new patient data shall be collected for

46 review. If the provider's success rate, as measured
47 by the data collected pursuant to section 125.15C,
48 fails to improve, the advisory council shall recommend
49 other appropriate action to be taken pursuant to this
50 section.

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1 3. If the advisory council finds that a substance
2 abuse treatment provider has failed to meet the
3 minimum standards established pursuant to section
4 125.15E and action by the advisory council is not
5 recommended pursuant to subsection 2, the advisory
6 council may do any of the following:
7 a. Recommend to the director of public health that
8 funding for the substance abuse treatment provider
9 relating to the substance abuse treatment programs of
10 the provider be withheld.
11 b. Recommend to the director of human services
12 that medical assistance funding relating to the
13 substance abuse treatment programs of the provider be
14 withheld.
15 c. Recommend to the appropriate licensing
16 authority that the license of the substance abuse
17 treatment provider be suspended or revoked relating to
18 the substance abuse treatment programs of the
19 provider.
20 d. Recommend that the substance abuse treatment
21 provider be included on a list of providers failing to
22 meet the minimum standards and provided to the public,
23 third-party payors for health services, local
24 government bodies, and substance abuse treatment
25 provider accreditation entities.
26 4. Notwithstanding subsections 1 through 3, the
27 advisory council may find that the program serves a
28 particularly difficult patient population and that the
29 public health and welfare would be furthered by
30 continuing to fund the program. In such a case, the
31 advisory council shall recommend that a new
32 measurement standard be established by the department,
33 in consultation with the advisory council, by rule for
34 the program.
35 5. If the advisory council has acted pursuant to
36 subsection 2 and the director accepts such
37 recommendation and stays action against the provider
38 for up to one additional year, the advisory council
39 shall continue intensified review of the program
40 during the period of such stay of action.
41 Sec. ____ NEW SECTION. 125.15G CONFIDENTIALITY
42 OF INFORMATION.

43 1. Information received by the department
44 contained in the reports required pursuant to section
45 125.15C is subject to the confidentiality provisions
46 of sections 125.37 and 125.93.
47 However, a summary of data concerning a program
48 which has been sanctioned pursuant to section 125.15F,
49 subsection 2 or 3, shall be made available, as
50 appropriate, by the department.

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1 2. Beginning July 1, 1993, to the extent permitted
2 by state and federal law, a summary of data concerning
3 the success of all substance abuse treatment programs
4 shall be made available by the department upon the
5 request of any interested person.

6 Sec. — NEW SECTION. 125.15H EXEMPLARY
7 PROVIDERS -- PREFERENTIAL TREATMENT.

8 The department, in consultation with the advisory
9 council, shall adopt rules defining exemplary
10 substance abuse treatment programs and providing for
11 the recognition of exemplary substance abuse treatment
12 programs. In adopting such rules the department shall
13 consider patient populations and other appropriate
14 factors.

15 Additionally, to the extent permitted by applicable
16 state and federal requirements relating to substance
17 abuse treatment funding, the department shall
18 preferentially consider such exemplary substance abuse
19 treatment providers in subsequent funding grant
20 applications.

21 Sec. — NEW SECTION. 125.15I FALSIFICATION OF
22 REPORT DATA.

23 A substance abuse treatment provider required to
24 provide information to the department pursuant to
25 section 125.15C, who intentionally falsifies any
26 diagnosis of a patient admitted to treatment to avoid
27 review pursuant to section 125.15E, or who fails to
28 report information to the department is subject to a
29 civil penalty of five thousand dollars per false
30 diagnosis, in addition to any other appropriate action
31 which may be taken by the department or the council.
32 Such penalties shall be collected by the department
33 and deposited in the general fund of the state.

34 In addition to the civil penalty provided in this
35 section, the department shall also make a list of
36 providers committing violations of this section
37 available to the public, third-party payors for health
38 services, local government bodies, and substance abuse
39 treatment provider accreditation entities.

40 Sec. ____ . NEW SECTION. 125.15J PROGRAMS EXCLUDED -
41 - PENALTY."

42 27. Page 19, line 22, by striking the figure
43 "125.15J" and inserting the following: "125.15I".

44 28. Page 19, line 27, by striking the figure
45 "125.15J" and inserting the following: "125.15I".

46 29. Page 19, by inserting after line 33, the
47 following:

48 "Sec. ____ .

49 Rules to be adopted by the department pursuant to
50 sections 125.15C, 125.15E, and 125.15H shall be

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1 effective July 1, 1991. Until such time as rules
2 relating to information to be reported are adopted
3 pursuant to section 125.15C and forms for such
4 reporting are made available, the department shall use
5 the current substance abuse management information
6 system form for all providers subject to the reporting
7 requirements.

8 Sec. ____ . Section 232.73, Code 1989, is amended to
9 read as follows:

10 232.73 IMMUNITY FROM LIABILITY.

11 A person participating in good faith in the making
12 of a report, ~~or~~ photographs, or X rays, or in the
13 performance of a medically relevant test pursuant to
14 this chapter, or aiding and assisting in an
15 investigation of a child abuse report pursuant to
16 section 232.71, shall have immunity from any
17 liability, civil or criminal, which might otherwise be
18 incurred or imposed. The person shall have the same
19 immunity with respect to participation in good faith
20 in any judicial proceeding resulting from the report
21 or relating to the subject matter of the report.

22 As used in this section and section 232.77,
23 "medically relevant test" means a test that produces
24 reliable results of exposure to cocaine, heroin,
25 amphetamine, methamphetamine, or other illegal drugs,
26 or combinations or derivatives thereof, including a
27 drug urine screen test.

28 Sec. ____ . Section 232.77, Code 1989, is amended to
29 read as follows:

30 232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY
31 RELEVANT TESTS.

32 1. Any person who is required to report a case of
33 child abuse may take or cause to be taken, at public
34 expense, photographs or X rays of the areas of trauma
35 visible on a child. Any health practitioner may, if
36 medically indicated, cause to be performed

37 radiological examination of the child. Any person who
38 takes any photographs or X rays pursuant to this
39 section shall notify the department of human services
40 that such photographs or X rays have been taken, and
41 shall retain such photographs or X rays for a
42 reasonable time thereafter. Whenever such person is
43 required to report under section 232.69, in that
44 person's capacity as a member of the staff of a
45 medical or other private or public institution, agency
46 or facility, that person shall immediately notify the
47 person in charge of such institution, agency, or
48 facility or that person's designated delegate of the
49 need for photographs or X rays.

50 2. If a health practitioner discovers in a child

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1 under one year of age physical or behavioral symptoms
2 of the effects of exposure to cocaine, heroin,
3 amphetamine, methamphetamine, or other illegal drugs,
4 or combinations or derivatives thereof, which were not
5 prescribed by a health practitioner, or if the health
6 practitioner has determined through examination of the
7 natural mother of the child that the child was exposed
8 in utero, the health practitioner may perform or cause
9 to be performed a medically relevant test, as defined
10 in section 232.73, on the child. The practitioner
11 shall report any positive results of such a test on
12 the child to the department, unless the natural mother
13 has shown good faith in seeking appropriate care and
14 treatment. The department shall begin an
15 investigation pursuant to section 232.71 upon receipt
16 of such a report. The positive result shall
17 constitute a showing of probable cause under section
18 232.71, subsection 3, but shall not be used in any
19 criminal prosecution of the natural mother of the
20 child, and shall not represent grounds for a
21 determination of child abuse.

22 Sec. — . NEW SECTION. 235C.1 COUNCIL CREATED --
23 PURPOSE.

24 A council on chemically exposed infants is
25 established as a subcommittee of the committee on
26 maternal and child health of the community health
27 division of the Iowa department of public health. The
28 purpose of the council is to help the state develop
29 and implement policies to reduce the likelihood that
30 infants will be born chemically exposed, and to assist
31 those who are born chemically exposed to grow and
32 develop in a safe environment.

33 As used in this chapter, a "chemically exposed
34 infant" is an infant who shows evidence of exposure to
35 or the presence of alcohol, cocaine, heroin,
36 amphetamine, methamphetamine, or other illegal drugs
37 or combinations or derivatives thereof which were not
38 prescribed by a health practitioner.

39 Sec. ____ . NEW SECTION. 235C.2 MEMBERSHIP.

40 The council on chemically exposed infants shall be
41 composed of the following members:

42 1. Two members of the Iowa department of public
43 health selected by the director of the Iowa department
44 of public health, one from the division of substance
45 abuse, and one from the division of family and
46 community health.

47 2. The director of the department of human
48 services or the director's designee as a nonvoting ex
49 officio member.

50 3. The department coordinator of the department of

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1 human rights or the coordinator's designee as a
2 nonvoting ex officio member.

3 4. The director of the department of education or
4 the director's designee as a nonvoting ex officio
5 member.

6 5. The chairperson of the state maternal and child
7 health advisory council or the chairperson's designee.

8 6. A physician selected by the board of the Iowa
9 medical society with expertise in the care of the
10 mother and a physician selected by the board of the
11 Iowa medical society with expertise in the care of the
12 infant.

13 7. A hospital administrator selected by the board
14 of the Iowa hospital association.

15 8. A representative from a community health center
16 located in Iowa selected by the Iowa/Nebraska primary
17 care association.

18 9. A representative from a maternal and child
19 health center selected by the governor.

20 10. A representative from a substance abuse
21 treatment program, selected by the governor.

22 11. Two citizen members, selected by the governor.

23 12. A representative from the governor's alliance
24 on substance abuse selected by the alliance.

25 13. A representative from the university of Iowa
26 medical school selected by the director of the medical
27 school.

28 14. A representative from a community-based
29 substance abuse prevention program, selected by the

30 governor.

31 15. A representative from the juvenile court,
32 selected by the chief justice of the Iowa supreme
33 court.

34 16. An attorney who practices in the area of
35 juvenile law, selected by the Iowa state bar
36 association.

37 The council shall be staffed by the Iowa department
38 of public health. The council shall elect its own
39 chairperson.

40 Sec. — . NEW SECTION. 235C.3 COUNCIL DUTIES.

41 The council shall be responsible for the following
42 activities:

43 1. DATA COLLECTION. The council shall assemble
44 relevant materials regarding the extent to which
45 infants born in Iowa are chemically exposed, the
46 services currently available to meet the needs of
47 infants born who are chemically exposed, and the costs
48 incurred in caring for infants born who are chemically
49 exposed, including both costs borne directly by the
50 state and costs borne by society.

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1 2. PREVENTION AND EDUCATION. The council, after
2 reviewing the data collected pursuant to subsection 1,
3 and after reviewing education and prevention programs
4 employed in Iowa and in other states, shall make
5 recommendations to the appropriate division to develop
6 a state prevention and education campaign, including
7 the following components:

8 a. A broad-based public education campaign
9 outlining the dangers inherent in substance use during
10 pregnancy.

11 b. A health professional training campaign,
12 including recommendations concerning the curriculum
13 offered at the college of medicine at the state
14 university of Iowa, providing assistance in the
15 identification of women at risk of substance abuse
16 during pregnancy and strategies to be employed in
17 assisting those women to maintain healthy lifestyles
18 during pregnancy. Included in this education campaign
19 shall be guidelines to health professionals offering
20 information on assessment, laboratory testing,
21 medication use, and referrals.

22 c. A targeted public education campaign directed
23 toward high-risk populations.

24 d. A technical assistance program for developing
25 support programs to identified high-risk populations,
26 including pregnant women who previously have given

27 birth to chemically exposed infants or currently are
28 using substances dangerous to the health of the fetus.
29 e. An education program for use within the school
30 system, including training materials for school
31 personnel to assist those personnel in identification,
32 care, and referral.

33 3. IDENTIFICATION. The council shall develop
34 recommendations regarding state programs or policies
35 to increase the identification of chemically exposed
36 infants.

37 4. TREATMENT SERVICES. The council shall seek to
38 improve effective treatment services within the state
39 for chemically exposed infants. As part of this
40 responsibility, the council shall make recommendations
41 to the addiction treatment effectiveness advisory
42 council established in section 125.15A. Such
43 recommendations shall include, but are not limited to,
44 the following:

45 a. Identification of programs available within the
46 state for serving chemically exposed infants and their
47 families.

48 b. Recommended ways to enhance funding for
49 effective treatment programs, including the use of
50 state health care programs and services under the

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1 medical assistance program and the maternal and child
2 health programs.

3 c. Identification of means to serve children who
4 were chemically exposed infants when the children
5 enter the school system.

6 As an additional part of this responsibility, the
7 council shall determine whether a problem exists with
8 respect to substance abuse treatment providers and
9 physicians discriminating against pregnant women in
10 providing treatment or prenatal care.

11 5. CARE AND PLACEMENT. The council shall work
12 with the department of human services to expand
13 appropriate placement options for chemically exposed
14 infants who have been abandoned by their parents or
15 cannot safely be returned home. As part of this
16 responsibility, the council shall do all of the
17 following:

18 a. Assist the department of human services in
19 developing rules to establish specialized foster care
20 services that can attract foster parents to care for
21 chemically exposed infants.

22 b. Identify additional services, such as
23 therapeutic day care services, that may be needed to

24 effectively care for chemically exposed infants.

25 c. Review the need for residential programs
26 designed to meet the needs of chemically exposed
27 infants.

28 As an additional part of the responsibility, the
29 council shall determine whether a problem exists with
30 respect to substance abuse treatment providers and
31 physicians discriminating against pregnant women in
32 providing treatment or prenatal care.

33 6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT
34 PROGRAMS. From funds appropriated for this purpose,
35 the council shall award grants or develop pilot
36 programs to achieve the purposes of the council.

37 7. ANNUAL REPORT. The council shall annually
38 report to the governor and members of the general
39 assembly on the progress it has made toward meeting
40 its responsibilities.

41 The council shall meet at least twice annually, and
42 may establish such subcommittees and task forces as
43 are necessary to achieve its purpose.

44 8. CONFIDENTIALITY OF INFORMATION. Data collected
45 pursuant to this chapter shall be confidential to the
46 extent necessary to protect the identity of persons
47 who are the subjects of the data collection."

48 30. Page 21, by striking lines 12 through 26, and
49 inserting the following:

50 "Sec. ____ . Section 602.1612, subsection 1, Code

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1 1989, is amended to read as follows:

2 1. Justices of the supreme court, judges of the
3 court of appeals, district judges, and district
4 associate judges who are retired by reason of age or
5 who are drawing benefits under section 602.9106, and
6 senior judges who have retired under section 602.9207
7 or who have relinquished senior judgeship under
8 section 602.9208, subsection 1, may with their consent
9 be assigned by the supreme court ~~or by the chief judge~~
10 ~~in the case of district associate judges to temporary~~
11 ~~judicial duties on a court in this state if the~~
12 assignment is deemed necessary by the supreme court to
13 expedite the administration of justice. A retired
14 ~~justice or judge shall not be assigned to temporary~~
15 ~~judicial duties on any court superior to the highest~~
16 ~~court to which that justice or judge had been~~
17 ~~appointed prior to retirement, and shall not be~~
18 ~~assigned for temporary duties with the supreme court~~
19 ~~or the court of appeals except in the case of a~~
20 ~~temporary absence of a member of one of those courts.~~

21 Sec. ____ . Section 602.9202, Code 1989, is amended
 22 by adding the following new subsection:
 23 NEW SUBSECTION. 5. "Date of retirement" means the
 24 date that the annuitant is eligible to receive a
 25 retirement annuity under this part.
 26 Sec. ____ . Section 602.9206, unnumbered paragraph
 27 1, Code 1989, is amended to read as follows:
 28 Section 602.1612 does not apply to a senior judge
 29 but does apply to a retired senior judge. During the
 30 tenure of a senior judge, if the judge is able to
 31 serve, the judge may be assigned by the supreme court
 32 to temporary judicial duties on courts of this state
 33 without salary for an aggregate of thirteen weeks out
 34 of each twelve-month period, and for additional weeks
 35 with the judge's consent. ~~A senior judge shall not be~~
 36 ~~assigned to judicial duties on a court superior to the~~
 37 ~~highest court to which the judge was appointed prior~~
 38 ~~to retirement, and shall not be assigned to the court~~
 39 ~~of appeals or the supreme court except to serve in the~~
 40 ~~temporary absence of a member of that court.~~ While
 41 serving on temporary assignment, a senior judge has
 42 and may exercise all of the authority of the office to
 43 which the judge is assigned, shall continue to be paid
 44 the judge's annuity as senior judge, shall be
 45 reimbursed for the judge's actual expenses to the
 46 extent expenses of a district judge are reimbursable
 47 under section 602.1509, may, if permitted by the
 48 assignment order, appoint a temporary court reporter,
 49 who shall be paid the remuneration and reimbursement
 50 for actual expenses provided by law for a reporter in

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1 the court to which the senior judge is assigned, and,
 2 if assigned to the court of appeals or the supreme
 3 court, shall be given the assistance of a law clerk
 4 and a secretary designated by the court administrator
 5 of the judicial department from the court
 6 administrator's staff. Each order of temporary
 7 assignment shall be filed with the clerks of court at
 8 the places where the senior judge is to serve.

9 Sec. 101. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH
 10 SERVICES APPROPRIATION.

11 1. There is appropriated from the fund created by
 12 section 8.41 to the Iowa department of public health
 13 for the federal fiscal year beginning October 1, 1990,
 14 the following amount:

15 \$ 7,804,000

16 Funds appropriated by this section are the
 17 anticipated funds to be received from the federal

18 government for the designated federal fiscal year
19 under Pub. L. No. 97-35, Title IX, Subtitle A, and
20 Pub. L. No. 97-414 which provides for the alcohol and
21 drug abuse and mental health services block grant.
22 The department shall expend the funds appropriated by
23 this section as provided in the federal law making the
24 funds available and in conformance with chapter 17A.

25 Of the funds appropriated in this section, an
26 amount not exceeding \$33,133 shall be used for audits.
27 The auditor of state shall bill the Iowa department of
28 public health for the cost of the audits.

29 The Iowa department of public health shall pay to
30 the auditor of state an amount sufficient to pay the
31 cost of auditing the use and administration of the
32 state's portion of the funds appropriated in this
33 subsection from funds appropriated to the department
34 from the general fund of the state, in addition to the
35 amount to be used for audits as provided in this
36 subsection. The auditor of state shall bill the Iowa
37 department of public health for the costs of the
38 audit.

39 2. 10 percent of the remaining funds, as allowed
40 pursuant to Pub. L. No. 97-35, Title IX, Subtitle A,
41 and which are appropriated in subsection 1 shall be
42 transferred to the division of mental health, mental
43 retardation, and developmental disabilities within the
44 department of human services and allocated for
45 community mental health centers with priority being
46 given to dual diagnosis. Of this amount, 10 percent
47 shall be used to provide services and programs for
48 severely emotionally disturbed children and
49 adolescents, and 55 percent shall be used to develop
50 and provide community mental health services and

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1 programs not available on October 1, 1988. New
2 services developed between October 1, 1984, and
3 October 1, 1988, with alcohol, drug abuse, and mental
4 health services block grant funds may be treated as
5 new services.

6 3. An amount not exceeding 5 percent of the funds
7 in excess of \$2,839,000 appropriated in subsection 1
8 shall be used by the Iowa department of public health
9 for administrative expenses.

10 4. 10 percent of the funds appropriated in
11 subsection 1 shall be used to provide alcohol and drug
12 abuse services to women.

13 5. After deducting the funds allocated in
14 subsections 1, 2, 3, and 4, the remaining funds

15 appropriated in subsection 1 shall be allocated
 16 according to the following percentages to supplement
 17 appropriations for the following programs within the
 18 Iowa department of public health:

19 a. Drug abuse treatment programs	38.89 percent
20 Of the amount appropriated under this paragraph, at 21 least \$1,358,000 must be used for intravenous drug 22 abusers unless a waiver is granted from the federal 23 government.	
24 b. Alcohol abuse treatment programs	38.89 percent
25 c. Alcohol and drug abuse prevention 26 programs	22.22 percent

27 As a condition, limitation, and qualification of
 28 the appropriation in this section, and the allocations
 29 in subsection 5, paragraphs "a" and "b", priority
 30 shall be given to maintaining existing services,
 31 reducing the treatment waiting lists, including
 32 increasing provider salaries, providing aftercare
 33 services, and providing early intervention in the
 34 treatment of infants affected by cocaine.

35 As a condition, limitation, and qualification of
 36 the appropriation in this section, and the allocations
 37 in subsection 5, paragraph "c", priority shall be
 38 given to maintaining existing services, funding
 39 additional prevention specialists, and increasing
 40 provider salaries.

41 Sec. 102. DRUG CONTROL AND SYSTEM IMPROVEMENT
 42 GRANT PROGRAM APPROPRIATION.

43 1. There is appropriated from the fund created in
 44 section 8.41 to the governor's substance abuse
 45 coordinator for the federal fiscal year beginning
 46 October 1, 1990, the following amount:

47	\$ 4,860,000
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48 Funds appropriated by this subsection are the
 49 anticipated funds to be received from the federal
 50 government for the designated fiscal year under Pub.

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1 L. No. 100-690 which provides for the drug control and
 2 system improvement grant program. The coordinator
 3 shall expend the funds appropriated by this subsection
 4 as provided in the federal law making the funds
 5 available and in conformance with chapter 17A.

6 2. An amount not exceeding 5 percent of the funds
 7 appropriated in subsection 1 shall be used by the
 8 governor's substance abuse coordinator for
 9 administrative expenses. From the funds set aside by
 10 this subsection for administrative expenses, the
 11 coordinator shall pay to the auditor of state an

12 amount sufficient to pay the cost of auditing the use
13 and administration of the state's portion of the funds
14 appropriated in subsection 1. The auditor of state
15 shall bill the governor's substance abuse coordinator
16 for the cost of the audit.

17 3. Priority for the funding of programs with funds
18 appropriated in subsection 1 shall be given, to the
19 extent possible, to programs which accomplish any of
20 the following:

21 a. Expand analysis capabilities at the state
22 criminalistics laboratory.

23 b. The formation of multijurisdictional task
24 forces, created for the purpose of cooperating jointly
25 in enforcement efforts related primarily to controlled
26 substances, counterfeit substances, or simulated
27 controlled substances.

28 c. Expand prosecutorial capabilities at the county
29 and state level for drug-related offenses.

30 d. Establish or continue training programs for law
31 enforcement officers, prosecutors, judges, probation
32 officers, correctional officers, staff working with
33 juvenile offenders, substance abuse prevention and
34 treatment providers, and members of the community,
35 which emphasize multidisciplinary understanding of
36 drug abuse, including prevention and intervention
37 policies.

38 e. Establish or continue treatment programs for
39 prison-based populations and juvenile rehabilitation
40 programs.

41 f. Establish or continue project D.A.R.E. (drug
42 abuse resistance education).

43 g. Other programs authorized under the drug
44 control and system improvement grant program.

45 Sec. ____ . PROCEDURE FOR REDUCED FEDERAL FUNDS.

46 1. If the funds received from the federal
47 government for the block grants specified in sections
48 101 and 102 of this Act are less than the amounts
49 appropriated, the funds actually received shall be
50 prorated by the governor for the various programs, for

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1 which each block grant is available according to the
2 percentages that each program is to receive as
3 specified in this Act. However, if the governor
4 determines that the funds allocated by the percentages
5 will not be sufficient to effect the purposes of a
6 particular program, or if the appropriation is not
7 allocated by percentage, the governor may allocate the
8 funds in a manner which will effect to the greatest

9 extent possible the purposes of the various programs
10 for which the block grants are available.

11 2. Before the governor implements the actions
12 provided for in subsection 1, the following procedures
13 shall be taken:

14 a. The chairpersons and ranking members of the
15 senate and house standing committees on
16 appropriations, the appropriate chairpersons and
17 ranking members of subcommittees of those committees,
18 and the director of the legislative fiscal bureau
19 shall be notified of the proposed action.

20 b. The notice shall include the proposed
21 allocations, and information on the reasons why
22 particular percentages or amounts of funds are
23 allocated to the individual programs, the departments
24 and programs affected, and other information deemed
25 useful. Chairpersons notified shall be allowed at
26 least 2 weeks to review and comment on the proposed
27 action before the action is taken.

28 Sec. ____ . PROCEDURE FOR INCREASED FEDERAL FUNDS.

29 If funds received from the federal government in
30 the form of block grants exceed the amounts
31 appropriated in sections 101 and 102 of this Act, the
32 excess shall be prorated to the appropriate programs
33 according to the percentages specified in those
34 sections, except additional funds shall not be
35 prorated for administrative expenses.

36 Sec. ____ . PROCEDURE FOR CONSOLIDATED, CATEGORICAL,
37 OR EXPANDED FEDERAL BLOCK GRANTS.

38 Notwithstanding section 8.41, federal funds made
39 available to the state which are authorized for the
40 federal fiscal year beginning October 1, 1990,
41 resulting from the federal government consolidating
42 former categorical grants into block grants, or which
43 expand block grants included in Pub. L. No. 97-35, to
44 include additional programs formerly funded by
45 categorical grants, which are not otherwise
46 appropriated by the general assembly, are appropriated
47 for the programs formerly receiving the categorical
48 grants, subject to the conditions of this section.
49 The governor shall, whenever possible, allocate from
50 the block grant to each program in the same proportion

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1 as the amount of federal funds received by the program
2 during the 1990 federal fiscal year as modified by the
3 1990 Session of the Seventy-third Iowa General
4 Assembly for the state fiscal year beginning July 1,
5 1990, compared to the total federal funds received in

6 the federal fiscal year by all programs consolidated
7 into the block grant. However, if one agency did not
8 have categorical funds appropriated for the federal
9 fiscal year beginning October 1, 1989, but had
10 anticipated applying for funds during the federal
11 fiscal year beginning October 1, 1990, the governor
12 may allocate the funds in order to provide funding.
13 If the amount received in the form of a
14 consolidated or expanded block grant is less than the
15 total amount of federal funds received for the
16 programs in the form of categorical grants for the
17 1990 federal fiscal year, state funds appropriated to
18 the program by the general assembly to match the
19 federal funds shall be reduced by the same proportion
20 of the reduction in federal funds for the program.
21 State funds released by the reduction shall be
22 deposited in a special fund in the state treasury and
23 are available for appropriation by the general
24 assembly. The governor shall notify the chairpersons
25 and ranking members of the senate and house standing
26 committees on appropriations, the appropriate
27 chairpersons and ranking members of the subcommittees
28 of those committees, and the director of the
29 legislative fiscal bureau before making the allocation
30 of federal funds or any proportional reduction of
31 state funds under this section. The notice shall
32 state the amount of federal funds to be allocated to
33 each program, the amount of federal funds received by
34 the program during the 1990 federal fiscal year, the
35 amount by which state funds for the program will be
36 reduced according to this section, and the amount of
37 state funds received by the program during the 1990
38 fiscal year. Chairpersons notified shall be allowed
39 at least 2 weeks to review and comment on the proposed
40 action before the action is taken.
41 If the amount received in the form of a
42 consolidated or expanded block grant is more than the
43 total amount of federal funds received for the
44 programs in the form of categorical grants for the
45 1990 federal fiscal year, the excess funds shall be
46 deposited in the special fund created in section 8.41
47 and are subject to the provisions of that section.
48 Sec. ____ . IOWA DEPARTMENT OF PUBLIC HEALTH.
49 There is appropriated from the federal grants,
50 receipts, and funds and other nonstate grants,

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1 receipts, and funds, available in whole or in part for
2 the fiscal year beginning July 1, 1990, and ending

3 June 30, 1991, to the Iowa department of public
 4 health, the following amounts, to be used as set forth
 5 in the grants, receipts, or conditions accompanying
 6 the receipt of the funds for the purposes designated:
 7 1. For drug free schools and comprehensive
 8 prevention services, to high-risk youth, grant number
 9 S186A90067:

10 \$ 1,346,000

11 2. For the drug abuse treatment waiting list
 12 reduction grant program, grant number ADH000020-01:

13 \$ 279,647

14 It is the intent of the general assembly that of
 15 the funds appropriated in this subsection, priority
 16 shall be given to the extent possible, for the youth
 17 2000 coordinating council for awarding community
 18 planning grants for collaborative efforts to establish
 19 local drug prevention and youth development programs
 20 as provided in section 256.42, subsection 5.

21 Sec. ____ . DEPARTMENT OF EDUCATION.

22 There is appropriated from federal grants,
 23 receipts, and funds, available in whole or in part for
 24 the fiscal year beginning July 1, 1990, and ending
 25 June 30, 1991, to the department of education, the
 26 following amount, to be used for the purposes
 27 designated:

28 \$ 3,500,000

29 It is the intent of the general assembly that of
 30 the funds appropriated in this section and provided to
 31 school districts, the highest priority shall be given
 32 to the extent possible, to providing funding for
 33 implementation of human growth and development
 34 curriculum.

35 It is also the intent of the general assembly that
 36 of the funds appropriated in this section and provided
 37 to school districts, priority shall be given to the
 38 extent possible, to providing funding for curriculum
 39 development and training, and other related programs.

40 It is also the intent of the general assembly that to
 41 the extent possible, funds provided to the school
 42 districts by this section be used for projects with
 43 demonstrated success.

44 The department of education, in consultation with
 45 the division of substance abuse of the Iowa department
 46 of public health, shall survey all school districts in
 47 the state for the purpose of evaluating and assessing
 48 the extent to which substance abuse education is being
 49 provided to students in grades kindergarten through
 50 12. The department, in consultation with the

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1 division, shall issue a request for proposals for the
2 purpose of contracting with an entity to conduct a
3 longitudinal study to study, evaluate, and assess the
4 effectiveness of the substance abuse education
5 programs provided, and shall include in the study,
6 follow-up information concerning students
7 participating in such programs, including students who
8 subsequently drop out of school. The department shall
9 recognize successful programs and provide information
10 concerning such programs to other districts making
11 application for these funds. The department shall
12 report the findings of the joint survey and study to
13 the general assembly no later than January 15, 1991.
14 The department shall monitor school district programs
15 and report to the general assembly by December of each
16 year concerning the impact of the programs funded with
17 these funds."

18 31. Page 22, by striking lines 27 through 31, and
19 inserting the following: "waiting lists with priority
20 to be given to persons released or discharged from an
21 institution under the direction of the department of
22 corrections who were in treatment programs and who are
23 identified by the board of parole to be in need of
24 further treatment, women of childbearing age, and
25 juveniles. Effective July 1, 1990, existing services
26 shall be maintained, \$1,528,702 shall be used to
27 reduce substance abuse treatment waiting lists with
28 priority to be given to persons released or discharged
29 from an institution under the direction of the
30 department of corrections who were in treatment
31 programs and who are identified by the board of parole
32 to be in need of further treatment, women of
33 childbearing age, and juveniles."

34 32. Page 23, by inserting after line 34, the
35 following:

36 "Sec. ____ . 1989 Iowa Acts, chapter 310, section 4,
37 is amended by adding the following new subsections:
38 **NEW SUBSECTION. 4.** Priority for the funding of
39 programs with funds appropriated in subsection 1 shall
40 be given, to the extent possible, to programs which
41 accomplish any of the following:
42 a. Expand analysis capabilities at the state
43 criminalistics laboratory.
44 b. The formation of multijurisdictional task
45 forces, created for the purpose of cooperating jointly
46 in enforcement efforts related primarily to controlled
47 substances, counterfeit substances, or simulated
48 controlled substances.

49 c. Expand prosecutorial capabilities at the county
50 and state level for drug-related offenses.

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- 1 d. Establish or continue training programs for law
2 enforcement officers, prosecutors, judges, probation
3 officers, correctional officers, staff working with
4 juvenile offenders, substance abuse prevention and
5 treatment providers, and members of the community,
6 which emphasize multidisciplinary understanding of
7 drug abuse, including prevention and intervention
8 policies.
- 9 e. Establish or continue treatment programs for
10 prison-based populations and juvenile rehabilitation
11 programs.
- 12 f. Establish or continue project D.A.R.E. (drug
13 abuse resistance education).
- 14 g. Other programs authorized under the drug
15 control and system improvement grant program.
- 16 **NEW SUBSECTION.** 5. The department shall collect
17 program evaluations and document the effectiveness of
18 the various programs funded under this grant program.
19 The department shall make this information available
20 to applicants and grantees and report to the general
21 assembly, no later than December 15, 1990, concerning
22 the effectiveness of programs funded.”
- 23 33. Renumber as necessary.

RICHARD J. VARN
ELAINE SZYMONIAK

S-5934

- 1 Amend the House amendment, S-5881, to Senate File
2 2423, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. Page 1, line 6, by striking the figure
6 “250,000” and inserting the following: “286,600”.
- 7 3. Page 1, by inserting after line 19, the
8 following:
- 9 “—. Page 9, by striking lines 11 and 12, and
10 inserting the following: “before selection of any
11 system or systems. Funds appropriated in this
12 subsection may be”.”
- 13 4. Page 1, by striking lines 22 through 29, and
14 inserting the following:
- 15 “—. Page 10, by striking lines 4 through 6, and

16 inserting the following: "appropriated in this
17 subsection, of the \$3,200,215 available, \$25,000 shall
18 be used to develop guidelines for school lunch and
19 breakfast programs and to plan a nutrition pilot
20 project, if a pilot project to establish model
21 nutrition".

22 5. Page 3, by inserting after line 22 the
23 following:

24 "___ . Page 17, by striking lines 6 through 27."

25 6. Page 3, by inserting after line 28, the
26 following:

27 "___ . Page 28, by inserting after line 17, the
28 following:

29 "As a condition, limitation, and qualification of
30 the funds appropriated in this subsection, in cases
31 where a resident student of the school for the deaf or
32 the Braille and sight-saving school is physically or
33 sexually abused or assaulted and is physically removed
34 from the school by a court order pursuant to a finding
35 by the court that the child has been sexually or
36 physically abused or assaulted, payment for placement
37 of the student in another facility for the deaf or
38 blind, either in state or out of state, shall be made
39 by the school from which the student is removed out of
40 funds allocated for the operation of the school.

41 Before a student is placed at another facility, the
42 school from which the student is removed shall be
43 consulted, and the placement shall reflect, as nearly
44 as possible, comparable education, accessibility, and
45 cost. Students placed at another facility under this
46 paragraph shall not be returned to the school for the
47 deaf or the Braille and sight-saving school until the
48 court rules that the student will not be adversely
49 affected if returned to the school. If the student is
50 counted by the Iowa school for the deaf or the Braille

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1 and sight-saving school, for the purpose of generating
2 school foundation aid for the student, those funds
3 generated by the student shall be forwarded to the
4 facility in which the student is placed and the school
5 for the deaf or the Braille and sight-saving school
6 shall pay the difference between the funds generated
7 by the student and the cost of tuition, room, and
8 board at the other facility.""

9 7. Page 3, by striking lines 38 and 39, and
10 inserting the following:

11 "___ . Page 29, by inserting after line 34, the
12 following:"

13 8. Page 4, line 20, by striking the figure
14 "250,000" and inserting the following: "125,000".

15 9. Page 5, by striking lines 28 through 48, and
16 inserting the following:

17 "Sec. . . SUPPLEMENTAL ENROLLMENT PAYMENTS.

18 1. There is appropriated from the general fund of
19 the state to the school budget review committee for
20 the fiscal year beginning July 1, 1990, and ending
21 June 30, 1991, the amount of \$150,000, or so much
22 thereof as is necessary to make supplemental
23 enrollment payments to school districts, for
24 compensation for enrollment losses which are greater
25 than 5 percent of the district's certified enrollment
26 for the previous year due to enrollment of the
27 district's resident children in another school
28 district during the school year beginning July 1,
29 1990, under 1990 Iowa Acts, Senate File 2306, section
30 2, if Senate File 2306 is enacted by the general
31 assembly.

32 A supplemental enrollment payment for a child under
33 this section is equal to the state aid transmitted to
34 the receiving district for that child for that fiscal
35 year.

36 A school district eligible for supplemental
37 enrollment payments under this section shall make
38 application for payment to the school budget review
39 committee not later than September 1, 1990. If the
40 moneys appropriated in this section are insufficient
41 to make all supplemental payments, the school budget
42 review committee shall prorate the payments to school
43 districts.

44 2. If moneys appropriated exceed the amount
45 required to make supplemental enrollment payments to
46 school districts under subsection 1, school districts
47 receiving supplemental enrollment payments under
48 subsection 1, and school districts which have
49 experienced losses of less than 5 percent of the
50 district's certified enrollment for the previous year

Page 3

1 but have experienced enrollment loss due to enrollment
2 of the district's resident children in another school
3 district during the school year beginning July 1,
4 1990, under Senate File 2306, section 2, shall be
5 eligible to receive supplemental enrollment payments
6 under this section, if the district applies for the
7 payments to the school budget review committee by
8 October 15, 1990. If necessary, the school budget
9 review committee shall prorate the payments to school

10 districts under this subsection.

11 Sec. ____.

12 Notwithstanding 1990 Iowa Acts, Senate File 2306,
13 if Senate File 2306 is enacted by the general
14 assembly, parents filing requests for open enrollment
15 under the good cause exception provisions of that Act
16 shall file the request for open enrollment by June 30,
17 1990.

18 Sec. ____ . DEPARTMENTAL STUDY.

19 The department of education shall conduct a study
20 relating to the costs associated with extended year
21 special education based on reteaching periods for
22 acquired critical skills of varying lengths. The
23 department, in conducting the study, shall solicit
24 testimony from experts and review national studies and
25 data relating to extended year special education. The
26 department shall submit its findings, along with any
27 recommendations, in a report to the general assembly
28 by December 1, 1990."

29 ____ . Page 34, by striking lines 19 and 20, and
30 inserting the following: "the state board of regents,
31 based upon duties".

32 ____ . Page 34, line 24, by inserting after the
33 word "area." the following: "However, in establishing
34 classifications and allocating positions to
35 classifications, with respect to positions within the
36 division of area schools in the department of
37 education, the department shall ensure that
38 classifications are designed to attract persons with
39 superior qualifications in the field of higher
40 education to that division."

41 ____ . Page 35, by striking lines 11 through 13,
42 and inserting the following: "excluding employees of
43 the state board of regents, after consultation with
44 the governor and appointing".

45 ____ . Page 35, line 16, by inserting after the
46 word "commission." the following: "Pay plans for
47 positions in the division of area schools, department
48 of education, shall be designed to attract persons
49 with superior qualifications in the field of higher
50 education to that division."

Page 4

1 ____ . Page 35, by striking lines 23 through 25,
2 and inserting the following: "branch, excluding
3 employees of the state board of regents, shall be paid
4 at one of the rates set forth in the"."

5 10. Page 6, by striking line 4.

6 11. Page 9, line 12, by inserting after the word

7 "to" the following: "an accredited higher education
8 institution for".

9 12. Page 9, line 31, by inserting after the word
10 "need." the following: "Grants awarded shall be
11 distributed to the appropriate accredited higher
12 education institution for payment of educational
13 expenses, including tuition, room, board, and
14 mandatory fees, with any balance to be distributed to
15 the student for whom the grant is awarded."

16 13. Page 10, line 17, by inserting after the word
17 "program" the following: "except a federal, state, or
18 institutional work-study program".

19 14. Page 10, line 21, by striking the word
20 "state's".

21 15. Page 10, line 22, by striking the words
22 "contribution to" and inserting the following: "aid
23 for".

24 16. Page 10, line 24, by striking the words
25 "tuition and mandatory fees" and inserting the
26 following: "student's financial need".

27 17. Page 10, by striking lines 37 through 41, and
28 inserting the following: "for grants, and determining
29 priority of grants. If resources are insufficient to
30 award grants to all eligible applicants, the
31 commission shall give priority to students who have
32 the greatest demonstrated financial need. In
33 determining".

34 18. Page 11, by striking lines 18 through 20, and
35 inserting the following:

36 "Sec. ____ . NEW SECTION. 261.98 ACCESS TO
37 EDUCATION PROGRAM.

38 An access to education program is established".

39 19. Page 11, line 29, by striking the words
40 "pilot project" and inserting the following:
41 "program".

42 20. Page 11, line 34, by striking the words
43 "pilot project" and inserting the following:
44 "program".

45 21. Page 11, line 35, by striking the words
46 "pilot project" and inserting the following:
47 "program".

48 22. Page 12, by inserting after line 24, the
49 following:

50 "____. Page 53, by striking lines 15 through 19."

Page 5

1 23. Page 12, by striking lines 42 and 43.

2 24. By numbering, renumbering, and changing
3 internal references as necessary.

RICHARD VARN

S-5935

1 Amend the amendment, S-5560, to House File 366, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, line 9, by striking the word "real"
- 5 and inserting the following: "land or a building".
- 6 2. Page 1, line 11, by striking the word "real"
- 7 and inserting the following: "land or a building".
- 8 3. Page 1, lines 48 and 49, by striking the words
- 9 "real property" and inserting the following: "land or
- 10 a building".
- 11 4. Page 2, line 17, by striking the words "real
- 12 property" and inserting the following: "land or a
- 13 building".
- 14 5. Page 4, line 13, by striking the words "real
- 15 property" and inserting the following: "land or a
- 16 building".
- 17 6. Page 4, line 31, by striking the words "real
- 18 property" and inserting the following: "land or a
- 19 building".
- 20 7. Page 5, line 30, by striking the word "real"
- 21 and inserting the following: "land or a building".
- 22 8. Page 5, line 32, by striking the word "real"
- 23 and inserting the following: "land or a building".
- 24 9. Page 6, lines 19 and 20, by striking the words
- 25 "real property" and inserting the following: "land or
- 26 a building".
- 27 10. Page 6, line 33, by striking the words "real
- 28 property" and inserting the following: "land or a
- 29 building".
- 30 11. Page 8, line 32, by striking the words "real
- 31 property" and inserting the following: "land or a
- 32 building".
- 33 12. Page 8, lines 45 and 46, by striking the
- 34 words "real property" and inserting the following:
- 35 "land or a building".

JOHN W. JENSEN

S-5936

- 1 Amend House File 2048, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 20 through 32.
 - 4 2. Page 2, by inserting after line 16, the

5 following:

6 "Sec. ____ . NEW SECTION. 147.14A BEHAVIORAL
7 SCIENCES ADVISORY COUNCIL ESTABLISHED.

8 1. A behavioral sciences advisory council is
9 established consisting of the following members who
10 shall be appointed by the members' respective
11 examining boards:

12 a. A psychologist.

13 b. A psychiatrist.

14 c. A social worker.

15 d. A mental health counselor.

16 e. A marital and family therapist.

17 f. A psychiatric nurse.

18 2. The advisory council shall make recommendations
19 to the various examining boards which represent the
20 professions of the council members, including but not
21 limited to scope of practice, the course of study
22 required which leads to a degree in a specific
23 profession, the clinical or field work experience
24 required for licensure in a specific profession, and
25 requirements for the granting of a limited permit.

26 3. The advisory council members shall serve three-
27 year terms, which shall commence and end as provided
28 in section 69.19. A vacancy in the membership of the
29 advisory council shall be filled in the same manner as
30 an original appointment.

31 4. A member of the advisory council shall receive
32 actual expenses while performing official duties as a
33 member of the advisory council from appropriations
34 made to the Iowa department of public health.

35 Sec. ____ . NEW SECTION. 147A.14B SEXUAL
36 EXPLOITATION OF A PATIENT OR CLIENT.

37 The examining boards which provide for the
38 examination of applicants for licenses to practice the
39 professions for which licenses are required pursuant
40 to chapter 154B or 154D, shall adopt rules providing
41 for the suspension or revocation of the license of a
42 licensee found to have engaged in the sexual ex-
43 ploitation of a client or patient."

44 3. Page 4, by inserting after line 7 the
45 following:

46 "Sec. ____ . NEW SECTION. 154D.1A APPLICABILITY.

47 After July 1, 1990, a person shall not hold oneself
48 forth as a licensed marital and family therapist or a
49 licensed mental health counselor, unless the person
50 has obtained a license pursuant to this chapter and

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- 1 chapter 147.
- 2 This chapter and chapter 147 do not prevent indi-
- 3 viduals not licensed as marital and family therapists
- 4 or mental health counselors from working within their
- 5 respective professions or occupations if they do not
- 6 hold themselves out to the public as being licensed
- 7 marital and family therapists or licensed mental
- 8 health counselors. Section 147.83 does not apply to
- 9 persons who are not licensed as marital and family
- 10 therapists or mental health counselors and do not hold
- 11 themselves out as licensed marital and family
- 12 therapists or licensed mental health counselors."
- 13 4. Page 6, by striking lines 17 through 25.
- 14 5. By striking page 8, line 9, through page 9,
- 15 line 23.
- 16 6. Title page, by striking lines 3 through 5, and
- 17 inserting the following: "behavioral science
- 18 examiners, providing exemptions, redefining "mental
- 19 health".
- 20 7. Title page, line 8, by striking the words "a
- 21 counselor or therapist" and inserting the following:
- 22 "certain persons".
- 23 8. By renumbering as necessary.

COMMITTEE ON JUDICIARY
RICHARD VARN, Chair

S-5937

- 1 Amend the amendment, S-5933, to House File 2564, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, line 4, by striking the figure
- 5 "75,000" and inserting the following: "197,000".
- 6 2. Page 3, by striking lines 5 through 7.

JIM LIND

S-5938

- 1 Amend the amendment, S-5917, to House File 2495, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 9, by striking the word "real"
- 5 and inserting the following: "land or a building".
- 6 2. Page 1, line 11, by striking the word "real"

- 7 and inserting the following: "land or a building".
 8 3. Page 1, lines 48 and 49, by striking the words
 9 "real property" and inserting the following: "land or
 10 a building".
 11 4. Page 2, line 17, by striking the words "real
 12 property" and inserting the following: "land or a
 13 building".
 14 5. Page 4, line 13, by striking the words "real
 15 property" and inserting the following: "land or a
 16 building".
 17 6. Page 4, line 31, by striking the words "real
 18 property" and inserting the following: "land or a
 19 building".
 20 7. Page 5, line 32, by striking the word "real"
 21 and inserting the following: "land or a building".
 22 8. Page 5, line 34, by striking the word "real"
 23 and inserting the following: "land or a building".
 24 9. Page 6, lines 21 and 22, by striking the words
 25 "real property" and inserting the following: "land or
 26 a building".
 27 10. Page 6, line 35, by striking the words "real
 28 property" and inserting the following: "land or a
 29 building".
 30 11. Page 8, line 34, by striking the words "real
 31 property" and inserting the following: "land or a
 32 building".
 33 12. Page 8, lines 47 and 48, by striking the
 34 words "real property" and inserting the following:
 35 "land or a building".

RICHARD VANDE HOEF

S-5939

- 1 Amend the House amendment, S-5881, to Senate File
 2 2423, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 and 4.
 5 2. Page 1, line 6, by striking the figure
 6 "250,000" and inserting the following: "286,600".
 7 3. Page 1, by inserting after line 19, the
 8 following:
 9 "____. Page 9, by striking lines 11 and 12, and
 10 inserting the following: "before selection of any
 11 system or systems. Funds appropriated in this
 12 subsection may be."
 13 4. Page 1, by striking lines 22 through 29, and
 14 inserting the following:
 15 "____. Page 10, by striking lines 4 through 6, and

16 inserting the following: "appropriated in this
17 subsection, of the \$3,200,215 available, \$25,000 shall
18 be used to develop guidelines for school lunch and
19 breakfast programs and to plan a nutrition pilot
20 project, if a pilot project to establish model
21 nutrition".

22 5. Page 3, by inserting after line 22 the
23 following:

24 "___ . Page 17, by striking lines 6 through 27."

25 6. Page 3, by inserting after line 28, the

26 following:

27 "___ . Page 28, by inserting after line 17, the
28 following:

29 "As a condition, limitation, and qualification of
30 the funds appropriated in this subsection, in cases
31 where a resident student of the school for the deaf or
32 the Braille and sight-saving school is physically or
33 sexually abused or assaulted and is physically removed
34 from the school by a court order pursuant to a finding
35 by the court that the child has been sexually or
36 physically abused or assaulted, payment for placement
37 of the student in another facility for the deaf or
38 blind, either in state or out of state, shall be made
39 by the school from which the student is removed out of
40 funds allocated for the operation of the school.

41 Before a student is placed at another facility, the
42 school from which the student is removed shall be
43 consulted, and the placement shall reflect, as nearly
44 as possible, comparable education, accessibility, and
45 cost. Students placed at another facility under this
46 paragraph shall not be returned to the school for the
47 deaf or the Braille and sight-saving school until the
48 court rules that the student will not be adversely
49 affected if returned to the school. If the student is
50 counted by the Iowa school for the deaf or the Braille

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1 and sight-saving school, for the purpose of generating
2 school foundation aid for the student, those funds
3 generated by the student shall be forwarded to the
4 facility in which the student is placed and the school
5 for the deaf or the Braille and sight-saving school
6 shall pay the difference between the funds generated
7 by the student and the cost of tuition, room, and
8 board at the other facility.""

9 7. Page 3, by striking lines 38 and 39, and
10 inserting the following:

11 "___ . Page 29, by inserting after line 34, the
12 following:"

13 8. Page 4, line 20, by striking the figure
 14 "250,000" and inserting the following: "125,000".
 15 9. Page 5, by striking lines 28 through 48, and
 16 inserting the following:
 17 "Sec.____. SUPPLEMENTAL ENROLLMENT PAYMENTS.
 18 1. There is appropriated from the general fund of
 19 the state to the school budget review committee for
 20 the fiscal year beginning July 1, 1990, and ending
 21 June 30, 1991, the amount of \$150,000, or so much
 22 thereof as is necessary to make supplemental
 23 enrollment payments to school districts, for
 24 compensation for enrollment losses which are greater
 25 than 5 percent of the district's certified enrollment
 26 for the previous year due to enrollment of the
 27 district's resident children in another school
 28 district during the school year beginning July 1,
 29 1990, under 1990 Iowa Acts, Senate File 2306, section
 30 2, if Senate File 2306 is enacted by the general
 31 assembly.
 32 A supplemental enrollment payment for a child under
 33 this section is equal to the state aid transmitted to
 34 the receiving district for that child for that fiscal
 35 year.
 36 A school district eligible for supplemental
 37 enrollment payments under this section shall make
 38 application for payment to the school budget review
 39 committee not later than September 1, 1990. If the
 40 moneys appropriated in this section are insufficient
 41 to make all supplemental payments, the school budget
 42 review committee shall prorate the payments to school
 43 districts.
 44 2. If moneys appropriated exceed the amount
 45 required to make supplemental enrollment payments to
 46 school districts under subsection 1, school districts
 47 receiving supplemental enrollment payments under
 48 subsection 1, and school districts which have
 49 experienced losses of less than 5 percent of the
 50 district's certified enrollment for the previous year

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1 but have experienced enrollment loss due to enrollment
 2 of the district's resident children in another school
 3 district during the school year beginning July 1,
 4 1990, under Senate File 2306, section 2, shall be
 5 eligible to receive supplemental enrollment payments
 6 under this section, if the district applies for the
 7 payments to the school budget review committee by
 8 October 15, 1990. If necessary, the school budget
 9 review committee shall prorate the payments to school

10 districts under this subsection.

11 Sec.100.

12 Notwithstanding 1990 Iowa Acts, Senate File 2306,
13 if Senate File 2306 is enacted by the general
14 assembly, parents filing requests for open enrollment
15 under the good cause exception provisions of that Act
16 shall file the request for open enrollment by June 30,
17 1990.

18 Sec. ____ DEPARTMENTAL STUDY.

19 The department of education shall conduct a study
20 relating to the costs associated with extended year
21 special education based on reteaching periods for
22 acquired critical skills of varying lengths. The
23 department, in conducting the study, shall solicit
24 testimony from experts and review national studies and
25 data relating to extended year special education. The
26 department shall submit its findings, along with any
27 recommendations, in a report to the general assembly
28 by December 1, 1990."

29 ____ . Page 34, by striking lines 19 and 20, and
30 inserting the following: "the state board of regents,
31 based upon duties".

32 ____ . Page 34, line 24, by inserting after the
33 word "area." the following: "However, in establishing
34 classifications and allocating positions to
35 classifications, with respect to positions within the
36 division of area schools in the department of
37 education, the department shall ensure that
38 classifications are designed to attract persons with
39 superior qualifications in the field of higher
40 education to that division."

41 ____ . Page 35, by striking lines 11 through 13,
42 and inserting the following: "excluding employees of
43 the state board of regents, after consultation with
44 the governor and appointing".

45 ____ . Page 35, line 16, by inserting after the
46 word "commission." the following: "Pay plans for
47 positions in the division of area schools, department
48 of education, shall be designed to attract persons
49 with superior qualifications in the field of higher
50 education to that division."

Page 4

1 ____ . Page 35, by striking lines 23 through 25,
2 and inserting the following: "branch, excluding
3 employees of the state board of regents, shall be paid
4 at one of the rates set forth in the"."

5 10. Page 6, by striking line 4.

6 11. Page 9, line 12, by inserting after the word

7 "to" the following: "an accredited higher education
8 institution for".

9 12. Page 9, line 31, by inserting after the word
10 "need." the following: "Grants awarded shall be
11 distributed to the appropriate accredited higher
12 education institution for payment of educational
13 expenses, including tuition, room, board, and
14 mandatory fees, with any balance to be distributed to
15 the student for whom the grant is awarded."

16 13. Page 10, line 17, by inserting after the word
17 "program" the following: "except a federal, state, or
18 institutional work-study program".

19 14. Page 10, line 21, by striking the word
20 "state's".

21 15. Page 10, line 22, by striking the words
22 "contribution to" and inserting the following: "aid
23 for".

24 16. Page 10, line 24, by striking the words
25 "tuition and mandatory fees" and inserting the
26 following: "student's financial need".

27 17. Page 10, by striking lines 37 through 41, and
28 inserting the following: "for grants, and determining
29 priority of grants. If resources are insufficient to
30 award grants to all eligible applicants, the
31 commission shall give priority to students who have
32 the greatest demonstrated financial need. In
33 determining".

34 18. Page 11, by striking lines 18 through 20, and
35 inserting the following:

36 "Sec. ____ . NEW SECTION. 261.98 ACCESS TO
37 EDUCATION PROGRAM.

38 An access to education program is established".

39 19. Page 11, line 29, by striking the words
40 "pilot project" and inserting the following:
41 "program".

42 20. Page 11, line 34, by striking the words
43 "pilot project" and inserting the following:
44 "program".

45 21. Page 11, line 35, by striking the words
46 "pilot project" and inserting the following:
47 "program".

48 22. Page 12, by inserting after line 24, the
49 following:

50 " ____ . Page 53, by striking lines 11 through 14."

Page 5

1 23. Page 12, by striking lines 42 and 43.

2 24. Page 12, by inserting before line 44 the
3 following:

4 ____ . Page 56, line 34, by striking the word and
5 figure "and 67" and inserting the following: "67, and
6 100".

7 25. By numbering, renumbering, and changing
8 internal references as necessary.

RICHARD VARN

S-5940

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 11, by inserting after line 45 the fol-
5 lowing:
6 "Sec. ____ . Section 455A.17, subsection 2, Code
7 Supplement 1989, is amended by adding the following
8 new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. The delegates shall be
10 elected from each of five groups made up of persons
11 willing to serve as delegates who represent the five
12 major areas of the resources enhancement and
13 protection program as follows:
14 a. A group representing cities located within the
15 area who are city officials residing within the area.
16 b. A group representing wildlife conservation who
17 are county conservation association members residing
18 within the area.
19 c. A group representing soil and water enhancement
20 who are soil and water conservation district commis-
21 sioners residing within the area.
22 d. A group representing conservation education who
23 are certified teachers residing within the area.
24 e. A group representing counties located within
25 the area who are county officials residing within the
26 area."

RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 2429

S-5941

1 Amend Senate File 2429 as follows:
2 1. Page 2, by inserting before line 16, the
3 following:

4 "Sec. 2. Section 252A.4, subsection 2, Code 1989,
5 is amended to read as follows:

6 2. The court of the responding state ~~shall have~~
7 ~~the power to may~~ order the respondent to pay sums
8 sufficient to provide necessary food, shelter,
9 clothing, care, medical or hospital expenses,
10 including medical support as defined in chapter 252E,
11 expenses of confinement, expenses of education of a
12 child, funeral expenses and such other reasonable and
13 proper expenses of the petitioner as justice requires,
14 having due regard to the circumstances of the
15 respective parties.

16 Sec. 3. NEW SECTION. 252A.5A LIMITATIONS OF
17 ACTIONS.

18 1. An action to establish paternity and support
19 under this chapter may be brought within the time
20 limitations set forth in section 614.8.

21 2. Notwithstanding subsection 1, an action to
22 establish paternity and support under this chapter may
23 be brought concerning a person who was under age
24 eighteen on August 16, 1984, regardless of whether any
25 prior action was dismissed because a statute of
26 limitations of less than eighteen years was then in
27 effect. Such an action may be brought within the time
28 limitations set forth in section 614.8, or until July
29 2, 1992, whichever is later.

30 Sec. 4. Section 252B.5, Code 1989, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 6. Assistance in obtaining
33 medical support as defined in chapter 252E.

34 Sec. 5. Section 252B.5, Code 1989, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 7. At the request of either
37 parent who is subject to the order of support or upon
38 his own initiation, review the amount of the support
39 award in accordance with the guidelines established
40 pursuant to section 598.21, subsection 4, and the
41 federal Family Support Act of 1988, and take action to
42 initiate modification proceedings if the criteria
43 established pursuant to this section are met.

44 However, a review of a support award is not required
45 in those cases for which an assignment ordered
46 pursuant to chapter 234 or 239 is in effect if the
47 child support recovery unit determines that such a
48 review would not be in the best interest of the child
49 and neither parent has requested such review.

50 The department shall adopt rules no later than

Page 2

1 October 13, 1990, setting forth the process for review
2 of requests for modification of support obligations
3 and the criteria and process for taking action to
4 initiate modification proceedings.

5 Sec. 6. Section 252B.6, subsection 3, Code 1989,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 3. Appear on behalf of the state for the purpose
9 of facilitating the modification of support awards
10 consistent with guidelines established pursuant to
11 section 598.21, subsection 4 and the federal Family
12 Support Act of 1988. The unit shall not otherwise
13 participate in the proceeding.

14 Sec. 7. Section 252B.6, subsection 4, paragraph b,
15 Code 1989, is amended by striking the paragraph.

16 Sec. 8. Section 252B.7, Code 1989, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 4. An attorney employed by or
19 under contract with the child support recovery unit
20 represents and acts on behalf of the state when
21 providing child support enforcement services.”

22 2. Page 4, by striking lines 2 and 3 and
23 inserting the following: “payment pursuant to section
24 598.22A.”

25 3. Page 5, by inserting after line 17, the
26 following:

27 “Sec. 13. NEW SECTION. 252B.18 ADVISORY
28 COMMITTEE ESTABLISHED.

29 The department shall establish a child support
30 enforcement program advisory committee which shall
31 include representatives of custodial parent groups,
32 noncustodial parent groups, the judicial department,
33 the office of citizens' aide, the Iowa state bar
34 association, and representatives of other
35 constituencies having an interest in child support
36 enforcement issues. The advisory committee shall
37 assist the department in reviewing issues related to
38 the implementation of the federal Family Support Act
39 of 1988 and methods of improving service. With the
40 assistance of the advisory committee, the department
41 shall review existing policies, practices, and
42 procedures of the child support recovery unit to
43 identify areas in which administrative appeals
44 procedures or other provisions for review of contested
45 issues would help to assure fair and impartial
46 treatment of persons affected by actions of the unit.

47 Sec. 14. Section 252C.1, subsection 2, Code 1989,
48 is amended to read as follows:

49 2. "Court order" means a judgment or order of a
50 court of this state or another state requiring the

Page 3

1 payment of a set or determinable amount of monetary
2 support. For orders entered on or after July 1, 1990,
3 unless the court specifically orders otherwise,
4 medical support, as defined in section 252E.1, is not
5 included in the amount of monetary support.
6 Sec. 15. Section 252C.1, Code 1989, is amended by
7 adding the following new subsection:
8 **NEW SUBSECTION. 8.** "Medical support" means either
9 the provision of coverage under a health benefit plan,
10 including a group or employment-related or an
11 individual health benefit plan, or a health benefit
12 plan provided pursuant to chapter 514E, to meet the
13 medical needs of a dependent and the cost of any
14 premium required by a health benefit plan, or the
15 payment to the obligee of a monetary amount in lieu of
16 providing coverage under a health benefit plan, either
17 of which is an obligation separate from any monetary
18 amount of child support ordered to be paid.
19 Sec. 16. Section 252C.3, subsection 1, unnumbered
20 paragraph 1, Code 1989, is amended to read as follows:
21 In the absence of a court order, or if an
22 administrative order exists which does not require
23 provision of medical support as defined in chapter
24 252E or equivalent medical support, the administrator
25 may issue a notice establishing and demanding either
26 payment of medical support established as defined in
27 chapter 252E or payment of an accrued or accruing
28 support debt due and owed to the department or an
29 individual under section 252C.2, or both. The notice
30 shall be served upon the responsible person in
31 accordance with the rules of civil procedure. The
32 notice shall include all of the following:
33 Sec. 17. Section 252C.3, subsection 1, paragraph
34 d, Code 1989, is amended to read as follows:
35 d. A demand for either immediate payment of the
36 support debt or of a medical support debt established
37 as defined in chapter 252E, or both.
38 Sec. 18. Section 252C.3, subsection 1, paragraph
39 e, subparagraphs (3) and (4), Code 1989, are amended
40 to read as follows:
41 (3) A statement that after the holding of the
42 negotiation conference, the administrator may issue a
43 new notice and finding of financial responsibility for
44 child support or medical support, or both, to be sent
45 to the responsible person by regular mail addressed to

46 the responsible person's last known address, or if
47 applicable, to the last known address of the
48 responsible person's attorney.
49 (4) A statement that if the administrator issues a
50 new notice and finding of financial responsibility for

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1 child support or medical support, or both, then the
2 responsible person shall have ten days from the date
3 of issuance of the new notice or twenty days from the
4 date of service of the original notice, whichever is
5 later, to send a request for a hearing to the office
6 of the child support recovery unit which issued the
7 notice.

8 Sec. 19. Section 252C.3, subsection 1, paragraphs
9 f, g, and i, Code 1989, are amended to read as
10 follows:

11 f. A statement that if the responsible person
12 objects to all or any part of the notice or finding of
13 financial responsibility for child support or medical
14 support, or both, and ~~no~~ a negotiation conference is
15 not requested, ~~then within twenty days of the date of~~
16 service, the responsible person shall, within twenty
17 days of the date of service send to the office of the
18 child support recovery unit which issued the notice a
19 written response setting forth any objections and
20 requesting a hearing.

21 g. A statement that if a timely written request
22 for a hearing is received by the office of the child
23 support recovery unit which issued the notice, the
24 responsible person shall have the right to a hearing
25 to be held in district court; and that if no timely
26 written response is received, the administrator may
27 enter an order in accordance with the notice and
28 finding of financial responsibility for child support
29 or medical support, or both.

30 i. A statement that the responsible person shall
31 notify the administrator of any change of address, ~~or~~
32 employment, or medical coverage as required by chapter
33 252E.

34 Sec. 20. Section 252C.3, subsection 4, Code 1989,
35 is amended by adding the following new paragraph:
36 NEW PARAGRAPH. e. The medical support required
37 pursuant to chapter 598 and rules adopted pursuant to
38 chapter 252E.

39 Sec. 21. Section 252C.3, subsection 5, Code 1989,
40 is amended to read as follows:

41 5. The responsible person shall be sent a copy of

42 the order by regular mail addressed to the responsible
43 person's last known address, or if applicable, to the
44 last known address of the responsible person's
45 attorney. The order is final, and action by the
46 administrator to enforce and collect upon the order,
47 including arrearages and medical support, or both, may
48 be taken from the date of issuance of the order.
49 Sec. 22. Section 252C.4, subsections 2 and 4, Code
50 Supplement 1989, are amended to read as follows:

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1 2. If the matter has not been heard previously by
2 the district court, or an existing administrative
3 order does not provide for medical support pursuant to
4 chapter 252E, the certification shall include true
5 copies of the notice and finding of financial
6 responsibility or notice of the support debt accrued
7 and accruing, the return of service, the written
8 objections and request for hearing, and true copies of
9 any administrative orders previously entered.

10 4. The court shall establish the monthly child
11 support payment and the amount of the support debt
12 accrued and accruing pursuant to section 598.21,
13 subsection 4, or medical support pursuant to chapter
14 252E, or both.

15 Sec. 23. Section 252C.9, Code 1989, is amended to
16 read as follows:

17 252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.

18 If an order of the administrator issued pursuant to
19 this chapter conflicts with an order of a court, the
20 court order prevails regarding support issues
21 addressed by the court order.

22 Sec. 24. Section 252D.1, subsection 1, Code 1989,
23 is amended to read as follows:

24 1. As used in this chapter, unless the context
25 otherwise requires, "support" or "support payments"
26 means any amount which the court may require a person
27 to pay for the benefit of a child under a temporary
28 order or a final judgment or decree, and may include
29 child support, maintenance, medical support as defined
30 in chapter 252E, and, if contained in a child support
31 order, spousal support, and any other term used to
32 describe these obligations. These obligations may
33 include support for a child who is between the ages of
34 eighteen and twenty-two years and who is regularly
35 attending an accredited school in pursuance of a
36 course of study leading to a high school diploma or
37 its equivalent, or regularly attending a course of
38 vocational technical training either as a part of a

39 regular school program or under special arrangements
40 adapted to the individual person's needs, or is, in
41 good faith, a full-time student in a college,
42 university, or area school, or has been accepted for
43 admission to a college, university, or area school and
44 the next regular term has not yet begun; and may
45 include support for a child of any age who is
46 dependent on the parties to the dissolution
47 proceedings because of physical or mental disability.
48 Sec. 25. NEW SECTION. 252E.1 DEFINITIONS.
49 As used in this chapter, unless the context
50 otherwise requires:

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1 1. "Child" means a person for whom child support
2 may be ordered pursuant to chapter 234, 239, 252A,
3 252C, 598, or 675 or any other chapter of the Code.
4 2. "Department" means the department of human
5 services, which includes but is not limited to the
6 child support recovery unit, or any comparable support
7 enforcement agency of another state.
8 3. "Dependent" means a child, or an obligee for
9 whom a court may order coverage by a health benefit
10 plan pursuant to section 252E.3.
11 4. "Enroll" means to be eligible for and covered
12 by a health benefit plan.
13 5. "Health benefit plan" means any policy or
14 contract of insurance, indemnity, subscription or
15 membership issued by an insurer, health service
16 corporation, health maintenance organization, or any
17 similar corporation, organization, or a self-insured
18 employee benefit plan, for the purpose of covering
19 medical expenses. These expenses may include, but are
20 not limited to hospital, surgical, major medical
21 insurance, dental, optical, prescription drugs, office
22 visits, or any combination of these or any other
23 comparable health care expenses.
24 6. "Insurer" means any entity which provides a
25 health benefit plan.
26 7. "Medical support" means either the provision of
27 a health benefit plan, including a group or
28 employment-related or an individual health benefit
29 plan, or a health benefit plan provided pursuant to
30 chapter 514E, to meet the medical needs of a dependent
31 and the cost of any premium required by a health
32 benefit plan, or the payment to the obligee of a
33 monetary amount in lieu of a health benefit plan,
34 either of which is an obligation separate from any
35 monetary amount of child support ordered to be paid.

36 Medical support is not alimony.

37 8. "Obligee" means a parent or another natural
38 person legally entitled to receive a support payment
39 on behalf of a child.

40 9. "Obligor" means a parent or another natural
41 person legally responsible for the support of a
42 dependent.

43 Sec. 26. NEW SECTION. 252E.2 ORDER FOR MEDICAL
44 SUPPORT.

45 The entry of an order, pursuant to chapter 234,
46 252A, 252C, 598, or 675, requiring the provision of
47 coverage under a health benefit plan is authorization
48 for enrollment of the dependent if the dependent is
49 otherwise eligible to be enrolled. The dependent's
50 eligibility and enrollment for coverage under such a

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1 plan shall be governed by all applicable terms and
2 conditions, including, but not limited to, eligibility
3 and insurability standards. The dependent, if
4 eligible, shall be provided the same coverage as the
5 obligor.

6 Sec. 27. NEW SECTION. 252E.3 HEALTH BENEFIT
7 COVERAGE OF OBLIGEE.

8 For cases for which services are being provided
9 pursuant to chapter 252B, the order may require an
10 obligor providing a health benefit plan for a child to
11 also provide a health benefit plan for the benefit of
12 an obligee if the obligee is eligible for enrollment
13 under the plan in which the child or the obligor is
14 enrolled, and if the plan is available at no
15 additional cost.

16 Sec. 28. NEW SECTION. 252E.4 COPY OF ORDER TO
17 EMPLOYER.

18 The obligor shall take all steps necessary to
19 enroll and maintain coverage under a health benefit
20 plan for a dependent at present and all future places
21 of employment, and shall send a copy of the order
22 requiring the coverage to the obligor's employer.

23 1. Within fifteen days of entry of the order, the
24 obligor shall provide written proof to the obligee and
25 the department that the required coverage has been
26 obtained or that application for coverage has been
27 made.

28 2. If the obligor fails to provide written proof
29 as required in subsection 1, a copy of the order for
30 medical support shall be forwarded to the obligor's
31 employer by the obligee or the department.

32 3. The chapter shall be constructive notice to the

33 obligor of enforcement and further notice prior to
34 enforcement is not required.

35 4. The order requiring coverage is binding on all
36 future employers or insurers if the dependent is
37 eligible to be enrolled in the health benefit plan
38 under the applicable plan terms and conditions.

39 Sec. 29. NEW SECTION. 252E.5 EFFECT OF ORDER ON
40 EMPLOYER.

41 When the order has been forwarded to the obligor's
42 employer pursuant to section 252E.4, the order is
43 binding on the employer and the employer's insurer to
44 the extent that the dependent is eligible to be
45 enrolled in the plan under the applicable terms and
46 conditions of the health benefit plan. The employer
47 shall forward a copy of the order to the insurer and
48 request enrollment of the dependent in the health
49 benefit plan. Within sixty days of receipt of the
50 order or within sixty days of receipt of application

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1 of the obligor pursuant to the order, whichever is
2 earlier, the insurer shall determine whether the
3 dependent is eligible for enrollment under the plan
4 and shall notify the employer of the dependent's
5 eligibility status. If eligible, the employer shall
6 withhold any required premium from the obligor's
7 income or wages. If more than one plan is offered by
8 the employer, the dependent shall be enrolled in the
9 health benefit plan in which the obligor is enrolled.

10 Within thirty days of receipt of an order that
11 requires an obligor to enroll a dependent in a health
12 benefit plan, the obligor's employer shall provide the
13 following information regarding the enrollment status
14 of the dependent to the obligor, the obligee, and the
15 department:

16 1. That the dependent has been enrolled in a
17 health benefit plan.

18 2. That the dependent will be enrolled in the next
19 enrollment period.

20 3. That the dependent is not eligible for
21 enrollment and the reasons that the dependent is not
22 eligible to be enrolled.

23 4. That the order has been forwarded to the
24 insurer and a determination of eligibility for
25 enrollment has not been made.

26 5. If either subsection 1 or 2 describes the
27 enrollment status of the dependent, all of the
28 following information:

29 a. The name of the insurer providing the health

30 benefit plan.

31 b. The dependent's effective date of coverage.

32 c. The health benefit plan or account number.

33 d. The type of health benefit plan under which the
34 dependent has been enrolled, including whether dental,
35 optical, office visits, and prescription drugs are
36 covered services. Additionally, the response shall
37 include a brief description of the applicable
38 deductibles, coinsurance, waiting periods for
39 preexisting medical conditions, and other significant
40 terms or conditions which materially affect the
41 coverage.

42 If an order requiring that the obligor provide
43 coverage under a health benefit plan for the dependent
44 has been forwarded to the obligor's employer pursuant
45 to section 252E.4, and the obligor's employment is
46 terminated, the employer shall provide notice to the
47 obligee and the department within ten days of
48 termination of the obligor's employment. If an order
49 requiring that the obligor provide coverage under a
50 health benefit plan for the dependent has been

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1 forwarded to the obligor's employer pursuant to
2 section 252E.4, and the employer's health benefit plan
3 is terminated either in its entirety or with respect
4 to the obligor's insurance classification, or the
5 employer has changed its insurer, the employer shall
6 provide notice to the obligee and the department ten
7 days prior to the termination of coverage or change in
8 insurer.

9 This chapter does not preclude the exchange of
10 required information between the department and
11 employers or insurers through electronic data
12 transfer.

13 **Sec. 30. NEW SECTION. 252E.6 DURATION OF HEALTH**
14 **BENEFIT PLAN COVERAGE.**

15 1. A child is eligible for medical support for the
16 duration of the obligor's child support obligation.
17 However, the child's eligibility for coverage under a
18 health benefit plan shall be governed by all
19 applicable plan provisions including, but not limited
20 to, eligibility and insurability standards.

21 2. For cases for which services are being provided
22 pursuant to chapter 252B, termination of an obligee's
23 medical support ordered pursuant to section 252E.3
24 shall be governed by the insurer's health benefit plan
25 provisions for termination and by applicable federal
26 law.

27 Sec. 31. NEW SECTION. 252E.7 INSURER
28 AUTHORIZATION.

29 1. The entry of an order requiring a health
30 benefit plan is authorization for enrollment of the
31 dependent if the dependent is otherwise eligible to be
32 enrolled. If an order has been forwarded to the
33 insurer pursuant to section 252E.5 and is not
34 accompanied by an appropriate application for
35 enrollment of the dependent signed by the obligor, the
36 insurer shall attempt to obtain a signed application
37 from the obligor. If the insurer is unsuccessful in
38 obtaining a signed application from the obligor within
39 thirty days after the insurer's initial request to the
40 obligor, the insurer shall accept the signature of the
41 obligee or an employee of the department as valid
42 authorization for enrollment of the dependent under
43 the health benefit plan.

44 2. For purposes of processing claims for payment,
45 the insurer shall attempt to obtain the obligor's
46 written authorization to accept the signature of the
47 obligee or an employee of the department on all claim
48 forms submitted to the insurer for medical services
49 provided to the dependent. Upon receipt of such
50 written authorization from the obligor on at least an

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1 annual basis, the insurer shall accept the signature
2 of the obligee or an employee of the department as
3 valid authorization for purposes of processing any
4 medical expense claims on behalf of the dependent for
5 payment or reimbursement of medical services rendered
6 to the dependent.

7 If the insurer is unsuccessful in obtaining such
8 written authorization from the obligor within thirty
9 days after the insurer's initial request to the
10 obligor, the insurer shall accept the signature of the
11 obligee or an employee of the department as valid
12 authorization for purposes of processing any medical
13 expense claims on behalf of the dependent for payment
14 or reimbursement of medical services rendered to the
15 dependent.

16 3. The insurer shall have immunity from any
17 liability, civil or criminal, which might otherwise be
18 incurred or imposed for actions taken in implementing
19 this section including, but not limited to, the
20 insurer's release of any information, or the payment
21 of any claims for services by the insurer, or the
22 insurer's acceptance of applications for enrollment of
23 the dependent and medical expense claims for the

24 dependent which are signed by the obligee or an
25 employee of the department pursuant to this section.
26 4. This section does not preclude an insurer from
27 issuing payment directly to the provider if such
28 payment procedure is consistent with the health
29 benefit plan under which the dependent is enrolled,
30 except as provided pursuant to chapter 249A.

31 5. Payments remitted to the obligor by the insurer
32 for services received by the dependent shall be
33 recoverable by the obligee or the department from the
34 obligor if not properly paid by the obligor to the
35 provider or the obligee.

36 Sec. 32. NEW SECTION. 252E.8 RELEASES OF
37 INFORMATION.

38 1. If an order for coverage under a health benefit
39 plan has been forwarded pursuant to section 252E.5,
40 the obligor's employer or insurer shall release to the
41 obligee or the department upon receiving a written
42 request, the information necessary to complete an
43 application or to file a claim for medical expenses of
44 the dependent, provided the obligor's employer or
45 insurer is given sufficient opportunity to obtain
46 written authorization for the release of such
47 information from the obligor pursuant to this section.

48 2. The employer or insurer shall make available to
49 the obligee or the department any necessary claim
50 forms or enrollment membership cards if required to

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1 obtain services.

2 3. The obligor's employer and insurer shall have
3 immunity from any liability, civil or criminal, which
4 might otherwise be incurred or imposed for any
5 information released by such employer or insurer
6 pursuant to this chapter.

7 4. The department may release to the obligor's
8 employer or insurer or to the obligee information
9 necessary to obtain, enforce, and collect medical
10 support.

11 Sec. 33. NEW SECTION. 252E.9 RESPONSIBILITIES OF
12 THE OBLIGOR.

13 1. For cases for which services are being provided
14 pursuant to chapter 252B, an obligor who fails to
15 maintain medical support for the benefit of the
16 dependent as ordered shall be liable to the obligee or
17 the department for any medical expenses incurred from
18 the date of the court order. Proof of failure to
19 maintain medical support constitutes a showing of
20 increased need and provides a basis for the

21 establishment of a monetary amount for medical
22 support.
23 2. For cases for which services are being provided
24 pursuant to chapter 252B, the obligor shall notify the
25 obligee and the department within ten days of a change
26 in the terms or conditions of coverage under a health
27 benefit plan. Such changes may include, but are not
28 limited to, a change in deductibles, coinsurance,
29 preadmission notification requirements, coverage for
30 dental, optical, office visits, prescription drugs,
31 inpatient and outpatient hospitalization, and any
32 other changes which materially affect the coverage.
33 Costs incurred by the obligee or the department as a
34 result of the obligor's failure to provide
35 notification as required are recoverable from the
36 obligor.

37 Sec. 34. NEW SECTION. 252E.10 RESPONSIBILITY OF
38 THE DEPARTMENT.

39 For cases for which services are being provided
40 pursuant to chapter 252B, the department shall take
41 steps required by federal regulations to implement and
42 enforce an order for medical support.

43 Sec. 35. NEW SECTION. 252E.11 ASSIGNMENT.

44 If medical assistance coverage is provided by the
45 department to a dependent, rights to medical support
46 payments are assigned to the department pursuant to
47 federal regulations.

48 Sec. 36. NEW SECTION. 252E.12 ENFORCEMENT.

49 For the purposes of enforcement pursuant to chapter
50 252B, medical support may be reduced to a dollar

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1 amount and may be collected through the same remedies
2 available for the collection and enforcement of child
3 support.

4 Sec. 37. NEW SECTION. 252E.13 MODIFICATION OF
5 SUPPORT ORDER.

6 1. When high potential for obtaining medical
7 support exists, the obligee or the department may
8 petition for a modification of the obligor's support
9 order to include medical support or a monetary amount
10 for medical support pursuant to this chapter.

11 2. In addition, if an administrative order entered
12 pursuant to chapter 252C does not provide medical
13 support as defined in this chapter or equivalent
14 medical support, the department may obtain a medical
15 support order pursuant to chapter 252C. A medical
16 support order obtained pursuant to chapter 252C may be
17 an additional or separate support judgment and shall

18 be known as an administrative order for medical
19 support.

20 Sec. 38. NEW SECTION. 252E.14 CHILD SUPPORT.

21 Unless the order specifies otherwise, medical
22 support is not included in the monetary amount of
23 child support ordered to be paid for orders entered on
24 or after July 1, 1990.

25 Sec. 39. NEW SECTION. 252E.15 RULEMAKING
26 AUTHORITY -- COMPLIANCE.

27 The department shall adopt rules pursuant to
28 chapter 17A to implement this chapter for cases for
29 which services are being provided pursuant to chapter
30 252B. The department shall cooperate with any agency
31 of the state or federal government as may be necessary
32 to qualify for federal funds in conformity with
33 provisions of this chapter and Title IV-D of the
34 federal Social Security Act.

35 Sec. 40. NEW SECTION. 252E.16 SCOPE AND EFFECT.

36 1. The provisions of this chapter take effect July
37 1, 1990, for all support orders entered pursuant to
38 chapter 234, 252A, 252C, 598, or 675.

39 2. If an obligor was ordered to provide a health
40 benefit plan or insurance coverage under an order
41 entered prior to July 1, 1990, but did not comply with
42 the order, insurers are not liable for medical
43 expenses incurred prior to July 1, 1990. However,
44 such an order may be implemented pursuant to the
45 provisions of this chapter following its enactment.
46 This chapter shall not be implemented retroactively;
47 however, previous orders for medical support not
48 otherwise complied with may be reduced to a dollar
49 amount and collected from the obligor.

50 Sec. 41. Section 598.1, subsection 2, Code 1989,

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1 is amended to read as follows:

2 2. "Support" or "support payments" means an amount
3 which the court may require either of the parties to
4 pay under a temporary order or a final judgment or
5 decree, and may include alimony, child support,
6 maintenance, and any other term used to describe these
7 obligations. For orders entered on or after July 1,
8 1990, unless the court specifically orders otherwise,
9 medical support is not included in the monetary amount
10 of child support. The obligations may include support
11 for a child who is between the ages of eighteen and
12 twenty-two years who is regularly attending an
13 accredited school in pursuance of a course of study
14 leading to a high school diploma or its equivalent, or

15 regularly attending a course of vocational-technical
16 training either as a part of a regular school program
17 or under special arrangements adapted to the
18 individual person's needs; or is, in good faith, a
19 full-time student in a college, university, or area
20 school; or has been accepted for admission to a
21 college, university, or area school and the next
22 regular term has not yet begun; or a child of any age
23 who is dependent on the parties to the dissolution
24 proceedings because of physical or mental disability.

25 Sec. 42. Section 598.21, subsection 4, paragraph
26 a, Code Supplement 1989, is amended by adding the
27 following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. Until such time as the
29 supreme court incorporates the provision of medical
30 support in the guidelines as required by paragraph
31 "c", the court shall order as child medical support a
32 health benefit plan as defined in chapter 252E if
33 available to either parent at a reasonable cost. A
34 health benefit plan is considered reasonable in cost
35 if it is employment-related or other group health
36 insurance, regardless of the service delivery
37 mechanism. The premium cost of the health benefit
38 plan may be considered by the court as a reason for
39 varying from the child support guidelines. If a
40 health benefit plan is not available at a reasonable
41 cost, the court may order any other provisions for
42 medical support as defined in chapter 252E.

43 Sec. 43. Section 598.21, subsection 4, Code
44 Supplement 1989, is amended by adding the following
45 new paragraph:

46 NEW PARAGRAPH. c. The guidelines prescribed by
47 the supreme court shall incorporate provisions for
48 medical support as defined in chapter 252E to be
49 effective on or before January 1, 1991.

50 Sec. 44. Section 598.21, subsection 8, Code

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1 Supplement 1989, is amended to read as follows:

2 8. The court may subsequently modify orders made
3 under this section when there is a substantial change
4 in circumstances. In determining whether there is a
5 substantial change in circumstances, the court shall
6 consider the following:

7 a. Changes in the employment, earning capacity,
8 income or resources of a party.

9 b. Receipt by a party of an inheritance, pension
10 or other gift.

11 c. Changes in the medical expenses of a party.

12 d. Changes in the number or needs of dependents of
13 a party.
14 e. Changes in the physical, mental, or emotional
15 health of a party.
16 f. Changes in the residence of a party.
17 g. Remarriage of a party.
18 h. Possible support of a party by another person.
19 i. Changes in the physical, emotional or
20 educational needs of a child whose support is governed
21 by the order.
22 j. Contempt by a party of existing orders of
23 court.
24 k. Other factors the court determines to be
25 relevant in an individual case.
26 PARAGRAPH DIVIDED. A modification of a support
27 order entered under chapter 252A, chapter 675, or this
28 chapter between parties to the order is void unless
29 the modification is approved by the court, after
30 proper notice and opportunity to be heard is given to
31 all parties to the order, and entered as an order of
32 the court. If support payments have been assigned to
33 the department of human services pursuant to section
34 239.3, the department shall be considered a party to
35 the support order. Modifications of orders pertaining
36 to child custody shall be made pursuant to chapter
37 598A. If the petition for a modification of an order
38 pertaining to child custody asks either for joint
39 custody or that joint custody be modified to an award
40 of sole custody, the modification, if any, shall be
41 made pursuant to section 598.41.
42 Judgments for child support or child support awards
43 entered pursuant to this chapter, chapter 234, 252A,
44 252C, 675, or any other chapter of the Code which are
45 subject to a modification proceeding may be
46 retroactively modified only from the date the notice
47 of the pending petition for modification is served on
48 the opposing party.
49 Sec. 45. Section 598.21, Code Supplement 1989, is
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 8A. Notwithstanding subsection 8,
2 a substantial change of circumstances exists when the
3 court order for child support deviates without
4 explanation as to the reason for deviation from the
5 child support guidelines established pursuant to
6 section 598.21, subsection 4. Upon application for a
7 modification of an order for child support where
8 services are being received pursuant to chapter 252B,

9 the court shall act in accordance with section 598.21,
10 subsection 4.

11 Sec. 46. Section 598.22, unnumbered paragraph 1,
12 Code 1989, is amended to read as follows:

13 This Except as otherwise provided in section
14 598.22A, this section applies to all initial or
15 modified orders for support entered under this
16 chapter, chapter 234, 252A, 252C, 675, or any other
17 chapter of the Code. All orders or judgments entered
18 under chapter 234, 252A, 252C, or 675, or under this
19 chapter or any other chapter which provide for
20 temporary or permanent support payments shall direct
21 the payment of those sums to the clerk of the district
22 court or the collection services center in accordance
23 with section 252B.14 for the use of the person for
24 whom the payments have been awarded. Payments to
25 persons other than the clerk of the district court and
26 the collection services center do not satisfy the
27 support obligations created by the orders or
28 judgments, except as provided for trusts governed by
29 the federal Retirement Equity Act of 1984, Pub. L. No.
30 98-397, for tax refunds or rebates in section
31 602.8102, subsection 47, or for dependent benefits
32 paid to the child support obligee as the result of
33 disability benefits awarded to the child support
34 obligor under the federal Social Security Act. For
35 trusts governed by the federal Retirement Equity Act
36 of 1984, Pub. L. No. 98-397, the assignment of income
37 shall require the payment of such sums to the
38 alternate payee in accordance with the federal Act.

39 Sec. 47. Section 598.22, Code 1989, is amended by
40 adding the following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. For the purpose of
42 enforcement, medical support is additional support
43 which, upon being reduced to a dollar amount, may be
44 collected through the same remedies available for the
45 collection and enforcement of child support.

46 Sec. 48. NEW SECTION. 598.22A SATISFACTION OF
47 SUPPORT PAYMENTS.

48 Notwithstanding sections 252B.14 and 598.22,
49 support payments ordered pursuant to any support
50 chapter for orders entered on or after July 1, 1985,

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1 which are not made pursuant to the provisions of
2 section 252B.14 or 598.22, shall be credited only as
3 provided in this section.

4 1. For payment made pursuant to an order entered
5 on or after July 1, 1985, the clerk of the district

6 court or collection services center shall record a
7 satisfaction as a credit on the official support
8 payment record if its validity is confirmed by the
9 court upon submission of an affidavit by the person
10 entitled to receive the payment, after notice is given
11 to all parties.

12 2. For purposes of this section, the state is a
13 party to which notice shall be given when public funds
14 have been expended pursuant to chapter 234, 239, or
15 249A, or similar statutes in another state. If proper
16 notice is not given to the state when required, any
17 order of satisfaction is void.

18 3. The court shall not enter an order for
19 satisfaction of payments not made through the clerk of
20 the district court or collection services center if
21 those payments have been assigned as a result of
22 public funds expended pursuant to chapter 234, 239, or
23 249A, or similar statutes in other states.

24 Sec. 49. Section 675.25, Code Supplement 1989, is
25 amended to read as follows:

26 675.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT
27 ORDER -- COSTS.

28 Upon a finding or verdict of paternity pursuant to
29 section 675.24, the court shall establish the father's
30 monthly support payment and the amount of the support
31 debt 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 the past
36 support and maintenance of the child and for the
37 reasonable and necessary expenses incurred by or for
38 the mother in connection with prenatal care, the birth
39 of the child, and postnatal care of the child and the
40 mother, and other medical support as defined in
41 section 252E.1. The court may award the prevailing
42 party the reasonable costs of suit, including but not
43 limited to reasonable attorney fees.

44 Sec. 50. NEW SECTION. 675.33 LIMITATIONS OF
45 ACTIONS.

46 1. An action to establish paternity and support
47 under this chapter may be brought within the time
48 limitations set forth in section 614.8.

49 2. Notwithstanding subsection 1, an action to
50 establish paternity and support under this chapter may

3 prior action was dismissed because a statute of
4 limitations of less than eighteen years was then in
5 effect. Such an action may be brought within the time
6 limitations set forth in section 614.8, or until July
7 2, 1992, whichever is later.

8 Sec. 51. RULES.

9 The department of human services may adopt
10 administrative rules under section 17A.4, subsection
11 2, and section 17A.5, subsection 2, paragraph "b", to
12 implement the provisions of sections 5, 13, and 25
13 through 40 of this Act, and the rules may be made
14 effective on or after July 1, 1990.

15 Sec. 52.

16 Section 48 of this Act applies retroactively to
17 payments under support orders entered on or after July
18 1, 1985."

19 4. Title page, line 2 by inserting after the word
20 "payments" the following: "satisfaction of a
21 support order by direct payment to the person who is
22 to receive the payment, medical support for children
23 receiving child support, modification of child support
24 orders, child support enforcement, determination of
25 paternity and establishment of past child support
26 obligations, establishing an advisory committee, and
27 providing an effective date for certain provisions."

28 5. By renumbering and changing internal
29 references as necessary.

COMMITTEE ON JUDICIARY
RICHARD VARN, Chair

HOUSE AMENDMENT TO
SENATE FILE 2403

S-5942

1 Amend Senate File 2403, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by inserting after the word
4 "include" the following: "for those agencies which
5 pay for energy directly".

6 2. Page 1, by inserting after line 28, the
7 following:

8 "Sec. ____ . Section 15.109, Code 1989, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 3. At the time the department
11 approves assistance for an applicant, provides the
12 person with information regarding the nature and

13 source of other technical assistance available in the
 14 state to assist the applicant on design and management
 15 matters concerning energy efficiency and waste
 16 reduction. The department shall review the extent to
 17 which recommendations made to grantees are in fact
 18 implemented by the grantees.”

19 3. Page 1, by inserting after line 28, the
 20 following:

21 “Sec. ____ . Section 18.115, subsection 4,
 22 unnumbered paragraph 2, Code Supplement 1989, is
 23 amended to read as follows:

24 In conjunction with the requirements of section
 25 18.3, subsection 1, effective January 1, ~~1990~~ 1991,
 26 the state vehicle dispatcher, and any other state
 27 agency or local governmental political subdivision
 28 purchasing new motor vehicles for other than law
 29 enforcement purposes, shall ~~each year~~ purchase new
 30 passenger ~~automobiles~~ vehicles and light trucks such
 31 that the average fuel efficiency for the fleet of new
 32 passenger ~~automobiles~~ vehicles and light trucks
 33 purchased in that year by the state vehicle dispatcher
 34 is ~~not less than two miles per gallon under or other~~
 35 state agency or local governmental political
 36 subdivision equals or exceeds the average fuel economy
 37 standard for the ~~automobiles' vehicles'~~ model year as
 38 established by the United States secretary of
 39 transportation under 15 U.S.C. § 2002. This paragraph
 40 does not apply to ~~automobiles~~ vehicles purchased for
 41 any of the following: law enforcement purposes;
 42 school buses; off-road maintenance work; or work
 43 vehicles used to pull loaded trailers. The group of
 44 comparable ~~automobiles~~ vehicles within the total fleet
 45 purchased by the state vehicle dispatcher, or any
 46 other state agency or local governmental political
 47 subdivision purchasing motor vehicles for other than
 48 law enforcement purposes, shall have an average fuel
 49 efficiency rating ~~not less than two miles per gallon~~
 50 under equal to or exceeding the average fuel economy

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1 rating for that model year for that class of
 2 comparable ~~automobiles~~ vehicles as defined in 40
 3 C.F.R. § 315-82. As used in this paragraph, “fuel
 4 economy” means the average number of miles traveled by
 5 an automobile per gallon of gasoline consumed as
 6 determined by the United States environmental
 7 protection agency administrator in accordance with 26
 8 U.S.C. § 4064(c). For purposes of this paragraph,
 9 “state agency” includes, but is not limited to, a

10 community college or an institution under the control
11 of the state board of regents.”

12 4. By striking page 1, line 31, through page 2,
13 line 13.

14 5. Page 2, line 14, by striking the letter “b”
15 and inserting the following: “a”.

16 6. Page 3, by striking line 3 and inserting the
17 following:

18 “b. As used in paragraph “a”, “fuel economy”
19 means”.

20 7. Page 3, line 32, by inserting after the word
21 “management,” the following: “state building code
22 director, and state fire marshal,”.

23 8. Page 4, line 11, by inserting after the word
24 “agency.” the following: “The report shall also
25 address potential redundancy and conflicts within
26 existing state law regarding life cycle cost analysis
27 and recommend the resolution of any problems which are
28 identified.”

29 9. Page 4, lines 23 and 24, by striking the words
30 “to produce each dollar of gross state product”.

31 10. Page 6, by inserting after line 22, the
32 following:

33 “Sec. ____ . Section 93.13A, Code Supplement 1989,
34 is amended by adding the following new unnumbered
35 paragraph:

36 **NEW UNNUMBERED PARAGRAPH.** The department shall not
37 require a school district, area school, area education
38 agency, city, or county to perform an engineering
39 analysis if the school district, area education
40 agency, city, or county demonstrates to the department
41 that the facility which is the subject of the proposed
42 engineering analysis at issue is unlikely to be in use
43 or operation in six years by the governmental entity
44 currently using or occupying the facility.”

45 11. Page 7, line 18, by striking the figure
46 “1991” and inserting the following: “1992”.

47 12. Page 7, line 20, by striking the figure
48 “1992” and inserting the following: “1993”.

49 13. Page 7, line 21, by striking the figure
50 “1993” and inserting the following: “1994”.

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1 14. Page 7, line 22, by striking the figure
2 “1994” and inserting the following: “1995”.

3 15. Page 7, line 24, by striking the figure
4 “1994” and inserting the following: “1995”.

5 16. Page 7, line 28, by inserting after the word
6 “of” the following: “new”.

- 7 17. Page 7, by striking lines 29 and 30, and
8 inserting the following:
9 "2. a. The energy efficiency rating shall be
10 disclosed at the request of the prospective purchaser
11 according to the terms of the offer to purchase."
12 18. By striking page 7, line 31, through page 8,
13 line 8.
14 19. Page 8, by striking lines 10 through 22, and
15 inserting the following: "prospective lessee whose
16 rent does not include energy cost upon request."
17 20. Page 8, line 23, by striking the words "prime
18 design professional" and inserting the following:
19 "designer".
20 21. Page 8, line 26, by inserting after the word
21 "building" the following: "design".
22 22. Page 8, line 27, by striking the word
23 "guidelines" and inserting the following:
24 "standards".
25 23. Page 8, by striking lines 28 through 30 and
26 inserting the following: "the department."
27 24. Page 8, line 34, by striking the words "or
28 approved".
29 25. Page 9, by striking lines 6 through 8, and
30 inserting the following:
31 "(3) Notice to the prospective purchaser that the
32 seller must disclose a building's energy efficiency
33 rating upon the prospective purchaser's request."
34 26. Page 9, by striking lines 14 through 17.
35 27. Page 10, line 9, by inserting after the words
36 "energy efficiency" the following: ", including, but
37 not limited to such persons as electrical engineers,
38 mechanical engineers, architects, and builders".
39 28. Page 10, line 13, by striking the words
40 "design professionals" and inserting the following:
41 "designers".
42 29. Page 10, line 22, by striking the figure
43 "1995" and inserting the following: "1996".
44 30. Page 10, line 24, by striking the figure
45 "1995" and inserting the following: "1996".
46 31. Page 10, line 25, by striking the figure
47 "1996" and inserting the following: "1997".
48 32. Page 11, line 7, by striking the words
49 "Design professional" and inserting the following:
50 "Designer".

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- 1 33. Page 11, line 9, by striking the words "
2 whether a registered design professional or not,".
3 34. Page 12, by striking lines 3 through 16, and

4 inserting the following:

5 "Sec. ____ . NEW SECTION. 214A.19 DEMONSTRATION
6 GRANTS AUTHORIZED.

7 1. The department of natural resources,
8 conditioned upon the availability of funds, is
9 authorized to award demonstration grants to persons
10 who purchase vehicles which operate on alternative
11 fuels, including but not limited to, high blend
12 ethanol, compressed natural gas, electricity, solar
13 energy, or hydrogen. A grant shall be for the purpose
14 of conducting research connected with the fuel or the
15 vehicle, and not for the purchase of the vehicle
16 itself, except that the money may be used for the
17 purchase of the vehicle if all of the following
18 conditions are satisfied:

19 a. The department retains the title to the
20 vehicle.

21 b. The vehicle is used for continuing research.

22 c. If the vehicle is sold or when the research
23 related to the vehicle is completed, the proceeds of
24 the sale of the vehicle shall be used for additional
25 research."

26 35. Page 12, by striking lines 18 through 24, and
27 inserting the following: "governors of other states
28 willing to cooperate to establish an alternative fuels
29 consortium. The purposes of the consortium may
30 include, but are not limited to, coordinating the
31 research, production, and marketing of alternative
32 fuels within the participating states. The consortium
33 may also coordinate presentation of consortium policy
34 on alternative fuels to automakers and federal
35 regulatory authorities."

36 36. Page 13, by inserting after line 1, the
37 following:

38 "Sec. ____ . NEW SECTION. 266.39C THE IOWA ENERGY
39 CENTER.

40 1. The Iowa energy center is established at Iowa
41 state university of science and technology. The
42 center shall strive to increase energy efficiency in
43 all areas of Iowa energy use. The center shall serve
44 as a model for state efforts to decrease dependence on
45 imported fuels and to decrease reliance on energy
46 production from nonrenewable, resource-depleting
47 fuels. The center shall conduct and sponsor research
48 on energy efficiency and conservation that will
49 improve the environmental, social, and economic well-
50 being of Iowans, minimize the environmental impact of

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1 existing energy production and consumption, and reduce
2 the need to add new power plants.

3 The center shall assist Iowans in assessing
4 technology related to energy efficiency and
5 alternative energy production systems and shall
6 support educational and demonstration programs that
7 encourage implementation of energy efficiency and
8 alternative energy production systems.

9 The center shall also conduct and sponsor research
10 to develop alternative energy systems that are based
11 upon renewable sources and that will reduce the
12 negative environmental and economic impact of energy
13 production systems.

14 2. An advisory council is established consisting
15 of the following members:

16 a. One person from Iowa state university of
17 science and technology, appointed by its president.

18 b. One person from the university of Iowa,
19 appointed by its president.

20 c. One person from the university of northern
21 Iowa, appointed by its president.

22 d. One representative of private colleges and
23 universities within the state, to be nominated by the
24 Iowa association of independent colleges and
25 universities, and appointed by the Iowa coordinating
26 council for post-high school education.

27 e. One representative of community colleges,
28 appointed by the state board for community colleges.

29 f. One representative of the energy and geological
30 resources division of the department of natural
31 resources, appointed by the director.

32 g. One representative of the state department of
33 transportation, appointed by the director.

34 h. One representative of the office of consumer
35 advocate, appointed by the consumer advocate.

36 i. One representative of the utilities board,
37 appointed by the utilities board.

38 j. One representative of the rural electric
39 cooperatives, appointed by the governing body of the
40 Iowa association of electric cooperatives.

41 k. One representative of municipal utilities,
42 appointed by the governing body of the Iowa
43 association of municipal utilities.

44 l. Two representatives from investor-owned
45 utilities, one representing gas utilities, appointed
46 by the Iowa utility association, and one representing
47 electric utilities, appointed by the Iowa utility
48 association.

49 The terms of the members shall begin and end as
50 provided in section 69.19 and any vacancy shall be

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1 filled by the original appointing authority. The
2 terms shall be for four years and shall be staggered
3 as determined by the president of Iowa state
4 university of science and technology.
5 3. Iowa state university of science and technology
6 shall employ a director for the center, who shall be
7 appointed by the president of Iowa state university of
8 science and technology. The director of the center
9 shall employ necessary research and support staff.
10 The director and staff shall be employees of Iowa
11 state university of science and technology. No more
12 than five hundred thousand dollars of the funds made
13 available by appropriation from state revenues in any
14 one year shall be expended by the center for the
15 salaries and benefits of the employees of the center,
16 including the salary and benefits of the director.
17 The remainder of the funds appropriated from state
18 funds shall be used to sponsor research grants and
19 projects submitted on a competitive basis by Iowa
20 colleges and universities and private nonprofit
21 agencies and foundations. The center may also solicit
22 additional grants and funding from public and private
23 nonprofit agencies and foundations.
24 The director shall prepare an annual report.
25 4. The advisory council shall provide the
26 president of Iowa state university of science and
27 technology with a list of three candidates from which
28 the director shall be selected. The council shall
29 provide an additional list of three candidates if
30 requested by the president. The council shall advise
31 the director in the development of a budget, on the
32 policies and procedures of the center, in the funding
33 of research grant proposals, and regarding program
34 planning and review."
35 37. Page 13, by striking lines 2 through 11.
36 38. Page 13, by striking lines 20 through 26 and
37 inserting the following: "the programs meet the
38 requirements of this paragraph."
39 39. By striking page 13, line 27, through page
40 14, line 8, and inserting the following:
41 "Sec. ____ . Section 476.1A, Code Supplement 1989,
42 is amended to read as follows:
43 476.1A APPLICABILITY OF AUTHORITY -- CERTAIN
44 ELECTRIC UTILITIES.
45 Electric public utilities having ~~less fewer~~ than

46 ten thousand customers and electric cooperative
47 corporations and associations are not subject to the
48 rate regulation authority of the board. Such
49 utilities are subject to all other regulation and
50 enforcement activities of the board, including:

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1 1. Assessment of fees for the support of the
2 division.
3 2. Safety and engineering standards for equipment,
4 operations, and procedures.
5 3. Assigned area of service.
6 4. Pilot projects of the board.
7 5. Assessment of fees for the support of the Iowa
8 energy center created in section 266.39C and the
9 center for global warming established by the state
10 board of regents.
11 6. Filing energy efficiency plans and energy
12 efficiency results with the board. The board may
13 permit these utilities to file joint plans.
14 The board may waive all or part of the energy
15 efficiency filing and review requirements for electric
16 cooperative corporations and associations and electric
17 public utilities which demonstrate superior results
18 with existing energy efficiency programs.
19 However, sections 476.20, 476.21, 476.41 through
20 476.44, 476.51, 476.56, 476.62, and 476.66 and
21 chapters 476A and 478, to the extent applicable, apply
22 to such electric utilities.
23 Electric cooperative corporations and associations
24 and electric public utilities exempt from rate
25 regulation under this section shall not make or grant
26 any unreasonable preferences or advantages as to rates
27 or services to any person or subject any person to any
28 unreasonable prejudice or disadvantage.
29 The board of directors or the membership of an
30 electric cooperative corporation or association
31 otherwise exempt from rate regulation may elect to
32 have the cooperative's rates regulated by the board.
33 The board shall adopt rules prescribing the manner in
34 which the board of directors or the membership of an
35 electric cooperative may so elect. If the board of
36 directors or the membership of an electric cooperative
37 has elected to have the cooperative's rates regulated
38 by the board, after two years have elapsed from the
39 effective date of such election the membership of the
40 electric cooperative may elect to exempt the
41 cooperative from the rate regulation authority of the
42 board."

43 40. Page 14, by striking lines 9 through 27 and
44 inserting the following:
45 "Sec. ____ . Section 476.1B, Code Supplement 1989,
46 is amended to read as follows:
47 476.1B APPLICABILITY OF AUTHORITY -- MUNICIPALLY
48 OWNED UTILITIES.
49 1. Unless otherwise specifically provided by
50 statute, a municipally owned utility is not subject to

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1 regulation by the board under this chapter, except for
2 regulatory action pertaining to:
3 a. Assessment of fees for the support of the
4 division and the office of consumer advocate, as set
5 forth in section 476.10.
6 b. Safety standards.
7 c. Assigned areas of service, as set forth in
8 sections 476.22 through 476.26.
9 d. Enforcement of civil penalties pursuant to
10 section 476.51.
11 e. Disconnection of service, as set forth in
12 section 476.20.
13 f. Discrimination against users of renewable
14 energy resources, as set forth in section 476.21.
15 g. Encouragement of alternate energy production
16 facilities, as set forth in sections 476.41 through
17 476.45.
18 h. Enforcement of section 476.56.
19 i. Enforcement of section 476.66.
20 j. Enforcement of section 476.62.
21 ~~2. Municipally owned utilities shall be required
22 to adhere to the requirements of the following
23 sections of the Code but all rules and regulations to
24 enforce these sections shall lie with each local
25 municipal utility's governing board. The board has no
26 authority concerning these sections as they apply to
27 municipal utilities:~~
28 ~~a. Peak-load management techniques, as set forth
29 in section 476.17.~~
30 ~~b. Promulgation of rules concerning the use of
31 energy conservation strategies, as set forth in
32 section 476.2.~~
33 k. Assessment of fees for the support of the Iowa
34 energy center created in section 266.39C and the
35 global warming center created by the state board of
36 regents.
37 l. Filing energy efficiency plans and energy
38 efficiency results with the board. The board may
39 permit these utilities to file joint plans.

40 2. The board may waive all or part of the energy
41 efficiency filing and review requirements for
42 municipally owned utilities which demonstrate superior
43 results with existing energy efficiency programs.”

44 41. By striking page 14, line 28, through page
45 15, line 2, and inserting the following:

46 “Sec. ____ . Section 476.1C, subsection 1, Code
47 1989, is amended to read as follows:

48 1. Gas public utilities having less fewer than two
49 thousand customers are not subject to the regulation
50 authority of the utilities board under this chapter

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1 unless otherwise specifically provided. Sections
2 476.10, 476.20, 476.21, and 476.51 apply to such gas
3 utilities.

4 Gas public utilities having fewer than two thousand
5 customers shall be subject to the assessment of fees
6 for the support of the Iowa energy center created in
7 section 266.39C and the global warming center created
8 by the state board of regents and shall file energy
9 efficiency plans and energy efficiency results with
10 the board. The board may waive all or part of the
11 energy efficiency filing requirements if the gas
12 utility demonstrates superior results with existing
13 energy efficiency programs.

14 Gas public utilities having less fewer than two
15 thousand customers shall keep books, accounts, papers
16 and records accurately and faithfully in the manner
17 and form prescribed by the board. The board may
18 inspect the accounts of the utility at any time.

19 A gas public utility having less fewer than two
20 thousand customers may make effective a new or changed
21 rate, charge, schedule, or regulation after giving
22 written notice of the proposed new or changed rate,
23 charge, schedule, or regulation to all affected
24 customers served by the public utility. The notice
25 shall inform the customers of their right to petition
26 for a review of the proposal to the utilities board
27 within sixty days after notice is served if the
28 petition contains the signatures of at least one
29 hundred of the gas utility's customers. The notice
30 shall state the address of the utilities board. The
31 new or changed rate, charge, schedule, or regulation
32 takes effect sixty days after such valid notice is
33 served unless a petition for review of the new or
34 changed rate, charge, schedule, or regulation signed
35 by at least one hundred of the gas utility's customers
36 is filed with the board prior to the expiration of the

37 sixty-day period.

38 If such a valid petition is filed with the board
39 within the sixty-day period, any new or changed rate,
40 charge, schedule, or regulation shall take effect,
41 under bond or corporate undertaking, subject to refund
42 of all amounts collected in excess of those amounts
43 which would have been collected under the rates or
44 charges finally approved by the board. The board
45 shall within five months of the date of filing make a
46 determination of just and reasonable rates based on a
47 review of the proposal, applying established
48 regulatory principles. The board may call upon the
49 gas public utility and its customers to furnish
50 factual evidence in support of or opposition to the

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1 new or changed rate, charge, schedule, or regulation.

2 If the gas public utility disputes the finding, the
3 utility may within twenty days file for further
4 review, and the board shall docket the case as a
5 formal proceeding under section 476.6, subsection 7,
6 and set the case for hearing. The gas public utility
7 shall submit factual evidence and written argument in
8 support of the filing.

9 A gas public utility having ~~less~~ fewer than two
10 thousand customers shall not make effective a new or
11 changed rate, charge, schedule, or regulation which
12 relates to services for which a rate change is pending
13 within twelve months following the date the petition
14 to review the prior proposed rate, charge, schedule,
15 or regulation was filed with the board or until the
16 board has made its determination of just and
17 reasonable rates, whichever date is earlier, unless
18 the utility applies to the board for authority and
19 receives authority to make a subsequent rate change at
20 an earlier date.

21 Gas public utilities having ~~less~~ fewer than two
22 thousand customers shall not make or grant any
23 unreasonable preferences or advantages as to rates or
24 services to any person or subject any person to any
25 unreasonable prejudice or disadvantage. Rates charged
26 by a gas public utility having less than two thousand
27 customers for transportation of customer-owned gas
28 shall not exceed the actual cost of such
29 transportation services including a fair rate of
30 return."

31 42. Page 15, by striking lines 3 and 4, and
32 inserting the following:

33 "Sec. ____ . Section 476.2, Code 1989, is amended to

34 read as follows:

35 476.2 POWERS -- RULES.

36 1. The board shall have broad general powers to
37 effect the purposes of this chapter notwithstanding
38 the fact that certain specific powers are hereinafter
39 set forth. The board shall have authority to issue
40 subpoenas and to pay the same fees and mileage as are
41 payable to witnesses in the courts of record of
42 general jurisdiction and shall establish all needful,
43 just and reasonable rules, not inconsistent with law,
44 to govern the exercise of its powers and duties, the
45 practice and procedure before it, and to govern the
46 form, contents and filing of reports, documents and
47 other papers provided for in this chapter or in the
48 board's rules. In the establishment, amendment,
49 alteration or repeal of any of such rules, the board
50 shall be subject to the provisions of chapter 17A.

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1 2. The board shall employ at rates of compensation
2 consistent with current standards in industry such
3 professionally trained engineers, accountants,
4 attorneys, and skilled examiners and inspectors,
5 secretaries, clerks, and other employees as it may
6 find necessary for the full and efficient discharge of
7 its duties and responsibilities as required by this
8 chapter.

9 3. The board is hereby authorized and empowered to
10 intervene in any proceedings before the federal power
11 commission or any other federal or state regulatory
12 body when it finds that any decision of such tribunal
13 would adversely affect the costs of any public utility
14 service within the state of Iowa.

15 4. The board shall have authority to inquire into
16 the management of the business of all public
17 utilities, and shall keep itself informed as to the
18 manner and method in which the same is conducted, and
19 may obtain from any public utility all necessary
20 information to enable the board to perform its duties.

21 ~~The board shall promulgate rules concerning the use
22 of energy conservation strategies by rate or service-
23 regulated gas and electric utilities by July 1, 1981.
24 The board may prescribe appropriate rates for any
25 approved energy conservation program. Nothing in this
26 paragraph subjects the rates of municipal utilities to
27 the regulatory authority of the board.~~

28 5. The board shall provide to the governor and the
29 general assembly on or before December 1, 1992, a
30 report on the level of intended energy efficiency

31 activity of nonrate-regulated utilities based on the
32 energy efficiency plans previously filed by the
33 nonrate-regulated utilities. The report shall include
34 any recommendations of the board for legislative
35 action.

36 6. The board shall provide to the governor and
37 general assembly on or before December 1, 1994, a
38 report on the results of implementation of the energy
39 efficiency plans filed with the board by nonrate-
40 regulated utilities. The report shall include any
41 recommendations of the board for legislative action.

42 7. The board shall notice rules concerning the
43 filing requirements for energy efficiency plans by
44 rate-regulated gas and electric utilities on or before
45 October 1, 1990. Rate-regulated gas and electric
46 utilities shall be required to file initial plans no
47 later than four months after the effective date of the
48 rules required by this subsection. The board shall
49 also adopt rules concerning the filing requirements
50 for energy efficiency plans by all other utilities."

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1 43. Page 15, by striking lines 5 through 13.

2 44. By striking page 15, line 17, through page
3 16, line 2.

4 45. Page 16, by striking lines 6 through 22.

5 46. Page 16, by inserting after line 25 the
6 following:

7 "Sec. ____ . Section 476.6, subsection 17, Code
8 Supplement 1989, is amended to read as follows:

9 17. COMPREHENSIVE ENERGY MANAGEMENT REQUIRED FOR
10 ELECTRIC UTILITIES. An electric utility shall not
11 have an increased revenue requirement finally approved
12 under this section in any application for increased
13 rates filed on or after January 1, 1992, unless the
14 utilities board finds that the electric utility has in
15 effect a comprehensive energy management program which
16 meets the primary objectives of section 476A.6,
17 subsection 4."

18 47. Page 17, by inserting after line 12, the
19 following:

20 "b. An energy efficiency plan and budget shall be
21 designed to expend annually, at a minimum, the
22 following designated percentage of the gas and
23 electric rate-regulated utility's gross operating
24 revenues during the previous calendar year derived
25 from intrastate public utility operations:

26 (1) For electric rate-regulated utilities, two
27 percent.

28 (2) For gas rate-regulated utilities, one and one-
29 half percent.

30 A rate-regulated electric utility or rate-regulated
31 gas utility shall have the designated expenditure
32 requirement included in its energy efficiency plan and
33 budget on or before January 1, 1992. The board may
34 waive the spending requirement for an individual
35 utility if the board determines after the contested
36 case proceeding in section 476.6, subsection 19,
37 paragraph "a", that the expenditure level of the
38 energy efficiency programs included in the utility's
39 approved energy efficiency plan is less than the
40 spending requirement.

41 Energy efficiency expenditures incurred on or after
42 July 1, 1990, may be included in a utility's initial
43 energy efficiency plan and budget submitted pursuant
44 to paragraph "a".

45 c. A rate-regulated utility shall submit for
46 consideration in its energy efficiency plan, at a
47 minimum, the following programs, where relevant to the
48 utility's services:

49 (1) A hot water heater insulation blanket
50 distribution program.

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1 (2) A commercial lighting program.

2 (3) A rebate, coupon, or other program for
3 purchases of goods, including but not limited to light
4 bulbs, which contribute to energy efficiency.

5 (4) A tree planting program to moderate the
6 physical environment and to consume atmospheric carbon
7 dioxide resulting from burning fossil fuels within the
8 state for energy; provided, however, that the tree
9 planting program is not required to itself be energy
10 efficient or cost effective.

11 (5) A cooperative program with any community
12 action agency within the utility's service area to
13 implement countywide or communitywide energy
14 efficiency programs for qualified low-income persons.

15 Each of these programs, except the tree planting
16 program contained in subparagraph (4), shall be
17 approved as part of the utility's plan only if the
18 board determines the program to be cost effective for
19 that utility."

20 48. Page 17, line 13, by striking the letter "b."
21 and inserting the following: "d."

22 49. Page 17, line 15, by striking the word
23 "practices" and inserting the following:
24 "implementation of the utility's approved energy

25 efficiency plan and budget”.

26 50. Page 17, line 18, by inserting after the word
27 “board” the following: “; provided, however, that the
28 board shall not allow energy efficiency to be
29 represented in customer billings as a separate cost or
30 expense”.

31 51. Page 17, line 22, by striking the word “may”
32 and inserting the following: “shall”.

33 52. Page 17, by striking lines 26 through 30, and
34 inserting the following: “implementation of the
35 energy efficiency project. The board may treat the
36 expenditures and related costs incurred by a utility
37 pursuant to the utility’s approved energy efficiency
38 plan and budget as capital items for ratemaking
39 purposes. Recovery pursuant to this paragraph shall
40 not be allowed until eighteen months after the board’s
41 final order in the initial contested case to review a
42 utility’s proposed energy efficiency plan and budget
43 pursuant to paragraph “a.”

44 53. By striking page 17, line 31 through page 18,
45 line 6, and inserting the following:

46 “e. In addition to the expenditures and related
47 costs collected pursuant to section 476.6, subsection
48 19, paragraph “d”, if the board determines sufficient
49 justification exists for assessing a reward or penalty
50 on the utility for its performance regarding energy

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1 efficiency, the board may allow the utility to collect
2 an amount as a reward or may require an amount to be
3 deducted from the recovery of expenditures and related
4 costs as a penalty. The rewards and penalties of this
5 paragraph shall be in addition to the provisions of
6 section 476.52.

7 f. The legislative council shall consider the
8 appointment of a legislative interim study committee
9 in 1996 to review the success or failure of the
10 substantive and procedural provisions for energy
11 efficiency cost recovery contained in this section.
12 The interim study committee, if appointed, shall make
13 recommendations to the general assembly on any
14 required changes due to the experience gained from the
15 previous two biennial energy efficiency plan and
16 budget cycles.”

17 54. Page 19, by inserting after line 5, the
18 following:

19 “Sec. ____ . Section 476.10, unnumbered paragraph 4,
20 Code Supplement 1989, is amended to read as follows:
21 Whenever the board shall deem it necessary in order

22 to carry out the duties imposed upon it in connection
23 with rate regulation under section 476.6,
24 investigations under section 476.3, or review
25 proceedings under section 476.31, the board may employ
26 additional temporary or permanent staff, or may
27 contract with persons who are not state employees for
28 engineering, accounting, or other professional
29 services, or both. The costs of these additional
30 employees and contract services shall be paid by the
31 public utility whose rates are being reviewed in the
32 same manner as other expenses are paid under this
33 section. The board shall increase quarterly
34 assessments specified in unnumbered paragraph two, by
35 amounts necessary to enable the board to hire
36 additional staff and contract for services under this
37 section. The authority to hire additional temporary
38 or permanent staff that is granted to the board by
39 this section shall not be subject to limitation by any
40 administrative or executive order or decision that
41 restricts the number of state employees or the filling
42 of employee vacancies, and shall not be subject to
43 limitation by any law of this state that restricts the
44 number of state employees or the filling of employee
45 vacancies unless that law is made applicable to this
46 section by express reference to this section. Before
47 the board expends or encumbers an amount in excess of
48 the funds budgeted for rate regulation and before the
49 board increases quarterly assessments pursuant to this
50 paragraph, the director of the department of

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1 management shall approve the expenditure or
2 encumbrance. Before approval is given, the director
3 of the department of management shall determine that
4 the expenses exceed the funds budgeted by the general
5 assembly to the board for rate regulation and that the
6 board does not have other funds from which the
7 expenses can be paid. Upon approval of the director
8 of the department of management the board may expend
9 and encumber funds for the excess expenses, and
10 increase quarterly assessments to raise the additional
11 funds. The board and the office of consumer advocate
12 may add additional personnel or contract for
13 additional assistance to review and evaluate energy
14 efficiency plans and the implementation of energy
15 efficiency programs including, but not limited to,
16 professionally trained engineers, accountants,
17 attorneys, skilled examiners and inspectors, and
18 secretaries and clerks. The board and the office of

19 the consumer advocate may expend additional sums
20 beyond those sums appropriated. However, the
21 authority to add additional personnel or contract for
22 additional assistance must first be approved by the
23 department of management. The additional sums shall
24 be provided to the board and the office of the
25 consumer advocate by the utilities subject to the
26 energy efficiency requirements in this chapter. The
27 assessments shall be in addition to and separate from
28 the quarterly assessment.

29 Sec. ____ . **NEW SECTION. 476.10A FUNDING FOR IOWA**
30 **ENERGY CENTER AND GLOBAL WARMING CENTER.**

31 The board shall direct all gas and electric
32 utilities to remit to the treasurer of state one-tenth
33 of one percent of the total gross operating revenues
34 during the last calendar year derived from their
35 intrastate public utility operations. The board shall
36 by rule provide a schedule for remittances which shall
37 require that the first remittance be made not before
38 July 1, 1991. The amounts collected pursuant to this
39 section shall be in addition to the amounts permitted
40 to be assessed pursuant to section 476.10. The board
41 shall allow inclusion of these amounts in the budgets
42 approved by the board pursuant to section 476.6,
43 subsection 19, paragraph "a". Eighty-five percent of
44 the remittances collected pursuant to this section is
45 appropriated to the Iowa energy center created in
46 section 266.39C. Fifteen percent of the remittances
47 collected pursuant to this section is appropriated to
48 the center for global warming established by the state
49 board of regents."

50 55. Page 19, by striking lines 23 through 27, and

Page 16

1 inserting the following:

2 "Sec. ____ . Section 476.43, subsection 3,
3 unnumbered paragraph 1, Code 1989, is amended by
4 striking the unnumbered paragraph and inserting in
5 lieu thereof the following:

6 The board may adopt individual utility or uniform
7 statewide facility rates. The board shall consider
8 the following factors in setting individual or uniform
9 rates:"

10 56. Page 19, by inserting after line 32, the
11 following:

12 "**NEW PARAGRAPH. g.** If the board adopts uniform
13 statewide rates, the board shall use representative
14 data in lieu of utility specific information in
15 applying the factors listed in paragraphs "a" through

16 "f".

17 57. Page 21, line 21, by striking the word
 18 "twenty" and inserting the following: "twenty-five".

19 58. Page 21, line 31, by striking the word
 20 "twenty" and inserting the following: "twenty-five".

21 59. Page 23, by inserting after line 6, the
 22 following:

23 "Sec. ____ .

24 The department of natural resources shall make
 25 recommendations to the general assembly on or before
 26 January 1, 1991, on whether Iowa should adopt
 27 appliance standards and the extent to which such state
 28 appliance standards are not preempted by federal law.
 29 As used in this section "appliance" includes, but is
 30 not limited to, air conditioners, space heaters,
 31 commercial lighting, cooling, and cooking devices, and
 32 refrigerators."

33 60. By striking page 23, line 7, through page 25,
 34 line 13, and inserting the following:

35 "Sec. ____ .

36 1. The state department of transportation, in
 37 consultation with units of local government, including
 38 representatives of cities of 200,000 or more
 39 population, cities of 50,000 or more but less than
 40 200,000 population, and cities under 50,000
 41 population, shall conduct, conditioned upon the
 42 availability of funds, a comprehensive study of the
 43 relationship between transportation planning, systems
 44 development, and management to urban and rural
 45 development, land use planning, and energy demand.
 46 The purpose of the study shall be to identify
 47 opportunities to improve the long-term energy
 48 efficiency of transportation, as well as to improve
 49 traffic safety and service. The results of the study
 50 shall be reported to the general assembly and shall

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1 contain recommended policies and legislation.

2 The department may use any appropriation or other
 3 funds available to it for the purpose of this study,
 4 may contract with one or more universities located
 5 within the state for assistance with the study, and
 6 may contract with consultants for assistance with the
 7 study as necessary. An interim report shall be made
 8 to the general assembly by January 31, 1991.

9 2. The study shall include where appropriate:

10 a. An energy demand and planning survey to
 11 determine the amounts of energy which is consumed for
 12 transportation related purposes.

13 b. An analysis of regional commuting patterns.
14 c. Development of alternatives to commuting by
15 single occupant motor vehicles, including:
16 (1) A feasibility study for implementing light
17 rail passenger service as an alternative to highway
18 construction or expansion, including specifically
19 providing commuter service on existing rail lines in
20 the Cedar Rapids-Iowa City area and the Des Moines-
21 Ames area.
22 (2) A feasibility study for implementing high
23 occupancy vehicle (HOV) lanes during rush hours on
24 urban controlled access freeways or interstate
25 highways within metropolitan areas.
26 d. An evaluation of the need to conduct a trial
27 program, for a six-month period at minimum, of a ramp
28 metering system on at least one metropolitan
29 interchange of the interstate highway system.
30 e. The preparation of model legislation or rules
31 to encourage the creation and use of vanpools or
32 carpools for commuters. Proposed legislation or rules
33 may include, but are not limited to, an interest-free
34 loan program for vanpools and other incentives for the
35 formulation and operation of vanpools or carpools.
36 f. The preparation of a feasibility study of using
37 bike and pedestrian ways for movement of people from
38 residential areas to work centers as an alternative to
39 motor vehicles.
40 g. An analysis of the costs of each possible
41 solution which shall include environmental, health,
42 and other costs or benefits which are not otherwise
43 accounted for.
44 Sec. ____ .
45 The state department of transportation shall,
46 conditioned upon the availability of funds, compile an
47 inventory of traffic signals and their use in the
48 state. The inventory shall be detailed enough to
49 allow consideration of the appropriateness of the
50 signals and their operation following the most current

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1 policies both as identified by the institute of
2 transportation engineers and identified in the manual
3 on uniform traffic control devices for streets and
4 highways by the federal highway administration. The
5 assessment shall consider what improvements, if any,
6 should be made to signals to improve energy
7 efficiency, safety, and traffic service, and shall
8 consider what signals, if any, should be eliminated.
9 The department may identify and add other classes of

10 or uses of traffic control devices to the inventory,
11 and review the impact on energy usage, safety, and
12 traffic service of specified classes of traffic
13 control devices. The department shall recommend as
14 part of the comprehensive report any changes needed in
15 state statutes or policy to provide for the improved
16 management, control, and use of all traffic devices.
17 The inventory with a summary report shall be submitted
18 to the general assembly on or before January 31, 1992.

19 Sec. ____.

20 1. The state department of transportation, in
21 consultation with the department of management and
22 other appropriate public agencies, shall recommend
23 projects including but not limited to projects to
24 encourage additional public employees to carpool,
25 vanpool, or use public transportation.

26 2. Funds repaid from state transit assistance
27 loans pursuant to section 307.38 may be used as
28 necessary to provide the incentives for the projects.

29 3. The state department of transportation, in
30 consultation with the department of management, shall
31 report the recommendations to the general assembly on
32 or before January 1, 1991.

33 4. The report shall include the cost of providing
34 parking spaces at representative locations owned or
35 operated by state government, including the capitol
36 complex.

37 5. The report shall recommend specific sources of
38 funding for incentives and other related expenses for
39 promotion and administration.

40 Sec. ____.

41 The department of management, in consultation with
42 the department of natural resources, division of
43 energy and geological resources, shall conduct an
44 interest survey of state employees' interest in and
45 willingness to use telecommuting. The survey shall
46 especially target state employees whose primary duties
47 and services are typically performed by phone or upon
48 a computer, and who currently have access to a
49 computer or other telecommunication equipment at work,
50 but need not be limited to such employees. The

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1 results of the survey shall be presented to the
2 general assembly on or before January 15, 1991.

3 Sec. ____.

4 The department of natural resources shall make
5 recommendations to reduce fuel costs and other
6 expenses incurred by local school districts in both

7 urban and rural areas to transport students. The
8 recommendations may include methods or criteria for
9 the bus scheduling and other strategies deemed
10 economically feasible by the department.

11 Sec. ____.

12 The state board of education shall require driver
13 education courses offered by schools under the board's
14 jurisdiction to include instruction in the following
15 additional subject areas:

16 1. Routine maintenance of motor vehicles to
17 maximize energy efficiency and safety.

18 2. Operation of motor vehicles to maximize energy
19 efficiency and safety.

20 Sec. ____.

21 The department of natural resources, subject to the
22 availability of funds, shall contract with a qualified
23 person or persons to offer a free car care clinic at
24 least fourteen sites geographically distributed
25 throughout the state. Each such clinic shall inspect
26 vehicles of attendees and instruct owners and
27 operators of motor vehicles in the maintenance of
28 motor vehicles to maximize energy efficiency. Vehicle
29 inspections conducted at the clinic may include minor
30 adjustments, including, but not limited to, adjusting
31 belt tensions or inflating tires. The department
32 shall cooperate with appropriate vocational
33 educational programs to utilize students skilled in
34 the field to the extent possible. The administrator
35 shall coordinate with local officials and vocational
36 educational programs for each site the scheduling and
37 promotion of the clinic."

38 61. By striking page 25, line 14, through page
39 26, line 20.

40 62. By striking page 26, line 21; through page
41 28, line 20 and inserting the following:

42 "Sec. ____.

43 The department of natural resources shall develop a
44 proposal to phase in on a statewide basis, or on a
45 multistate basis, automotive tailpipe emission
46 standards as established by the state of California as
47 of January 1, 1990. The department shall submit the
48 proposal to the general assembly on or before January
49 15, 1991."

50 63. By renumbering, relettering, or redesignating

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1 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2324

S-5943

- 1 Amend Senate File 2324, 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. MEDICAL ASSISTANCE ADMINISTRATIVE
6 COSTS -- AREA EDUCATION AGENCIES.
7 The area education agencies shall determine their
8 administrative costs relating to recording and billing
9 for medical assistance reimbursement for special
10 education services provided pursuant to section
11 281.15. Up to twelve percent of the federal funds
12 received from the medical assistance reimbursement may
13 be used to pay for the area education agencies'
14 administrative costs."
- 15 2. Title page, by striking lines 1 through 4, and
16 inserting the following: "An Act providing for area
17 education agency administrative costs relating to
18 special education services reimbursed under the
19 medical assistance program."

HOUSE AMENDMENT TO
SENATE FILE 2430

S-5944

- 1 Amend Senate File 2430 as amended, passed, and
2 reprinted by the Senate as follows:
- 3 1. Page 3, by striking line 29 and inserting the
4 following: "attending the institution who are living
5 in the".
- 6 2. Page 9, line 31, by striking the figure "1990"
7 and inserting the following: "1991".

HOUSE AMENDMENT TO
SENATE FILE 514

S-5945

- 1 Amend Senate File 514, 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 422.45, subsection 22, Code
 6 Supplement 1989, is amended by adding the following
 7 new paragraphs:
 8 NEW PARAGRAPH. f. Shelter facilities licensed by
 9 the department of human services under chapter 232.
 10 NEW PARAGRAPH. g. Substance abuse agencies which
 11 contract with the Iowa department of public health
 12 under chapter 125.
 13 NEW PARAGRAPH. h. Agencies which contract with
 14 the department of human services to provide family-
 15 centered, home-based, and family-preservation
 16 services.
 17 Sec. 2. Section 422.45, Code Supplement 1989, is
 18 amended by adding the following new subsection:
 19 NEW SUBSECTION. 43. The gross receipts from the
 20 sale of equipment and supplies if purchased by any of
 21 the following nonprofit health organizations which
 22 receive federal funds:
 23 a. Child health clinics, maternal health clinics,
 24 and well-elderly clinics, as designated under section
 25 135.11.
 26 b. Family planning clinics, as designated under
 27 section 234.21.
 28 c. Area agencies on aging, as designated under
 29 section 249D.32.
 30 d. Medicare certified hospice programs, as
 31 certified by the department of inspections and appeals
 32 or as certified under the federal medicare program."

S-5946

1 Amend the amendment, S-5930, to the House
 2 amendment, S-5611, to Senate File 2277, as amended,
 3 passed, and reprinted by the Senate as follows:
 4 1. Page 2, by striking lines 13 through 17.

BERLE E. PRIEBE

S-5947

1 Amend the amendment, S-5936, to House File 2048, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 37, by striking the word "The"
 5 and inserting the following:
 6 "1. The".

7 2. Page 1, by inserting after line 43, the
 8 following:
 9 "2. A person who practices a profession for which
 10 a license is required pursuant to chapter 154B or
 11 154D, whether or not the person is currently licensed
 12 or is exempt from licensure, and who sexually exploits
 13 a client or patient, is subject to a civil penalty of
 14 not more than ten thousand dollars.
 15 3. A person who practices a profession for which a
 16 license is required pursuant to chapter 154B or 154D,
 17 whether or not the person is currently licensed or is
 18 exempt from licensure, may be restrained by permanent
 19 injunction from practicing these professions upon a
 20 finding that the person is sexually exploiting a
 21 patient or client."

RICHARD VARN

S-5948

1 Amend the amendment, S-5933, to House File 2564, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 4, line 32, through page 5,
 5 line 2.
 6 2. Page 5, by striking lines 11 through 13 and
 7 inserting the following:
 8 "c. Two persons, one who is a certified substance
 9 abuse counselor and one who is a director of a
 10 substance abuse treatment provider. One shall be".
 11 3. Page 5, line 46, by inserting after the word
 12 "data" the following: "pursuant to section 125.15C,
 13 or other information deemed relevant by the council".
 14 4. By striking page 6, line 21, through page 7,
 15 line 40, and inserting the following: "information
 16 under section 125.15C, and shall provide information
 17 required to be reported pursuant to section 125.15C,
 18 and any other information collected as determined by
 19 the department, to the council.
 20 Sec. —. NEW SECTION. 125.15E DATA PROVIDED TO
 21 HEALTH DATA COMMISSION.
 22 The department shall also forward all data reported
 23 pursuant to section 125.15C and any other information
 24 collected as determined by the department to the state
 25 health data commission.
 26 Sec. —. NEW SECTION. 125.15F MEASUREMENT
 27 STANDARDS.
 28 The department, after consultation with the
 29 advisory council shall adopt rules establishing

30 minimum standards of measurement relating to the
31 effectiveness of substance abuse treatment programs.

32 Sec. — . NEW SECTION. 125.15G PROGRAM
33 SANCTIONS.

34 1. A treatment provider which fails to meet the
35 minimum standards established pursuant to section
36 125.15F shall be reviewed by the advisory council.
37 Within thirty days after the advisory council has
38 concluded its review, the advisory council shall
39 provide recommendations for program changes, or may
40 recommend other appropriate action to be taken
41 pursuant to this section, if any, to the Iowa
42 department of public health. The department, upon
43 affirming the recommendations of the advisory council,
44 shall forward to the provider program recommendations
45 as recommended by the advisory council, or other
46 recommendations deemed appropriate by the department,
47 and stay further action against the provider, for a
48 period of up to one year during which time, the
49 advisory council shall continue to review the provider
50 and new patient data shall be collected for review.

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1 2. If the advisory council finds that a substance
2 abuse treatment provider has continued to fail to meet
3 the minimum standards established pursuant to section
4 125.15F during any period granted pursuant to
5 subsection 1, the council shall report such findings
6 to the department and, upon affirming such finding,
7 the department may do any of the following:
8 a. Withhold funding for the substance abuse
9 treatment provider relating to the substance abuse
10 treatment program.
11 b. Recommend to the director of human services
12 that medical assistance funding relating to the
13 substance abuse treatment programs of the provider be
14 withheld.
15 c. Recommend to the appropriate licensing
16 authority that the license of the substance abuse
17 treatment provider be suspended or revoked relating to
18 the relevant substance abuse treatment programs of the
19 provider.
20 d. Stay further action against the substance abuse
21 treatment provider for up to one additional year,
22 during which time the department shall continue
23 intensified review of the provider's programs.
24 e. Add the provider to a list of providers failing
25 to meet the minimum standards and make the list
26 available to the public, third-party payors for health

27 services, local governmental bodies, and substance
28 abuse treatment provider accreditation entities.
29 3. Notwithstanding subsections 1 and 2, the
30 department may find that the provider serves a
31 particularly difficult patient population and that the
32 public health and welfare would be furthered by
33 continuing to fund the program or by continuing to
34 allow operation of the program. In such a case, the
35 department shall adopt by rule a new measurement
36 standard for the provider, after consultation with the
37 advisory council."

38 5. Page 7, line 41, by striking the figure
39 "125.15G" and inserting the following: "125.15H".

40 6. Page 8, line 6, by striking the figure
41 "125.15H" and inserting the following: "125.15I".

42 7. Page 8, line 21, by striking the figure
43 "125.15I" and inserting the following: "125.15J".

44 8. Page 8, line 27, by striking the figure
45 "125.15E" and inserting the following: "125.15F".

46 9. Page 8, line 30, by inserting after the word
47 "diagnosis" the following: "or per failure to make
48 such report".

49 10. Page 8, line 40, by striking the figure
50 "125.15J" and inserting the following: "125.15K".

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1 11. Page 20, by striking lines 14 through 20.

2 12. Page 21, by striking lines 3 through 5, and
3 inserting the following: "longitudinal study for a
4 minimum of twenty-five years to study, evaluate, and
5 assess the effectiveness of the substance abuse
6 education programs provided, to the extent possible,
7 and to determine if peer groups exposed to certain
8 types of prevention programs, when normed for
9 socioeconomic and other pertinent factors, exhibit
10 different incidences of substance abuse and use than
11 the general population. The study shall also
12 include".

13 13. Page 22, by striking line 16, and inserting
14 the following:

15 "NEW SUBSECTION. 5. The governor's alliance on
16 substance abuse shall design a study to evaluate long-
17 term outcomes of projects funded by this grant program
18 and shall use this study as a factor when awarding

19 federal funds. The alliance shall collect".
20 14. Renumber as necessary.

RICHARD VARN
ELAINE SZYMONIAK

S-5949

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 23, by striking lines 9 through 28.

JACK RIFE

S-5950

1 Amend House File 2564, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 21, the
4 following:
5 "___ . For the division of narcotics for funding
6 drug enforcement operations to be used for the
7 purchase of illegal substances in furtherance of these
8 enforcement operations:
9 \$ 150,000".
10 2. Renumber as necessary.

JIM LIND

S-5951

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: " , without the applicant's
5 or employee's written permission".

JULIA GENTLEMAN

S-5952

1 Amend House File 2564, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 19, by inserting after line 33 the
4 following:
5 "Sec. 100. NEW SECTION. 125.32A DISCRIMINATION
6 PROHIBITED.
7 Any substance abuse treatment program receiving
8 state funding under this chapter or any other chapter

9 of the Code shall not discriminate against persons
 10 seeking treatment because those persons are pregnant,
 11 unless the program in each instance identifies and
 12 refers the persons to an alternative and acceptable
 13 treatment program for the person.”

14 2. Page 24, by inserting after line 8 the fol-
 15 lowing:

16 “Sec. ____ . Section 100 of this Act takes effect
 17 January 1, 1992.”

18 3. Title page, line 4, by inserting after the
 19 word “penalties” the following: “and an effective
 20 date”.

21 4. By renumbering as necessary.

CHARLES BRUNER

S-5953

1 Amend the House amendment, S-5945, to Senate File
 2 514, as amended, passed, and reprinted by the Senate,
 3 as follows:

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

6 “Sec. ____ . Section 422.45, subsection 7, Code
 7 Supplement 1989, is amended to read as follows:

8 7. A private nonprofit educational institution or
 9 nonprofit corporation under subsection 22 in this
 10 state or a tax-certifying or tax-levying body or
 11 governmental subdivision of the state, including the
 12 state board of regents, state department of human
 13 services, state department of transportation, a
 14 municipally owned solid waste facility which sells all
 15 or part of its processed waste as fuel to a
 16 municipally owned public utility, and all divisions,
 17 boards, commissions, agencies, or instrumentalities of
 18 state, federal, county, or municipal government which
 19 do not have earnings going to the benefit of an equity
 20 investor or stockholder, may make application to the
 21 department for the refund of the sales, services, or
 22 use tax upon the gross receipts of all sales of goods,
 23 wares or, and merchandise, or and from services
 24 rendered, furnished, or performed, to a contractor,
 25 used in the fulfillment of a written contract with the
 26 state of Iowa, any political subdivision of the state,
 27 or a division, board, commission, agency, or
 28 instrumentality of the state or a political
 29 subdivision, or a private nonprofit educational
 30 institution or nonprofit corporation under subsection
 31 22 in this state, if the property becomes an integral

32 part of the project under contract and at the
 33 completion of the project becomes public property or
 34 property of a nonprofit corporation under subsection
 35 22, or is devoted to educational uses; except goods,
 36 wares ~~or~~, and merchandise ~~or~~ and services rendered,
 37 furnished, or ~~performed~~ used in the performance of ~~any~~
 38 a contract in connection with the operation of ~~any a~~
 39 municipal utility engaged in selling gas, electricity,
 40 or heat to the general public; and except goods,
 41 wares, and merchandise used in the performance of a
 42 contract for a "project" under chapter 419 as defined
 43 in that chapter other than goods, wares ~~or~~, and
 44 merchandise used in the performance of a contract for
 45 a "project" under chapter 419 for which a bond issue
 46 was ~~or will have been~~ approved by a municipality prior
 47 to July 1, 1968, or for which the goods, wares, or
 48 merchandise becomes an integral part of the project
 49 under contract and at the completion of the project
 50 becomes public property or property of a nonprofit

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1 corporation under subsection 22, or is devoted to
 2 educational uses.
 3 a. ~~Such The~~ contractor shall state under oath, on
 4 forms provided by the department, the amount of such
 5 sales of goods, wares, ~~or and~~ merchandise ~~or and~~
 6 services rendered, furnished, or performed, ~~and~~ used
 7 in the performance of ~~such the~~ contract, and upon
 8 which sales, ~~services~~, or use tax has been paid, and
 9 shall file ~~such the~~ forms with the governmental unit
 10 or private nonprofit educational institution or
 11 nonprofit corporation under subsection 22 which has
 12 made ~~any a~~ written contract for performance by ~~said~~
 13 ~~the~~ contractor. ~~Such The~~ forms shall be filed by the
 14 contractor with the governmental unit or educational
 15 institution or nonprofit corporation under subsection
 16 22 before final settlement is made.
 17 b. ~~Such The~~ governmental unit or educational
 18 institution or nonprofit corporation under subsection
 19 22 shall, not more than six months after the final
 20 settlement has been made, make application to the
 21 department for ~~any a~~ refund of the amount of ~~such~~
 22 sales, ~~services~~, or use tax which ~~shall have has~~ been
 23 paid upon ~~any~~ goods, wares, ~~or and~~ merchandise, ~~or and~~
 24 services rendered, furnished, or performed, ~~such the~~
 25 application to be made in the manner and upon forms to
 26 be provided by the department, and the department
 27 shall forthwith audit ~~such the~~ claim and, if approved,

28 issue a warrant to ~~such~~ the governmental unit or
 29 educational institution or nonprofit corporation under
 30 subsection 22 in the amount of ~~such the~~ sales,
 31 services, or use tax which has been paid to the state
 32 of Iowa under ~~such the~~ contract.
 33 c. ~~Any A~~ contractor who ~~shall~~ willfully ~~make~~ makes
 34 a false report of tax paid under the provisions of
 35 this subsection ~~shall be is~~ guilty of a simple
 36 misdemeanor and in addition ~~thereto shall be is~~ liable
 37 for the payment of the tax with penalty and interest
 38 thereon."
 39 2. Page 1, by inserting after line 32 the fol-
 40 lowing:
 41 " ____ . Title page, line 1, by striking the word
 42 "for" and inserting the following: "and refund for
 43 certain nonprofit corporations and"."

WILLIAM W. DIELEMAN

S-5954

1 Amend the amendment, S-5933, to House File 2564, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 3, line 35, through page 4,
 5 line 13, and inserting the following:
 6 " ____ . Page 7, line 21, by striking the figure
 7 "197,000" and inserting the following: "147,000".
 8 ____ . Page 8, by inserting after line 22 the
 9 following:
 10 "For the prosecuting attorney training program:
 11 \$ 50,000."
 12 2. Renumber as necessary.

CALVIN HULTMAN

S-5955

1 Amend the House amendment, S-5915, to Senate File
 2 2153, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 15, by inserting after line 21 the
 5 following:
 6 " ____ . Page 17, by inserting before line 15 the
 7 following:
 8 "Sec. ____ . Section 455D.9, subsection 1, Code
 9 Supplement 1989, is amended to read as follows:
 10 1. Beginning January 1, 1991, land disposal of

11 yard waste as defined by the department is prohibited.
 12 However, yard waste which has been separated at its
 13 source or its destination from other solid waste may
 14 be accepted by a sanitary landfill for the purposes of
 15 soil conditioning or composting.””
 16 2. By renumbering sections as required.

RAY TAYLOR

S-5956

1 Amend the House amendment, S-5915, to Senate File
 2 2153, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 34 through 44.
 5 2. Page 9, by striking lines 23 through 50.
 6 3. Page 11, by striking lines 25 through 42.
 7 4. Page 24, by striking lines 28 through 31.

PAUL D. PATE

S-5957

1 Amend amendment, S-5774, to House File 2412, as
 2 passed by the House, as follows:
 3 1. Page 1, by striking lines 1 through 7 and
 4 inserting the following:
 5 “Amend House File 2412, as passed by the House, as
 6 follows:
 7 — . Page 1, by striking lines 7 through 9, and
 8 inserting the following: “offense. However,
 9 notwithstanding section 364.3, a municipal infraction
 10 which arises from noncompliance with a pretreatment
 11 standard or requirement, referred to in 40 C.F.R. §”.
 12 2. Page 1, by striking lines 10 through 24, and
 13 inserting the following: “more than one thousand
 14 dollars for each day a violation exists or continues.
 15 A city may classify a municipal infraction, other
 16 than a violation arising from noncompliance with a
 17 pretreatment standard or requirement, as an
 18 environmental violation if the infraction is a
 19 violation of chapter 455B or a violation of a standard
 20 established by the city in consultation with the
 21 department of natural resources, or both. An
 22 ordinance, the violation of which is classified as an
 23 environmental violation, shall not exceed the most
 24 stringent standard or requirement contained in a
 25 statute regulating conduct which is the subject of the

26 environmental violation. The environmental violation
27 shall not be based on a departmental rule. The
28 environmental violation shall not regulate the
29 discharge of residue from grain created by handling or
30 drying of grain from September 15 to January 15. A
31 municipal infraction which is classified an
32 environmental violation is punishable by a civil
33 penalty of not more than one thousand dollars for each
34 occurrence. A person committing an environmental
35 violation is not subject to a civil penalty, if all of
36 the following conditions are satisfied.”

PAUL PATE

S-5958

1 Amend the amendment, S-5933, to House File 2564, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 15, by inserting after line 8, the
5 following:

6 “Sec. ____ . Section 911.2, Code 1989, is amended to
7 read as follows:

8 911.2 SURCHARGE.

9 When a court imposes a fine or forfeiture for a
10 violation of a state law, or of a city or county
11 ordinance except an ordinance regulating the parking
12 of motor vehicles, the court shall assess an
13 additional penalty in the form of a surcharge equal to
14 ~~fifteen~~ twenty percent of the fine or forfeiture
15 imposed. In the event of multiple offenses, the
16 surcharge shall be based upon the total amount of
17 fines or forfeitures imposed for all offenses. When a
18 fine or forfeiture is suspended in whole or in part,
19 the surcharge shall be reduced in proportion to the
20 amount suspended.

21 The surcharge is subject to the provisions of
22 chapter 909 governing the payment and collection of
23 fines, as provided in section 909.8.

24 Sec. ____ . Section 911.3, Code 1989, is amended to
25 read as follows:

26 911.3 DISPOSITION OF SURCHARGE.

27 When a court assesses a surcharge under section
28 911.2, the clerk of the district court shall transmit
29 ~~ninety~~ twenty-five percent of the surcharge collected
30 to the treasurer of state to be deposited pursuant to
31 section 321J.17. Ninety percent of the remainder of
32 the surcharge collected shall be transmitted to the
33 treasurer of state by the fifteenth day of the

34 following month. The treasurer of state shall deposit
 35 one third of ~~the that~~ money in the law enforcement
 36 training reimbursement fund established under section
 37 384.15 and the remaining two thirds of ~~the that~~ money
 38 in the general fund of the state. The clerk of the
 39 district court shall transmit ten percent of the
 40 remainder of the surcharge to the county treasurer or
 41 shall remit ten percent of the remainder of the
 42 surcharge to the city that was the plaintiff in any
 43 action for deposit in the general fund of the city.
 44 Sec. ____ . Section 912.2A, subsection 1, Code
 45 Supplement 1989, is amended to read as follows:
 46 1. A crime victim assistance board is established,
 47 and shall consist of the following members to be
 48 appointed pursuant to rules adopted by the department:
 49 a. A county attorney or assistant county attorney.
 50 b. ~~A person~~ Two persons engaged full time in law

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1 enforcement.
 2 c. A public defender or an attorney practicing
 3 primarily in criminal defense.
 4 d. A hospital medical staff person involved with
 5 emergency services.
 6 e. A public member who has received victim
 7 services.
 8 f. A victim service provider.
 9 g. A person licensed pursuant to chapter 154B or
 10 154C.
 11 h. A person representing the elderly.
 12 Board members shall be reimbursed for expenses
 13 actually and necessarily incurred in the discharge of
 14 their duties."
 15 2. Renumber as necessary.

JOE WELSH

HOUSE AMENDMENT TO
SENATE FILE 2416

S-5959

1 Amend Senate File 2416, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "sale." the following: "The delinquent tax lien
 5 expires when the tax sale certificate expires."

- 6 2. Page 1, line 27, by inserting after the word
- 7 "sale." the following: "The delinquent tax lien
- 8 expires when the tax sale certificate expires."
- 9 3. Page 2, by striking lines 6 through 15.
- 10 4. Title page, line 1, by inserting after the
- 11 word "transfer" the following: "and expiration".

HOUSE AMENDMENT TO
SENATE FILE 2230

S-5960

- 1 Amend Senate File 2230, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "field." the following: "The membership of the board
- 5 shall be gender balanced in accordance with section
- 6 69.16A."

S-5961

- 1 Amend the amendment, S-5933, to House File 2564, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 3, line 35, through page 4,
- 5 line 7, and inserting the following:
- 6 " . . . Page 7, line 21, by striking the figure
- 7 "197,000" and inserting the following: "73,500".
- 8 " . . . Page 8, by inserting after line 22, the
- 9 following:
- 10 "4. For the prosecuting attorney training program:
- 11 \$ 73,500
- 12 5. For reimbursement payments to law enforcement".
- 13 2. Page 4, line 12, by striking the figure "5."
- 14 and inserting the following: "6.".
- 15 3. Renumber as necessary.

CALVIN O. HULTMAN
RICHARD VARN

S—5962

- 1 Amend House File 2235, 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 601K.91, Code 1989, is amended

6 by adding the following new subsection 1, and
7 renumbering subsequent subsections:
8 NEW SUBSECTION. 1. "Commission" means the
9 commission on community action agencies."
10 2. Page 1, by striking lines 1 through 5, and
11 inserting the following:
12 "Sec. ____ . Section 601K.92, Code 1989, is amended
13 to read as follows:
14 601K.92 DIRECTOR ADMINISTRATOR DUTIES.
15 The administrator shall:
16 1. Administer the division.
17 2. Implement programs required in the division.
18 ~~3. Adopt rules pursuant to chapter 17A to~~
19 ~~administer the division.~~
20 4 3. Issue an annual report to the governor and
21 general assembly ~~on January 15 of each year regarding~~
22 the community action programs conducted within the
23 state.
24 Sec. ____ . NEW SECTION. 601K.92A COMMISSION
25 ESTABLISHED.
26 1. The commission on community action agencies is
27 created, composed of nine members appointed by the
28 governor, subject to confirmation by the Senate. The
29 membership of the commission shall reflect the
30 composition of local community action agency boards as
31 follows:
32 a. One-third of the members shall be elected
33 officials.
34 b. One-third of the members shall be
35 representatives of business, industry, labor,
36 religious, welfare, and educational organizations, or
37 other major interest groups.
38 c. One-third of the members shall be persons who,
39 according to federal guidelines, have incomes at or
40 below poverty level.
41 2. Commission members shall serve three-year terms
42 which shall begin and end pursuant to section 69.19.
43 Vacancies on the commission shall be filled for the
44 remainder of the term of the original appointment.
45 Members whose terms expire may be reappointed.
46 Members of the commission shall receive actual
47 expenses for their services. Members may also be
48 eligible to receive compensation as provided in
49 section 7E.6. The membership of the commission shall
50 also comply with the political party affiliation and

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1 gender balance requirements of sections 69.16 and
2 69.16A.

3 3. The commission shall select from its membership
 4 a chairperson and other officers as it deems
 5 necessary. A majority of the members of the
 6 commission shall constitute a quorum.

7 Sec. ____ NEW SECTION. 601K.92B DUTIES OF THE
 8 COMMISSION.

9 The commission shall:

10 1. Meet at least quarterly to review the progress
 11 of programs of the division.

12 2. Adopt rules pursuant to chapter 17A as it deems
 13 necessary for the commission and division, including
 14 rules concerning programs and policies for all bureaus
 15 of the division.

16 3. Supervise the collection of data relative to
 17 the scope of services provided by the community action
 18 agencies.

19 4. Recommend legislation to the governor and the
 20 general assembly designed to improve the status of
 21 low-income persons in the state."

22 3. Page 1, by inserting after line 27 the
 23 following:

24 "Sec. ____ CONTINGENCY -- CREATION OF COMMISSION
 25 ON COMMUNITY ACTION AGENCIES.

26 If the commission on community action agencies is
 27 established, the provisions of 1990 Iowa Acts, House
 28 File 2294, creating the affordable heating program
 29 advisory council, shall not be implemented."

BEVERLY A. HANNON
 JULIA GENTLEMAN

S-5963

1 Amend House File 2564, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 19, by inserting after line 33 the
 4 following:

5 "Sec. 100. NEW SECTION. 125.32A DISCRIMINATION
 6 PROHIBITED.

7 Any substance abuse treatment program receiving
 8 state funding under this chapter or any other chapter
 9 of the Code shall not discriminate against a person
 10 seeking treatment solely because the person is
 11 pregnant, unless the program in each instance
 12 identifies and refers the person to an alternative and
 13 acceptable treatment program for the person."

14 2. Page 24, by inserting after line 8 the fol-
 15 lowing:

16 "Sec. ____ . Section 100 of this Act takes effect

17 January 1, 1992.”

18 3. Title page, line 4, by inserting after the
19 word “penalties” the following: “and an effective
20 date”.

21 4. By renumbering as necessary.

CHARLES BRUNER

S-5964

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, line 10, by inserting after the word
5 “dollars.” the following: “Moneys that would be
6 allotted under this paragraph but are in excess of
7 twenty-five million dollars shall be allotted to the
8 other accounts on a pro rata basis.”

9 2. Page 2, line 11, by striking the word
10 “eighteen” and inserting the following: “nineteen and
11 five-tenths”.

12 3. Page 2, line 13, by striking the word “six”
13 and inserting the following: “eight”.

14 4. Page 2, line 15, by striking the word “eight”
15 and inserting the following: “ten”.

16 5. Page 2, by striking lines 17 through 24.

17 6. By striking page 5, line 28 through page 7,
18 line 3.

19 7. Page 7, line 5, by striking the word and
20 figures “4, and 5” and inserting the following: “and
21 4”.

PAUL D. PATE

S-5965

1 Amend Senate File 2433 as follows:

2 1. Page 10, by inserting after line 25, the
3 following:

4 “Sec. ____ . Section 99E.32, subsection 5, paragraph
5 p, Code Supplement 1989, is amended to read as
6 follows:

7 p. There is appropriated from the allotment to the
8 jobs now capitals account under subsection 1 for the
9 fiscal year beginning July 1, 1989, to the Iowa state
10 fair board the sum of ~~four~~ five hundred thousand
11 dollars to provide facilities to house booths,
12 displays, and other promotional activities for local

- 13 tourism groups and organizations.”
 14 2. By renumbering as necessary.

LEONARD L. BOSWELL

S-5966

- 1 Amend the amendment, S-5920, to House File 2268, as
 2 amended and passed by the House, as follows:
 3 1. Page 1, by inserting after line 2, the
 4 following:
 5 “____. Page 1, by inserting before line 1, the
 6 following:
 7 “Section 1. **NEW SECTION. 147A.14B SEXUAL**
 8 **EXPLOITATION OF A PATIENT OR CLIENT.**
 9 The examining boards which provide for the
 10 examination of applicants for licenses to practice the
 11 professions for which licenses are required pursuant
 12 to chapter 154B or 154D, shall adopt rules providing
 13 for the suspension or revocation of the license of a
 14 licensee found to have engaged in the sexual ex-
 15 ploitation of a client or patient.”
 16 ____ . Page 1, by inserting after line 20 the
 17 following:
 18 “Sec. ____ . **NEW SECTION. 668.16 DAMAGES RESULTING**
 19 **FROM SEXUAL EXPLOITATION.**
 20 In a civil action alleging conduct which
 21 constitutes sexual exploitation, as defined in section
 22 709.15, and upon a showing by a preponderance of the
 23 evidence that an act of sexual exploitation has
 24 occurred involving the plaintiff, the defendant shall
 25 have the burden of proof to show that the plaintiff
 26 was not emotionally dependent.””
 27 2. Page 1, by striking lines 4 through 15 and
 28 inserting the following:
 29 “Sec. ____ . **NEW SECTION. 709.15 SEXUAL**”.
 30 3. Page 1, by striking lines 39 and 40, and
 31 inserting the following: “within six months of the
 32 violation or who after six months from the termination
 33 of treatment remains”.
 34 4. Page 2, line 15, by striking the words “class
 35 “D” felony” and inserting the following: “serious
 36 misdemeanor”.
 37 5. Page 2, line 17, by striking the words “a
 38 class “C” felony” and inserting the following: “an

39 aggravated misdemeanor".
40 6. Renumber as necessary.

TOM MANN, Jr.

S-5967

1 Amend the House amendment, S-5915, to Senate File
2 2153 as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "Sec. — . NEW SECTION. 2.34 PURCHASE OF
7 RECYCLED PRODUCTS.

8 It shall be the policy of the general assembly to
9 procure and purchase recycled products and to recycle
10 products used in the operation of the general assembly
11 under the following guidelines:

12 1. "Recycled paper product" means a paper product
13 containing at least the minimum percentage of waste
14 paper or post consumer recovered material as
15 recommended by the United States environmental
16 protection agency guideline for recovered materials
17 content in paper products procured by the federal
18 government in effect as of January 1, 1988.

19 2. Recycled paper products shall include, but are
20 not limited to the following:

21 a. All grades and types of xerographic or copy
22 paper.

23 b. Newsprint.

24 c. All grades and types of printing and writing
25 paper.

26 d. Corrugated boxes and fiberboard boxes.

27 e. Folding boxboard and cartons.

28 f. Stationary, office papers, including but not
29 limited to memo pads and scratch pads.

30 g. Envelopes.

31 h. Manifold business forms, including computer
32 paper.

33 i. Toilet tissue, paper towels, facial tissue,
34 paper napkins, doilies, and industrial wipes.

35 j. Brown papers and coarse papers.

36 3. To the extent permitted by state law,
37 preference shall be given to purchase of recycled
38 products provided those products are available through
39 reasonable, good faith efforts to procure such
40 products.

41 4. The general assembly shall require the supplier
42 of any recycled paper product purchased to provide a
43 letter of assurance from the mill manufacturing such
44 paper which verifies that the paper products sold to
45 the general assembly comply with the content standards

46 of subsection 1.

47 5. With respect to products other than paper
48 products, the general assembly shall give preference
49 to purchase of recyclable products and products made
50 in whole or in part from recycled products whenever

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1 such products can be obtained at prices equal to
2 nonrecycled or nonrecyclable products.

3 6. The general assembly shall also implement
4 reasonable means to recycle those products that are
5 recyclable after their use in legislative operations.

6 7. The legislative council shall implement these
7 policies for central agencies within the legislative
8 branch that acquire products serving both houses of
9 the general assembly, and the presiding officers shall
10 implement similar policies in each house."

11 2. Page 23, by inserting after line 8, the
12 following:

13 "Sec. ____.

14 Supplies of paper products currently in the general
15 assembly inventory, or any items on order or
16 contracted for, may be used until they are exhausted,
17 and any additional supplies required to complete the
18 business of the Seventy-third General Assembly where
19 uniformity of style and format are necessary may be
20 procured regardless of the products' material content
21 or recyclability."

22 3. By renumbering as necessary.

PAUL D. PATE

S-5968

1 Amend House File 2294, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 5, line 6, by striking the word "state".

MICHAEL E. GRONSTAL

S-5969

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 8, by striking lines 23 and 24.

5 2. Page 9, line 15, by striking the words "a per
6 diem of forty dollars and".

PAUL D. PATE

S-5970

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 11, line 46 through page 12,
5 line 10.

PAUL D. PATE

S-5971

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 11, by striking lines 14 through 24.
5 2. Page 24, lines 37 and 38, by striking the
6 words "for city storm water drainage systems,".

PAUL D. PATE

S-5972

1 Amend House File 29, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 8 by striking the words "good
4 conscience due to an individual" and inserting the
5 following: "the claimant has failed to act in good
6 faith in".
7 2. Page 1, line 16, by striking the word
8 "uncollectible" and inserting the following: "not
9 reasonably collectible".

TOM MANN, Jr.

S-5973

1 Amend the amendment, S-5451, to House File 2495, as
2 passed by the House, as follows:
3 1. Page 1, by striking lines 3 through 12 and
4 inserting the following:
5 "____. Page 2, by inserting after line 20 the

6 following:

7 "Sec. ____ . NEW SECTION. 384.84A SPECIAL
8 ELECTION.

9 1. The governing body of a city may institute
10 proceedings to issue revenue bonds for storm water
11 drainage construction projects under section 384.84,
12 subsection 1, by causing notice of the proposed
13 project, with a description of the proposed project
14 and a description of the formula for the determination
15 of the rate or rates applied to users for payment of
16 the bonds, and a description of the bonds and maximum
17 rate of interest and the right to petition for an
18 election if the project meets the requirement of
19 subsection 2, to be published at least once in a
20 newspaper of general circulation within the city at
21 least thirty days before the meeting at which the
22 governing body proposes to take action to institute
23 proceedings for issuance of revenue bonds for the
24 storm water drainage construction project

25 2. If, before the date fixed for taking action to
26 authorize the issuance of revenue bonds for the storm
27 water drainage construction project, a petition signed
28 by three percent of the qualified electors of the
29 city, asking that the question of issuing revenue
30 bonds for the storm water drainage construction
31 project be submitted to the qualified electors of the
32 city, the council, by resolution, shall declare the
33 project abandoned or shall direct the county
34 commissioner of elections to call a special election
35 upon the question of issuing the bonds for the storm
36 water drainage construction project if the cost of the
37 project and population of the city meet one of the
38 following criteria:

39 a. The project cost is seven hundred fifty
40 thousand dollars or more in a city having a population
41 of five thousand or less.

42 b. The project cost is one million five hundred
43 thousand dollars or more in a city having a population
44 of more than five thousand but not more than seventy-
45 five thousand.

46 c. The project cost is two million dollars or more
47 in a city having a population of more than seventy-
48 five thousand.

49 3. The proposition of issuing revenue bonds for a
50 storm water drainage construction project under this

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1 section is not approved unless the vote in favor of
2 the proposition is equal to a majority of the votes

3 cast on the proposition.
 4 4. If a petition is not filed, or if a petition is
 5 filed and the proposition is approved at an election,
 6 the council may issue the revenue bonds.
 7 5. If a city is required by the federal
 8 environmental protection agency to file application
 9 for storm water sewer discharge or storm water
 10 drainage system under the federal Clean Water Act of
 11 1987, this section does not apply to that city with
 12 respect to improvements and facilities required for
 13 compliance with EPA regulations, or any city that
 14 enters into a chapter 28E agreement to implement a
 15 joint storm water discharge or drainage system with a
 16 city that is required by the federal environmental
 17 protection agency to file application for storm water
 18 discharge or storm water drainage system.””

EMIL J. HUSAK
 ELAINE SZYMONIAK
 WILLIAM D. PALMER
 GEORGE R. KINLEY
 LARRY MURPHY

S-5974

1 Amend the amendment, S-5936, to House File 2048, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 6 through 34.

WILLIAM D. PALMER

S-5975

1 Amend House File 2048 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by striking lines 13 through 15, and
 4 inserting the following:
 5 “a. Possesses a doctoral degree in marital and
 6 family therapy from a program which is accredited by
 7 the commission on accreditation for marriage and
 8 family therapy education or from a regionally
 9 accredited educational institution with an equivalent
 10 course of study as defined by the commission on
 11 accreditation for marriage and family therapy
 12 education and which is accredited by an accreditation
 13 body recognized by the council on postsecondary
 14 accreditation and the United States department of

15 education.”

16 2. Page 4, by striking lines 26 through 28, and

17 inserting the following:

18 “a. Possesses a doctoral degree in mental health

19 counseling from a program accredited by an

20 accreditation body recognized by the council on

21 postsecondary accreditation and the United States

22 department of education.”

WILLIAM D. PALMER

S-5976

1 Amend the amendment, S-5936, to House File 2048, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking lines 6 through 34.

5 2. Page 1, line 37, by striking the word “The”

6 and inserting the following:

7 “1. The”.

8 3. Page 1, by inserting after line 43, the

9 following:

10 “2. A person who practices a profession for which

11 licensure is provided pursuant to chapter 154B or

12 154D, whether or not the person is currently licensed

13 or is exempt from licensure, and who sexually exploits

14 a client or patient, is subject to a civil penalty of

15 not more than ten thousand dollars.

16 3. A person who practices a profession for which

17 licensure is provided pursuant to chapter 154B or

18 154D, whether or not the person is currently licensed

19 or is exempt from licensure, may be restrained by

20 permanent injunction from practicing these professions

21 upon a finding that the person has sexually exploited

22 a patient or client.”

RICHARD VARN

S-5977

1 Amend House File 29, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 3 through 19 and

4 inserting the following:

5 “7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an

6 individual receives benefits for which the individual

7 is subsequently determined to be ineligible, even

8 though the individual acts in good faith and is not

9 otherwise at fault, the benefits shall be recovered
 10 unless the subsequent determination of ineligibility
 11 is a direct and proximate result of a substantive
 12 change in the law under which the individual was
 13 initially determined to be eligible. The division of
 14 job service in its discretion may recover the
 15 overpayment of benefits either by having a sum equal
 16 to the overpayment deducted from any future benefits
 17 payable to the individual or by having the individual
 18 pay to the division a sum equal to the overpayment.
 19 For benefits required to be recovered, the division
 20 shall file a lien with the county recorder in favor of
 21 the state on the individual's wages earned within five
 22 years of the date of the overpayment decision. The
 23 lien shall have the force and effect of a judgment and
 24 may be enforced as provided in chapter 626 or
 25 collected in a manner similar to the manner provided
 26 for the collection of past due contributions in
 27 section 96.14, subsection 3. However, the division
 28 may determine to purge from its records any remaining
 29 unpaid balance of an outstanding overpayment which is
 30 uncollected for five years or more from the date of
 31 the overpayment decision."

RICHARD J. VARN
 CALVIN O. HULTMAN

S-5978

1 Amend the amendment, S-5936, to House File 2048, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking lines 14 and 15, and
 5 inserting the following:
 6 " ____ . Page 8, by inserting after line 8 the
 7 following:
 8 "Sec. ____ . NEW SECTION. 668.16 DAMAGES RESULTING
 9 FROM SEXUAL EXPLOITATION.
 10 In a civil action alleging conduct which
 11 constitutes sexual exploitation, as defined in section
 12 709.15, and upon a showing by a preponderance of the
 13 evidence that an act of sexual exploitation has
 14 occurred involving the plaintiff, the defendant shall
 15 have the burden of proof to show that the plaintiff
 16 was not emotionally dependent."
 17 ____ . Page 8, by striking lines 24 and 25 and
 18 inserting the following: "or condition from a
 19 counselor or therapist within six months of the
 20 violation or who after six months from the termination

21 of".

22 —. Page 9, lines 20 and 21, by striking the
23 words "class "D" felony" and inserting the following:
24 "serious misdemeanor".

25 —. Page 9, lines 22 and 23, by striking the
26 words "a class "C" felony" and inserting the
27 following: "an aggravated misdemeanor".

28 2. Renumber as necessary.

TOM MANN, Jr.
JAMES R. RIORDAN

S-5979

1 Amend House File 29, 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 96.3, subsection 7, Code 1989,
6 is amended to read as follows:

7 7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an
8 individual receives benefits for which the individual
9 is subsequently determined to be ineligible, ~~even~~
10 ~~though the individual acts in good faith and is not~~
11 ~~otherwise at fault~~, the benefits shall be recovered
12 ~~unless the recovery is against equity or or will cause~~
13 ~~undue hardship to an individual receiving benefits for~~
14 ~~which the individual acts in good faith and is not~~
15 ~~otherwise at fault. The For benefits required to be~~
16 ~~recovered, the division of job service~~ in its
17 discretion may recover the overpayment of benefits
18 either by having a sum equal to the overpayment
19 deducted from ~~any~~ future benefits payable to the
20 individual or by having the individual pay to the
21 division a sum equal to the overpayment; ~~however, the~~
22 ~~division may determine as not reasonably collectible~~
23 ~~and purge from its records any remaining unpaid~~
24 ~~balance of an outstanding overpayment which is three~~
25 ~~years or older from the date of the overpayment~~
26 ~~decision.~~

27 If the division determines that an overpayment has
28 been made, ~~the charge for the overpayment against~~ the
29 employer's account shall be ~~removed~~ relieved of the
30 charge for the overpayment and ~~the account shall be~~
31 ~~credited with an amount equal to the overpayment from~~
32 ~~shall be charged against~~ the unemployment compensation
33 trust fund.

34 Sec. 2. Section 96.11, subsection 13, Code 1989,
35 is amended by striking the subsection."

THOMAS MANN Jr.

S-5980

1 Amend Senate File 2433 as follows:
2 1. Page 10, by inserting after line 25, the
3 following:
4 "Sec. ____ . Section 99E.32, subsection 5, paragraph
5 p, Code Supplement 1989, is amended to read as
6 follows:
7 p. There is appropriated from the allotment to the
8 jobs now capitals account under subsection 1 for the
9 fiscal year beginning July 1, 1989, to the Iowa state
10 fair board the sum of ~~four~~ five hundred thousand
11 dollars to provide facilities to house booths,
12 displays, and other promotional activities for local
13 tourism groups and organizations."
14 2. Page 11, by striking lines 22 through 25.
15 3. By renumbering as necessary.

LEONARD L. BOSWELL

S-5981

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 10, by striking line 1 through page 11,
5 line 13.

JOHN P. KIBBIE
H. KAY HEDGE
KENNETH D. SCOTT
ALVIN V. MILLER
RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 2049

S-5982

1 Amend Senate File 2049, 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. 135.23 LICENSURE OF
6 BLOOD COLLECTION, BLOOD PROCESSING, OR PLASMAPHERESIS
7 CENTERS.

8 A person shall not establish, conduct, manage, or
9 operate a blood collection, blood processing, or
10 plasmapheresis center without obtaining a license from
11 the department. To obtain an Iowa license, a blood
12 collection, blood processing, or plasmapheresis center
13 shall provide verification of current licensure or
14 proper registration with the United States food and
15 drug administration and shall comply with all
16 applicable federal regulations. Each blood
17 collection, blood processing, or plasmapheresis center
18 shall submit to the department, on an ongoing basis,
19 copies of the center's most recent proficiency testing
20 results and on-site inspection reports required for
21 licensure, registration, or accreditation with the
22 United States food and drug administration, the
23 American association of blood banks, the centers for
24 disease control of the United States department of
25 health and human services, the college of American
26 pathologists, or the joint commission on accreditation
27 of health care organizations. The purpose of the
28 reports is to ensure compliance with the federal
29 licensure, registration, or accreditation
30 requirements. The department shall provide technical
31 assistance to blood collection, blood processing, and
32 plasmapheresis centers to ensure compliance with the
33 requirements of the organizations named pursuant to
34 this section. The department may assess an annual
35 licensing fee of no more than one hundred dollars.
36 Sec. ____ . Section 1 of this Act is repealed July
37 1, 1991."

38 2. Title page, by striking lines 1 through 5, and
39 inserting the following: "An Act relating to the
40 licensing of blood collection, blood processing, and
41 plasmapheresis centers, and providing for a repeal."

HOUSE AMENDMENT TO
SENATE FILE 2093

S-5983

1 Amend Senate File 2093, 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.

6 1. Notwithstanding section 123.24, subsection 4,
7 the administrator of the alcoholic beverages division
8 of the department of commerce shall select not more
9 than the top two selling products by case sales in the
10 one and three-fourths liter size in the categories of
11 blended whiskey, straight bourbon whiskey, scotch
12 whiskey, Canadian whiskey, Tennessee whiskey, eighty
13 proof domestic vodka, and domestic gin if those
14 products selected sold more than two thousand cases
15 annually for the twelve-month period ending January
16 31, 1990, to be sold to class "E" liquor control
17 licensees with a markup of forty percent of the
18 wholesale price paid by the division for the alcoholic
19 liquor.

20 2. The administrator shall also select not more
21 than the top two selling products by case sales in the
22 seven hundred fifty milliliter size in all remaining
23 categories providing those products selected sold more
24 than two thousand cases annually for the twelve-month
25 period ending January 31, 1990, to be sold to class
26 "E" liquor control licensees with a markup of forty
27 percent of the wholesale price paid by the division
28 for the alcoholic liquor.

29 3. A company shall not have more than one product
30 selected in a category. If the top two selling
31 products in a category are sold by the same company,
32 the administrator shall select the next highest
33 selling product in the category which is not sold by
34 that company, if the next highest selling product
35 selected sold more than two thousand cases annually
36 for the twelve-month period ending January 31, 1990.

37 4. The division shall study the results of the
38 markup reduction on the volume of sales of the
39 selected products compared to the volume of sales of
40 the preceding year and compared to other competitive
41 products not selected for the price reduction. The
42 administrator shall report the division's findings to
43 the president or presiding officer of the senate and
44 speaker of the house of representatives of this state
45 by February 15, 1991.

46 5. This section is repealed effective June 30,
47 1991."

48 2. Title page, line 2, by inserting after the
49 word "sales" the following: "and provide a date of
50 repeal".

S-5984

- 1 Amend Senate File 2434 as follows:
 2 1. Page 2, by inserting after line 25, the
 3 following:
 4 "Sec. ____ . 1990 Iowa Acts, House File 685, is
 5 amended by adding the following new section:
 6 NEW SECTION. 524.1852A PROHIBITED ACQUISITIONS.
 7 Unless expressly authorized by federal law in the
 8 absence of the enactment of this division, a foreign
 9 bank, as defined in 12 U.S.C. § 3101, or an out-of-
 10 state bank holding company that is directly or
 11 indirectly owned or controlled by a foreign bank shall
 12 not make any type of acquisition described or referred
 13 to in section 524.1852, and shall divest itself of any
 14 interests acquired in violation of this section. The
 15 superintendent may prosecute any action or proceeding
 16 necessary to compel compliance with this section."
 17 2. By renumbering and correcting references as
 18 necessary.

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chair

S-5985

- 1 Amend Senate File 2433 as follows:
 2 1. Page 12, by striking lines 15 through 21 and
 3 inserting the following: "July 1, 1989, and ending
 4 June 30, 1990. The reallocation made".

RICHARD VANDE HOEF

S-5986

- 1 Amend Senate File 2433 as follows:
 2 1. Page 11, by inserting after line 32 the
 3 following:
 4 "i. To the department of corrections for
 5 completion of the water system renovation at Fort
 6 Madison, the sum of one million five hundred eighty-
 7 one thousand five hundred fifty dollars."

EUGENE FRAISE

HOUSE AMENDMENT TO
 SENATE FILE 2422

S-5987

- 1 Amend Senate File 2422, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 14, by striking the figure
4 "77,300" and inserting the following: "76,100".

5 2. Page 1, line 17, by striking the figure
6 "74,200" and inserting the following: "73,000".

7 3. Page 1, by inserting after line 17 the
8 following:

9 "c. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
10 Salary for the secretary of agriculture:

11 \$ 58,500

12 d. OFFICE OF THE AUDITOR OF STATE

13 Salary for the auditor of state:

14 \$ 58,500

15 e. OFFICE OF THE SECRETARY OF STATE

16 Salary for the secretary of state:

17 \$ 58,500

18 f. OFFICE OF THE TREASURER OF STATE

19 Salary for the treasurer of state:

20 \$ 58,500"

21 4. Page 5, by striking lines 24 through 26 and inserting
22 the following: "commissioner."

23 5. Page 21, line 17, by striking the figure
24 "162,496" and inserting the following: "164,268".

25 6. Page 21, line 19, by striking the figure
26 "16,235" and inserting the following: "27,696".

27 7. Page 21, line 21, by striking the figure
28 "100,077" and inserting the following: "103,505".

29 8. Page 21, line 24, by striking the figure
30 "48,341" and inserting the following: "80,499".

31 9. Page 21, line 26, by striking the figure
32 "6,094" and inserting the following: "6,446".

33 10. Page 21, line 28, by striking the figure
34 "115,129" and inserting the following: "99,705".

35 11. Page 22, by inserting after line 7 the
36 following:

37 "It is the intent of the general assembly to fund
38 critical unmet needs that result from the elimination
39 of the past practice of the state board of regents, of
40 diverting salary adjustment funds to equipment
41 purchases, utility costs, and other nonsalary needs.
42 If after expending all of the salary adjustment funds
43 to increase salaries, the state board of regents have
44 critical unmet needs that the board had planned on
45 meeting with salary adjustment funds, the board shall
46 submit a list of those needs to the education
47 appropriations subcommittees no later than February 1,

48 1991.”

49 12. Page 22, by inserting after line 14 the
50 following:

Page 2

1 “Sec. ____.

2 There is appropriated from the general fund of the
3 state to the state board of regents for the fiscal
4 year beginning July 1, 1990, and ending June 30, 1991,
5 the following amount, or so much thereof as may be
6 necessary, to be used for the purpose designated:

7 To pay the cost of full-year increases for
8 professional and scientific employees at the
9 university of northern Iowa, the school for the deaf,
10 and the Braille and sight-saving school:

11 \$ 208,723”.

12 13. Page 23, by striking lines 26 through 28 and inserting
13 the following: “lieutenant governor shall be paid at an annual
14 salary rate of \$58,500 for the remainder”.

15 14. Page 24, line 25, by striking the word “twenty-six”
16 and inserting the following: “twenty-seven”.

17 15. Page 25, by striking lines 22 through 26 and
18 inserting the following: “the house serving in that
19 capacity. Expense and travel allowances shall be the”.

20 16. Page 25, by striking lines 28 and 29 and
21 inserting the following: “the senate and the majority and”.

22 17. Page 26, by inserting after line 31, the
23 following:

24 “Sec. ____ . Section 28B.4, Code 1989, is amended to
25 read as follows:

26 28B.4 REPORT.

27 The commission shall report to the governor and to
28 the legislature within fifteen days after the
29 convening of each general assembly, and at ~~such~~ other
30 time as it deems appropriate. Its members and the
31 members of all committees which it establishes shall
32 be reimbursed for their travel and other necessary
33 expenses in carrying out their obligations under this
34 chapter and legislative members shall be paid a per
35 diem of ~~forty dollars as specified in section 7E.6~~ for
36 each day in which engaged in the performance of their
37 duties, ~~such~~ the per diem and legislators’ expenses to
38 be paid from funds appropriated by sections 2.10 and
39 2.12. Expenses of administrative officers, state
40 officials, or state employees who are members of the
41 Iowa commission on interstate co-operation or a
42 committee appointed by the commission shall be paid
43 from funds appropriated to the agencies or departments
44 which ~~such~~ persons represent except as may otherwise

45 be provided by the general assembly. Expenses of
46 citizen members who may be appointed to committees of
47 the commission may be paid from funds as authorized by
48 the general assembly. Expenses of the secretary or
49 employees of the secretary and support services in
50 connection with the administration of the commission

Page 3

1 shall be paid from funds appropriated to the
2 legislative service bureau unless otherwise provided
3 by the general assembly. Expenses of commission
4 members shall be paid upon approval of the chairperson
5 or the secretary of the commission.

6 Sec. ____ . Section 42.5, subsection 1, paragraph d,
7 Code 1989, is amended to read as follows:

8 d. Members of the commission shall receive a per
9 diem of ~~forty dollars~~ as specified in section 7E.6,
10 travel expenses at the rate provided by section 79.9,
11 and reimbursement for other necessary expenses
12 incurred in performing their duties under this section
13 and section 42.6. The per diem and expenses shall be
14 paid from funds appropriated by section 2.12.

15 Sec. ____ . Section 56.9, subsection 3, Code 1989,
16 is amended to read as follows:

17 3. Members of the commission shall, while serving
18 on the business of the commission, be entitled to
19 receive a per diem of ~~forty dollars~~ as specified in
20 section 7E.6 and actual and necessary expenses
21 actually incurred in the performance of their duties.

22 Sec. ____ . Section 67.12, Code 1989, is amended to
23 read as follows:

24 67.12 COMPENSATION AND EXPENSES OF COMMISSIONERS.

25 These commissioners shall be paid a ~~forty dollar~~
26 per diem as specified in section 7E.6 and be
27 reimbursed for actual and necessary expenses, which
28 sum shall be paid out of any unappropriated funds in
29 the state treasury.

30 Sec. ____ . Section 68B.10, unnumbered paragraph 2,
31 Code 1989, is amended to read as follows:

32 The two individuals appointed by the chief justice
33 of the supreme court shall receive a per diem of ~~forty~~
34 ~~dollars~~ as specified in section 7E.6 and travel
35 expenses at the same rate as paid members of interim
36 committees for attending meetings of the ethics
37 committee. Members of the general assembly shall
38 receive a per diem of ~~forty dollars~~ as specified in
39 section 7E.6 and travel expenses at the same rate as
40 paid members of interim committees for attending
41 meetings held when the general assembly is not in

42 session. The per diem and expenses shall be paid from
43 funds appropriated by section 2.12.

44 Sec. ____ . Section 80B.8, Code 1989, is amended to
45 read as follows:

46 80B.8 COMPENSATION AND EXPENSES.

47 The members of the council, who are not employees
48 of the state or a political subdivision, shall be paid
49 a ~~forty-dollar~~ per diem as specified in section 7E.6.
50 All members of the council shall be reimbursed for

Page 4

1 necessary and actual expenses incurred in attending
2 meetings and in the performance of their duties. All
3 per diem and expense moneys paid to nonlegislative
4 members shall be paid from funds appropriated to the
5 Iowa law enforcement academy. Legislative members of
6 the council shall receive payment pursuant to section
7 2.10 and section 2.12.

8 Sec. ____ . Section 97B.76, subsection 2, Code 1989,
9 is amended to read as follows:

10 2. The members of the committee shall be
11 reimbursed for actual and necessary expenses incurred
12 in the performance of their duties and shall be paid
13 ~~forty dollars a per diem~~ as specified in section 7E.6
14 for each day in which they engaged in the performance
15 of their duties. However, per diem compensation and
16 expenses shall not be paid when the general assembly
17 is actually in session at the seat of government.
18 Expenses and per diem shall be paid from funds
19 appropriated pursuant to section 2.12.

20 Sec. ____ . Section 103A.14, subsection 5, Code
21 1989, is amended to read as follows:

22 5. Each member of the council shall receive per
23 diem compensation at the rate of ~~forty dollars per day~~
24 as specified in section 7E.6 for each day spent in the
25 performance of the member's duties, but not to exceed
26 twenty-five hundred dollars per year. All members of
27 the council shall receive necessary expenses incurred
28 in the performance of their duties.

29 Sec. ____ . Section 135.62, subsection 2, paragraph
30 c, Code 1989, is amended to read as follows:

31 c. MEETINGS. The council shall hold an
32 organizational meeting in July of each odd-numbered
33 year, or as soon thereafter as the new appointee or
34 appointees are confirmed and have qualified. Other
35 meetings shall be held at least once each month, and
36 may be held more frequently if necessary to enable the
37 council to expeditiously discharge its duties.

38 Meeting dates shall be set upon adjournment or by call

39 of the chairperson upon five days' notice to the other
40 members. Each member of the council shall receive a
41 ~~forty dollar~~ per diem as specified in section 7E.6 and
42 reimbursement for actual expenses while engaged in
43 official duties.

44 Sec. ____ . Section 169.5, subsection 4, Code 1989,
45 is amended to read as follows:

46 4. Members of the board shall, in addition to
47 necessary traveling and other expenses, set their own
48 per diem compensation at a rate not exceeding ~~forty~~
49 ~~dollars per day~~ the per diem specified in section 7E.6
50 for each day actually engaged in the discharge of

Page 5

1 their duties including compensation for the time spent
2 traveling to and from the place of conducting the
3 examination and for a reasonable number of days for
4 the preparation of examination and the reading of
5 papers, in addition to the time actually spent in
6 conducting examinations, within the limits of funds
7 appropriated to the board.

8 Sec. ____ . Section 173.8, Code 1989, is amended to
9 read as follows:

10 173.8 COMPENSATION AND EXPENSES.

11 A member of the board elected at the annual
12 convention shall be paid a ~~forty dollar~~ per diem as
13 specified in section 7E.6 and shall be reimbursed for
14 actual and necessary expenses incurred while engaged
15 in official duties. All per diem and expense moneys
16 paid to a member shall be paid from funds of the state
17 fair board.

18 Sec. ____ . Section 173.12, Code 1989, is amended to
19 read as follows:

20 173.12 SALARY OF TREASURER.

21 The treasurer shall receive such compensation for
22 services as the board may fix, not to exceed five
23 hundred dollars a year, and shall be paid a ~~forty-~~
24 ~~dollar~~ per diem as specified in section 7E.6 and shall
25 be reimbursed for actual and necessary expenses
26 incurred while engaged in official duties.

27 Sec. ____ . Section 175.3, subsection 4, Code 1989,
28 is amended to read as follows:

29 4. The appointed members of the authority are
30 entitled to receive ~~forty dollars a~~ per diem as
31 specified in section 7E.6 for each day spent in
32 performance of duties as members, and shall be
33 reimbursed for all actual and necessary expenses
34 incurred in the performance of duties as members.

35 Sec. ____ . Section 175A.3, subsection 4, Code 1989,

36 is amended to read as follows:

37 4. The members of the authority appointed pursuant
38 to subsection 1 are entitled to receive ~~forty dollars~~
39 a per diem as specified in section 7E.6 for each day
40 spent in performance of duties as members, and shall
41 be reimbursed for all actual and necessary expenses
42 incurred in the performance of duties as members.

43 Sec. ____ . Section 217.4, Code 1989, is amended to
44 read as follows:

45 217.4 MEETINGS OF COUNCIL.

46 The council shall meet at least monthly.

47 Additional meetings shall be called by the chairperson

48 or upon written request of any three members thereof

49 as necessary to carry out the duties of the council.

50 The chairperson shall preside at all meetings or in

Page 6

1 the absence of the chairperson the vice chairperson
2 shall preside. The members of the council shall be
3 paid a per diem ~~of forty dollars per day as specified~~
4 in section 7E.6 and their reasonable and necessary
5 expenses.

6 Sec. ____ . Section 220.2, subsection 1, paragraph
7 c, Code 1989, is amended to read as follows:

8 c. Members of the board are entitled to receive
9 ~~forty dollars a per diem as specified in section 7E.6~~
10 for each day spent in performance of duties as members
11 and shall be reimbursed for all actual and necessary
12 expenses incurred in the performance of duties as
13 members.

14 Sec. ____ . Section 220.2, subsection 4, Code 1989,
15 is amended to read as follows:

16 4. Members of the authority are entitled to
17 receive ~~forty dollars a per diem as specified in~~
18 section 7E.6 for each day spent in performance of
19 duties as members, and shall be reimbursed for all
20 actual and necessary expenses incurred in the
21 performance of duties as members.

22 Sec. ____ . Section 225C.5, subsection 3, Code 1989,
23 is amended to read as follows:

24 3. Members of the commission shall qualify by
25 taking the oath of office prescribed by law for state
26 officers. At its first meeting of each year, the
27 commission shall organize by electing a chairperson
28 and a vice chairperson for terms of one year.
29 Commission members are entitled to ~~forty dollars a per~~
30 diem as specified in section 7E.6 and reimbursement
31 for actual and necessary expenses incurred while
32 engaged in their official duties, to be paid from

33 funds appropriated to the department.

34 Sec. ____ . Section 246.803, subsection 2, Code
35 1989, is amended to read as follows:

36 2. Biennially, the industries board shall organize
37 by election of a chairperson and a vice chairperson,
38 as soon as reasonably possible after the new
39 appointees have been named. Other meetings shall be
40 held at the call of the chairperson or of any three
41 members, as necessary to enable the industries board
42 to discharge its duties. Board members shall be
43 reimbursed for expenses actually and necessarily
44 incurred in the discharge of their duties, and those
45 members not state employees shall also be entitled to
46 ~~forty dollars a~~ per diem as specified in section 7E.6
47 for each day they are so engaged.

48 Sec. ____ . Section 249A.4, subsection 8, unnumbered
49 paragraph 2, Code Supplement 1989, is amended to read
50 as follows:

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1 For each council meeting, other than those held
2 during the time the general assembly is in session,
3 each legislative member of the council shall be
4 reimbursed for actual traveling and other necessary
5 expenses and shall receive a per diem ~~of forty dollars~~
6 as specified in section 7E.6 for each day in
7 attendance, as shall the public representatives,
8 regardless of whether the general assembly is in
9 session.

10 Sec. ____ . Section 249D.13, Code 1989, is amended
11 to read as follows:

12 249D.13 MEETINGS -- OFFICERS.

13 Members of the commission shall elect from the
14 commission's membership a chairperson, and other
15 officers as commission members deem necessary, who
16 shall serve for a period of two years. The commission
17 shall meet at regular intervals at least six times
18 each year and may hold special meetings at the call of
19 the chairperson or at the request of a majority of the
20 commission membership. The commission shall meet at
21 the seat of government or such other place as the
22 commission may designate. Members shall be paid ~~forty~~
23 ~~dollars a~~ per diem as specified in section 7E.6 and
24 shall receive reimbursement for actual expenses for
25 their official duties.

26 Sec. ____ . Section 258A.7, subsection 3, Code 1989,
27 is amended to read as follows:

28 3. Licensees appointed to serve on a hearing panel
29 pursuant to section 258A.6, subsection 2, shall be

30 compensated at the rate of ~~forty dollars~~ specified in
 31 section 7E.6 for each day of actual duty, and shall be
 32 reimbursed for actual expenses reasonably incurred in
 33 the performance of duties.

34 Sec. ____ . Section 261.4, Code 1989, is amended to
 35 read as follows:

36 261.4 FUNDS -- COMPENSATION AND EXPENSES OF
 37 COMMISSION.

38 The director of revenue and finance shall keep an
 39 accounting of all funds received and expended by the
 40 commission. The members of the commission, except
 41 those members who are employees of the state, shall be
 42 paid a ~~forty dollar~~ per diem as specified in section
 43 7E.6 and shall be reimbursed for actual and necessary
 44 expenses. All per diem and expense moneys paid to
 45 nonlegislative members shall be paid from funds
 46 appropriated to the commission. Legislative members
 47 of the commission shall receive payment pursuant to
 48 section 2.10 and section 2.12.

49 Sec. ____ . Section 307B.6, subsection 4, Code 1989,
 50 is amended to read as follows:

Page 8

1 4. Members of the board are entitled to receive
 2 ~~forty dollars a~~ per diem as specified in section 7E.6
 3 for each day spent in performance of their functions
 4 and duties as members and reimbursement for all actual
 5 and necessary expenses incurred in the performance of
 6 their functions and duties as members.

7 Sec. ____ . Section 333A.3, subsection 2, Code 1989,
 8 is amended to read as follows:

9 2. Each member is entitled to reimbursement for
 10 actual and necessary expenses incurred in the
 11 performance of committee duties. Each member, except
 12 officers and employees of the state and full-time
 13 elected county officials, is entitled to receive a per
 14 diem of ~~forty dollars~~ as specified in section 7E.6 for
 15 each day spent in the performance of committee duties.

16 Sec. ____ . Section 442A.5, subsection 4, Code 1989,
 17 is amended to read as follows:

18 4. The appointed members of the authority receive
 19 ~~forty dollars a~~ per diem as specified in section 7E.6
 20 for each day spent in performance of duties as
 21 members, and shall be reimbursed for all actual and
 22 necessary expenses incurred in the performance of
 23 duties as members.

24 Sec. ____ . Section 455B.444, unnumbered paragraph
 25 2, Code 1989, is amended to read as follows:

26 Temporary members who may be appointed under this

27 section shall serve on the commission only during
28 discussion and proceedings relating to the application
29 for a site license which the temporary members were
30 appointed to consider and shall vote only on questions
31 relating to the issuance of that site license.
32 Temporary members shall serve on the commission until
33 final action is taken on the application for the site
34 license which the temporary members were appointed to
35 consider. Temporary members who are not public
36 employees shall receive ~~forty dollars a~~ per diem ~~as~~
37 specified in section 7E.6 and actual and necessary
38 expenses incurred in performance of their official
39 duties. Temporary employees who are public employees
40 shall receive reimbursement for expenses only. Per
41 diem and expenses under this section shall be paid by
42 the state.

43 Sec. ____ . Section 543A.4, subsection 1, Code
44 Supplement 1989, is amended to read as follows:

45 1. The Iowa grain indemnity fund board is
46 established to advise the department on matters
47 relating to the fund and to perform the duties
48 provided it in this chapter. The board is composed of
49 the secretary of agriculture or a designee who shall
50 serve as president; the commissioner of insurance or a

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1 designee who shall serve as secretary; the state
2 treasurer or a designee who shall serve as treasurer;
3 and four representatives of the grain industry
4 appointed by the governor, subject to confirmation by
5 the senate, two of whom shall be representatives of
6 producers and who shall be actively participating
7 producers, and two of whom shall be representatives of
8 grain dealers and warehouse operators and who shall be
9 actively participating grain dealers and warehouse
10 operators, each of whom shall be selected from a list
11 of three nominations made by the secretary of
12 agriculture. The term of membership of the grain
13 industry representatives is three years, and the
14 representatives are eligible for reappointment.
15 However, only actively participating producers, and
16 grain dealers and warehouse operators are eligible for
17 reappointment. The grain industry representatives are
18 entitled to ~~forty dollars a~~ per diem ~~as specified in~~
19 section 7E.6 for each day spent in the performance of
20 the duties of the board, plus actual expenses incurred
21 in the performance of those duties. Four members of
22 the board constitute a quorum, and the affirmative
23 vote of four members is necessary for any action taken

24 by the board, except that a lesser number may adjourn
 25 a meeting. A vacancy in the membership of the board
 26 does not impair the rights of a quorum to exercise all
 27 the rights and perform all the duties of the board.

28 Sec. ____ . Section 568.9, Code 1989, is amended to
 29 read as follows:

30 568.9 COMMISSIONERS' COMPENSATION AND EXPENSES.

31 Commissioners, for their services in making such
 32 appraisal shall be paid a ~~forty dollar~~ per diem as
 33 specified in section 7E.6 and shall be reimbursed for
 34 actual and necessary expenses. All per diem moneys
 35 paid to the commissioners shall be paid from funds
 36 appropriated to the secretary of state.

37 Sec. ____ . Section 601A.4, Code 1989, is amended to
 38 read as follows:

39 601A.4 COMPENSATION AND EXPENSES -- RULES.

40 Commissioners shall be paid a ~~forty dollar~~ per diem
 41 as specified in section 7E.6 and shall be reimbursed
 42 for actual and necessary expenses incurred while on
 43 official commission business. All per diem and
 44 expense moneys paid to commissioners shall be paid
 45 from funds appropriated to the commission. The
 46 commission shall adopt, amend or rescind ~~such~~ rules as
 47 ~~shall be~~ necessary for the conduct of its meetings. A
 48 quorum shall consist of four commissioners.

49 Sec. ____ . Section 601K.54, Code 1989, is amended
 50 to read as follows:

Page 10

1 601K.54 MEETINGS OF THE COMMISSION.

2 The commission shall meet at least six times each
 3 year, and shall hold special meetings on the call of
 4 the chairperson. The commission shall adopt rules
 5 pursuant to chapter 17A as it deems necessary for the
 6 commission and division. The members of the
 7 commission shall receive a per diem of ~~forty dollars~~
 8 as specified in section 7E.6 and be reimbursed for
 9 actual expenses while engaged in their official
 10 duties. ~~Members may also be eligible to receive~~
 11 ~~compensation as provided in section 7E.6.~~ Legislative
 12 members of the commission shall receive payment
 13 pursuant to sections 2.10 and 2.12.

14 Sec. ____ . Section 602.1513, Code 1989, is amended
 15 to read as follows:

16 602.1513 PER DIEM COMPENSATION.

17 The supreme court shall set the per diem
 18 compensation under sections 602.1511 and 602.1512 at
 19 ~~forty dollars a rate per day not exceeding the rate~~
 20 specified in section 7E.6.

21 Sec. ____ . Section 602.10106, Code 1989, is amended
22 to read as follows:
23 602.10106 OATH -- COMPENSATION.
24 The members thus appointed shall take and subscribe
25 an oath to be administered by one of the judges of the
26 supreme court to faithfully and impartially discharge
27 the duties of the office. The members shall, in
28 addition to receiving actual and necessary expenses,
29 set the per diem compensation for themselves and the
30 temporary examiners appointed under section 602.10107
31 at a rate not exceeding ~~forty dollars~~ the per diem
32 specified in section 7E.6 for each day actually
33 engaged in the discharge of their duties. ~~Such~~ The
34 duties shall include the traveling to and from the
35 place of examination, the preparation and conducting
36 of examinations, and the reading of the examination
37 papers. The per diem authorized under this section
38 shall be reasonably apportioned in relation to the
39 funds appropriated to the board.
40 Sec. ____ . Section 679B.7, Code 1989, is amended to
41 read as follows:
42 679B.7 COMPENSATION AND EXPENSES.
43 The members of the board shall be paid a ~~forty-~~
44 ~~dollar~~ per diem as specified in section 7E.6 and shall
45 be reimbursed for actual and necessary expenses, these
46 moneys to be payable out of the state treasury upon
47 warrants drawn by the director of revenue and
48 finance.”
49 18. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

S-5988

- 1 Amend Senate File 2435 as follows:
- 2 1. Page 9, line 1, by striking the words “limited
- 3 to registered or” and inserting the following:
- 4 “available to unregistered, registered, and”.

JULIA GENTLEMAN

S-5989

- 1 Amend the amendment, S-5984, to Senate File 2434,
- 2 as follows:
- 3 1. Page 1, line 6, by striking the figure

- 4 "524.1852A" and inserting the following: "524.1853".
5 2. By renumbering as necessary.

CALVIN O. HULTMAN

S-5990

- 1 Amend the House amendment, S-5987, to Senate File
2 2422, as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 2, by striking lines 17 through 21.

JOE J. WELSH

S-5991

- 1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, line 28, by striking the word "Fifty-
5 nine" and inserting the following: "Fifty-nine and
6 five-tenths".
7 2. Page 3, by striking lines 23 through 27 and
8 inserting the following:
9 "f. Three and five-tenths percent to the
10 groundwater protection fund created in section 455E.11
11 to provide grants to counties for rural water testing
12 under section 455B.172, subsection 5."
13 3. Page 3, line 41, by striking the word "Two"
14 and inserting the following: "One and five-tenths".
15 4. Page 4, by striking lines 22 through 24, and
16 inserting the following: "water protection fund
17 pursuant to section 467F.4 and may also qualify for
18 cost-sharing funds pursuant to section 467A.48."
19 5. Page 4, by striking lines 43 through 50 and
20 inserting the following:
21 "___ . Fourteen and one-tenth percent, to the Iowa
22 energy center of which up to one-third, not to exceed
23 one hundred fifty thousand dollars, may be used for
24 administration costs of the center and the remainder
25 shall be used for transportation studies and projects
26 which enhance energy efficiency and self-sufficiency.
27 ___ . Fourteen and one-tenth percent, to the
28 department of agriculture and land stewardship, for
29 on-farm alternative fuels demonstration projects."
30 6. Page 5, line 1, by striking the words "Twenty-
31 five and four-tenths" and inserting the following:
32 "Twenty-two and three-tenths".

- 33 7. Page 5, by inserting after line 27, the
34 following:
35 "___ . Six and two-tenths percent to the department
36 of natural resources for the administration of energy
37 efficiency programs and projects created in this Act
38 or in Senate File 2403, if enacted by the Seventy-
39 third General Assembly, 1990 Session."
40 8. Page 5, line 31, by striking the word "Four"
41 and inserting the following: "Three".
42 9. Page 5, line 35, by inserting after the word
43 "water" the following: "and for the state rural well
44 water survey in conjunction with the department of
45 natural resources".
46 10. Page 5, line 41, by striking the words
47 "Spring Brook" and inserting the following:
48 "Springbrook".
49 11. Page 5, line 48, by striking the words "Two
50 hundred" and inserting the following: "One hundred

Page 2

- 1 fifty".
2 12. Page 6, line 28, by striking the words "Four
3 hundred" and inserting the following: "Three hundred
4 twenty-five".
5 13. Page 6, line 43, by striking the words "fifty
6 thousand" and inserting the following: "thirty-three
7 thousand three hundred thirty-three".
8 14. Page 6, line 45, by striking the words
9 "twenty-five thousand" and inserting the following:
10 "sixteen thousand six hundred sixty-seven".
11 15. Page 6, lines 47 and 48 by striking the words
12 "twenty-five thousand" and inserting the following:
13 "sixteen thousand six hundred sixty-seven".
14 16. Page 6, by inserting after line 48 the fol-
15 lowing:
16 "(4) Jones county, the sum of thirty-three
17 thousand three hundred thirty-three dollars.
18 ___ . One hundred thousand dollars, to the depart-
19 ment of natural resources to be used in grant programs
20 for towns with a population of three thousand five
21 hundred or less for the construction of swimming
22 pools.
23 ___ . One hundred thousand dollars, to the
24 Poweshiek rural water association for costs relating
25 to the laying of water pipelines to cross the Iowa
26 river.
27 ___ . Twenty-five thousand dollars, to the depart-
28 ment of natural resources for a pilot project on
29 energy efficiency and savings from computerizing

30 energy use.”

31 17. Page 7, by inserting after line 23 the
32 following:

33 “ — . The agency or entity to which moneys are
34 appropriated or which oversee a fund to which moneys
35 are appropriated under this section may use some of
36 those moneys for administrative costs relating to the
37 use of those moneys, including additional full-time
38 equivalent positions. The acquisition of additional
39 full-time equivalent positions authorized under this
40 subsection are not subject to any freeze, set by the
41 governor, or the limit, set by the general assembly,
42 on the number of full-time equivalent positions that
43 such agency or entity may have. The agency or entity
44 that adds additional full-time equivalent positions
45 shall report the fact and the purpose at the end of
46 the applicable quarter to the fiscal committee of the
47 legislative council.”

48 18. Page 9, line 42, by inserting after the word
49 “insufficiency.” the following: “However, the moneys
50 in the security account that have not been spent for

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1 such payments by March 1 of the fiscal year shall be
2 immediately transferred to the general fund of the
3 state.”

4 19. Page 9, by striking lines 43 through 50.

5 20. Page 11, by striking lines 14 through 24.

6 21. Page 11, by inserting before line 25 the

7 following:

8 “ — . By striking page 10, line 31 through page
9 12, line 9.”

10 22. Page 12, by striking lines 11 through 36.

11 23. By striking page 16, line 41 through page 17,
12 line 4.

13 24. Page 22, line 25, by striking the words “Two
14 of the” and inserting the following: “The”.

15 25. Page 22, line 31, by inserting after the word
16 “pounds.” the following: “Conditionally exempt small
17 quantity generators which deliver their hazardous
18 wastes to the site shall not be required to obtain a
19 permit to transport the hazardous waste to the site.”

20 26. Page 23, by inserting after line 8, the
21 following:

22 “Sec. — . Section 467A.48, subsection 1, Code
23 Supplement 1989, is amended to read as follows:

24 1. a. An owner or occupant of land in this state
25 is not required to establish any new permanent or
26 temporary soil and water conservation practice unless

27 public or other cost-sharing funds have been
28 specifically approved for that land and actually made
29 available to the owner or occupant.
30 b. The owner or occupant of land is eligible to
31 receive state cost-sharing funds to establish a
32 permanent grass and buffer zone, including an erosion
33 control structure or an erosion control practice to
34 mitigate the effects of concentrated runoff on surface
35 water quality.
36 c. The amount of cost-sharing funds made available
37 shall not exceed ~~seventy-five~~ fifty percent of the
38 estimated cost as established by the commissioners of
39 a permanent soil and water conservation practice, or
40 ~~seventy-five~~ fifty percent of the actual cost,
41 whichever is less, or an amount set by the committee
42 for a temporary soil and water conservation practice,
43 except as otherwise provided by law with respect to
44 land classified as agricultural land under
45 conservation cover.
46 The amount of cost-sharing funds made available to
47 establish a permanent grass and buffer zone may be up
48 to one hundred percent of the estimated cost as
49 established by the commissioners or one hundred
50 percent of the actual cost, whichever is less.

Page 4

1 PARAGRAPH DIVIDED. The commissioners shall
2 establish the estimated cost of permanent soil and
3 water conservation practices in the district based
4 upon one and two-tenths of the average cost of the
5 practices installed in the district during the
6 previous year. The average costs shall be reviewed
7 and approved by the commissioners each calendar year.”
8 27. Page 24, by inserting after line 27 the
9 following:
10 “___ . Page 17, by striking lines 25 through 27.”
11 28. Page 24, lines 37 and 38, by striking the
12 words “for city storm water drainage systems.”
13 29. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

LEONARD L. BOSWELL
PAT DELUHERY
EMIL J. HUSAK
MICHAEL E. GRONSTAL
JIM RIORDAN

S-5992

- 1 Amend House amendment, S-5959, to Senate File 2416,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 9.

LARRY MURPHY

S-5993

- 1 Amend the House amendment, S-5987, to Senate File
- 2 2422, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 4, by striking the figure
- 5 "76,100" and inserting the following: "76,700".
- 6 2. Page 1, line 6, by striking the figure
- 7 "73,000" and inserting the following: "73,600".
- 8 3. Page 1, line 11, by striking the figure
- 9 "58,500" and inserting the following: "62,800".
- 10 4. Page 1, line 14, by striking the figure
- 11 "58,500" and inserting the following: "62,800".
- 12 5. Page 1, line 17, by striking the figure
- 13 "58,500" and inserting the following: "62,800".
- 14 6. Page 1, line 20, by striking the figure
- 15 "58,500" and inserting the following: "62,800".

JOE J. WELSH

S-5994

- 1 Amend Senate File 2433 as follows:
- 2 1. Page 9, line 25, by striking the words "~~one~~
- 3 two" and inserting the following: "one".

JOE J. WELSH

S-5995

- 1 Amend Senate File 2433 as follows:
- 2 1. Page 11, by inserting after line 28 the
- 3 following:
- 4 "i. To the Terrace Hill commission, the sum of

5 five thousand dollars for landscaping at Terrace
6 Hill.”

JOE J. WELSH

S-5996

1 Amend Senate File 2433 as follows:

2 1. Page 10, line 1, by striking the words “six
3 hundred fifty” and inserting the following: “six
4 seven hundred fifty ten”.

5 2. Page 10, by striking lines 6 and 7, and
6 inserting the following: “Iowa established in section
7 28.152; and three hundred”.

8 3. Page 10, line 33, by striking the word “a.”

9 4. Page 10, lines 33 and 34, by striking the
10 words “two million” and inserting the following: “one
11 million seven hundred thousand”.

12 5. Page 11, by striking lines 1 through 32.

RICHARD RUNNING

S-5997

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:

DIVISION S—5997A

4 1. Page 10, by striking lines 3 through 34.

DIVISION S—5997B

5 2. By striking page 10, line 35, through page 11,
6 line 13.

JOHN P. KIBBIE
RICHARD VANDE HOEF
H. KAY HEDGE
KENNETH D. SCOTT
ALVIN V. MILLER

S-5998

1 Amend House File 2062, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 33, by inserting after the word
4 “notice.” the following: “If the payment is mailed,

5 the date of payment shall be the postmark date on the
6 envelope.”

PAUL D. PATE

S-5999

1 Amend House File 2062, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, lines 6 and 7, by striking the word
4 and figures “July 1, 1990” and inserting the
5 following: “January 1, 1991”.

PAUL D. PATE

S-6000

1 Amend amendment, S-5979, to House File 29, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 7 through 26 and
5 inserting the following:
6 “7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an
7 individual receives benefits for which the individual
8 is subsequently determined to be ineligible, even
9 though the individual acts in good faith and is not
10 otherwise at fault, the benefits shall be recovered
11 unless the subsequent determination of ineligibility
12 is a direct and proximate result of a substantive
13 change in the law under which the individual was
14 initially determined to be eligible. The division of
15 job service in its discretion may recover the
16 overpayment of benefits either by having a sum equal
17 to the overpayment deducted from any future benefits
18 payable to the individual or by having the individual
19 pay to the division a sum equal to the overpayment.
20 For benefits required to be recovered, the division
21 shall file a lien with the county recorder in favor of
22 the state on the individual's wages earned within five
23 years of the date of the overpayment decision. The
24 lien shall have the force and effect of a judgment and
25 may be enforced as provided in chapter 626 or
26 collected in a manner similar to the manner provided
27 for the collection of past due contributions in
28 section 96.14, subsection 3. However, the division
29 may determine to purge from its records any remaining
30 unpaid balance of an outstanding overpayment which is

31 uncollected for five years or more from the date of
32 the overpayment decision."

RICHARD J. VARN
CALVIN O. HULTMAN

S-6001

1 Amend House File 2506, as passed by the House, as
2 follows:
3 1. Page 1, line 8, by inserting after the word
4 "class" the following: " if that class of policies
5 or contracts provides benefits for maternity or
6 childbirth".

PAUL PATE

S-6002

1 Amend House File 2536, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 5 the
4 following:
5 "A school licensed under the provisions of section
6 157.8 or 158.7 which is nationally accredited and
7 which would be subject to the United States department
8 of education bonding requirements is exempt from the
9 requirements of this section.
10 Sec. ____ . Section 714.23, Code 1989, is amended to
11 read as follows:
12 714.23 REFUND POLICIES.
13 1. A person offering a course of instruction at
14 the postsecondary level, for profit, that is more than
15 four months in length and leads to a degree, diploma,
16 or license, shall make a pro rata refund of ~~eighty-~~
17 five no less than ninety percent of the tuition for a
18 terminating student to the appropriate agency based
19 upon the ratio of completed number of scheduled school
20 days to the ~~total~~ sixty percent of the scheduled
21 school days of the school term or course.
22 2. Notwithstanding the provisions of subsection 1,
23 the following refund policy shall apply:
24 a. If a terminating student has completed sixty
25 percent or more of a school term or course that is
26 more than four months in length, the person offering
27 the course of instruction is not required to refund
28 tuition for the student. However, if, at any time, a
29 student terminates a school term or course that is

30 more than four months in length due to the student's
 31 physical incapacity or due to the transfer of the
 32 student's spouse's employment to another city. the
 33 terminating student shall receive a refund of tuition
 34 in an amount which equals the amount of tuition
 35 multiplied by the ratio of the remaining number of
 36 school days to the total school days of the school
 37 term or course.
 38 b. A refund of ninety percent of the tuition for a
 39 terminating student to the appropriate agency based
 40 upon the ratio of completed number of school days to
 41 the total school days of the school term or course.
 42 This paragraph applies to those persons offering
 43 courses of instruction at the postsecondary level, for
 44 profit, whose cohort default rate for students under
 45 the Stafford loan program as defined by the United
 46 States department of education is more than one
 47 hundred ten percent of the national average cohort
 48 default rate for that program for that period or six
 49 percent, whichever is higher.
 50 3. However, if If the financial obligations of a

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1 student are for three or fewer months duration, this
 2 section does not apply.
 3 4. Refunds shall be paid to the appropriate agency
 4 within thirty days following the student's
 5 termination.
 6 If the student terminates later than three weeks
 7 after the course of instruction has commenced, the
 8 person offering the course of instruction cannot admit
 9 a student to replace the student for which a refund
 10 was received for the remaining portion of the school
 11 term or course.
 12 5. A person to which this section applies shall
 13 not charge a termination fee.
 14 6. A violation of this section is a simple
 15 misdemeanor."

JOE WELSH

S-6003

1 Amend House File 2557, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, line 30, by striking the words "one or
 4 more of the utility or enterprise" and inserting the
 5 following: "water".

- 6 2. Page 1, line 30, by inserting after the word
 7 "are" the following: "separately metered and".
- 8 3. Page 1, line 34, by inserting after the word
 9 "charges" the following: "and a deposit not exceeding
 10 the usual cost of ninety days of water service is paid
 11 to the utility or enterprise".
- 12 4. By striking page 1, line 35 through page 2,
 13 line 1, and inserting the following: "or enterprise
 14 shall acknowledge the notice and deposit. A written".
- 15 5. Page 2, line 5, by inserting after the word
 16 "notice" the following: "and deposit. When the
 17 tenant moves from the rental property, the utility or
 18 enterprise shall return the deposit if the water
 19 service charges are paid in full and the lien
 20 exemption shall be lifted from the rental property".
- 21 6. Page 2, line 6, by striking the words "utility
 22 or enterprise" and inserting the following: "water".
- 23 7. Page 2, line 7, by inserting after the word
 24 "delinquent." the following: "When one or more of the
 25 utility or enterprise services become delinquent, the
 26 utility or enterprise shall give delinquency notice to
 27 the landlord who has filed a request containing the
 28 name and address of the person to be notified when the
 29 tenant is notified of the delinquency."
- 30 8. Page 2, line 11, by inserting after the word
 31 "record" the following: "who has filed a request
 32 containing the name and address of the person to be
 33 notified".

ELAINE SZYMONIAK
 GEORGE R. KINLEY
 EUGENE FRAISE
 RICHARD VANDE HOEF
 JOHN W. JENSEN
 ALVIN V. MILLER
 BERL E. PRIEBE
 LARRY MURPHY
 NORMAN J. GOODWIN
 MAGGIE TINSMAN

S-6004

- 1 Amend the amendment, S-5920, to House File 2268, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. By striking page 1, line 17, through page 2,
 5 line 17, and inserting the following:
- 6 "1. A person who practices a profession for which
 7 a license is required pursuant to chapter 154B or

8 154D, whether or not the person is currently licensed
 9 or is exempt from licensure, and who sexually exploits
 10 a client or patient, is subject to a civil penalty of
 11 not more than ten thousand dollars.
 12 2. A person who practices a profession for which a
 13 license is required pursuant to chapter 154B or 154D,
 14 whether or not the person is currently licensed or is
 15 exempt from licensure, may be restrained by permanent
 16 injunction from practicing these professions upon a
 17 finding that the person has sexually exploited a
 18 patient or client.”

RICHARD VARN

S-6005

1 Amend the amendment, S-5991, to the House
 2 amendment, S-5915, to Senate File 2153, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 3, by inserting after line 4 the
 5 following:
 6 “—. Page 11, line 13, by inserting after the
 7 word “district.” the following: “This subsection
 8 shall not create a lien against the property of a
 9 person who is not a rural water subscriber.””

JIM RIORDAN
 LEONARD L. BOSWELL
 H. KAY HEDGE
 EMIL J. HUSAK

HOUSE AMENDMENT TO
 SENATE FILE 2287

S-6006

1 Amend Senate File 2287, 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 “DIVISION II
 6 QUAD CITIES TRANSIT AUTHORITY
 7 Section 1. NEW SECTION. 330B.2 CITATION.
 8 Chapter 330B, division II, may be cited as the
 9 “Quad Cities Transit Authority Act”.
 10 Sec. 2. NEW SECTION. 330B.3 PURPOSES.
 11 1. Chapter 330B, division II, is enabling

12 legislation for the quad cities interstate
13 metropolitan authority compact, a compact entered into
14 by the states of Illinois and Iowa as provided in
15 section 330B.1.

16 2. The authority shall carry out the operation and
17 service of a mass transit system including related
18 facilities, fixtures, equipment, and property
19 necessary, or appurtenant to the operations and
20 services of a mass transit system. The authority
21 shall be supportive of, and refrain from unnecessary
22 and unreasonable competition with, private sector
23 operations when possible.

24 Sec. 3. **NEW SECTION. 330B.4 DEFINITIONS.**

25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Authority" means the quad cities transit
28 authority created as provided in this division.

29 2. "Board" means the board of commissioners of the
30 authority.

31 3. "Cost" of any project for a mass transit
32 facility includes construction contract costs and the
33 costs of engineering, architectural, technical, and
34 legal services, preliminary reports, property
35 valuations, estimates, plans, specifications, notices,
36 acquisition of real and personal property,
37 consequential damages or costs, easements, rights-of-
38 way, supervision, inspection, testing, publications,
39 printing and sale of bonds, if any, and provisions for
40 contingencies.

41 4. "Greater metropolitan area" means the combined
42 area of Rock Island county, Illinois, and Scott
43 county, Iowa.

44 5. "Metropolitan area" means Rock Island county,
45 Illinois, as a separate and distinct area, or Scott
46 county, Iowa, as a separate and distinct area, or each
47 as a part of the greater metropolitan area.

48 6. "Mass transit facility" means a structure,
49 fixture, equipment, or property of any kind or nature
50 directly related to the mass transit system which the

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1 authority may construct, acquire, own, lease, or
2 operate, including all related facilities necessary,
3 appurtenant, or incidental to the facilities. "Mass
4 transit facility" does not include airports, related
5 buildings, or equipment.

6 7. "Person" means an individual, firm,
7 partnership, corporation, company, association, or
8 joint stock association, and includes any trustee,

9 receiver, assignee, or personal representative of any
10 of the entities.

11 Sec. 4. NEW SECTION. 330B.5 PETITION AND PUBLIC
12 HEARING.

13 1. Upon petition of eligible electors of a
14 metropolitan area equal in number to at least ten
15 percent of the persons who voted in the last general
16 election held in the metropolitan area for the office
17 of president of the United States or governor, or when
18 the governing body of a county in this state within a
19 metropolitan area desires to participate in the
20 creation of an authority, the governing body of the
21 county shall adopt a resolution signifying its
22 intention to initiate the question of participating in
23 the creation of an authority and shall publish the
24 resolution at least once in a newspaper of general
25 circulation in the metropolitan area giving notice of
26 a hearing to be held on the question of the
27 metropolitan area's entry into the authority. The
28 resolution shall be published at least fourteen days
29 prior to the date of hearing, and shall contain all of
30 the following information:

- 31 a. Intention to join in the creation of the
- 32 authority pursuant to this division.
- 33 b. That the greater metropolitan area will include
- 34 Rock Island county, Illinois, and Scott county, Iowa,
- 35 which have expressed their interest in the creation of
- 36 the authority.
- 37 c. Name of the authority.
- 38 d. Place, date, and time of hearing.

39 2. After the hearing, if the governing body of a
40 metropolitan area wishes to proceed in the creation of
41 or to join the authority, the governing body shall
42 direct the county commissioner of elections to submit
43 the proposition to the electorate of the metropolitan
44 area as provided in section 330B.6.

45 Sec. 5. NEW SECTION. 330B.6 ELECTION.

46 1. Upon receipt of the resolution, the county
47 commissioner of elections shall place the proposition
48 on the ballot of a general or special election called
49 by the governing body of the metropolitan area. At
50 the election, the proposition shall be submitted in

Page 3

1 substantially the following form:
 2 "Shall the Quad Cities Transit Authority be
 3 established effective on the _____ day of
 4 _____, 19____?
 5 YES _____ NO _____"

6 2. Notice of the election shall be given by
7 publication as required in section 49.53 in a
8 newspaper of general circulation in the metropolitan
9 area. At the election, the ballot used for submission
10 of the proposition shall be substantially the form for
11 submitting special questions at general elections.

12 3. The proposition is approved if the vote in
13 favor of the proposition is a simple majority of the
14 total votes cast on the proposition in the
15 metropolitan area.

16 4. If the proposition is approved, the governing
17 body of the county shall enact an ordinance
18 authorizing the joining of the authority.

19 **Sec. 6. NEW SECTION. 330B.7 BOARD OF**
20 **COMMISSIONERS -- APPOINTMENT.**

21 1. The authority established under this division
22 shall be governed by a board of commissioners
23 appointed as provided in subsection 2. The
24 appointment of the commissioners shall be made in
25 writing and shall indicate the legal residence of the
26 appointee.

27 2. The board of commissioners of the authority
28 shall consist of the number of members as determined
29 by the counties and cities who are party to the
30 authority within the metropolitan area of each state,
31 but an equal number of commissioners shall be
32 appointed from each state. Within sixty days after
33 the election which gives final approval for creation
34 of the authority, each city with a metropolitan area,
35 by motion of the council, shall notify the county of
36 whether or not the city will be party to the
37 authority. The county and cities of each state who
38 are party to the authority shall apportion the
39 commission membership among the cities and county.
40 Commission members appointed by a city shall be
41 appointed by the mayor with consent of the council.
42 Commission members representing the county shall be
43 appointed by its governing body.

44 **Sec. 7. NEW SECTION. 330B.8 COMMISSIONERS --**
45 **TERMS OF OFFICE.**

46 1. All initial appointments of commissioners shall
47 be made within ninety days after the establishment of
48 the authority. The authority is considered
49 established when the proposition is approved by the
50 voters under section 330B.6. Each appointment shall

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1 be in writing and a certificate of appointment signed
2 by the appointing officer shall be filed and made a

3 matter of record in the office of the county recorder.
4 A commissioner shall be appointed for a term of two
5 years and shall serve at the pleasure of the
6 appointing authority. A commissioner shall qualify by
7 taking of an oath or affirmation to faithfully perform
8 the duties of office. The members initially appointed
9 to the board of commissioners shall serve from the
10 date of appointment until June 30 of one or two years
11 after the date of appointment and shall draw lots to
12 determine the terms for which each shall be appointed.
13 Lots shall be drawn so that two commissioners from the
14 metropolitan area shall serve in each of two classes.
15 Thereafter, commissioners shall be appointed for two-
16 year terms beginning on July 1 of the year of
17 appointment.

18 2. Within forty-five days after any vacancy occurs
19 on the board by death, resignation, change of
20 residence to outside of the metropolitan area, or for
21 any other cause, a successor shall be appointed in the
22 same manner as the commissioner's predecessor was
23 appointed for the unexpired term of office.
24 Commissioners and board officers of the board shall
25 serve until a successor is appointed and qualifies. A
26 commissioner shall not serve more than two consecutive
27 two-year terms of office.

28 Sec. 8. NEW SECTION. 330B.9 ORGANIZATION --
29 OFFICERS -- MEETINGS -- COMPENSATION.

30 1. The board of commissioners may exercise all of
31 its legislative and executive powers granted under
32 this division. Within thirty days after the
33 appointment of the initial commissioners, the board
34 shall meet and elect a chairperson. The office of
35 chairperson shall not be held by a commissioner
36 representing the same state for more than two
37 consecutive years. The board shall also select a
38 secretary, treasurer, and other officers or employees
39 as necessary for the accomplishment of its corporate
40 objectives, none of whom need be a commissioner. The
41 board, at its first meeting, shall define by ordinance
42 the first and subsequent fiscal years of the
43 authority, and shall adopt a corporate seal and
44 bylaws, which shall determine the times for the annual
45 election of officers and for other regular and special
46 meetings of the board. The bylaws shall contain the
47 rules for the transaction of other business of the
48 authority and for amending the bylaws. The board
49 shall establish the principal executive offices of the
50 quad cities transit authority in the metropolitan area

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1 that does not contain the bi-state metropolitan
2 planning commission.

3 2. Each commissioner of the authority shall devote
4 the amount of time to the duties of office as the
5 faithful discharge of the duties may require. The
6 board shall reimburse a commissioner for actual
7 expenses incurred in the performance of official
8 duties as approved by the board.

9 3. The commissioners shall comply with
10 restrictions relating to conflicts of interest or
11 acceptance of gifts as provided in chapter 68B or to
12 similar laws of the state of Illinois as determined by
13 the board.

14 4. The commissioners shall conduct the meetings as
15 public meetings with appropriate notice pursuant to
16 chapter 21 or similar laws of the state of Illinois as
17 determined by the board.

18 Sec. 9. NEW SECTION. 330B.10 RIGHTS AND POWERS.

19 The authority constitutes a municipal corporation
20 and body politic separate from any other municipality,
21 state, or other public or governmental agency. The
22 authority has the following express powers, subject to
23 any restrictions or limitations contained in this
24 division, and all other powers incidental, necessary,
25 convenient, or desirable to carry out and effectuate
26 the express powers to:

27 1. Sue and be sued.

28 2. Locate, acquire, own, establish, operate, and
29 maintain one or more mass transit facilities upon any
30 land within its corporate limits, and to construct,
31 develop, expand, extend, and improve any mass transit
32 facility.

33 3. Acquire, within the corporate limits of the
34 authority, and in fee simple, rights in and over land,
35 and easements upon, over, or across land, and
36 leasehold interests in land, and tangible and
37 intangible personal property, used or useful for the
38 location, establishment, maintenance, development,
39 expansion, extension, or improvement of one or more
40 mass transit facilities. The acquisition may be by
41 dedication, purchase, gift, agreement, lease, or by
42 condemnation if within corporate limits of the
43 authority. The authority may acquire land in fee
44 simple subject to a mortgage and as part of the
45 purchase price may assume the payment of the
46 indebtedness secured by the mortgage. Land may be
47 acquired, possessed, and used for its purposes by the
48 authority, under a written contract for a deed

49 conveying merchantable title and providing that the
50 deed shall be placed in escrow and be delivered upon

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1 payment of the purchase price and containing other
2 terms as are reasonably incident to the contract.
3 Personal property may be purchased on an installment
4 contract basis.
5 4. Operate, maintain, manage, lease, sublease, and
6 make and enter into contracts for the use, operation,
7 or management of, and enact regulations for the
8 operation, management, or use of, a mass transit
9 facility.
10 5. Fix, charge, and collect reasonable rentals,
11 tolls, fees, and charges for the use of a metropolitan
12 facility or any part of a mass transit facility. The
13 authority shall develop a fair and equitable method of
14 assigning relevant costs of the mass transit facility
15 to political subdivisions which are served by the
16 facility.
17 6. Establish and maintain streets and approaches
18 on property of the authority.
19 7. Remove and relocate hazards or structures on
20 property of the authority.
21 8. Accept grants, contributions, or loans from,
22 and enter into contracts, leases, or other
23 transactions with, a city, county, state, or federal
24 government.
25 9. Borrow money and issue bonds, notes,
26 certificates, or other evidences of indebtedness for
27 the purpose of accomplishing any of the corporate
28 purposes, which obligations may be payable from other
29 sources as provided in this division, and refund or
30 advance refund any of the evidences of indebtedness
31 with bonds, notes, certificates, or other evidences of
32 indebtedness, which refunding or advanced refunding
33 obligations may be payable from any source, subject to
34 compliance with any condition or limitation set forth
35 in this division. The authority may enter into an
36 agreement with political subdivisions within the
37 greater metropolitan area for the joint exercise of
38 governmental powers to finance the establishment and
39 operation of a mass transit facility including the
40 borrowing of money and issuance of bonds, notes,
41 certificates, or other evidences of indebtedness as
42 provided in this division.
43 10. Employ or enter into contracts for the
44 employment of any person for professional services,
45 necessary or desirable for the accomplishment of the

46 corporate objectives of the authority or the proper
47 administration, management, protection, or control of
48 its property.

49 11. Establish, by ordinance of the board, all
50 regulations for the execution of the powers specified

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1 in this division, for the government of the authority,
2 and for the protection of any mass transit facility
3 within the jurisdiction of the authority, or deemed
4 necessary or desirable to effect its corporate
5 objectives. An ordinance may provide for the
6 revocation, cancellation, or suspension of an existing
7 privilege or franchise as a penalty for a second or
8 subsequent violation by the holder or franchisee of a
9 regulation pertaining to the enjoyment, use, or
10 exercise of the privilege or franchise. The use of a
11 mass transit facility of the authority shall be
12 subject to the reasonable regulation and control of
13 the authority and upon the reasonable terms and
14 conditions as established by the board.

15 12. Establish a general operating fund and other
16 funds as necessary.

17 13. Do all acts and things necessary or convenient
18 for the promotion of its business and the general
19 welfare of the authority, in order to carry out the
20 powers granted to it by this chapter or any other
21 laws.

22 The authority has no power to pledge the taxing
23 power of this state or any political subdivision or
24 agency of this state.

25 Bonds and notes issued by the authority are payable
26 solely and only out of the moneys, assets, or revenues
27 of the authority, and as provided in the agreement
28 with bondholders or noteholders pledging any
29 particular moneys, assets, or revenues. Bonds or
30 notes are not an obligation of this state or any
31 political subdivision of this state other than the
32 authority within the meaning of any constitutional or
33 statutory debt limitations, but are special
34 obligations of the authority payable solely and only
35 from the sources provided in this division, and the
36 authority shall not pledge the credit or taxing power
37 of this state or any political subdivision of this
38 state other than the authority, or make its debts
39 payable out of any moneys except those of the
40 authority.

41 Sec. 10. NEW SECTION. 330B.11 REGULATIONS --
42 ORDINANCES.

43 1. Regulations adopted pursuant to section 330B.10
44 shall be contained in an ordinance which shall be
45 placed on file in the office of the authority in
46 typewritten or printed form for public inspection not
47 less than fifteen days before adoption. The ordinance
48 may impose fines as the board deems appropriate of not
49 more than one hundred dollars upon conviction or
50 guilty plea for each violation, and may provide that,

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1 in case of continuing violation, each day during which
2 a violation occurs or continues constitutes a separate
3 offense.

4 2. All fines, when collected for violations of an
5 ordinance of the authority, shall be paid into the
6 general operating fund of the authority.

7 3. The board shall provide, by intergovernmental
8 agreement, for the enforcement of its ordinances by
9 sworn peace officers of cities or counties within the
10 greater metropolitan area.

11 **Sec. 11. NEW SECTION. 330B.12 EMINENT DOMAIN**
12 **PROCEDURES.**

13 If land in fee simple, rights in land, easements or
14 other interests in land, property, or property rights
15 are acquired or sought to be acquired by the authority
16 by condemnation, the condemnation procedure shall be
17 in accordance with the eminent domain statutes of the
18 state in which the affected property is located.

19 **Sec. 12. NEW SECTION. 330B.13 AUTHORITY**
20 **PROCEDURES.**

21 Action of the board of a legislative character,
22 including the adoption of regulations, shall be in the
23 form of an ordinance, and after adoption shall be
24 filed with the secretary and shall be made a matter of
25 public record in the office of the authority. Other
26 action of the board shall be by resolution, motion, or
27 in other appropriate form. Executive or ministerial
28 duties may be delegated to one or more commissioners
29 or to an authorized officer, employee, agent, or other
30 representative of the authority. A majority of the
31 commissioners of each state constitutes a quorum to
32 conduct business and the concurrence of a majority of
33 the commissioners of each state is required to adopt
34 or approve an action. The enacting clause of any
35 ordinance shall be substantially as follows: "Be it
36 ordained by the Board of Commissioners of the Quad
37 Cities Transit Authority".

38 **Sec. 13. NEW SECTION. 330B.14 OFFICIAL RECORDS**
39 **AND OFFICER BONDS.**

40 The board shall provide for the safekeeping of its
41 permanent records and for the recording of the
42 corporate action of the authority. The board shall
43 keep a true and accurate account of its receipts and
44 an annual audit shall be made of its books, records,
45 and accounts by state or private auditors. All
46 officers and employees authorized to receive or retain
47 the custody of moneys or to sign vouchers, checks,
48 warrants, or evidences of indebtedness binding upon
49 the authority shall furnish surety bond for the
50 faithful performance of their duties and the faithful

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1 accounting for all moneys that may come into their
2 custody in an amount to be fixed and in a form to be
3 approved by the board.

4 Sec. 14. NEW SECTION. 330B.15 BUDGET AND
5 APPROPRIATION.

6 Annually, the board shall prepare and adopt a
7 budget and provide appropriations as follows:

8 1. The budget shall show the amount required for
9 each class of proposed expenditures, a comparison of
10 the amounts proposed to be expended with the amounts
11 expended for like purposes for the two preceding
12 years, if available, and the revenues from all
13 sources.

14 2. Not less than twenty days before the date that
15 a budget must be certified as determined by the board
16 and not less than ten days before the date set for the
17 hearing under subsection 3, the board shall file the
18 budget with the treasurer of the authority. The
19 treasurer shall post a copy of the budget in the
20 authority offices for public inspection and comment.

21 3. The board shall set a time and place for a
22 public hearing on the budget before the final
23 certification date and shall publish notice of the
24 hearing not less than ten nor more than twenty days
25 prior to the hearing in one or more newspapers serving
26 the greater metropolitan area. Proof of publication
27 shall be filed with and preserved by the treasurer.

28 4. At the hearing, any resident or taxpayer of the
29 greater metropolitan area may present to the board
30 objections to or arguments in favor of any part of the
31 budget.

32 5. After the hearing, the board shall adopt by
33 resolution a budget for the next fiscal year and shall
34 direct the treasurer to properly certify and file the
35 budget as adopted. A budget adopted for the following
36 fiscal year becomes effective on the first day of that

37 year.

38 6. The board shall appropriate, by resolution, the
39 amounts deemed necessary for each of the different
40 offices and departments during the ensuing fiscal
41 year. Increases or decreases in these appropriations
42 do not require a budget amendment, but may be provided
43 by resolution at a regular meeting of the board.

44 Sec. 15. NEW SECTION. 330B.16 BONDS AND NOTES
45 PAYABLE FROM REVENUE.

46 1. The bonds issued by the board pursuant to this
47 division shall be authorized by resolution of the
48 board after approval is voted by a simple majority of
49 the total votes cast on the proposition in each
50 metropolitan area, and shall be either term or serial

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1 bonds, shall bear the date, mature at the time, not
2 exceeding forty years from their respective dates,
3 bear interest at the rate, not exceeding the rate
4 permitted under chapter 74A or the rate authorized by
5 another state within the greater metropolitan area,
6 whichever rate is lower, payable semiannually, be in
7 the denominations, be in the form, either coupon or
8 fully registered, shall carry the registration,
9 exchangeability and interchangeability privileges, be
10 payable in the medium of payment and at the place,
11 within or without the state, be subject to the terms
12 of redemption and be entitled to the priorities on the
13 revenues, rates, fees, rentals, or other charges or
14 receipts of the authority as the resolution may
15 provide. The bonds shall be executed either by manual
16 or facsimile signature by the officers as the
17 authority shall determine, provided that the bonds
18 shall bear at least one signature which is manually
19 executed on the bond, and the coupons attached to the
20 bonds shall bear the facsimile signature of the
21 officer as designated by the authority and the bonds
22 shall have the seal of the authority, affixed,
23 imprinted, reproduced, or lithographed on the bond,
24 all as may be prescribed in a resolution. The bonds
25 shall be sold at public sale at the price as the
26 authority shall determine to be in the best interests
27 of the authority provided that the bonds shall not be
28 sold at less than the par value of the bond, plus
29 accrued interest and provided that the net interest
30 cost shall not exceed that permitted by applicable
31 state law. Pending the preparation of definitive
32 bonds, interim certificates or temporary bonds may be
33 issued to the purchaser of the bonds, and may contain

34 the terms and conditions as the board may determine.
35 2. The board, after the issuance of bonds, may
36 borrow moneys for the purposes for which the bonds are
37 to be issued in anticipation of the receipt of the
38 proceeds of the sale of the bonds and within the
39 authorized maximum amount of the bond issue. Any loan
40 shall be paid within three years after the date of the
41 initial loan. Bond anticipation notes shall be issued
42 for all moneys so borrowed under this section, and the
43 notes may be renewed, but all the renewal notes shall
44 mature within the time above limited for the payment
45 of the initial loan. The notes shall be authorized by
46 resolution of the board and shall be in the
47 denominations, shall bear interest at the rate not
48 exceeding the maximum rate permitted by the resolution
49 authorizing the issuance of the bonds, shall be in the
50 form and shall be executed in the manner, all as the

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1 authority prescribes. The notes shall be sold at
2 public or private sale or, if the notes are renewal
3 notes, they may be exchanged for notes outstanding on
4 the terms as the board determines. The board may
5 retire any notes from the revenues derived from its
6 mass transit facilities or from other moneys of the
7 authority which are lawfully available or from a
8 combination of revenues and other available moneys, in
9 lieu of retiring them by means of bond proceeds.
10 However, before the retirement of the notes by any
11 means other than the issuance of bonds, the board
12 shall amend or repeal the resolution authorizing the
13 issuance of the bonds, in anticipation of the proceeds
14 of the sale of the notes, so as to reduce the
15 authorized amount of the bond issue by the amount of
16 the notes so retired. The amendatory or repealing
17 resolution shall take effect upon its passage.
18 3. Any resolution authorizing the issuance of any
19 bonds may contain provisions which shall be part of
20 the contract with the holders of the bonds, as to:
21 a. The pledging of all or any part of the
22 revenues, rates, fees, rentals, or other charges or
23 receipts of the authority derived by the authority
24 from all or any of its mass transit facilities.
25 b. The construction, improvement, operations,
26 extensions, enlargement, maintenance, repair, or lease
27 of mass transit facilities and the duties of the
28 authority with reference to the facilities.
29 c. Limitations on the purposes to which the
30 proceeds of the bonds, or of any loan or grant by the

31 federal government or the state government or the
32 county or any city in the county, may be applied.

33 d. The fixing, charging, establishing, and
34 collecting of rates, fees, rentals, or other charges
35 for use of the services and facilities of the mass
36 transit facilities of an authority, or any part of the
37 facilities.

38 e. The setting aside of reserves or sinking funds
39 or repair and replacement funds or other funds and the
40 regulation and disposition of the funds.

41 f. Limitations on the issuance of additional
42 bonds.

43 g. The terms and provisions of any deed of trust,
44 mortgage, or indenture securing the bonds or under
45 which the bonds may be issued.

46 h. Any other or additional agreements with the
47 holders of the bonds as are customary and proper and
48 which in the judgment of the authority will make the
49 bonds more marketable.

50 4. The board of the authority may enter into any

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1 deeds of trust, mortgages, indentures, or other
2 agreements, with any bank or trust company or any
3 other lender within or without the state as security
4 for the bonds, and may assign and pledge all or any of
5 the revenues, rates, fees, rentals, or other charges
6 or receipts of the authority. The deeds of trust,
7 mortgages, indentures, or other agreements may contain
8 the provisions as may be customary in the instruments,
9 or, as the board may authorize, including, but without
10 limitation, provisions as to:

11 a. The construction, improvement, operation,
12 leasing, maintenance, and repair of the mass transit
13 facilities and duties of the board with reference to
14 the facilities.

15 b. The application of funds and the safeguarding
16 and investment of funds on hand or on deposit.

17 c. The appointment of consulting engineers or
18 architects and approval by the holders of the bonds.

19 d. The rights and remedies of the trustee and the
20 holders of the bonds.

21 e. The terms and provisions of the bonds or the
22 resolution authorizing the issuance of the bonds.

23 Any of the bonds issued pursuant to this section
24 are negotiable instruments, and have all the qualities
25 and incidents of negotiable instruments.

26 Sec. 16. NEW SECTION. 330B.17 EXISTING
27 JURISDICTIONS.

28 Existing jurisdictions, including those involving
 29 mass transit within their jurisdictional boundaries,
 30 are protected from incorporation by the authority and
 31 shall not be incorporated in the authority except by
 32 their respective governing bodies. However, an
 33 existing mass transit system may negotiate with the
 34 authority to take over its mass transit powers,
 35 incomes, and debts. The authority may assume the
 36 powers, income, and debts for any type of mass transit
 37 facility authorized by this division.

38 Sec. 17. NEW SECTION. 330B.18 COOPERATION WITH
 39 OTHER GOVERNMENTS.

40 The authority may apply for and receive a grant or
 41 loan of moneys or other financial aid from the state
 42 or federal government or from any state or federal
 43 agency, department, bureau, or board, necessary or
 44 useful for the undertaking, performance, or execution
 45 of any of its corporate objectives or purposes, and
 46 the authority may undertake the acquisition,
 47 establishment, construction, development, expansion,
 48 extension, or improvement of mass transit facilities
 49 within its corporate limits, in cooperation with, or
 50 as a joint enterprise with the state or federal

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1 governments or with the aid of, or in cooperation
 2 with, or as a joint project with the state and federal
 3 governments. The authority shall assure, in
 4 compliance with any state or federal requirements or
 5 directives, that the proceeds of a state or federal
 6 grant, loan, or other financial assistance for the
 7 provision of facilities or services are used for the
 8 express purpose of the financial assistance and to the
 9 specific benefit of service areas or persons as
 10 designated by the local, state, or federal funding
 11 provider.

12 Sec. 18. NEW SECTION. 330B.19 TRANSFER OF
 13 EXISTING FACILITIES.

14 1. Any county, city, commission, authority, or
 15 person may sell, lease, lend, grant, or convey to the
 16 authority, a facility or any part of a facility, or
 17 any interest in real or personal property which may be
 18 used by an authority in the construction, improvement,
 19 maintenance, leasing, or operation of any mass transit
 20 facilities. Any county, city, commission, authority,
 21 or person may transfer and assign over to the
 22 authority a contract which may have been awarded by
 23 the county, city, commission, authority, or person for
 24 the construction of mass transit facilities not begun

25 or, if begun, not completed.

26 2. A proposed action of the board, and a proposed
27 agreement to acquire, shall be approved by the
28 governing body of the owner of the mass transit
29 facilities. If the governing body of a county, city,
30 commission, or authority desires to sell, lease, lend,
31 grant, or convey to the authority a mass transit
32 facility or any part of a mass transit facility, the
33 governing body shall adopt a resolution signifying its
34 intention to do so and shall publish the resolution at
35 least one time in a newspaper of general circulation
36 in the county and in a newspaper or newspapers, if
37 necessary, of general circulation in the area served
38 by the county, city, commission, or authority giving
39 notice of a hearing to be held on the question of the
40 sale, lease, loan, grant, or conveyance. The
41 resolution shall be published at least fourteen days
42 prior to the date of hearing. After the hearing and
43 if in the public interest, the county, city,
44 commission, or authority shall enact an ordinance
45 authorizing the sale, lease, loan, grant, or
46 conveyance.

47 3. An owner transferring an existing mass transit
48 facility to the authority under this section shall
49 notify the board of and make provision in the transfer
50 documents for, where necessary, existing rights,

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1 liens, securities, and rights of reentry belonging to
2 the state or federal government.

3 4. This section, without reference to any other
4 law, shall be deemed complete authority for the
5 acquisition by agreement, of a facility as provided in
6 subsection 1, and no proceedings or other action shall
7 be required except as prescribed in this division.

8 Sec. 19. NEW SECTION. 330B.20 FUNDS OF THE
9 AUTHORITY.

10 Moneys of an authority shall be paid to the
11 treasurer of the authority who shall not commingle the
12 moneys with any other moneys, but shall deposit them
13 in a separate account or accounts. Moneys in the
14 accounts shall be paid out on check of the treasurer
15 on requisition of the chairperson of the authority, or
16 of another person as the authority may authorize to
17 make the requisition. An authority may deposit any of
18 its rates, fees, rentals, or other charges, receipts,
19 or income with any bank or trust company that is
20 federally insured and may deposit the proceeds of any
21 bonds issued with any bank or trust company that is

22 federally insured, all as may be provided in any
23 agreement with the holders of bonds issued under this
24 division.

25 Sec. 20. NEW SECTION. 330B.21 AWARD OF
26 CONTRACTS.

27 All contracts entered into by an authority for the
28 construction, reconstruction, and improvement of mass
29 transit facilities shall be entered into pursuant to
30 and shall comply with applicable state laws. However,
31 if an authority determines an emergency exists, it may
32 enter into contracts obligating the authority for not
33 in excess of one hundred thousand dollars per
34 emergency without regard to the requirements of
35 applicable state laws and the authority may proceed
36 with the necessary action as expeditiously as possible
37 to the extent necessary to resolve the emergency.

38 Sec. 21. NEW SECTION. 330B.22 EXEMPTION FROM
39 TAXATION.

40 Since an authority is performing essential
41 governmental functions, an authority is not required
42 to pay any taxes or assessments of any kind or nature
43 upon any property required or used by it for its
44 purposes, or any rates, fees, rentals, receipts, or
45 incomes at any time received by it, and the bonds
46 issued by an authority, their transfer, and the
47 income, including any profits made on the sale of
48 bonds, shall be free from taxation of any kind by this
49 state, or any political subdivision or taxing agency
50 or instrumentality of this state.

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1 Sec. 22. NEW SECTION. 330B.23 DISSOLUTION --
2 REFERENDUM.

3 The authority shall be dissolved only by a majority
4 vote in a referendum undertaken in a manner similar to
5 the referendum provided for in section 330B.6. The
6 board shall initiate the petition calling for an
7 election to approve or disapprove the dissolution.
8 The authority shall provide by ordinance for the
9 disposal of any remaining property, the proceeds of
10 which shall first be applied against any outstanding
11 obligation of the authority. The remaining balance
12 shall be divided between the counties included in the
13 authority and credited to the general fund of the
14 respective counties.

15 Sec. 23. NEW SECTION. 330B.24 SUPREMACY OF
16 COMPACT.

17 The provisions of this division II are subject to
18 all of the provisions of the quad cities interstate

19 metropolitan authority compact provided for in section
20 330B.1.
21 Sec. 24. NEW SECTION. 330B.25 LIMITATION ON
22 AUTHORITY.
23 Nothing in this division shall be construed to
24 authorize the authority to construct or maintain
25 public roads, streets, highways, or bridges.
26 Sec. 25. EFFECTIVE DATE.
27 This Act takes effect January 1, 1991.”
28 2. Title page, line 1, by striking the words “an
29 interstate metropolitan” and inserting the following:
30 “a quad cities transportation”.
31 3. Title page, lines 4 and 5, by striking the
32 words “by providing for the imposition of a retail
33 sales tax and the certification of a property tax,
34 levy,”.

S-6007

1 Amend the amendment, S-5979, to House File 29, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 7 through 26 and
5 inserting the following:
6 “7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an
7 individual receives benefits for which the individual
8 is subsequently determined to be ineligible, even
9 though the individual acts in good faith and is not
10 otherwise at fault, the benefits shall be recovered.
11 ~~The division of job service in its discretion may~~
12 ~~recover the overpayment of benefits either by having a~~
13 ~~sum equal to the overpayment deducted from any future~~
14 ~~benefits payable to the individual or by having the~~
15 ~~individual pay to the division a sum equal to the~~
16 ~~overpayment. For benefits required to be recovered,~~
17 the division shall require the individual to pay to
18 the division a sum equal to the overpayment or shall
19 file a lien with the county recorder in favor of the
20 state on the individual's wages earned within five
21 years of the date of the overpayment decision. The
22 lien shall have the force and effect of a judgment and
23 may be enforced as provided in chapter 626 or
24 collected in a manner similar to the manner provided
25 for the collection of past due contributions in
26 section 96.14, subsection 3. However, the division
27 may purge from its records any remaining unpaid
28 balance of an outstanding overpayment which is

29 uncollected for five years or more from the date of
 30 the overpayment decision."

RICHARD J. VARN
 CALVIN O. HULTMAN

S-6008

1 Amend Senate File 2432 as follows:

2 1. Page 1, by inserting after line 16 the follow-
 3 ing:

4 "The exemption granted by this subsection relating
 5 to drug testing pursuant to federal regulations
 6 adopted as of July 1, 1990, is of no effect, as it
 7 applies to a particular regulation, upon a finding by
 8 a court of competent jurisdiction that the particular
 9 regulation is unconstitutional or otherwise invalid,
 10 or upon the revision or amendment of the regulation."

COMMITTEE ON JUDICIARY
 RICHARD J. VARN, Chair

S-6009

1 Amend the amendment, S-6008, to Senate File 2432 as
 2 follows:

3 1. Page 1, lines 9 and 10, by striking the words
 4 " , or upon the revision or amendment of the
 5 regulation".

RICHARD F. DRAKE

S-6010

1 Amend House File 2062, as passed by the House, as
 2 follows:

3 1. Page 3, by inserting after line 11, the
 4 following:

5 "Sec. ____ . NEW SECTION. 514C.5 HEALTH COVERAGES
 6 REVIEW COMMISSION.

7 1. A health coverages review commission is
 8 established for the purpose of organizing and
 9 conducting review and evaluation of issues relating to
 10 third-party payor health benefits coverages, uninsured
 11 and underinsured persons, or requirements to include
 12 or offer certain benefits or coverage or make payment
 13 for services provided by particular health care
 14 institutions or professions. The commission shall be
 15 provided staff support by the insurance division of
 16 the department of commerce.

- 17 2. The commission shall consist of the following
18 members:
- 19 a. Two members of the general assembly.
 - 20 b. One representative of a labor union or
21 organization.
 - 22 c. One representative of business and employers.
 - 23 d. One consumer representative.
 - 24 e. One third-party payor representative.
- 25 All members shall be appointed by the legislative
26 council.
- 27 3. The commission shall review and evaluate
28 legislative proposals related to mandated benefits,
29 including mandating third-party payors to include or
30 offer certain benefits or coverage or make payment for
31 services provided by particular health care
32 institutions or professions, and mandating certain
33 levels of benefits or coverage for those services. In
34 reviewing legislative proposals, the commission shall
35 consider the following issues:
- 36 a. The extent to which the proposed benefit and
37 the services the benefit would provide are needed by,
38 available to, and utilized by the population of the
39 state.
 - 40 b. The extent to which third-party payor coverage
41 for the proposed benefit already exists, or if no such
42 coverage exists, the extent to which this lack of
43 coverage results in inadequate health care or
44 financial hardship for the population of the state.
 - 45 c. Relevant findings bearing on the social impact
46 of the lack of the proposed benefit.
 - 47 d. Evidence of the financial impact of the
48 legislative proposal, including but not limited to the
49 impact of the proposed benefit on the total cost of
50 health care within the state.

Page 2

- 1 4. The commission shall forward its
2 recommendations to the general assembly as timely as
3 possible to facilitate legislative consideration of
4 mandated benefit proposals.
- 5 5. The insurance division shall provide staff
6 support to the commission.”
- 7 2. By renumbering as necessary.

JACK RIFE

S-6011

1 Amend House File 2062, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 11, the
4 following:

5 "Sec. ____ . NEW SECTION. 514C.5 LIMITED BENEFIT
6 HEALTH COVERAGES.

7 1. An insurer, nonprofit health service
8 corporation, or health maintenance organization may
9 issue individual or group limited benefit health
10 coverage policies, plans, or contracts meeting all of
11 the following criteria:

12 a. The individual, family, or group contracting
13 for coverage under the policy, plan, or contract shall
14 have been without third-party payor or employer-
15 sponsored health care coverage for all of the twelve-
16 month period immediately preceding the effective date
17 of the policy, plan, or contract to be issued pursuant
18 to this section.

19 b. For a group in existence for less than twelve
20 months, the group shall have been without third-party
21 payor health care coverage or employer-sponsored
22 health care coverage since the inception of the group.

23 c. A group shall meet all of the following
24 criteria:

25 (1) Have fifty or fewer members.

26 (2) Be formed for purposes other than obtaining
27 insurance coverage.

28 The commissioner may impose by rule or order such
29 additional terms or conditions as the commissioner
30 deems advisable to make available to uninsured
31 individuals or groups limited benefit health coverage
32 assuring access to medical treatment for basic health
33 needs.

34 2. A limited benefit policy of accident and health
35 insurance shall be governed by the provisions of title
36 XX applicable to accident and health insurance, but,
37 subject to the approval of the commissioner, may
38 exclude any, any combination, or all mandated
39 benefits, required coverages, or requirements to make
40 payments for services provided by particular health
41 care institutions and professions.

42 3. A limited benefit plan of a nonprofit hospital
43 service corporation shall be governed by the
44 provisions of title XX applicable to nonprofit
45 hospital service corporations, but, subject to the
46 approval of the commissioner, may exclude any, any
47 combination, or all mandated benefits, required
48 coverages, or requirements to make payments for
49 services provided by particular health care
50 institutions and professions.

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1 4. A limited benefit contract of a health
2 maintenance organization shall be governed by the
3 provisions of title XX applicable to health
4 maintenance organizations, but, subject to the
5 approval of the commissioner, may exclude any, any
6 combination, or all mandated benefits, required
7 coverages, or requirements to make payments for
8 services provided by particular health care
9 institutions and professions.

10 5. A limited benefit policy, plan, or contract may
11 include any or all of the following managed care
12 provisions to control costs:

13 a. An exclusion for services that are not
14 medically necessary or are not covered preventive
15 health services.

16 b. A procedure for preauthorization by the third-
17 party payor, or the payor's designee.

18 c. A preferred panel of providers who have entered
19 into written agreements with the third-party payor to
20 provide services at specified levels of reimbursement.
21 Any such written agreement between a provider and a
22 third-party payor shall contain a provision under
23 which the parties agree that the insured individual or
24 covered member will have no obligation to make payment
25 for any medical service rendered by the provider that
26 is determined not to be medically necessary. A
27 written agreement between a provider and a third-party
28 payor is subject to the review and approval of the
29 commissioner.

30 d. Provisions requiring a second surgical opinion.

31 e. A procedure for utilization review by the
32 third-party payor or the payor's designee.

33 This subsection does not prohibit a third-party
34 payor from including additional managed care and cost
35 control provisions, subject to the approval of the
36 commissioner.

37 6. A policy, plan, or contract offered pursuant to
38 this section shall include, in clear language, a
39 disclosure statement of the scope of coverage provided
40 and any exclusions otherwise required to be contained
41 in a policy, plan, or contract not offered pursuant to
42 this section. In addition to the required disclosure
43 in the policy, plan, or contract, a written disclosure
44 statement shall be presented to each applicant and
45 each covered individual, which disclosure statement
46 shall at minimum include all of the following:

47 a. An explanation of those mandated benefits and
48 providers not covered.

49 b. An explanation of the managed care and cost
50 control provisions, along with all appropriate mailing

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1 addresses and telephone numbers necessary to comply
2 with the provisions.

3 c. An explanation of the primary and preventive
4 care features of the policy, plan, or contract.

5 The written disclosure statement shall be presented
6 in clear and understandable form and format and shall
7 be separate from the policy, certificate, or evidence
8 of coverage provided to a covered individual. The
9 written disclosure statement is subject to review and
10 approval by the commissioner.

11 7. A limited benefit policy, plan, or contract,
12 including applications, enrollment forms, policies,
13 subscription contracts, certificates, evidences of
14 coverage, riders, amendments, endorsements,
15 disclosure, forms, and all other related forms, shall
16 be submitted to the commissioner for prior approval.

17 A limited benefit policy, plan, or contract shall
18 not be issued or issued for delivery in this state
19 unless the rates therefor have been filed with and
20 approved by the commissioner. The rates shall be
21 supported by an actuarial memorandum meeting the
22 requirements of the commissioner. The commissioner
23 may impose by rule or order such additional terms or
24 conditions upon limited benefit health coverages as
25 the commissioner deems reasonable or prudent to
26 effectuate the purposes of this section. The purposes
27 of this section include, but are not limited to, the
28 extension of limited coverage to persons who would
29 otherwise be uninsured, without encouraging or
30 permitting persons now insured under conventional
31 contracts from reducing their scope of coverage in the
32 absence of a change in circumstances.”

33 2. By renumbering as necessary.

JACK RIFE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 366

S-6012

1 Amend Senate amendment, H-6165, to House File 366,

- 2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 3, by striking the figure "10"
5 and inserting the following: "13".

S-6013

- 1 Amend House File 2506, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 25, the
4 following:
5 "3. The commissioner shall determine and identify
6 classes of policies or contracts and persons who will
7 be subject to the provisions of this section. Based
8 on this determination, the commissioner shall
9 establish by rule the classes of policies or contracts
10 and persons who shall or shall not be included within
11 specified classes for the purposes of allocating costs
12 between classes."
13 2. Page 1, line 26, by striking the figure "3"
14 and inserting the following: "4".
15 3. Page 1, by inserting after line 28, the
16 following:
17 "Sec. ____ .
18 The commissioner of insurance shall by rule exempt
19 from the provisions of section 514D.9, those classes
20 of persons who will not use maternity benefits."
21 4. By renumbering as necessary.

WILLIAM W. DIELEMAN

HOUSE AMENDMENT TO
SENATE FILE 2428

S-6014

- 1 Amend Senate File 2428, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, by inserting after line 1 the follow-
4 ing:
5 "1A. If 1990 Iowa Acts, House File 2294, is
6 enacted, of the funds appropriated under subsection 1,
7 \$3,500,000 shall be used to fund the affordable
8 heating program.
9 1B. Not more than \$1,000,000 of the funds
10 appropriated under subsection 1 shall be used for
11 assessment and resolution of energy problems."

- 12 2. Page 8, by striking lines 22 and 23 and
 13 inserting the following: "federal fiscal year
 14 beginning October 1, 1990, 15 percent of the funds
 15 appropriated".
- 16 3. Page 9, line 4, by striking the figure
 17 "31,974,906" and inserting the following:
 18 "32,101,333".
- 19 4. Page 9, line 14, by striking the figure
 20 "1,844,952" and inserting the following: "1,852,247".
- 21 5. Page 9, line 30, by striking the figure
 22 "12,652,703" and inserting the following:
 23 "12,680,027".
- 24 6. Page 9, line 32, by striking the figure
 25 "147,084" and inserting the following: "147,666".
- 26 7. Page 9, line 34, by striking the figure
 27 "4,684,324" and inserting the following: "4,702,845".
- 28 8. Page 10, line 1, by striking the figure
 29 "1,365,329" and inserting the following: "1,370,727".
- 30 9. Page 10, line 3, by striking the figure
 31 "11,152,614" and inserting the following:
 32 "11,219,416".
- 33 10. Page 10, line 5 by striking the figure
 34 "127,900" and inserting the following: "128,405".
- 35 11. By renumbering, relettering, or redesignating
 36 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 431

S-6015

- 1 Amend Senate File 431, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1 through page 2,
 4 line 28.
- 5 2. By striking page 5, line 34 through page 7,
 6 line 5.
- 7 3. Title page, line 2, by striking the words "and
 8 applicators".
- 9 4. Title page, lines 3 and 4, by striking the
 10 words "and civil penalties".

S-6016

- 1 Amend House File 2536, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 5 the

4 following:

5 "Sec. ____ . Section 714.23, Code 1989, is amended
6 to read as follows:

7 714.23 REFUND POLICIES.

8 1. A person offering a course of instruction at
9 the postsecondary level, for profit, that is more than
10 four months in length and leads to a degree, diploma,
11 or license, shall make a pro rata refund of ~~eighty-~~
12 ~~five~~ no less than ninety percent of the tuition for a
13 terminating student to the appropriate agency based
14 upon the ratio of completed number of scheduled school
15 days to the ~~total~~ sixty percent of the scheduled
16 school days of the school term or course.

17 2. Notwithstanding the provisions of subsection 1,
18 the following refund policy shall apply:

19 a. If a terminating student has completed sixty
20 percent or more of a school term or course that is
21 more than four months in length, the person offering
22 the course of instruction is not required to refund
23 tuition for the student. However, if, at any time, a
24 student terminates a school term or course that is
25 more than four months in length due to the student's
26 physical incapacity or due to the transfer of the
27 student's spouse's employment to another city, the
28 terminating student shall receive a refund of tuition
29 in an amount which equals the amount of tuition
30 multiplied by the ratio of the remaining number of
31 school days to the total school days of the school
32 term or course.

33 b. A refund of ninety percent of the tuition for a
34 terminating student to the appropriate agency based
35 upon the ratio of completed number of school days to
36 the total school days of the school term or course.
37 This paragraph applies to those persons offering
38 courses of instruction at the postsecondary level, for
39 profit, whose cohort default rate for students under
40 the Stafford loan program as defined by the United
41 States department of education is more than one
42 hundred ten percent of the national average cohort
43 default rate for that program for that period or six
44 percent, whichever is higher.

45 3. ~~However, if~~ If the financial obligations of a
46 student are for three or fewer months duration, this
47 section does not apply.

48 4. Refunds shall be paid to the appropriate agency
49 within thirty days following the student's
50 termination.

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1 If the student terminates later than three weeks
2 after the course of instruction has commenced, the
3 person offering the course of instruction cannot admit
4 a student to replace the student for which a refund
5 was received for the remaining portion of the school
6 term or course.

7 5. A student who terminates a course of instruc-
8 tion or term shall not be charged any fee or other
9 monetary penalty for terminating a course of
10 instruction or term other than a reduction in tuition
11 refund as specified in this section.

12 6. A violation of this section is a simple
13 misdemeanor."

14 2. Page 3, line 10, by inserting after the word
15 "college aid" the following: "the college aid
16 commission, and in the case of a school licensed under
17 section 157.8, the board of cosmetology examiners or
18 in the case of a school licensed under section 158.7,
19 the board of barber examiners."

20 3. By renumbering as necessary.

JOE WELSH
RICHARD V. RUNNING
RICHARD J. VARN
JIM LIND

S-6017

1 Amend the Committee amendment, S-6008, to Senate
2 File 2432, as follows:

3 1. Page 1, line 8, by inserting after the word
4 "jurisdiction" the following: "including any appeal
5 of such finding."

6 2. Page 1, by striking lines 9 and 10, and
7 inserting the following: "regulation is
8 unconstitutional or otherwise invalid."

RICHARD VARN

S-6018

1 Amend House File 2567 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 29 through 33 and
4 inserting the following: "advisory group shall assist
5 the soil conservation division of the department of

6 agriculture and land stewardship in the project design
7 and implementation, with representation consisting of
8 the energy and geological resources division of the
9 department of natural resources and the".
10 2. Page 1, line 35, by striking the figure
11 "600,000" and inserting the figure "500,000".
12 3. Page 2, by inserting after line 10 the
13 following:
14 "3. To the department of economic development for
15 the energy-related activities of the amorphous
16 semiconductor project at Iowa state university of
17 science and technology, from the Stripper well fund:
18 \$ 500,000".
19 4. Page 2, line 13, by striking the figure
20 "\$300,000" and inserting the figure "\$200,000".

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chair

S-6019

1 Amend House File 2567 as follows:
2 1. Page 2, by inserting after line 10 the fol-
3 lowing:
4 "3. To the state department of transportation to
5 conduct, through a contract with a regional planning
6 agency, a demonstration study to assess the economic
7 and technical feasibility of establishing an
8 intermodal transportation facility at or near a
9 location on the Mississippi river that has access to
10 year-round navigation, from the Exxon fund.
11 \$ 25,000
12 Moneys appropriated under this subsection shall
13 only be appropriated in an amount which does not
14 exceed the balance of moneys returned from payments on
15 the revolving loan used to fund the Quad Cities
16 intermodal project, at the time of execution of the
17 contract with the regional planning agency. The
18 department shall coordinate the demonstration study
19 with the department of economic development and shall
20 report to the general assembly, not later than March
21 31, 1991, on the outcome of the study, on the
22 applicability of integrating intermodal transportation
23 analysis into regional economic development studies,

24 and on the contribution that regional planning can
25 make to statewide planning.”

EUGENE FRAISE

S-6020

1 Amend the amendment, S-6008, to House File 2432, as
2 follows:

3 1. Page 1, by inserting after line 10 the
4 following: “The decision of a court invalidating any
5 regulation exempted by this section shall not be
6 stayed pending appeal.”

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2235

S-6021

1 Amend the Senate amendment, H-6178, to Senate File
2 2235, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by striking lines 25 through 30 and
5 inserting the following:

6 “Sec. ____.

7 The provisions of 1990 Iowa Acts, House File 2294,
8 creating the affordable heating program advisory
9 council, are repealed July 1, 1992.”

HOUSE AMENDMENT TO
SENATE FILE 2429

S-6022

1 Amend the Senate File 2429, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 “k. Changes in technology related to determination
6 of paternity, subject to the following conditions and
7 limitations:

8 (1) (a) For orders entered before July 1, 1990, a
9 petition to modify must be filed by July 1, 1991.

10 provided that the child is under the age of nineteen
 11 years at the time the petition to modify is filed.

12 (b) For orders entered on or after July 1, 1990, a
 13 petition to modify must be filed within five years of
 14 the date of entry of the dissolution decree or the
 15 order establishing paternity, provided that the child
 16 is under the age of nineteen years at the time the
 17 petition to modify is filed.

18 (2) Any modification of child support brought
 19 under this lettered paragraph can be made retroactive
 20 only to the date on which the notice of the pending
 21 petition for modification is served on the opposing
 22 party.

23 (3) The cost of testing related to the
 24 determination of paternity shall be paid by the person
 25 requesting the modification.

26 1. Other factors the court determines to be
 27 relevant in an individual case."

28 2. Page 23, by striking lines 3 through 11, and
 29 inserting the following:

30 "NEW SUBSECTION. 8A. Notwithstanding subsection
 31 8, a substantial change of circumstances exists when
 32 the court order for child support deviates from the
 33 child support guidelines established pursuant to
 34 section 598.21, subsection 4 for a reason other than
 35 that stated in the original order, unless the
 36 provisions of the guidelines themselves have changed
 37 since the entry or subsequent modification of the
 38 original order. Upon application for a modification
 39 of an order for child support where services are being
 40 received pursuant to chapter 252B, the court shall act
 41 in accordance with section 598.21, subsection 4."

42 3. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2433

S-6023

1 Amend Senate File 2433, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 11, lines 6 and 7, by striking the words
 4 "two million" and inserting the following: "one
 5 million five hundred thousand".

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

8 "____. To the department of public defense, the sum

9 of five hundred thousand dollars for construction of a
10 STARC armory at Camp Dodge to house national guard
11 units and to use the basement area to continue state
12 government activities which include the state
13 alternate emergency operations center, the Iowa
14 communications network primary "HUB", and associated
15 disaster service divisions required to maintain
16 continuity of state government."

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2567

S-6024

1 Amend the amendment, H-6189, to House File 2567, as
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 2, the
4 following:

5 "___ . Page 1, by striking line 19, and inserting
6 the following:

7 2. To the department of agriculture and land
8 stewardship for the establishment and implementation
9 of not less".

10 2. Page 1, by striking lines 10 and 11.

11 3. Page 1, line 18, by striking the figure
12 "500,000" and inserting the following: "300,000".

13 4. Page 1, by inserting after line 18, the
14 following:

15 "As a condition, limitation, and qualification of
16 the appropriation made in this subsection, the
17 department of economic development shall provide a
18 complete report of the current status of the project
19 which shall include the degree of financial or other
20 participation by Iowa state university of science and
21 technology and the other participants in the project.
22 The report shall be submitted to the fiscal committee
23 of the legislative council no later than October 1,
24 1990."

25 5. Page 1, by striking lines 43 and 44.

S-6025

1 Amend Senate Concurrent Resolution 136 as follows:

2 1. Page 1, line 6, by striking the words and
3 figure "Saturday, April 7," and inserting the
4 following: "Sunday, April 8".

BILL HUTCHINS

S-6026

- 1 Amend Senate File 2437 as follows:
- 2 1. By striking page 11, line 21 through page 12,
- 3 line 27.

EUGENE FRAISE

HOUSE AMENDMENT TO
SENATE FILE 2435

S-6027

- 1 Amend Senate File 2435, as passed by the Senate, as
- 2 follows:
- 3 1. Page 45, line 24, by striking the word "For"
- 4 and inserting the following: "a. For".
- 5 2. Page 45, by inserting after line 34 the
- 6 following:
- 7 "b. If the ending balance in the general fund of
- 8 the state for the fiscal year beginning July 1, 1989,
- 9 and ending June 30, 1990, is \$100,000,000 or more,
- 10 effective January 1, 1991, the cost reimbursement rate
- 11 for residential care facilities reimbursed by the
- 12 department shall be increased by \$.37 per day over the
- 13 maximum cost reimbursement rate in effect on December
- 14 31, 1990. The flat reimbursement rate for facilities
- 15 electing not to file semiannual cost reports shall be
- 16 increased by \$.27 per day over the flat reimbursement
- 17 rate in effect on December 31, 1990. The maximum
- 18 reimbursement rate for providers reimbursed under the
- 19 in-home health-related care program shall be increased
- 20 by 2 percent over the rates in effect on December 31,
- 21 1990."
- 22 3. Page 45, line 35, by striking the word "For"
- 23 and inserting the following: "a. For".
- 24 4. Page 46, by inserting after line 11 the
- 25 following:
- 26 "b. If the ending balance in the general fund of
- 27 the state for the fiscal year beginning July 1, 1989,
- 28 and ending June 30, 1990, is \$100,000,000 or more,
- 29 effective January 1, 1991, services provided by social
- 30 service providers reimbursed by the department rates
- 31 shall be increased by 2 percent over the unreduced
- 32 rates in effect on December 31, 1990, except for

33 family foster care provider rates which shall remain
 34 at the rates in effect on December 31, 1990.
 35 Increases in rates for foster group care and shelter
 36 care services shall not exceed \$1.42 per day over the
 37 maximum rate in effect on December 31, 1990. The
 38 reimbursement rate increase for providers whose cost
 39 reimbursement is below the maximum rate on January 1,
 40 1991, shall be the maximum increase provided to
 41 providers whose cost reimbursement is at the maximum
 42 rate on January 1, 1991.”

43 5. Page 47, by inserting after line 11 the
 44 following:

45 “Sec. ____ . CONTINGENCY APPROPRIATION INCREASE.

46 If the ending balance in the general fund of the
 47 state for the fiscal year beginning July 1, 1989, and
 48 ending June 30, 1990, is \$100,000,000 or more,
 49 effective January 1, 1991, there is appropriated from
 50 the general fund of the state to the department of

Page 2

1 human services for the fiscal period beginning January
 2 1, 1991, and ending June 30, 1991, the following
 3 amounts, to be used for increased reimbursement rates
 4 for providers of services reimbursed under section 31,
 5 subsections 2 and 3, of this Act:

6	1. For state supplementary assistance:		
7	.....	\$	207,331
8	2. For protective and state child care assistance:		
9	.....	\$	84,720
10	3. For foster care:		
11	.....	\$	482,498
12	4. For home-based services:		
13	.....	\$	99,888
14	5. For community-based programs		
15	.....	\$	16,508
16	6. For supplementation of federal social services		
17	block grant funds and for allocation to the various		
18	counties for the purchase of local services:		
19	.....	\$	134,356
20	7. For development and coordination of volunteer		
21	services:		
22	.....	\$	1,164”.
23	6. By renumbering as necessary.		

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2517

S-6028

1 Amend the amendment, H-5817, to House File 2517, as
 2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 2, line 36, by inserting after the word
5 "There" the following: "is a need to provide for
6 early intensive intervention on behalf of juveniles
7 which is designed to meet the juveniles' needs and
8 prevent future antisocial and criminal behavior and
9 there".

10 2. Page 3, line 28, by inserting after the word
11 "jurisdiction" the following: "and custody".

12 3. Page 3, by striking lines 42 through 44, and
13 inserting the following: "The court finds such
14 placement to be in the best interests of the child or
15 necessary to the protection of the public. The child
16 has committed an".

17 4. Page 3, line 45, by inserting after the word
18 "which" the following: "is a crime against a person
19 and which".

20 5. Page 3, line 49, by inserting after the word
21 "placed" the following: "in a treatment facility".

22 6. Page 4, line 10, by striking the word "both"
23 and inserting the following: "that all".

24 7. Page 4, by inserting after line 17, the
25 following:

26 "(3) That reasonable attempts to notify the
27 parents, guardian ad litem, and attorney for the child
28 have been made."

29 8. Page 4, line 35, by inserting after the word
30 "health" the following: "and is in the best interests
31 of the child".

32 9. Page 5, line 11, by striking the word "both"
33 and inserting the following: "that all".

34 10. Page 5, by inserting after line 18, the
35 following:

36 "(3) That reasonable attempts to notify the
37 parents, guardian ad litem, and attorney for the child
38 have been made."

39 11. Page 5, line 36, by inserting after the word
40 "health" the following: "and is in the best interests
41 of the child".

42 12. Page 6, by inserting after line 28 the
43 following:

44 "Sec. 100. Section 242.1, Code 1989, as amended by
45 this Act, is amended by striking the section and
46 inserting in lieu thereof the following:

47 242.1 OFFICIAL DESIGNATION.

48 1. Effective January 1, 1992, a diagnosis and
49 evaluation center and other units are established at
50 Eldora to provide to juvenile delinquents a program

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1 which focuses upon appropriate developmental skills,
2 treatment, placements, and rehabilitation.
3 2. The diagnosis and evaluation center which is
4 used to identify appropriate treatment and placement
5 alternatives for juveniles and any other units for
6 juvenile delinquents which are located at Eldora and
7 the unit for juvenile delinquents at Toledo shall
8 together be known as the "state training school". For
9 the purposes of this chapter "director" means the
10 director of human services and "superintendent" means
11 the administrator in charge of the diagnosis and
12 evaluation center for juvenile delinquents and other
13 units at Eldora and the unit for juvenile delinquents
14 at Toledo."
15 13. Page 7, line 31, by inserting after the word
16 "with" the following: "a planning group consisting
17 of".
18 14. Page 7, line 34, by inserting after the word
19 "parties," the following: "attorneys who are
20 experienced in representing juveniles and in juvenile
21 law;".
22 15. Page 7, line 35, by striking the words
23 "conduct a study" and inserting the following:
24 "develop a plan".
25 16. Page 8, line 5, by striking the words "study
26 of" and inserting the following: "plan involving".
27 17. Page 8, line 7, by striking the words "study
28 findings" and inserting the following: "plan".
29 18. Page 8, line 22, by striking the word "study"
30 and inserting the following: "planning".
31 19. Page 8, line 23, by striking the words
32 "continue to study" and inserting the following:
33 "also develop a plan for".
34 20. Page 8, line 26, by striking the word "study"
35 and inserting the following: "planning".
36 21. Page 8, by striking lines 32 through 34 and
37 inserting the following: "later than December 1,
38 1991. The plan and planning activities for the state
39 juvenile justice system shall include but are not
40 limited to all of the following:".
41 22. Page 8, line 35, by striking the words "The
42 study group shall seek" and inserting the following:
43 "Seeking".
44 23. By striking page 8, line 48 through page 9,

45 line 10 and inserting the following:

46 "d. Developing a plan for converting the state
47 training school at Eldora, or parts of the facility,
48 to a statewide diagnosis and evaluation center used to
49 identify appropriate treatment and placement
50 alternatives. The plan shall include provisions,

Page 3

1 including estimated costs, to establish regional
2 secure treatment facilities for youth who require
3 intensive treatment in this type of setting for
4 extended periods of time. The planning group shall
5 consider potential locations for the facilities near
6 areas of the state in which a wide variety of support
7 services, work and training opportunities, and
8 educational program support are available.

9 Sec. ____ . YOUTHFUL OFFENDERS PROGRAM.

10 1. Effective July 1, 1992, a youthful offenders
11 program is established within the department of
12 corrections to provide for the control, treatment, and
13 rehabilitation of offenders who are 18 to 21 years of
14 age.

15 2. The department of corrections shall work with a
16 task force which shall include representatives of the
17 supreme court, the department of human services, and
18 the criminal and juvenile justice planning division of
19 the department of human rights to develop a proposal
20 to establish a youthful offenders program within adult
21 corrections which shall be submitted to the general
22 assembly and the governor on or before January 2,
23 1991. The program shall be targeted to persons who
24 are 18 to 21 years of age and have committed a first
25 offense and youth who turn 18 years of age while under
26 the jurisdiction of the juvenile court by providing
27 aftercare and extended supervision of the youth
28 through age 21. The task force proposal shall provide
29 a comprehensive description of the program, including
30 characteristics of persons to be referred to the
31 program, a survey of existing state institutions to
32 identify facilities which may be converted to house
33 the program, recommended sentencing criteria and
34 options including deferral of sentence, and
35 recommendations relating to the court's ability to
36 place individuals directly in the program."

37 24. Page 9, line 16, by striking the figure
38 "1991." and inserting the following: "1991.

39 3. Section 100 of this Act takes effect January 1,
40 1992."

41 25. Page 9, line 19, by inserting after the word

42 "juveniles" the following: " , youthful offenders,".
43 26. Page 9, line 24, by inserting after the word
44 "persons," the following: "establishing a youthful
45 offenders program in the department of corrections,".

S-6029

1 Amend Senate File 2437 as follows:
2 1. Page 32, by inserting after line 4, the
3 following:

4 "DIVISION —

5 RECREATION AND EDUCATIONAL GRANTS PROGRAM

6 Sec. 1901.

7 Notwithstanding section 501 of this Act, in the
8 event that the anticipated ending balance of the
9 general fund of the state for the fiscal year ending
10 June 30, 1990, as certified by the director of the
11 department of management exceeds \$132,200,000, there
12 is appropriated from the general fund of the state to
13 the department of human rights for the fiscal year
14 beginning July 1, 1990, and ending June 30, 1991, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-
19 time equivalent positions related to the recreation
20 and educational grants program:

21	\$	400,000
22	FTEs	1.00

23 1. Of the amount appropriated under this section,
24 \$300,000 shall be used as follows:

25 a. To provide state funds to encourage and
26 supplement recreational and educational activities for
27 low-income youth grades K-12 by filling existing gaps
28 and permitting expansion in the current system of
29 community-based recreational and educational programs;
30 establishing a comprehensive network of services that
31 are continuous and year-round that focus on recreation
32 and personal development education for low-income
33 youth grades K-12; and providing
34 recreational/educational programs for youth from
35 families with incomes no more than 120 percent above
36 the federal poverty level.

37 b. To be eligible for state funds under this
38 paragraph, the applicant must be a nonprofit
39 organization whose mission includes providing services
40 for low-income youth grades K-12; the activities must
41 be those not currently offered by the organization, or
42 if currently offered are demonstrably underfunded; and

43 the activities must be free of charge to all youth who
44 meet the income requirements. A nominal fee, at cost,
45 may be assessed to youth who do not meet the stated
46 income requirements. Grants will be awarded based on
47 the organization's demonstrated ability to provide
48 organized recreational or educational programs or a
49 combination of both.
50 c. Grants awarded under this paragraph shall be

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1 awarded on a competitive basis to fund low-income
2 youth programs in both urban and rural areas
3 throughout the state.

4 2. Of the amount appropriated under this
5 subsection, \$100,000 shall be used for exemplary
6 social and community-based organizations whose
7 activities are primarily targeted toward minority
8 populations in the state. Grants awarded under this
9 paragraph shall be awarded on a competitive basis.

10 3. Of the funds appropriated under this
11 subsection, 8 percent of the funds may be used for
12 administrative purposes of the department of human
13 rights.

14 4. Notwithstanding section 8.33, moneys
15 appropriated under this subsection for the fiscal year
16 beginning July 1, 1990, shall not revert to the
17 general fund of the state at the end of the fiscal
18 year but shall be available for expenditure during the
19 fiscal year beginning July 1, 1991, for the purposes
20 designated.

21 Sec. 1902.

22 Notwithstanding section 8.33, moneys appropriated
23 from the jobs now account for the fiscal year
24 beginning July 1, 1989, pursuant to section 99E.32,
25 subsection 5, paragraph "v", which remain unexpended
26 on June 30, 1990, shall not revert to any fund but
27 shall be available for expenditure for the purposes
28 designated during the fiscal year beginning July 1,
29 1990, and shall be in addition to any other moneys
30 available for those purposes.

31 Sec. 1903. EFFECTIVE DATE.

32 Section 1902 of this Act, being deemed of immediate
33 importance, takes effect upon enactment."

TOM MANN, Jr.
JIM LIND
AL STURGEON

S-6030

- 1 Amend Senate File 2437 as follows:
- 2 1. Page 19, by striking lines 21 through 27.
- 3 2. By renumbering as necessary.

RICHARD VARN

S-6031

- 1 Amend Senate File 2437 as follows:
- 2 1. Page 32, by inserting after line 4, the
- 3 following:
- 4 "Sec. ____ . SPECIAL OLYMPICS FUND.
- 5 There is appropriated from the general fund of the
- 6 state to the Iowa special olympics fund for the fiscal
- 7 year beginning July 1, 1990, and ending June 30, 1991,
- 8 the following amount, or so much thereof as is
- 9 necessary, to be used for the purpose designated:
- 10 For the Iowa special olympics fund:
- 11 \$ 5,000
- 12 1. An Iowa special olympics fund is established in
- 13 the office of the treasurer of state, which shall
- 14 consist of the amounts appropriated to the fund by the
- 15 general assembly for each fiscal year.
- 16 2. The moneys in the Iowa special olympics fund
- 17 shall be expended at the request of the honorary
- 18 chairperson of the Iowa special olympics."

EUGENE FRAISE

S-6032

- 1 Amend Senate File 2437 as follows:
- 2 1. Page 5, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ . FIRE FIGHTERS' MEMORIAL.
- 5 There is appropriated from the general fund of the
- 6 state to the office of the treasurer of state for the
- 7 fiscal year beginning July 1, 1990, and ending June
- 8 30, 1991, the following amount, or so much thereof as
- 9 is necessary, to be used for the purpose designated:
- 10 To fund in part the cost of building a memorial
- 11 honoring fallen fire fighters:
- 12 \$ 50,000
- 13 Notwithstanding section 8.33, the moneys
- 14 appropriated in this section shall not revert after
- 15 the end of the fiscal year ending June 30, 1991, but

- 16 shall remain available for expenditure during the
 17 fiscal year beginning July 1, 1991, and ending June
 18 30, 1992.”
 19 2. By renumbering as necessary.

EMIL J. HUSAK

S-6033

- 1 Amend Senate File 2437 as follows:
 2 1. Page 3, by inserting after line 27 the
 3 following:
 4 “Sec. 2. STUDY REQUIRED.
 5 Notwithstanding section 8.33, the department of
 6 human services shall complete by January 2, 1991, the
 7 studies required pursuant to 1989 Iowa Acts, chapter
 8 318, section 1, subsection 5, and the funds
 9 appropriated for this purpose that remain unencumbered
 10 and unobligated on June 30, 1990, shall not revert to
 11 the general fund but shall remain available for the
 12 purposes designated during the fiscal year beginning
 13 July 1, 1990.”
 14 2. Page 3, line 29, by striking the word and
 15 figure “Section 201” and inserting the following:
 16 “Sections 201 and 2”.
 17 3. Page 3, line 30, by striking the word “takes”
 18 and inserting the following: “take”.

CHARLES BRUNER

S-6034

- 1 Amend Senate File 2437 as follows:
 2 1. By striking page 30, line 26, through page 32,
 3 line 9.

RICHARD F. DRAKE
 JIM LIND

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2564

S-6035

- 1 Amend the Senate amendment, H-6162, to House File
 2 2564, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 1, by striking lines 4 through 6, and
5 inserting the following:

6 "___ . Page 1, lines 12 and 13, by striking the
7 words "to be deposited in the youth 2000 community
8 fund established in section 256.44".

9 ___ . Page 1, by striking lines 23 through 25, and
10 inserting the following: "appropriation, grants shall
11 be awarded for collaborative efforts within the
12 community receiving the grant, and such grants shall
13 not exceed \$2,500. As a further condition,
14 limitation, and qualification of this appropriation,
15 funding shall be provided for contracting on a
16 competitive basis with a nonprofit organization to
17 provide technical assistance to communities pursuant
18 to section 256.43.

19 Applicants for grants to be made pursuant to
20 this".

21 2. Page 1, line 10, by striking the words "a part
22 of the school district" and inserting the following:
23 the community".

24 3. Page 1, by striking lines 11 and 12, and
25 inserting the following:

26 "___ . By striking page 2, line 23, through page
27 3, line 11."

28 4. Page 1, line 14, by striking the figure
29 "1,212,208" and inserting the following: "1,162,208".

30 5. Page 1, line 39, by striking the figure
31 "300,000" and inserting the following: "200,000".

32 6. Page 1, line 41, by striking the words "two
33 urban areas" and inserting the following: "urban
34 area".

35 7. Page 1, by striking line 48, and inserting the
36 following:

37 " \$ 125,000

38 The drug enforcement and abuse prevention
39 coordinator shall monitor the program and receive
40 reports required to be made concerning the program.
41 Persons responsible for the program shall report to
42 the drug enforcement and abuse prevention coordinator
43 concerning progress in establishing the program and
44 the expenditures made."

45 8. Page 2, by striking lines 1 through 40 and
46 inserting the following:

47 " \$ 50,000".

48 9. Page 2, line 48, by striking the figure
49 "31,792" and inserting the following: "56,292".

50 10. By striking page 2, line 49, through page 3,

Page 2

1 line 31, and inserting the following:

2 " ____ . Page 5, line 2, by striking the figure
3 "52,500" and inserting the following: "28,000".

4 ____ . Page 5, by inserting after line 21, the
5 following:

6 "4. For the division of narcotics for funding drug
7 enforcement operations to be used for the purchase of
8 illegal substances in furtherance of these enforcement
9 operations:

10 \$ 125,000

11 As a condition, limitation, and qualification of
12 this appropriation, the department shall use the
13 amount appropriated in this subsection to match and
14 obtain available federal funds, the total amount of
15 these funds to be used for the purchase of illegal
16 substances in furtherance of these enforcement
17 operations."

18 11. Page 3, by striking line 34, and inserting
19 the following:

20 " ____ . Page 6, line 8, by striking the figure
21 "150,000" and inserting the following: "125,000"."

22 12. Page 3, by striking lines 45 and 46, and
23 inserting the following:

24 " \$ 25,000

25 6. For salaries, support, maintenance, and
26 technical assistance for the purpose of reducing court
27 delays and for the training of judges:

28 \$ 25,000

29 As a condition, limitation, and qualification of
30 this appropriation, the drug enforcement and abuse
31 prevention coordinator, in cooperation with the
32 judicial department, shall use this amount to match
33 and obtain available federal funds, the total amount
34 of these funds to be used for the purpose of reducing
35 court delays.

36 7. Notwithstanding section 8.33, funds".

37 13. Page 3, by striking lines 48 and 49, and
38 inserting the following:

39 " ____ . By striking page 8, line 29, through page
40 9, line 3, and inserting the following:

41 "Notwithstanding section 602.6201, for an
42 additional"."

43 14. Page 4, by striking line 18, and inserting
44 the following:

45 "a. Two physicians licensed in this state who
46 have".

47 15. Page 4, by striking lines 30 through 39 and
48 inserting the following:

49 "d. One person representing a master's degree
50 program in substance abuse counseling, with research

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1 expertise in the field of substance abuse treatment.
2 e. Two representatives of the business community
3 who shall represent the business consumers of health
4 insurance.

5 f. Two representatives of providers of health
6 insurance. At least one representative shall
7 represent health maintenance organizations or
8 preferred provider organizations.

9 g. Three citizens of the state who do not provide
10 health services or health insurance or other fiscal
11 intermediary services.

12 Members appointed to the advisory council pursuant
13 to paragraphs "a" through "d" shall be appointed so
14 that an equal number shall be appointed to represent
15 public substance abuse treatment providers as are
16 appointed to represent private substance abuse
17 treatment providers."

18 16. By striking page 4, line 40, through page 8,
19 line 8, and inserting the following:

20 "___ . By striking page 13, line 7, through page
21 19, line 17, and inserting the following:

22 "Sec. ___ . NEW SECTION. 125.15B DUTIES OF
23 COUNCIL.

24 1. Except as otherwise provided by law, the
25 council shall:

26 a. Recommend policy and rule changes to the
27 director necessary to provide for the effective
28 regulation and assessment of treatment providers in
29 this state and the effective administration of this
30 chapter.

31 b. Receive, review, and make recommendations to
32 the department based upon the information contained in
33 the provider reports received by the department.

34 c. Shall study whether or not a problem currently
35 exists with inappropriate transfers of patients by
36 either providers or third-party payors, and, if so,
37 make appropriate recommendations to the department.

38 2. The council may recommend to the director a
39 contractor for the purpose of data collection related
40 to the evaluation of providers subject to the
41 provisions of this chapter and for the collection of
42 patient data.

43 Sec. ___ . NEW SECTION. 125.15C REQUIRED
44 REPORTING.

45 Unless otherwise provided, a substance abuse

46 treatment provider, regardless of whether the provider
47 is licensed by the commission on substance abuse,
48 shall report to the department on forms provided by
49 the department, information relating to all patients
50 admitted to treatment, receiving treatment, or

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1 discharged from treatment, and again at a specified
2 time after completing or ending such treatment as
3 required by departmental rule. The provider shall
4 provide all information requested which is available
5 to the provider. The department, after consultation
6 with the advisory council, shall adopt rules providing
7 for the information to be reported to the department
8 and the advisory council.

9 In addition to receiving the reports required under
10 this section, the division of substance abuse, for
11 good cause, shall have access to the records of a
12 substance abuse treatment provider for the purpose of
13 auditing and inspecting the programs to assure
14 compliance with the requirements of sections 125.15B
15 through 125.15M.

16 For the period beginning July 1, 1990, and ending
17 June 30, 1991, the form to be used for the reporting
18 required under section 125.15C for all providers shall
19 be the substance abuse management information system
20 form used by the division of substance abuse. No
21 later than July 1, 1991, the department, in
22 consultation with the advisory council, shall require
23 the reporting of additional information relating to
24 the following addiction related symptoms of a patient:

- 25 1. Physical diseases associated with the use of
- 26 substances.
- 27 2. Organic brain dysfunction.
- 28 3. Symptomatic major psychosis.
- 29 4. Suicide attempts.
- 30 5. Other symptoms as deemed appropriate by the
- 31 advisory council and adopted by the department for the
- 32 purpose of determining patient severity at the time of
- 33 admission to treatment.

34 Sec. ____ . NEW SECTION. 125.15D DATA CONTRACTOR.

35 The department, after consultation with and upon
36 recommendation of the advisory council, may contract
37 with an independent data collector to survey substance
38 abuse treatment providers required to report
39 information under section 125.15C, and shall provide
40 such information required to be reported pursuant to
41 section 125.15C, and any other information collected
42 as determined by the department, to the council.

43 Sec. ____ . NEW SECTION. 125.15E DATA PROVIDED TO
44 HEALTH DATA COMMISSION.

45 The department shall also forward all data reported
46 pursuant to section 125.15C and any other information
47 collected as determined by the department to the state
48 health data commission.

49 Sec. ____ . NEW SECTION. 125.15F MEASUREMENT
50 STANDARDS.

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1 The department, after consultation with the
2 advisory council, shall adopt rules establishing
3 minimum standards of outcome measurement of patients
4 ending or completing treatment relating to the
5 effectiveness of substance abuse treatment programs,
6 which shall primarily include, but not be limited to,
7 the following:

- 8 1. Abstinence.
- 9 2. Arrest rate.
- 10 3. Improved socioeconomic status.

11 Sec. ____ . NEW SECTION. 125.15G TYPES OF
12 PROGRAMS.

13 For purposes of review of substance abuse treatment
14 programs, all programs providing substance abuse
15 treatment and subject to the requirements of section
16 125.15A through 125.15M, shall be divided into class 1
17 and class 2 programs based upon a patient severity
18 index as determined by the advisory council. The
19 patient severity index must include factors relating
20 to medical severity, psychological dysfunction, age,
21 recidivism, arrest rate, and other pertinent factors.
22 The department, after consultation with the advisory
23 council, shall adopt rules relating to the definition
24 of class 1 and class 2 programs.

25 Sec. ____ . NEW SECTION. 125.15H PROVIDER REVIEW -
26 -MINIMUM STANDARDS.

27 No later than July 1, 1992, the department, after
28 consultation with the advisory council, shall adopt
29 rules providing for the minimum standards to be met by
30 all providers.

31 Sec. ____ . INTERIM RULES.

32 For the period beginning July 1, 1990, and ending
33 June 30, 1992, all treatment providers shall meet the
34 following minimum standards:

35 A success rate equal to seventy-five percent of the
36 average success rate of the top fifty percent of
37 treatment providers within the same class in each of
38 the following categories:

- 39 1. Abstinence.

- 40 2. Arrest rate.
41 3. Improved socioeconomic status.
42 A treatment provider who fails to attain the
43 required minimum success rate in any of the three
44 categories shall be subject to intensified review by
45 the department.
46 Sec. ____ . NEW SECTION. 125.15I PROVIDER
47 SANCTIONS.
48 1. A treatment provider which fails to meet the
49 minimum standards established pursuant to section
50 125.15F shall be reviewed by the advisory council.

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- 1 Within thirty days after the advisory council has
2 concluded its review, the advisory council shall
3 provide recommendations for program changes, or may
4 recommend other appropriate action to be taken
5 pursuant to this section, if any, to the Iowa
6 department of public health. The department, upon
7 affirming the recommendations of the advisory council,
8 shall forward to the provider program recommendations
9 as recommended by the advisory council, or other
10 recommendations deemed appropriate by the department,
11 and may stay further action against the provider, for
12 a period of up to one year during which time, the
13 advisory council shall continue to review the provider
14 and new patient data shall be collected for review.
15 2. The advisory council may appoint one or more
16 quality improvement task forces for the purpose of
17 providing expert review and advice for improving the
18 success rate of providers failing to meet the minimum
19 standards required pursuant to section 125.15H. A
20 task force shall consist of three substance abuse
21 professionals from programs in the top fifty percent
22 of all providers in the same class as the provider
23 that fails to meet the standards. A task force shall
24 review a provider that fails to meet the minimum
25 standards and make recommendations for change to the
26 provider being reviewed and notify the advisory
27 council as to those recommendations. Both public and
28 private providers shall be represented on a quality
29 improvement task force. Persons serving on a quality
30 improvement task force may be reimbursed for expenses
31 incurred in performance of the duties of the task
32 force. A task force shall cooperate with the division
33 of substance abuse and the technical assistance
34 program.
35 3. If the advisory council finds that a substance
36 abuse treatment provider has failed to meet the

37 minimum standards established pursuant to section
38 125.15F and action by the advisory council is not
39 recommended pursuant to subsection 1, the advisory
40 council may do any of the following:

41 a. Recommend to the director of public health that
42 funding for the substance abuse treatment provider
43 relating to the substance abuse treatment programs of
44 the provider be withheld.

45 b. Recommend to the director of human services
46 that medical assistance funding relating to the
47 substance abuse treatment programs of the provider be
48 withheld.

49 c. Recommend to the appropriate licensing
50 authority that the license of the substance abuse

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1 treatment provider be suspended or revoked relating to
2 the substance abuse treatment programs of the
3 provider.

4 4. Notwithstanding subsections 1 through 3, the
5 advisory council may find that the program serves a
6 particularly difficult patient population and that the
7 public health and welfare would be furthered by
8 continuing to fund the program. In such a case, the
9 advisory council, upon an affirmative vote of two-
10 thirds of the members of the council shall recommend
11 that a new measurement standard be established by the
12 department, by rule, for the program.

13 5. If the advisory council has acted pursuant to
14 subsection 1 and the director accepts such
15 recommendation and stays action against the provider,
16 at the end of that year the advisory council may
17 recommend to the department an additional extension of
18 the period of intensified review for up to one
19 additional year.

20 6. If the advisory council has acted pursuant to
21 subsection 1, 2, or 3 and no action has been taken
22 pursuant to subsection 4 or 5, the department shall
23 include the substance abuse treatment provider on a
24 list of providers failing to meet the minimum
25 standards which shall be provided to the public,
26 third-party payors for health services, local govern-
27 ment bodies, and substance abuse treatment provider
28 accreditation entities.

29 Sec. — . NEW SECTION. 125.15J CONFIDENTIALITY
30 OF INFORMATION.

31 1. Information received by the department
32 contained in the reports required pursuant to section
33 125.15I is subject to the confidentiality provisions

34 of sections 125.37 and 125.93.

35 However, a summary of data concerning a program
36 which has been sanctioned pursuant to section 125.15I,
37 subsection 2 or 3, shall be made available, as
38 appropriate, by the department.

39 2. Beginning July 1, 1993, to the extent permitted
40 by state and federal law, a summary of data concerning
41 the success of all substance abuse treatment programs
42 shall be made available by the department upon the
43 request of any interested person.

44 Sec. ____ . NEW SECTION. 125.15K EXEMPLARY
45 PROVIDERS -- PREFERENTIAL TREATMENT.

46 The department, in consultation with the advisory
47 council, shall adopt rules defining exemplary
48 substance abuse treatment programs and providing for
49 the recognition of exemplary substance abuse treatment
50 programs. In adopting such rules the department shall

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1 consider patient populations and other appropriate
2 factors.

3 Additionally, to the extent permitted by applicable
4 state and federal requirements relating to substance
5 abuse treatment funding, the department shall
6 preferentially consider such exemplary substance abuse
7 treatment providers in subsequent funding grant
8 applications.

9 Sec. ____ . NEW SECTION. 125.15L FALSIFICATION OF
10 REPORT DATA.

11 A substance abuse treatment provider required to
12 provide information to the department pursuant to
13 section 125.15C, who intentionally falsifies any
14 diagnosis of a patient admitted to treatment to avoid
15 review pursuant to section 125.15H, who intentionally
16 fails to report information to the department, or who
17 falsifies such report, is subject to a civil penalty
18 of five thousand dollars per false diagnosis, per
19 failure to make such report, or per falsification of
20 such report, in addition to any other appropriate
21 action which may be taken by the department or the
22 council. Such penalties shall be collected by the
23 department and deposited in the general fund of the
24 state.

25 In addition to the civil penalty provided in this
26 section, the department shall also make a list of
27 providers committing violations of this section
28 available to the public, third-party payors for health
29 services, local government bodies, and substance abuse
30 treatment provider accreditation entities.

- 31 Sec. ____ . NEW SECTION. 125.15M PROGRAMS EXCLUDED
 32 --PENALTY.””
 33 17. Page 8, line 10, by striking the figure
 34 “125.15I” and inserting the following: “125.15L”.
 35 18. Page 8, line 12, by striking the figure
 36 “125.15I” and inserting the following: “125.15L”.
 37 19. Page 8, by striking lines 15 through 24.
 38 20. By striking page 13, line 33, through page
 39 14, line 42, and inserting the following:
 40 “”Sec. ____ . Section 911.2, Code 1989, is amended
 41 to”.
 42 21. Page 21, line 19, by inserting after the word
 43 “curriculum” the following: “related to substance
 44 abuse”.
 45 22. Page 21, by striking lines 23 and 24, and
 46 inserting the following: “extent possible, to provide
 47 funding for substance abuse curriculum development and
 48 training, development of student assistance teams, and
 49 other related programs.”
 50 23. Page 22, by striking lines 3 through 7, and

Page 9

- 1 inserting the following: “the general assembly no
 2 later than January 15, 1991.””
 3 24. Page 23, line 13, by striking the word
 4 “department” and inserting the following: “alliance”.
 5 25. Page 23, by striking lines 17 through 23.
 6 26. Renumber as necessary.

S-6036

- 1 Amend Senate File 2437 as follows:
 2 1. Page 3, by inserting after line 27 the
 3 following:
 4 “Sec. 2. STUDY REQUIRED.
 5 Notwithstanding section 8.33, the department of
 6 human services shall complete by January 2, 1991, the
 7 studies required pursuant to 1989 Iowa Acts, chapter
 8 318, section 1, subsection 5, and the funds
 9 appropriated for this purpose that remain unencumbered
 10 and unobligated on June 30, 1990, shall not revert to
 11 the general fund but shall remain available for the
 12 purposes designated during the fiscal year beginning
 13 July 1, 1990.”
 14 2. Page 3, line 29, by striking the word and
 15 figure “Section 201” and inserting the following:
 16 “Sections 201 and 2”.
 17 3. Page 3, line 30, by striking the word “takes”

18 and inserting the following: "take".
19 4. Page 18, by inserting after line 17 the fol-
20 lowing:

21 "Sec. ____ . 1990 Iowa Acts, Senate File 2327,
22 section 1, subsection 1, is amended to read as
23 follows:

24 1. GENERAL ADMINISTRATION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28	.....	\$	815,706
29		<u>1,040,706</u>	
30	.....	FTEs	21.00
31		<u>25.50</u>	

32 Sec. ____ . 1990 Iowa Acts, Senate File 2327,
33 section 1, subsection 12, paragraph a, is amended to
34 read as follows:

35 a. Small business program:

36	.....	\$	151,314
37		<u>207,559</u>	
38	.....	FTEs	2.00
39		<u>3.50</u>	

40 5. Page 18, line 18, by striking the words and
41 figure "section 9, is" and inserting the following:
42 "sections 7, 9, 18 through 22, and 30 through 35,
43 are".

44 6. Page 22, by inserting after line 28 the
45 following:

46 "Sec. ____ . Section 232.147, subsection 3,
47 paragraph c, Code 1989, is amended to read as follows:

48 c. The child's parent, guardian or custodian,
49 court-appointed special advocate, and guardian ad
50 litem."

Page 2

- 1 7. Page 24, by striking lines 7 through 11.
- 2 8. Page 24, line 25, by inserting after the word
- 3 "court," the following: "A senior judge shall not be
- 4 assigned to judicial duties on the supreme court
- 5 unless the judge has been appointed to serve on the
- 6 supreme court prior to retirement."
- 7 9. By striking page 27, line 34 through page 28,
- 8 line 8.
- 9 10. Title, line 2, by inserting after the word
- 10 "government" the following ", its regulatory
- 11 functions,".
- 12 11. By renumbering, relettering, or redesignating
- 13 and correcting internal references as necessary.

S-6037

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 33 the
4 following:

5 "Sec. ____ . FIRE FIGHTERS' MEMORIAL.

6 There is appropriated from the general fund of the
7 state to the office of the treasurer of state for the
8 fiscal year beginning July 1, 1990, and ending June
9 30, 1991, the following amount, or so much thereof as
10 is necessary, to be used for the purpose designated:

11 To fund in part the cost of building a memorial
12 honoring fallen fire fighters:

13 \$ 50,000

14 Notwithstanding section 8.33, the moneys
15 appropriated in this section shall not revert after
16 the end of the fiscal year ending June 30, 1991, but
17 shall remain available for expenditure during the
18 fiscal year beginning July 1, 1991, and ending June
19 30, 1992."

20 2. By renumbering as necessary.

EMIL J. HUSAK

S-6038

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 19, the
4 following:

5 "Sec. ____ . SPECIAL OLYMPICS FUND.

6 There is appropriated from the general fund of the
7 state to the Iowa special olympics fund for the fiscal
8 year beginning July 1, 1990, and ending June 30, 1991,
9 the following amount, or so much thereof as is
10 necessary, to be used for the purpose designated:

11 For the Iowa special olympics fund:

12 \$ 5,000

13 1. An Iowa special olympics fund is established in
14 the office of the treasurer of state, which shall
15 consist of the amounts appropriated to the fund by the
16 general assembly for each fiscal year.

17 2. The moneys in the Iowa special olympics fund

18 shall be expended at the request of the honorary
19 chairperson of the Iowa special olympics.”

EUGENE FRAISE

S-6039

1 Amend House File 2569 as amended, passed, and
2 reprinted by the House as follows:
3 1. By striking page 11, line 30 through page 12,
4 line 32.

EUGENE FRAISE

S-6040

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 1 the
4 following:
5 “Sec. ____ . DRUG UTILIZATION REVIEW.
6 There is appropriated from the general fund of the
7 state to the department of human services for the
8 fiscal year beginning July 1, 1990, and ending June
9 30, 1991, the following amount, or so much thereof as
10 is necessary, to be used for the purpose designated:
11 For medical contracts:
12 \$ 140,000
13 The funds appropriated in this section shall be
14 used in addition to funds appropriated for this
15 purpose in Senate File 2435, if enacted by the
16 Seventy-third General Assembly, 1990 Session, to
17 continue the contract with the Iowa pharmacists
18 association and the Iowa foundation for medical care
19 for drug utilization review of services and products
20 provided under the medical assistance program. The
21 drug utilization review shall be continued as a state
22 only contract.”
23 2. By renumbering as necessary.

JOE WELSH

S-6041

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 32, by inserting after line 19 the

4 following:

5

“DIVISION —

6 Sec. 1. Section 422.7, Code Supplement 1989, is

7 amended by adding the following new subsection:

8 NEW SUBSECTION. 23. For a person who is disabled,
9 is fifty-five years of age or older, or is the

10 surviving spouse of an individual or survivor having
11 an insurable interest in an individual who would have
12 qualified for the exemption under this subsection for
13 this tax year, subtract, to the extent included, the
14 total amount of pension, annuity, or retirement
15 allowances received under the peace officers'
16 retirement system under chapter 97A, the Iowa public
17 employees' retirement system under chapter 97B, a
18 pension and annuity retirement system for public
19 school teachers under chapter 294, a disabled and
20 retired fire fighters and police officers system under
21 chapter 410, the Iowa police officers and fire
22 fighters retirement system under chapter 411, the
23 judicial retirement system under chapter 602, article
24 9, and any federal retirement and disability system,
25 as a result of being an officer or employee of the
26 federal government, up to a maximum each tax year of
27 two thousand five hundred dollars for a person who
28 files a separate state income tax return and five
29 thousand dollars for a husband and wife who file a
30 joint state income tax return. However, a surviving
31 spouse who is not disabled or fifty-five years of age
32 or older can only exclude the amount of annuities
33 received as a result of the death of the other spouse.

34 Sec. 2. RETROACTIVE APPLICABILITY.

35 Section 1 of this Act applies retroactively to
36 January 1, 1990, for tax years beginning on or after
37 that date.

38 Sec. 3. REPEAL.

39 Section 1 of this Act is repealed effective January
40 1, 1991, for tax years beginning on or after that
41 date.”

42 2. By renumbering as necessary.

JOE WELSH

S-6042

1 Amend House File 2569, as amended, passed, and
2 reprinted, by the House, as follows:

- 3 1. Page 20, by striking lines 9 through 15.
- 4 2. By renumbering as necessary.

RICHARD VARN

S-6043

1 Amend House File 2569 as amended, passed, and
 2 reprinted by the House as follows:

3 1. Page 32, by inserting after line 19, the
 4 following:

5 "DIVISION ____
 6 RECREATION AND EDUCATIONAL GRANTS PROGRAM
 7 Sec. 1901.

8 Notwithstanding section 501 of this Act, in the
 9 event that the anticipated ending balance of the
 10 general fund of the state for the fiscal year ending
 11 June 30, 1990, as certified by the director of the
 12 department of management exceeds \$132,200,000, there
 13 is appropriated from the general fund of the state to
 14 the department of human rights for the fiscal year
 15 beginning July 1, 1990, and ending June 30, 1991, the
 16 following amount, or so much thereof as is necessary,
 17 to be used for the purpose designated:

18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions related to the recreation
 21 and educational grants program:
 22 \$ 400,000
 23 FTEs 1.00

24 1. Of the amount appropriated under this section,
 25 \$300,000 shall be used as follows:

26 a. To provide state funds to encourage and
 27 supplement recreational and educational activities for
 28 low-income youth grades K-12 by filling existing gaps
 29 and permitting expansion in the current system of
 30 community-based recreational and educational programs;
 31 establishing a comprehensive network of services that
 32 are continuous and year-round that focus on recreation
 33 and personal development education for low-income
 34 youth grades K-12; and providing
 35 recreational/educational programs for youth from
 36 families with incomes no more than 120 percent above
 37 the federal poverty level.

38 b. To be eligible for state funds under this
 39 paragraph, the applicant must be a nonprofit
 40 organization whose mission includes providing services
 41 for low-income youth grades K-12; the activities must
 42 be those not currently offered by the organization, or

43 if currently offered are demonstrably underfunded; and
44 the activities must be free of charge to all youth who
45 meet the income requirements. A nominal fee, at cost,
46 may be assessed to youth who do not meet the stated
47 income requirements. Grants will be awarded based on
48 the organization's demonstrated ability to provide
49 organized recreational or educational programs or a
50 combination of both.

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1 c. Grants awarded under this paragraph shall be
2 awarded on a competitive basis to fund low-income
3 youth programs in both urban and rural areas
4 throughout the state.

5 2. Of the amount appropriated under this
6 subsection, \$100,000 shall be used for exemplary
7 social and community-based organizations whose
8 activities are primarily targeted toward minority
9 populations in the state. Grants awarded under this
10 paragraph shall be awarded on a competitive basis.

11 3. Of the funds appropriated under this
12 subsection, 8 percent of the funds may be used for
13 administrative purposes of the department of human
14 rights.

15 4. Notwithstanding section 8.33, moneys
16 appropriated under this subsection for the fiscal year
17 beginning July 1, 1990, shall not revert to the
18 general fund of the state at the end of the fiscal
19 year but shall be available for expenditure during the
20 fiscal year beginning July 1, 1991, for the purposes
21 designated.

22 Sec. 1902.

23 Notwithstanding section 8.33, moneys appropriated
24 from the jobs now account for the fiscal year
25 beginning July 1, 1989, pursuant to section 99E.32,
26 subsection 5, paragraph "v", which remain unexpended
27 on June 30, 1990, shall not revert to any fund but
28 shall be available for expenditure for the purposes
29 designated during the fiscal year beginning July 1,
30 1990, and shall be in addition to any other moneys
31 available for those purposes.

32 Sec. 1903. EFFECTIVE DATE.

33 Section 1902 of this Act, being deemed of immediate
34 importance, takes effect upon enactment."

TOM MANN, Jr.
JIM LIND
AL STURGEON

S-6044

1 Amend House File 2569, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 19 the
4 following:

5 "Sec. ____ . Section 99D.13, subsection 2, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:

8 2. Winnings from each racetrack forfeited under
9 subsection 1 shall escheat to the state and to the
10 extent appropriated by the general assembly shall be
11 used by the department of agriculture and land
12 stewardship to administer sections 99D.22. The
13 remainder shall be paid over to the commission to be
14 used as follows:

15 a. To the extent that the remainder paid over to
16 the commission is from unclaimed winnings from harness
17 racing meetings, the amount shall be used as provided
18 in subsection 3, However the limit provided in
19 subsection 3 shall not be exceeded by moneys
20 appropriated in this paragraph. Moneys which exceed
21 the limit shall be used to pay the cost of drug
22 testing of horses competing in harness racing at the
23 tracks.

24 b. To the extent that the remainder paid over to
25 the commission is from unclaimed winnings from tracks
26 licensed for dog or horse racing other than as
27 provided in paragraph "a", the moneys shall be used to
28 pay for the cost of drug testing of dogs or horses
29 other than horses competing in harness racing meets.
30 The commission shall remit remaining moneys at least
31 quarterly as follows:

32 (1) One-third of the amount to the treasurer of
33 the city in which the racetrack is located. If a
34 racetrack is not located in a city, the one-third
35 share shall be deposited as provided in chapter 556.

36 (2) One-third of the amount to the treasurer of
37 the county in which the racetrack is located.

38 (3) One-third of the amount to the racetrack from
39 which the unclaimed winnings were forfeited.

40 The amount received by a racetrack under this
41 subsection shall be used only for retiring the debt of
42 the racetrack facilities and for capital improvements

- 43 to the racetrack facilities.”
 44 2. By renumbering as necessary.

JIM RIORDAN

S-6045

- 1 Amend House File 2569 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. By striking page 11, line 35 through page 12,
 4 line 32.

EUGENE FRAISE

HOUSE AMENDMENT TO
 SENATE FILE 2412

S-6046

- 1 Amend Senate File 2412, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 7 and 8, by striking the words
 4 “in an aggregate, annual amount or value of twenty-
 5 five thousand dollars or more.”
 6 2. Page 1, by striking line 10, and inserting the
 7 following: “organization, a religious organization,
 8 or a state, regionally, or nationally accredited
 9 college or university.”
 10 3. Page 1, line 15, by inserting after the word
 11 “enforcement” the following: “, emergency medical
 12 technician, paramedic.”
 13 4. Page 2, line 8, by inserting after the word
 14 “contribution.” the following: ““Solicitation” does
 15 not include an application for a grant from any
 16 governmental entity or private nonprofit foundation.”
 17 5. By striking page 2, line 12 through page 3,
 18 line 26, and inserting the following:
 19 “122.2 REGISTRATION PERMIT REQUIRED -- FEE --
 20 EXPIRATION.
 21 1. a. A professional commercial fund-raiser shall
 22 not solicit contributions for charitable purposes in
 23 this state unless the professional commercial fund-
 24 raiser has registered with the attorney general, has
 25 provided the attorney general with a listing of the
 26 professional commercial fund-raiser's clients, and has
 27 obtained a registration permit from the attorney
 28 general. The attorney general may require that
 29 registration information be updated on a quarterly
 30 basis.
 31 b. The attorney general shall prescribe and

32 furnish the registration permit application form which
33 shall include provisions for financial disclosure
34 information concerning contributions received and
35 disbursements made during the previous year by the
36 professional commercial fund-raiser applying for
37 registration. Financial disclosure information shall
38 not include an applicant's donor lists.
39 c. In lieu of filing the financial disclosure
40 information at the time of registration, the
41 professional commercial fund-raiser may file a
42 statement with its permit application where it agrees
43 to provide, without cost, the financial disclosure
44 information required to be disclosed pursuant to this
45 subsection to a person or government entity requesting
46 the information within one day of the request. The
47 statement shall include the telephone number, mailing
48 address, and names of persons to be contacted to
49 obtain the financial disclosure information of the
50 fund-raiser. Failure to provide this information upon

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1 request shall be a violation of this chapter.
2 2. A charitable organization shall provide, upon
3 request and without cost to the requesting party,
4 financial disclosure information concerning
5 contributions received and disbursements for the
6 organization's last complete fiscal year, or, if the
7 organization has not completed a full fiscal year, for
8 its current fiscal year, to the attorney general or a
9 person requesting the information within five days of
10 the request.
11 3. a. If a professional commercial fund-raiser or
12 charitable organization fails to provide financial
13 information as required or requested, the fund-raiser
14 or organization shall file the financial disclosure
15 information with the attorney general within seven
16 days of its failure to have provided the disclosure
17 information and, thereafter, file, if required by the
18 attorney general, annual financial disclosure
19 information with the attorney general.
20 b. The attorney general may seek an injunction
21 pursuant to section 714.16 prohibiting the
22 professional commercial fund-raiser or charitable
23 organization from soliciting contributions until the
24 required financial information has been disclosed to
25 the attorney general, person, or government entity
26 making the request.
27 4. The client lists of a professional commercial
28 fund-raiser, if required to be filed as part of the

29 application for registration, shall be confidential
 30 and may be used only for law enforcement purposes.
 31 5. The attorney general shall collect a fee of ten
 32 dollars for each registration permit issued. A permit
 33 shall expire twelve months following the date of
 34 issuance.

35 6. The attorney general may make reasonable rules
 36 to enforce the provisions of this chapter."

37 6. Page 3, lines 33 and 34, by striking the words
 38 "first placing on file with the attorney general
 39 written".

40 7. Page 4, by striking lines 1 through 3 and
 41 inserting the following: "solicitation."

42 8. Page 4, by striking lines 15 through 24.

43 9. By renumbering, relettering, or redesignating
 44 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2422

S-6047

1 Amend the amendment, H-5837, to House File 2422, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. By inserting after line 33 the following:

5 "Sec. ____ . Section 252A.4, subsection 2, Code
 6 1989, is amended to read as follows:

7 2. The court of the responding state ~~shall have~~
 8 ~~the power to may~~ order the respondent to pay sums
 9 sufficient to provide necessary food, shelter,
 10 clothing, care, medical or hospital expenses,
 11 including medical support as defined in chapter 252E.
 12 expenses of confinement, expenses of education of a
 13 child, funeral expenses and such other reasonable and
 14 proper expenses of the petitioner as justice requires,
 15 having due regard to the circumstances of the
 16 respective parties.

17 Sec. ____ . NEW SECTION. 252A.5A LIMITATIONS OF
 18 ACTIONS.

19 1. An action to establish paternity and support
 20 under this chapter may be brought within the time
 21 limitations set forth in section 614.8.

22 2. Notwithstanding subsection 1, an action to
 23 establish paternity and support under this chapter may
 24 be brought concerning a person who was under age
 25 eighteen on August 16, 1984, regardless of whether any

26 prior action was dismissed because a statute of
 27 limitations of less than eighteen years was then in
 28 effect. Such an action may be brought within the time
 29 limitations set forth in section 614.8, or until July
 30 2, 1992, whichever is later.

31 Sec. ____ . Section 252B.5, Code 1989, is amended by
 32 adding the following new subsection:

33 NEW SUBSECTION. 6. Assistance in obtaining
 34 medical support as defined in chapter 252E.

35 Sec. 101. Section 252B.5, Code 1989, is amended by
 36 adding the following new subsection:

37 NEW SUBSECTION. 7. At the request of either
 38 parent who is subject to the order of support or upon
 39 its own initiation, review the amount of the support
 40 award in accordance with the guidelines established
 41 pursuant to section 598.21, subsection 4, and the
 42 federal Family Support Act of 1988, and take action to
 43 initiate modification proceedings if the criteria
 44 established pursuant to this section are met.

45 However, a review of a support award is not required
 46 in those cases for which an assignment ordered
 47 pursuant to chapter 234 or 239 is in effect if the
 48 child support recovery unit determines that such a
 49 review would not be in the best interest of the child
 50 and neither parent has requested such review.

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1 The department shall adopt rules no later than
 2 October 13, 1990, setting forth the process for review
 3 of requests for modification of support obligations
 4 and the criteria and process for taking action to
 5 initiate modification proceedings.

6 Sec. ____ . Section 252B.6, subsection 3, Code 1989,
 7 is amended by striking the subsection and inserting in
 8 lieu thereof the following:

9 3. Appear on behalf of the state for the purpose
 10 of facilitating the modification of support awards
 11 consistent with guidelines established pursuant to
 12 section 598.21, subsection 4 and the federal Family
 13 Support Act of 1988. The unit shall not otherwise
 14 participate in the proceeding.

15 Sec. ____ . Section 252B.6, subsection 4, paragraph
 16 b, Code 1989, is amended by striking the paragraph.

17 Sec. ____ . Section 252B.7, Code 1989, is amended by
 18 adding the following new subsection:

19 NEW SUBSECTION. 4. An attorney employed by or
 20 under contract with the child support recovery unit
 21 represents and acts on behalf of the state when
 22 providing child support enforcement services.

23 Sec. 102. **NEW SECTION.** 252B.18 ADVISORY

24 COMMITTEE ESTABLISHED.

25 The department shall establish a child support
26 enforcement program advisory committee which shall
27 include representatives of custodial parent groups,
28 noncustodial parent groups, the judicial department,
29 the office of citizens' aide, the Iowa state bar
30 association, and representatives of other
31 constituencies having an interest in child support
32 enforcement issues. The advisory committee shall
33 assist the department in reviewing issues related to
34 the implementation of the federal Family Support Act
35 of 1988 and methods of improving service. With the
36 assistance of the advisory committee, the department
37 shall review existing policies, practices, and
38 procedures of the child support recovery unit to
39 identify areas in which administrative appeals
40 procedures or other provisions for review of contested
41 issues would help to assure fair and impartial
42 treatment of persons affected by actions of the unit.

43 Sec. ____ . Section 252C.1, subsection 2, Code 1989,
44 is amended to read as follows:

45 2. "Court order" means a judgment or order of a
46 court of this state or another state requiring the
47 payment of a set or determinable amount of monetary
48 support. For orders entered on or after July 1, 1990,
49 unless the court specifically orders otherwise,
50 medical support, as defined in section 252E.1, is not

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1 included in the amount of monetary support.

2 Sec. ____ . Section 252C.1, Code 1989, is amended by
3 adding the following new subsection:

4 **NEW SUBSECTION.** 8. "Medical support" means either
5 the provision of coverage under a health benefit plan,
6 including a group or employment-related or an
7 individual health benefit plan, or a health benefit
8 plan provided pursuant to chapter 514E, to meet the
9 medical needs of a dependent and the cost of any
10 premium required by a health benefit plan, or the
11 payment to the obligee of a monetary amount in lieu of
12 providing coverage under a health benefit plan, either
13 of which is an obligation separate from any monetary
14 amount of child support ordered to be paid.

15 Sec. ____ . Section 252C.3, subsection 1, unnumbered
16 paragraph 1, Code 1989, is amended to read as follows:

17 In the absence of a court order, or if an
18 administrative order exists which does not require

19 provision of medical support as defined in chapter
 20 252E or equivalent medical support, the administrator
 21 may issue a notice establishing and demanding either
 22 payment of medical support established as defined in
 23 chapter 252E or payment of an accrued or accruing
 24 support debt due and owed to the department or an
 25 individual under section 252C.2, or both. The notice
 26 shall be served upon the responsible person in
 27 accordance with the rules of civil procedure. The
 28 notice shall include all of the following:

29 Sec. ____ . Section 252C.9, Code 1989, is amended to
 30 read as follows:

31 252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.

32 If an order of the administrator issued pursuant to
 33 this chapter conflicts with an order of a court, the
 34 court order prevails regarding support issues
 35 addressed by the court order.

36 Sec. ____ . Section 252D.1, subsection 1, Code 1989,
 37 is amended to read as follows:

38 1. As used in this chapter, unless the context
 39 otherwise requires, "support" or "support payments"
 40 means any amount which the court may require a person
 41 to pay for the benefit of a child under a temporary
 42 order or a final judgment or decree, and may include
 43 child support, maintenance, medical support as defined
 44 in chapter 252E, and, if contained in a child support
 45 order, spousal support, and any other term used to
 46 describe these obligations. These obligations may
 47 include support for a child who is between the ages of
 48 eighteen and twenty-two years and who is regularly
 49 attending an accredited school in pursuance of a
 50 course of study leading to a high school diploma or

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1 its equivalent, or regularly attending a course of
 2 vocational technical training either as a part of a
 3 regular school program or under special arrangements
 4 adapted to the individual person's needs, or is, in
 5 good faith, a full-time student in a college,
 6 university, or area school, or has been accepted for
 7 admission to a college, university, or area school and
 8 the next regular term has not yet begun; and may
 9 include support for a child of any age who is
 10 dependent on the parties to the dissolution
 11 proceedings because of physical or mental disability.

12 Sec. 103. NEW SECTION. 252E.1 DEFINITIONS.

13 As used in this chapter, unless the context
 14 otherwise requires:

15 1. "Child" means a person for whom child support

16 may be ordered pursuant to chapter 234, 239, 252A,
17 252C, 598, or 675 or any other chapter of the Code.

18 2. "Department" means the department of human
19 services, which includes but is not limited to the
20 child support recovery unit, or any comparable support
21 enforcement agency of another state.

22 3. "Dependent" means a child, or an obligee for
23 whom a court may order coverage by a health benefit
24 plan pursuant to section 252E.3.

25 4. "Enroll" means to be eligible for and covered
26 by a health benefit plan.

27 5. "Health benefit plan" means any policy or
28 contract of insurance, indemnity, subscription or
29 membership issued by an insurer, health service
30 corporation, health maintenance organization, or any
31 similar corporation, organization, or a self-insured
32 employee benefit plan, for the purpose of covering
33 medical expenses. These expenses may include, but are
34 not limited to hospital, surgical, major medical
35 insurance, dental, optical, prescription drugs, office
36 visits, or any combination of these or any other
37 comparable health care expenses.

38 6. "Insurer" means any entity which provides a
39 health benefit plan.

40 7. "Medical support" means either the provision of
41 a health benefit plan, including a group or
42 employment-related or an individual health benefit
43 plan, or a health benefit plan provided pursuant to
44 chapter 514E, to meet the medical needs of a dependent
45 and the cost of any premium required by a health
46 benefit plan, or the payment to the obligee of a
47 monetary amount in lieu of a health benefit plan,
48 either of which is an obligation separate from any
49 monetary amount of child support ordered to be paid.
50 Medical support is not alimony.

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1 8. "Obligee" means a parent or another natural
2 person legally entitled to receive a support payment
3 on behalf of a child.

4 9. "Obligor" means a parent or another natural
5 person legally responsible for the support of a
6 dependent.

7 Sec. ____ NEW SECTION. 252E.2 ORDER FOR MEDICAL 8 SUPPORT.

9 The entry of an order, pursuant to chapter 234,
10 252A, 252C, 598, or 675, requiring the provision of
11 coverage under a health benefit plan is authorization
12 for enrollment of the dependent if the dependent is

13 otherwise eligible to be enrolled. The dependent's
14 eligibility and enrollment for coverage under such a
15 plan shall be governed by all applicable terms and
16 conditions, including, but not limited to, eligibility
17 and insurability standards. The dependent, if
18 eligible, shall be provided the same coverage as the
19 obligor.

20 Sec. ____ . NEW SECTION. 252E.3 HEALTH BENEFIT
21 COVERAGE OF OBLIGEE.

22 For cases for which services are being provided
23 pursuant to chapter 252B, the order may require an
24 obligor providing a health benefit plan for a child to
25 also provide a health benefit plan for the benefit of
26 an obligee if the obligee is eligible for enrollment
27 under the plan in which the child or the obligor is
28 enrolled, and if the plan is available at no
29 additional cost.

30 Sec. ____ . NEW SECTION. 252E.4 COPY OF ORDER TO
31 EMPLOYER.

32 The obligor shall take all steps necessary to
33 enroll and maintain coverage under a health benefit
34 plan for a dependent at present and all future places
35 of employment, and shall send a copy of the order
36 requiring the coverage to the obligor's employer.

37 1. Within fifteen days of entry of the order, the
38 obligor shall provide written proof to the obligee and
39 the department that the required coverage has been
40 obtained or that application for coverage has been
41 made.

42 2. If the obligor fails to provide written proof
43 as required in subsection 1, a copy of the order for
44 medical support shall be forwarded to the obligor's
45 employer by the obligee or the department.

46 3. The chapter shall be constructive notice to the
47 obligor of enforcement and further notice prior to
48 enforcement is not required.

49 4. The order requiring coverage is binding on all
50 future employers or insurers if the dependent is

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1 eligible to be enrolled in the health benefit plan
2 under the applicable plan terms and conditions.

3 Sec. ____ . NEW SECTION. 252E.5 EFFECT OF ORDER ON
4 EMPLOYER.

5 When the order has been forwarded to the obligor's
6 employer pursuant to section 252E.4, the order is
7 binding on the employer and the employer's insurer to
8 the extent that the dependent is eligible to be
9 enrolled in the plan under the applicable terms and

10 conditions of the health benefit plan. The employer
11 shall forward a copy of the order to the insurer and
12 request enrollment of the dependent in the health
13 benefit plan. Within sixty days of receipt of the
14 order or within sixty days of receipt of application
15 of the obligor pursuant to the order, whichever is
16 earlier, the insurer shall determine whether the
17 dependent is eligible for enrollment under the plan
18 and shall notify the employer of the dependent's
19 eligibility status. If eligible, the employer shall
20 withhold any required premium from the obligor's
21 income or wages. If more than one plan is offered by
22 the employer, the dependent shall be enrolled in the
23 health benefit plan in which the obligor is enrolled.
24 Within thirty days of receipt of an order that
25 requires an obligor to enroll a dependent in a health
26 benefit plan, the obligor's employer shall provide the
27 following information regarding the enrollment status
28 of the dependent to the obligor, the obligee, and the
29 department:

- 30 1. That the dependent has been enrolled in a
31 health benefit plan.
- 32 2. That the dependent will be enrolled in the next
33 enrollment period.
- 34 3. That the dependent is not eligible for
35 enrollment and the reasons that the dependent is not
36 eligible to be enrolled.
- 37 4. That the order has been forwarded to the
38 insurer and a determination of eligibility for
39 enrollment has not been made.
- 40 5. If either subsection 1 or 2 describes the
41 enrollment status of the dependent, all of the
42 following information:
 - 43 a. The name of the insurer providing the health
44 benefit plan.
 - 45 b. The dependent's effective date of coverage.
 - 46 c. The health benefit plan or account number.
 - 47 d. The type of health benefit plan under which the
48 dependent has been enrolled, including whether dental,
49 optical, office visits, and prescription drugs are
50 covered services. Additionally, the response shall

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- 1 include a brief description of the applicable
2 deductibles, coinsurance, waiting periods for
3 preexisting medical conditions, and other significant
4 terms or conditions which materially affect the
5 coverage.
- 6 If an order requiring that the obligor provide

7 coverage under a health benefit plan for the dependent
8 has been forwarded to the obligor's employer pursuant
9 to section 252E.4, and the obligor's employment is
10 terminated, the employer shall provide notice to the
11 obligee and the department within ten days of
12 termination of the obligor's employment. If an order
13 requiring that the obligor provide coverage under a
14 health benefit plan for the dependent has been
15 forwarded to the obligor's employer pursuant to
16 section 252E.4, and the employer's health benefit plan
17 is terminated either in its entirety or with respect
18 to the obligor's insurance classification, or the
19 employer has changed its insurer, the employer shall
20 provide notice to the obligee and the department ten
21 days prior to the termination of coverage or change in
22 insurer.

23 This chapter does not preclude the exchange of
24 required information between the department and
25 employers or insurers through electronic data
26 transfer.

27 Sec. ____ . NEW SECTION. 252E.6 DURATION OF HEALTH
28 BENEFIT PLAN COVERAGE.

29 1. A child is eligible for medical support for the
30 duration of the obligor's child support obligation.
31 However, the child's eligibility for coverage under a
32 health benefit plan shall be governed by all
33 applicable plan provisions including, but not limited
34 to, eligibility and insurability standards.

35 2. For cases for which services are being provided
36 pursuant to chapter 252B, termination of an obligee's
37 medical support ordered pursuant to section 252E.3
38 shall be governed by the insurer's health benefit plan
39 provisions for termination and by applicable federal
40 law.

41 Sec. ____ . NEW SECTION. 252E.7 INSURER
42 AUTHORIZATION.

43 1. The entry of an order requiring a health
44 benefit plan is authorization for enrollment of the
45 dependent if the dependent is otherwise eligible to be
46 enrolled. If an order has been forwarded to the
47 insurer pursuant to section 252E.5 and is not
48 accompanied by an appropriate application for
49 enrollment of the dependent signed by the obligor, the
50 insurer shall attempt to obtain a signed application

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1 from the obligor. If the insurer is unsuccessful in
2 obtaining a signed application from the obligor within
3 thirty days after the insurer's initial request to the

4 obligor, the insurer shall accept the signature of the
5 obligee or an employee of the department as valid
6 authorization for enrollment of the dependent under
7 the health benefit plan.

8 2. For purposes of processing claims for payment,
9 the insurer shall attempt to obtain the obligor's
10 written authorization to accept the signature of the
11 obligee or an employee of the department on all claim
12 forms submitted to the insurer for medical services
13 provided to the dependent. Upon receipt of such
14 written authorization from the obligor on at least an
15 annual basis, the insurer shall accept the signature
16 of the obligee or an employee of the department as
17 valid authorization for purposes of processing any
18 medical expense claims on behalf of the dependent for
19 payment or reimbursement of medical services rendered
20 to the dependent.

21 If the insurer is unsuccessful in obtaining such
22 written authorization from the obligor within thirty
23 days after the insurer's initial request to the
24 obligor, the insurer shall accept the signature of the
25 obligee or an employee of the department as valid
26 authorization for purposes of processing any medical
27 expense claims on behalf of the dependent for payment
28 or reimbursement of medical services rendered to the
29 dependent.

30 3. The insurer shall have immunity from any
31 liability, civil or criminal, which might otherwise be
32 incurred or imposed for actions taken in implementing
33 this section including, but not limited to, the
34 insurer's release of any information, or the payment
35 of any claims for services by the insurer, or the
36 insurer's acceptance of applications for enrollment of
37 the dependent and medical expense claims for the
38 dependent which are signed by the obligee or an
39 employee of the department pursuant to this section.

40 4. This section does not preclude an insurer from
41 issuing payment directly to the provider if such
42 payment procedure is consistent with the health
43 benefit plan under which the dependent is enrolled,
44 except as provided pursuant to chapter 249A.

45 5. Payments remitted to the obligor by the insurer
46 for services received by the dependent shall be
47 recoverable by the obligee or the department from the
48 obligor if not properly paid by the obligor to the
49 provider or the obligee.

50 Sec. ____ . NEW SECTION. 252E.8 RELEASES OF

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1 INFORMATION.

2 1. If an order for coverage under a health benefit
3 plan has been forwarded pursuant to section 252E.5,
4 the obligor's employer or insurer shall release to the
5 obligee or the department upon receiving a written
6 request, the information necessary to complete an
7 application or to file a claim for medical expenses of
8 the dependent, provided the obligor's employer or
9 insurer is given sufficient opportunity to obtain
10 written authorization for the release of such
11 information from the obligor pursuant to this section.

12 2. The employer or insurer shall make available to
13 the obligee or the department any necessary claim
14 forms or enrollment membership cards if required to
15 obtain services.

16 3. The obligor's employer and insurer shall have
17 immunity from any liability, civil or criminal, which
18 might otherwise be incurred or imposed for any
19 information released by such employer or insurer
20 pursuant to this chapter.

21 4. The department may release to the obligor's
22 employer or insurer or to the obligee information
23 necessary to obtain, enforce, and collect medical
24 support.

25 Sec. ____ . NEW SECTION. 252E.9 RESPONSIBILITIES
26 OF THE OBLIGOR.

27 1. For cases for which services are being provided
28 pursuant to chapter 252B, an obligor who fails to
29 maintain medical support for the benefit of the
30 dependent as ordered shall be liable to the obligee or
31 the department for any medical expenses incurred from
32 the date of the court order. Proof of failure to
33 maintain medical support constitutes a showing of
34 increased need and provides a basis for the
35 establishment of a monetary amount for medical
36 support.

37 2. For cases for which services are being provided
38 pursuant to chapter 252B, the obligor shall notify the
39 obligee and the department within ten days of a change
40 in the terms or conditions of coverage under a health
41 benefit plan. Such changes may include, but are not
42 limited to, a change in deductibles, coinsurance,
43 preadmission notification requirements, coverage for
44 dental, optical, office visits, prescription drugs,
45 inpatient and outpatient hospitalization, and any
46 other changes which materially affect the coverage.
47 Costs incurred by the obligee or the department as a
48 result of the obligor's failure to provide

49 notification as required are recoverable from the
50 obligor.

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1 Sec. ____ . NEW SECTION. 252E.10 RESPONSIBILITY OF
2 THE DEPARTMENT.

3 For cases for which services are being provided
4 pursuant to chapter 252B, the department shall take
5 steps required by federal regulations to implement and
6 enforce an order for medical support.

7 Sec. ____ . NEW SECTION. 252E.11 ASSIGNMENT.

8 If medical assistance coverage is provided by the
9 department to a dependent, rights to medical support
10 payments are assigned to the department pursuant to
11 federal regulations.

12 Sec. ____ . NEW SECTION. 252E.12 ENFORCEMENT.

13 For the purposes of enforcement pursuant to chapter
14 252B, medical support may be reduced to a dollar
15 amount and may be collected through the same remedies
16 available for the collection and enforcement of child
17 support.

18 Sec. ____ . NEW SECTION. 252E.13 MODIFICATION OF
19 SUPPORT ORDER.

20 1. When high potential for obtaining medical
21 support exists, the obligee or the department may
22 petition for a modification of the obligor's support
23 order to include medical support or a monetary amount
24 for medical support pursuant to this chapter.

25 2. In addition, if an administrative order entered
26 pursuant to chapter 252C does not provide medical
27 support as defined in this chapter or equivalent
28 medical support, the department may obtain a medical
29 support order pursuant to chapter 252C. A medical
30 support order obtained pursuant to chapter 252C may be
31 an additional or separate support judgment and shall
32 be known as an administrative order for medical
33 support.

34 Sec. ____ . NEW SECTION. 252E.14 CHILD SUPPORT.

35 Unless the order specifies otherwise, medical
36 support is not included in the monetary amount of
37 child support ordered to be paid for orders entered on
38 or after July 1, 1990.

39 Sec. ____ . NEW SECTION. 252E.15 RULEMAKING
40 AUTHORITY -- COMPLIANCE.

41 The department shall adopt rules pursuant to
42 chapter 17A to implement this chapter for cases for
43 which services are being provided pursuant to chapter
44 252B. The department shall cooperate with any agency
45 of the state or federal government as may be necessary

46 to qualify for federal funds in conformity with
47 provisions of this chapter and Title IV-D of the
48 federal Social Security Act.
49 Sec. 104. NEW SECTION. 252E.16 SCOPE AND EFFECT.
50 1. The provisions of this chapter take effect July

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1 1, 1990, for all support orders entered pursuant to
2 chapter 234, 252A, 252C, 598, or 675.
3 2. If an obligor was ordered to provide a health
4 benefit plan or insurance coverage under an order
5 entered prior to July 1, 1990, but did not comply with
6 the order, insurers are not liable for medical
7 expenses incurred prior to July 1, 1990. However,
8 such an order may be implemented pursuant to the
9 provisions of this chapter following its enactment.
10 This chapter shall not be implemented retroactively;
11 however, previous orders for medical support not
12 otherwise complied with may be reduced to a dollar
13 amount and collected from the obligor.
14 Sec. ____ . Section 598.1, subsection 2, Code 1989,
15 is amended to read as follows:
16 2. "Support" or "support payments" means an amount
17 which the court may require either of the parties to
18 pay under a temporary order or a final judgment or
19 decree, and may include alimony, child support,
20 maintenance, and any other term used to describe these
21 obligations. For orders entered on or after July 1,
22 1990, unless the court specifically orders otherwise,
23 medical support is not included in the monetary amount
24 of child support. The obligations may include support
25 for a child who is between the ages of eighteen and
26 twenty-two years who is regularly attending an
27 accredited school in pursuance of a course of study
28 leading to a high school diploma or its equivalent, or
29 regularly attending a course of vocational-technical
30 training either as a part of a regular school program
31 or under special arrangements adapted to the
32 individual person's needs; or is, in good faith, a
33 full-time student in a college, university, or area
34 school; or has been accepted for admission to a
35 college, university, or area school and the next
36 regular term has not yet begun; or a child of any age
37 who is dependent on the parties to the dissolution
38 proceedings because of physical or mental disability.
39 Sec. ____ . Section 598.21, subsection 4, paragraph
40 a, Code Supplement 1989, is amended by adding the
41 following new unnumbered paragraph:
42 NEW UNNUMBERED PARAGRAPH. Until such time as the

43 supreme court incorporates the provision of medical
44 support in the guidelines as required by paragraph
45 "c", the court shall order as child medical support a
46 health benefit plan as defined in chapter 252E if
47 available to either parent at a reasonable cost. A
48 health benefit plan is considered reasonable in cost
49 if it is employment-related or other group health
50 insurance, regardless of the service delivery

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1 mechanism. The premium cost of the health benefit
2 plan may be considered by the court as a reason for
3 varying from the child support guidelines. If a
4 health benefit plan is not available at a reasonable
5 cost, the court may order any other provisions for
6 medical support as defined in chapter 252E.
7 Sec. ____ . Section 598.21, Code Supplement 1989, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 8A. Notwithstanding subsection 8,
10 a substantial change of circumstances exists when the
11 court order for child support deviates without
12 explanation as to the reason for deviation from the
13 child support guidelines established pursuant to
14 section 598.21, subsection 4. Upon application for a
15 modification of an order for child support where
16 services are being received pursuant to chapter 252B,
17 the court shall act in accordance with section 598.21,
18 subsection 4.
19 Sec. ____ . Section 598.22, unnumbered paragraph 1,
20 Code 1989, is amended to read as follows:
21 This Except as otherwise provided in section
22 598.22A, this section applies to all initial or
23 modified orders for support entered under this
24 chapter, chapter 234, 252A, 252C, 675, or any other
25 chapter of the Code. All orders or judgments entered
26 under chapter 234, 252A, 252C, or 675, or under this
27 chapter or any other chapter which provide for
28 temporary or permanent support payments shall direct
29 the payment of those sums to the clerk of the district
30 court or the collection services center in accordance
31 with section 252B.14 for the use of the person for
32 whom the payments have been awarded. Payments to
33 persons other than the clerk of the district court and
34 the collection services center do not satisfy the
35 support obligations created by the orders or
36 judgments, except as provided for trusts governed by
37 the federal Retirement Equity Act of 1984, Pub. L. No.
38 98-397, for tax refunds or rebates in section
39 602.8102, subsection 47, or for dependent benefits

40 paid to the child support obligee as the result of
41 disability benefits awarded to the child support
42 obligor under the federal Social Security Act. For
43 trusts governed by the federal Retirement Equity Act
44 of 1984, Pub. L. No. 98-397, the assignment of income
45 shall require the payment of such sums to the
46 alternate payee in accordance with the federal Act.
47 Sec. ____ . Section 598.22, Code 1989, is amended by
48 adding the following new unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. For the purpose of
50 enforcement, medical support is additional support

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1 which, upon being reduced to a dollar amount, may be
2 collected through the same remedies available for the
3 collection and enforcement of child support.
4 Sec. 105. NEW SECTION. 598.22A SATISFACTION OF
5 SUPPORT PAYMENTS.

6 Notwithstanding sections 252B.14 and 598.22,
7 support payments ordered pursuant to any support
8 chapter for orders entered on or after July 1, 1985,
9 which are not made pursuant to the provisions of
10 section 252B.14 or 598.22, shall be credited only as
11 provided in this section.

12 1. For payment made pursuant to an order entered
13 on or after July 1, 1985, the clerk of the district
14 court or collection services center shall record a
15 satisfaction as a credit on the official support
16 payment record if its validity is confirmed by the
17 court upon submission of an affidavit by the person
18 entitled to receive the payment, after notice is given
19 to all parties.

20 2. For purposes of this section, the state is a
21 party to which notice shall be given when public funds
22 have been expended pursuant to chapter 234, 239, or
23 249A, or similar statutes in another state. If proper
24 notice is not given to the state when required, any
25 order of satisfaction is void.

26 3. The court shall not enter an order for
27 satisfaction of payments not made through the clerk of
28 the district court or collection services center if
29 those payments have been assigned as a result of
30 public funds expended pursuant to chapter 234, 239, or
31 249A, or similar statutes in other states.

32 Sec. ____ . Section 675.25, Code Supplement 1989, is
33 amended to read as follows:

34 675.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT
35 ORDER -- COSTS.

36 Upon a finding or verdict of paternity pursuant to

37 section 675.24, the court shall establish the father's
38 monthly support payment and the amount of the support
39 debt accrued or accruing pursuant to section 598.21,
40 subsection 4, until the child reaches majority or
41 until the child finishes high school, if after
42 majority. The court may order the father to pay
43 amounts the court deems appropriate for the past
44 support and maintenance of the child and for the
45 reasonable and necessary expenses incurred by or for
46 the mother in connection with prenatal care, the birth
47 of the child, and postnatal care of the child and the
48 mother, and other medical support as defined in
49 section 252E.1. The court may award the prevailing
50 party the reasonable costs of suit, including but not

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1 limited to reasonable attorney fees.

2 Sec. ____ . NEW SECTION. 675.33 LIMITATIONS OF
3 ACTIONS.

4 1. An action to establish paternity and support
5 under this chapter may be brought within the time
6 limitations set forth in section 614.8.

7 2. Notwithstanding subsection 1, an action to
8 establish paternity and support under this chapter may
9 be brought concerning a person who was under age
10 eighteen on August 16, 1984, regardless of whether any
11 prior action was dismissed because a statute of
12 limitations of less than eighteen years was then in
13 effect. Such an action may be brought within the time
14 limitations set forth in section 614.8, or until July
15 2, 1992, whichever is later.

16 Sec. ____ . RULES.

17 The department of human services may adopt
18 administrative rules under section 17A.4, subsection
19 2, and section 17A.5, subsection 2, paragraph "b", to
20 implement the provisions of sections 101, 102, and 103
21 through 104 of this Act, and the rules may be made
22 effective on or after July 1, 1990.

23 Sec. ____ .

24 Section 105 of this Act applies retroactively to
25 payments under support orders entered on or after July
26 1, 1985."

27 2. Title page, by striking lines 1 and 2 and
28 inserting the following: "An Act relating to
29 satisfaction of a support order by direct payment to
30 the person who is to receive the payment, medical
31 support for children receiving child support,
32 modification of child support orders, child support
33 enforcement, determination of paternity and

34 establishment of past child support obligations,
35 establishing an advisory committee, and providing an
36 effective date for certain provisions.”

**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

**Filed During The
SEVENTY-THIRD GENERAL ASSEMBLY
1990 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 149

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 149, a bill for An Act relating to the compulsory attendance and truancy laws and providing penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4501.

2. That the House recedes from its amendment, S-3750.

3. That Senate File 149, 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. Section 256.9, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 39. Develop model guidelines for district in-service training programs for truancy officers and direct the area education agencies to assist local school districts in providing the programs.

NEW SUBSECTION. 40. Prepare a plan and a report for ensuring that all Iowa children will be able to satisfy the requirements for high school graduation. The plan and report shall include a statement of the dimensions of the dropout problem in Iowa; a survey of existing programs geared to dropout prevention; a plan for use of competency-based outcome methods and measures; proposals for alternative means for satisfying graduation requirements including alternative high school settings, supervised vocational experiences, education experiences within the correctional system, screening and assessment mechanisms for identifying students who are at-risk of dropping out and the development of an individualized education plan for identified students; a requirement that schools provide information to students who drop out of school on options for pursuing education at a later date; the development of basic materials and information for schools to present to students leaving school; a requirement that students notify their school districts of residence when the student discontinues school, including the reasons for leaving school and future plans for career development; a requirement that, unless a student chooses to make the information relating to the student leaving school confidential, schools make the information available to community colleges, area education agencies, and other educational institutions upon request; and recommendations for the establishment of pilot projects for the development of model alternative options education programs; a plan for implementation of any recommended courses of action to attain a zero dropout rate by the year 2000; and other requirements necessary to achieve the goals of this subsection. Alternative means for satisfying graduation requirements which relate to the development of individualized education plans for students who have dropped out of the regular school program shall include, but are not limited to, a tracking component that requires a school district to maintain periodic contact with a student, assistance to a dropout in curing any of the student's academic deficiencies, an assessment of the student's employability skills and plans to improve those skills, and treatment or counseling for a student's social needs. The department shall also prepare a cost estimate associated with implementation of proposals to attain a zero dropout rate, including but not limited to evaluation

of existing funding sources and a recommended allocation of the financial burden among federal, state, local, and family resources. The department, in conjunction with the plan and report, shall prepare an education bill of rights that delineates education opportunities that are to be legal entitlements for Iowa children. The report and plan shall be submitted to the general assembly by January 15, 1993.

NEW SUBSECTION. 41. Establish a curriculum clearinghouse for purposes of reviewing and analyzing home schooling curriculum, that is being marketed in Iowa, for educational content and usefulness.

NEW SUBSECTION. 42. Designate a person in the department of education to act as a competent private instruction liaison for parents and guardians who place a child under competent private instruction under chapter 299B.

Sec. 2. NEW SECTION. 256.15A COMPETENT PRIVATE INSTRUCTION ADVISORY COMMITTEE.

A competent private instruction advisory committee is established which consists of five members, to be appointed by the governor, each of whom is a citizen of the United States and a resident of the state of Iowa. The terms of office of the members is four years. The duties of the committee are to advise the state board and the director on matters affecting competent private instruction under chapter 299B. Notice of meetings of the state board shall be sent by the director to members of the committee.

Committee members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.6. The expense money shall be paid from the appropriations to the department of education.

Sec. 3. Section 279.10, subsection 1, Code 1989, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than ~~the first Monday in December~~ September 15. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 4. Section 280.2, Code 1989, is amended to read as follows:

280.2 DEFINITIONS.

The term "public school" means any school directly supported in whole or in part by taxation. The term "nonpublic school" means any other school which is accredited or which uses licensed practitioners as instructors.

Sec. 5. Section 280.3, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of each public school district and the authorities in charge of each nonpublic school shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least one hundred forty-eight days, to be met by attendance for at least thirty-seven days each school quarter, for the schools under their jurisdictions. The minimum educational program shall be the curriculum set forth in section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status or place of national origin.

Sec. 6. NEW SECTION. 280.19A ALTERNATIVE OPTIONS EDUCATION

PROGRAMS.

By January 15, 1995, each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

Sec. 7. Section 299.1, Code Supplement 1989, is amended to read as follows:

299.1 ATTENDANCE REQUIREMENTS.

The Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is over seven and under sixteen years of age by September 15, in proper physical and mental condition to attend school is of compulsory attendance age, shall enroll cause the child in to attend some public school, commencing as provided accredited nonpublic school or an unaccredited nonpublic school using licensed instructors as defined under section 280.2, or competent private instruction in accordance with the provisions of chapter 299B for at least one hundred forty-eight days per school year, as defined under section 279.10. The board of directors of a public school district or the governing body of a nonpublic school shall set the number of days of required attendance for the schools under its control.

The board A public or nonpublic school may, by resolution, require attendance in the public schools for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.

A child shall attend an accredited or approved school for at least one hundred twenty days each school year. The requirement shall be met by attendance for at least thirty days each school quarter, or a similar distribution of attendance throughout the school year.

In lieu of such attendance such child may attend upon equivalent instruction by a licensed teacher elsewhere.

A child who fails to attend school or competent private instruction as provided in this chapter or chapter 299B is presumed to be truant as defined in section 299.8 and the parent, guardian, or custodian of the child is presumed to have committed a violation of this chapter.

Sec. 8. NEW SECTION. 299.1A COMPULSORY ATTENDANCE AGE.

A child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, on and after July 1, 1995, the state board of education may set the compulsory attendance age by rule, provided that the maximum age shall not be less than sixteen years of age.

Sec. 9. Section 299.2, Code 1989, is amended to read as follows:

299.2 EXCEPTIONS.

Section 299.1 shall not apply to any child:

1. Who is over the age of fourteen and is regularly employed.
2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.

1. Who has completed the requirements for graduation in an accredited school or has obtained a high school equivalency diploma under chapter 259A.

3. Who is excused for sufficient reason by any court of record or judge.

4 3. While attending religious services or receiving religious instructions.

5 4. Who is attending a private college preparatory school accredited or probationally accredited under section 256.11, subsection 13.

5. Who is attending an alternative options education program approved by the department of education.

6. Who has been excused under section 299.22.

7. Who is exempted under section 299.24.

Sec. 10. Section 299.3, Code 1989, is amended to read as follows:

299.3 REPORTS FROM PRIVATE NONPUBLIC SCHOOLS.

Within ten days from receipt of notice from the secretary of the school district within which any private school is conducted On or before the third Friday in September of each school year, and at any time when requested in individual cases, the principal of such a nonpublic school shall; once during each school year, and at any time when requested in individual cases, furnish to such the secretary of the public school district, within which the nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names, ages, and number of days attendance of each pupil of such the nonpublic school over seven and under sixteen years of age who is of compulsory attendance age, the course of study pursued by each such child the pupil, the texts used, and the names of the teachers, during the preceding year and from the time of the last preceding report to the time at which a report is required. The secretary shall retain one of the reports and file the other with the secretary of the area education agency.

Sec. 11. Section 299.4, Code 1989, is amended to read as follows:

299.4 REPORTS AS TO COMPETENT PRIVATE INSTRUCTION.

The parent, guardian, or legal or actual custodian of a child who by September 15 is over seven and under sixteen years of age is of compulsory attendance age, who places the child under competent private instruction under chapter 299B, not in an accredited or approved school, shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in section 279.10, subsection 1. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the school year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal or actual custodian of a child, who is placing the child under competent private instruction, for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139.9. The term "outline of course of study" shall include, but is not limited to, subjects covered, weekly lesson plans, and time spent on the areas of study.

Sec. 12. Section 299.5, Code 1989, is amended to read as follows:

299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.

The parent, guardian, or custodian of a child who is over seven and under sixteen years of age by September 15 is of compulsory attendance age, who is physically or mentally unable to attend school, or whose presence in school would be injurious to the health of other pupils, shall furnish proofs by affidavit certificate under sections 281.6 and 281.7 as to the physical or mental condition of the child.

Sec. 13. **NEW SECTION. 299.5A MEDIATION.**

If a child is truant as defined in section 299.8, school officers shall attempt

to find the cause for the child's absence and use every means available to the school to assure that the child does attend. If the parent, guardian, or legal or actual custodian, or child refuses to accept the school's attempt to assure the child's attendance or the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy officer shall refer the matter to the county attorney for mediation or prosecution.

If the matter is referred for mediation, the county attorney shall cause a notice of the referral to be sent to the parent, guardian, or legal or actual custodian and designate a person to serve as mediator in the matter. If mediation services are available in the community, those services may be used as the designated mediation service. If mediation services are not available in the community, mediation shall be provided by the county attorney or the county attorney's designee. The mediator shall contact the school, the parent, guardian, or legal or actual custodian, and any other person the mediator deems appropriate in the matter and arrange meeting dates and times for discussion of the child's nonattendance. The mediator shall attempt to ascertain the cause of the child's nonattendance, attempt to cause the parties to arrive at an agreement relative to the child's attendance, and initiate referrals to any agencies or counseling that the mediator believes to be appropriate under the circumstances.

If the parties reach an agreement, the agreement shall be reduced to writing and signed by a school officer, parent, guardian, or legal or actual custodian, and the child. The mediator, the school, and the parent, guardian, or legal or actual custodian shall each receive a copy of the agreement, which shall set forth the settlement of the issues and future responsibilities of each party.

The school district shall be responsible for monitoring any agreements arrived at through mediation. If a parent, guardian, or legal or actual custodian refuses to engage in mediation or violates a term of the agreement, the matter shall be rereferred to the county attorney for prosecution under section 299.6. The county attorney's office or the mediation service shall require the parent, guardian, or legal or actual custodian and the school to pay a fee to help defray the administrative cost of mediation services. The county attorney's office or the mediation service shall establish a sliding scale of fees to be charged parents, guardians, and legal or actual custodians based upon ability to pay. A parent, guardian, or legal or actual custodian shall not be denied the services of a mediator solely because of inability to pay the fee.

Sec. 14. Section 299.6, Code 1989, is amended to read as follows:

299.6 VIOLATIONS — COMMUNITY SERVICE IN LIEU OF OR FINE OR IMPRISONMENT.

Any person who ~~shall violate~~ violates a mediation agreement under section 299.5A or any of the provisions of sections 299.1 to through 299.5 or refuses to participate in mediation under section 299.5A, inclusive, shall be for a first offense, is guilty of a simple misdemeanor and the court shall,

A first offense conviction is punishable by imprisonment not exceeding ten days or a fine not exceeding one hundred dollars. The court may order the person to perform not more than forty hours of unpaid community service instead of any fine or imprisonment. A person convicted of a second or subsequent violation is guilty of a serious misdemeanor.

A second offense conviction is punishable by imprisonment not exceeding twenty days or a fine not exceeding five hundred dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead

of any fine or imprisonment.

. A third or subsequent offense conviction is punishable by imprisonment not exceeding thirty days or a fine not exceeding one thousand dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

If community service is imposed as part of a sentencing order, the court may require that part or all of the service be performed for a public school district or nonpublic school if the court finds that service in the school is appropriate under the circumstances.

If a parent, guardian, or legal or actual custodian of a child who is truant, has made an objective and reasonable good faith effort to comply with the provisions of sections 299.1 through 299.5, the parent, guardian, or legal or actual custodian shall not be criminally liable for the child's nonattendance.

Sec. 15. NEW SECTION. 299.6A INVESTIGATION OF TRUANT CHILDREN.

The truancy officer shall report to the county attorney a child who is truant under section 299.8, or who has accumulated fifteen unexcused absences, as defined under the board of directors' or other governing body's attendance policy, during a three-year period. The county attorney shall investigate the report and may file a petition under section 232.87 for a judicial determination of whether the child is a child in need of assistance, as defined in section 232.2, subsection 6.

Upon a third or subsequent conviction of a parent, guardian, or legal or actual custodian for violations of sections 299.1 through 299.5 relating to the same child, the county attorney shall investigate whether the child is a child in need of assistance and shall file a petition if there are sufficient facts to bring the child within the jurisdiction of the court.

Sec. 16. Section 299.8, Code 1989, is amended to read as follows:
299.8 "TRUANT" DEFINED.

Any "Truant" means a child over seven and under sixteen years of age, in proper physical and mental condition to attend school is of compulsory attendance age, who is not exempted from attendance under section 299.2, and who fails to attend school or competent private instruction regularly as provided in this chapter, without reasonable excuse for the absence, shall be deemed to be a truant required by the school board's or school governing body's attendance policy or chapter 299B.

Sec. 17. Section 299.10, Code 1989, is amended to read as follows:

299.10 TRUANCY OFFICERS — APPOINTMENT — COMPENSATION.

The board of each school district may, and in school districts having a population of twenty thousand shall, appoint a truancy officer.

In districts having therein a city, the board may appoint a member of the police force, or marshal, as such officer, and other districts may appoint a constable a teacher, school official, or other suitable person to serve as the district truancy officer. Each school district shall provide an in-service training program for the person appointed to serve as the district truancy officer. The training program shall reflect, but is not limited to, information about school and local legal procedures relating to the methods of handling truant children and the children's families.

Such officers shall be paid a reasonable compensation by the board.

Sec. 18. Section 299.11, Code 1989, is amended to read as follows:

299.11 DUTIES OF TRUANCY OFFICER.

The truancy officer ~~shall~~ may take into custody without warrant any apparently truant child and place the child in the charge of the ~~teacher in charge of the public school principal, or the principal's designee,~~ designated by the board of directors of the school district in which ~~said~~ the child resides, or of any ~~private nonpublic~~ school designated by the ~~person having legal control of the child parent, guardian, or legal or actual custodian, or of the person providing competent private instruction under chapter 299B;~~ but if it is other than a public school, the instruction and maintenance of the child ~~therein~~ shall be without expense to the school district.

The truancy officer shall promptly institute ~~criminal~~ proceedings against any person violating any of the provisions of sections 299.1 ~~to through~~ 299.5.

Sec. 19. Section 299.16, Code 1989, is amended to read as follows:

299.16 FAILURE TO ATTEND.

School officers shall ascertain the number of children ~~over seven and under sixteen years of age who are of compulsory attendance age,~~ in their respective districts, the number of ~~such those~~ children who ~~do not attend school~~ are truant under section 299.8 or who have accumulated fifteen unexcused absences during a three-year period, and so far as possible the cause of the failure to attend. School officers shall, until July 1, 1999, biennially report this information to the department of education on forms provided by the department. The department shall attach a summary of the reports, an analysis of the data, and policy recommendations based on the data analysis, along with the department's annual report under section 256.9, subsection 28.

Sec. 20. Section 299.18, Code 1989, is amended to read as follows:

299.18 EDUCATION — STATE SCHOOL.

Children ~~over seven who have reached the age of six and are under nineteen eighteen~~ years of age and who are so deaf or blind or severely handicapped as to be unable to obtain an education in the ~~common public or nonpublic~~ schools shall be sent to the ~~proper appropriate state school therefor institution, or shall receive appropriate special education under chapter 281,~~ unless exempted, and any person having such a child under the person's control or custody shall see that ~~such the~~ child attends ~~such the school institution or special education program~~ during the scholastic year.

Sec. 21. Section 299.20, Code 1989, is amended to read as follows:

299.20 ORDER.

Upon the filing of the application mentioned in section 299.19, the time of hearing shall be determined by the juvenile court or the district court. If, upon hearing, the court determines that the person required to appear has the custody and control of a child who should be required to attend a state ~~school institution~~ under section 299.18, the court shall make an order requiring ~~such the~~ person to keep ~~such the~~ child in attendance at ~~such the school institution.~~

Sec. 22. Section 299.22, Code 1989, is amended to read as follows:

299.22 WHEN DEAF AND BLIND CHILDREN EXCUSED.

Attendance at the state institution may be excused when the superintendent thereof is satisfied:

- 1: That the child is in such bodily or mental condition as to prevent or render futile attendance at the school.
- 2: That the child is so diseased or possesses such habits as to render the child's presence a menace to the health or morals of other pupils.
- 3: That of the institution determines that the child is efficiently taught for the scholastic year in a ~~private nonpublic~~ or other school devoted to ~~such the~~ instruction,

or by a private tutor, in the ~~branches taught in~~ public schools, or is shown to be physically or mentally unable to attend school under section 299.5.

Sec. 23. NEW SECTION. 299B.1 COMPETENT PRIVATE INSTRUCTION.

The parent, guardian, or legal or actual custodian of a child of compulsory attendance age who places the child under private instruction shall provide, unless otherwise exempted, competent private instruction in accordance with this chapter. A parent, guardian, or legal or actual custodian of a child of compulsory attendance age who places the child under private instruction which is not competent private instruction, or otherwise fails to comply with the requirements of this chapter, shall be presumed to have violated the provisions of sections 299.1 through 299.4 and is subject to the penalties provided in section 299.6.

For purposes of this chapter, "competent private instruction" means private instruction provided on a daily basis for at least one hundred forty-eight days during a school year by a licensed practitioner, or other person under section 299B.3, which results in the student making adequate progress.

For purposes of this chapter and chapter 299, "private instruction" means formal instruction in a setting other than and not affiliated with a public or a nonpublic school as defined in section 280.2.

Sec. 24. NEW SECTION. 299B.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED PRACTITIONER.

If a licensed practitioner provides competent instruction to a child of compulsory attendance age, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 260 and which is appropriate to the ages and grade levels of the children to be taught. Sections 299B.3 through 299B.8 do not apply to competent private instruction provided by a licensed practitioner under this section, except that the parent, guardian, or legal or actual custodian shall provide the report required under section 299B.3, subsection 4.

Sec. 25. NEW SECTION. 299B.3 PRIVATE INSTRUCTION BY NONLICENSED PERSON.

A parent, guardian, or legal or actual custodian of a child of compulsory attendance age providing competent private instruction to the child shall meet all of the following requirements:

1. Complete and send, in a timely manner, the report required under section 299.4 to the school district of residence of the child.

2. Ensure that the child under the parent's, guardian's, or legal or actual custodian's instruction is tested annually to determine whether the child is making adequate progress, as defined in section 299B.7.

3. Report the child's annual test results to the school district of residence of the child and to the department of education by a date not later than June 30 of each year in which the child is under private instruction.

4. By June 1 of the year before placing a child under competent private instruction, provide the results of an initial screening and evidence that a subsequent evaluation is in progress or completed, or that an evaluation is required as a result of the screening, for vision, hearing, speech, and motor skills and to determine eligibility for special education services. The initial screening and any subsequent evaluation may be performed either by area education agency personnel or by personnel not employed by the area education agency, if the other personnel have been approved by the department of education to conduct screenings or evaluations. If the area education agency performs the screening, the screening

shall be at a time and place determined by the area education agency. If the screening or evaluation is performed by personnel other than those employed by the area education agency, the parent, guardian, or legal or actual custodian shall pay for the cost of any screening and any subsequent evaluations. If the screening shows the presence of a vision, hearing, speech, or motor impairment, the parent, guardian, or legal or actual custodian shall annually provide evidence that appropriate services are being provided for the child. Services may be provided either by the area education agency or by means of the parent, guardian, or legal or actual custodian contracting with, and paying for the services of, private special education services providers. If the screening or evaluation shows the need for special education services requiring removal of the child from the intended educational environment, the child shall not be placed in a competent private instruction program under this chapter without the approval of the placement by the director of the department of education in cooperation with the special education director of the area education agency in accordance with the rules adopted by the state board of education and the procedures specified in section 281.6.

Sec. 26. NEW SECTION. 299B.4 DUAL ENROLLMENT.

A child who is receiving competent private instruction under this chapter shall also be registered in a public school for dual enrollment purposes. The child shall be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group. The child shall be included in the public school's basic enrollment under section 442.4 and shall be counted as one pupil.

Each school district shall hire licensed personnel to provide instructional services on a consulting basis to parents of students receiving competent private instruction. Each district shall determine the number of licensed personnel needed for the instructional services and develop an alternative school program for the instructional services provided under this section. The program shall include, but is not limited to, providing assistance in instructional planning to parents, guardians, or legal or actual custodians providing competent private instruction, to achieve academic progress in one or more subject areas.

Sec. 27. NEW SECTION. 299B.5 ANNUAL ACHIEVEMENT TESTS — REQUIREMENTS AND PROCEDURE.

1. Each child of compulsory attendance age who is receiving competent private instruction shall be tested annually by May 1, using a nationally recognized standardized achievement test chosen by the child's parent, guardian, or legal or actual custodian from a list of approved tests provided by the department of education.

2. A child, who is seven years of age and is receiving competent private instruction or who is placed under competent private instruction for the first time, shall be administered a test for purposes of obtaining educational baseline data, unless the child has been tested using a standardized achievement test within the school year in which the child is placed under competent private instruction.

3. The director of the department of education, or the director's designee, which may include a school district or an area education agency, shall administer each test required of children placed under competent private instruction.

4. The parent, guardian, or legal or actual custodian of a child receiving competent private instruction may be present when the child is tested, but only if both the parent, guardian, or legal or actual custodian and the child are under the supervision of the test administrator.

5. The administration of tests shall include, but is not limited to, purchasing of test materials, giving the tests, scoring and interpreting the tests, and reporting the test results.

6. The public school district of residence of a child who is placed under competent private instruction and is being tested shall reimburse the entity providing the test administration for the cost of testing required by this chapter.

Sec. 28. NEW SECTION. 299B.6 REPORTING OF TEST RESULTS.

The results of tests administered to children of compulsory attendance age who are receiving competent private instruction shall be reported by the test administrator to the child's parent, guardian, or legal or actual custodian, the school district of residence of the child, and to the department of education. Personally identifiable information relating to or contained in the test scores is confidential and shall not be released without the prior consent of the child's parent, guardian, or legal or actual custodian except as otherwise permitted by law or required by this section.

Sec. 29. NEW SECTION. 299B.7 FAILURE TO MAKE ADEQUATE PROGRESS.

If the results of tests, administered to a child of compulsory attendance age who is receiving competent private instruction, indicate that the student has failed to make adequate progress, the parent, guardian, or legal or actual custodian shall cause the child to attend an accredited public or a nonpublic school, as defined in section 280.2, at the beginning of the next school year unless, before the beginning of the next school year, the child retakes the same test and the results indicate that adequate progress has been made or the director of the department of education, or the director's designee, grants approval for competent private instruction to continue under a plan for remediation. A child retaking a test under this paragraph, shall be permitted to retake the test one time and the procedures used during the retaking of the test shall be the same as those used during the taking of the tests which indicated that the child failed to make adequate progress.

A child who is required to attend an accredited public or a nonpublic school, as defined in section 280.2, under this section shall continue attendance at an accredited public or a nonpublic school until the child achieves adequate progress.

For purposes of this chapter, "adequate progress" means, for children in all grade levels of competent private instruction, test scores which are above the thirtieth percentile, nationally normed, in each of the areas of reading, mathematics, and language arts, and which indicate either that the child has made six months' progress from the previous test results or that the child is at or above grade level for the child's age. For children in grade levels six and above, "adequate progress" also means that the child has achieved test scores in both science and social studies which are above the thirtieth percentile, nationally normed, and which either indicate that the child has made six months' progress from the previous test results or that the child is at or above grade level for the child's age.

Sec. 30. NEW SECTION. 299B.8 NOTICE TO PARENTS — REMEDIATION.

If a child is placed under competent private instruction and the child fails to make adequate progress, the director of the department of education, or the director's designee, shall notify the parent, guardian, or legal or actual custodian of the child that the child is required to attend an accredited public or a nonpublic school, as defined under section 280.2, unless approval for competent private instruction under a remediation plan is granted. The director, or the director's

designee, may provisionally approve continued competent private instruction under an approved remediation plan designed to improve instruction for up to one year. All remediation plans shall be negotiated agreements between the parent, guardian, or legal or actual custodian and the superintendent of the public school district or the person in charge of a nonpublic school, within thirty days of the obtaining of test results indicating that a child has failed to make adequate progress. If negotiations fail to result in the formation of a remediation plan, the parent, guardian, or legal or actual custodian may appeal from the action of a public school superintendent under chapter 290.

Sec. 31. NEW SECTION. 299B.9 CHILDREN REQUIRING SPECIAL EDUCATION.

A child of compulsory attendance age who is identified as requiring special education under chapter 281 is not eligible for placement under competent private instruction without prior approval of the placement by the director of the department of education, in cooperation with the director of special education of the area education agency of the child's district of residence.

A child who has been placed under competent private instruction, whose performance on the tests required under this chapter indicates that the child may require special education, shall be referred for evaluation under chapter 281 and the rules of the state board of education.

Sec. 32. NEW SECTION. 299B.10 INSTRUCTOR OTHERWISE NOT QUALIFIED.

A person providing competent private instruction under this chapter, who does not hold a valid teacher's certificate or license issued by the state board of educational examiners, is not a licensed teacher.

Sec. 33. NEW SECTION. 299B.11 NOT TAX EXEMPT.

A home used for providing competent private instruction under this chapter is not eligible for tax exemption under section 427.1, due to the providing of competent private instruction on the premises. If, however, the home otherwise qualifies for tax exemption under section 427.1, this section shall not prevent the home from being exempt under that section.

Sec. 34. NEW SECTION. 299B.12 RULEMAKING.

The department of education shall develop and recommend and the state board of education shall adopt rules to implement this chapter.

Sec. 35. BAR OF PROSECUTION.

Notwithstanding section 802.4, a parent, guardian, or custodian who met the criteria for deferral of prosecutions of chapter 299, under the 1988 Iowa Acts, chapter 1259, section 7, shall not be prosecuted for violations of chapter 299 which occurred between May 16, 1988, and July 1, 1989.

Sec. 36. DEPARTMENTAL STUDY.

The department of education shall assess the expected impact of an increase in the maximum compulsory attendance age from sixteen to up to eighteen on increased enrollment of sixteen and seventeen-year-olds, and the characteristics of this population with respect to educational and basic skill level, family support structure, orientation to the traditional school curricula, and orientation to alternative curricula.

The department of education shall, by January 1992, do the following:

1. Identify experiences other states have had, and educational and social support responses they have made, as a result of increasing the compulsory attendance age from sixteen to eighteen years of age.

2. Seek to develop program materials that consider health, employment and training, and human service needs in addition to education needs to assist local districts in serving students who are at risk of dropping out of the regular schools and programs.

3. Develop definitions of the terms "at-risk student" and "dropout" which are appropriate for students in middle and high schools and which will assist districts in identifying students in need of alternative academic programming.

4. Develop recommendations regarding alternative programming for students who are at risk of dropping out of the regular schools and programs. The recommendations shall include, but are not limited to, the following:

a. Modification of the minimum educational standards contained in section 256.11.

b. Alternative curricula, including competency-based instruction.

c. Alternative teaching methods, including individualized programming.

d. Alternative options for graduation.

The department of education, in coordination with the department of human services, the supreme court, the department of public health, and the department of employment services, by July 1992, shall build a data base which will assist in the identification of at-risk students and middle and high schools within the state having a significant population of at-risk students. At-risk characteristics to be considered may include, but are not limited to, high levels of one or more of the following: below grade level performing students, grade retention, school dropouts, school expulsions, teen pregnancy, poverty, single parent families, substance abuse, teenage suicides, youth underemployment, juvenile delinquency, and child abuse. In building this data base, consideration shall be given to protecting the privacy of the individual student and limiting the data burden on school districts.

Sec. 37. ALTERNATIVE PROGRAMS.

Alternative options education programs, for middle school and high school students, designed to provide incentives for the students to remain in school, shall not be subject to the minimum hours of instruction requirement adopted by the state board of education.

Sec. 38.

Section 4 and sections 6 through 22 of this Act do not apply to students who have dropped out of school before the effective date of this Act.

Sec. 39.

If any of the provisions of sections 23 through 35 of this Act or the application thereof to any person is invalid, the invalidity shall not affect the remaining provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end those provisions of this Act are severable.

Sec. 40. Sections 299.9, 299.13, 299.14, and 299.15, Code 1989, are repealed."

2. Title page, line 2, by inserting after the word "penalties" the following: "and applicability provisions".

On the Part of the Senate:

PATRICK DELUHERY, Chair
 CHARLES BRUNER
 JOY CORNING
 WALLY HORN

On the Part of the House:

PATRICIA HARPER, Chair
 JANET ADAMS
 RAY LAGESCHULTE
 DON SHOULTZ

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 199

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 199, a bill for An Act relating to child day care by amending certain definitions and certain requirements for group day care homes, respectfully make the following report:

1. That the House recedes from its amendment, S-3836.
2. That Senate File 199, 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. Section 237A.1, subsection 7, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

"Child day care" means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of ~~two hours or more~~ and less than twenty-four hours per day per child on a regular basis in a place other than the child's home, but does not include care, supervision, or guidance of a child by any of the following:

Sec. 2. Section 237A.1, subsection 8, Code Supplement 1989, is amended to read as follows:

8. "Child care center" or "center" means a facility providing child day care for seven or more children, except when the facility is registered as a family day care home or group day care home.

Sec. 3. Section 237A.1, subsection 9, paragraph a, Code Supplement 1989, is amended to read as follows:

a. "Family day care home" means a facility person or program which provides child day care to less than seven children at any one time or to less than twelve children at any one time as authorized by section 237A.3, subsection 1.

Sec. 4. Section 237A.2, unnumbered paragraph 4, Code 1989, is amended to read as follows:

A facility program which is not a child care center by reason of the definition of child day care in section 237A.1, subsection 7, but which provides care, supervision or guidance to a child may be issued a license if the facility program complies with all the provisions of this chapter.

Sec. 5. Section 237A.3, subsection 1, Code 1989, is amended to read as follows:

1. A person who operates or establishes a family day care home may apply to the department for registration under this chapter. The department shall issue a certificate of registration upon receipt of a statement from the family day care home that the home complies with rules adopted by the department. The registration certificate shall be posted in a conspicuous place in the family day care home, shall state the name of the registrant, the number of individuals who may be received for care at any one time and the address of the home, and shall include a check list of registration compliances. No greater number of children than is authorized by the certificate shall be kept in the family day care home at any one time. However, a registered or unregistered family day care home may provide care for more than six but less than twelve children at any one time for a period of less than two hours, but shall not do so unless the home does not

provide care at any one time for more than six children who are not attending school full time on a regular basis. In determining the number of children cared for at any one time in a registered or unregistered family day care home, if the person who operates or establishes the home is a child's parent, guardian, relative, or custodian and the child is not attending school full time on a regular basis, the child shall be considered to be receiving child day care from the person and shall be counted as one of the children cared for in the home. The registration process may be repeated on an annual basis. A facility child day care provider or program which is not a family day care home by reason of the definition of child day care in section 237A.1, subsection 7, but which provides care, supervision or guidance to a child may be issued a certificate of registration under this chapter."

2. Title page, line 2, by striking the word "group" and inserting the following: "family".

On the Part of the Senate:

JEAN LLOYD-JONES, Chair
 BEVERLY HANNON
 JIM LIND
 LARRY MURPHY
 MAGGIE TINSMAN

On the Part of the House:

JANE TEAFORD, Chair
 FLORENCE BUHR
 DOROTHY F. CARPENTER
 JOHNIE HAMMOND
 ROBERT KISTLER

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2057

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 2057, a bill for An Act relating to the conduct of pari-mutuel racing by simultaneous telecast, respectfully make the following report:

1. That the House recedes from its amendment, S-5553.
2. That Senate File 2057, as passed by the Senate, is amended to read as follows:

1. Page 1, by inserting before line 1 the following:
 "Section 1. Section 21.2, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH f. A nonprofit corporation whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

Sec. 2. NEW SECTION. 21.11 APPLICABILITY TO NONPROFIT CORPORATIONS.

This chapter applies to nonprofit corporations which are defined as governmental bodies subject to section 21.2, subsection 1, paragraph "f" only when the meetings conducted by the nonprofit corporations relate to the conduct of pari-mutuel racing and wagering pursuant to chapter 99D.

Sec. 3. Section 99B.6, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as provided in subsections 5, 6, 7, ~~and~~ 8, and 9 gambling is unlawful

on premises for which a class "A" class "B" class "C" or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 unless all of the following are complied with:

Sec. 4. Section 99B.6, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Pari-mutuel wagering authorized under chapter 99D may be conducted within a racetrack enclosure which is licensed as an establishment that serves or sells alcoholic beverages as defined in section 123.3 if the pari-mutuel wagering is conducted pursuant to chapter 99D and rules adopted under chapter 99D.

2. Page 1, by striking lines 28 and 29 and inserting the following: "of the licensee on a day ~~and during the time,~~ when there is ~~a~~ are horse or dog ~~racing meet races~~ being held at the racetrack. For".

3. Page 1, by inserting after line 33 the following:

"Sec. ____ Section 123.30, subsection 3, paragraph d, Code 1989, is amended to read as follows:

d. CLASS "D". A class "D" liquor control license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages, wine, and beer to passengers for consumption only on trains, watercraft as described in this section, or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under chapter 99F, the owner shall obtain a separate class "D" liquor control license for each excursion gambling boat operating in the waters of this state.

Sec. ____ Section 123.36, subsection 6, Code 1989, is amended to read as follows:

6. Any club, hotel, motel, or commercial establishment holding a liquor control license, subject to section 123.49, subsection 2, paragraph "b" may apply for and receive permission to sell and dispense alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of ten a.m. and twelve midnight on Sunday. A class "D" liquor control licensee may apply for and receive permission to sell and dispense alcoholic beverages to patrons for consumption on the premises only between the hours of ten a.m. and twelve midnight on Sunday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license.

Sec. ____ Section 123.49, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. Knowingly permit any gambling, except in accordance with chapter 99B, 99D, 99E, or 99F, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

Sec. ____ EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon enactment."

4. Title page, by striking line 2 and inserting the following: "authorizing wagering on simultaneous telecast races, by providing for the conduct of meetings by certain nonprofit corporations, by authorizing sales of alcoholic beverages at racetracks

and on Sundays, by subjecting violators to existing penalties, and by providing an effective date.”

On the Part of the Senate:

WALLY HORN, Chair
 EUGENE FRAISE
 JOHN P. KIBBIE
 JOHN NYSTROM
 JACK RIFE

On the Part of the House:

DENNIS RENAUD, Chair
 EUGENE BLANSHAN
 DOROTHY CARPENTER
 DAVID TABOR
 DON SHONING

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2093

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 2093, a bill for An Act to reduce the markup percentage on state alcoholic liquor sales, respectfully make the following report:

1. That the Senate concurs in the House amendment, S-5983.

On the Part of the Senate:

WALLY HORN, Chair
 EUGENE FRAISE
 JOHN P. KIBBIE
 JOHN NYSTROM
 JACK RIFE

On the Part of the House:

DENNIS RENAUD, Chair
 EUGENE BLANSHAN
 DOROTHY CARPENTER
 DAVID TABOR
 DON SHONING

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2280

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 2280, 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, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5938.
2. That the House amendment, S-5672, to Senate File 2280, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 2, by inserting after line 1 the following:

" ____ Page 7, by inserting after line 7 the following:

"11. In carrying out the requirements of 1990 Iowa Acts, Senate File 2212, section 24, relating to the acquisition or construction of expanded prison facilities, the department of general services may include the architectural and engineering costs of the project as a part of the total costs of the project to be financed by lease-purchase arrangements.

12. If personnel reductions are required in the department of general services resulting from budget reductions, the layoffs shall be made only after service contracts with private parties have been reviewed and reduced or canceled where possible. Personnel reductions shall be distributed among management employees, nonmanagement employees who are not members of a bargaining unit, and nonmanagement employees who are members of a bargaining unit in the same proportion as the proportion to total employees represented by each group. The department shall retain those employees most essential to the department's mission. The department shall report to the co-chairpersons and ranking members of the joint administration appropriations subcommittee concerning any personnel reductions to demonstrate how the department has complied with the requirements of this subsection."

2. Page 2, line 11, by striking the figure "1,224,000" and inserting the following: "1,331,000".

3. Page 2, by striking lines 32 and 33, and inserting the following:

" ____ Page 12, by striking lines 10 through 22."

4. Page 2, by striking lines 36 and 37.

5. Page 2, line 39, by striking the figure "6,259,000" and inserting the following: "6,047,156".

6. Page 2, line 41, by striking the figure "1,712,000" and inserting the following: "1,654,000".

7. Page 2, line 43, by striking the figure "1,304,000" and inserting the following: "1,260,000".

8. Page 2, line 45, by striking the figure "1,878,000" and inserting the following: "1,814,000".

9. Page 2, line 47, by striking the figure "740,000" and inserting the following: "715,000".

10. Page 3, by striking lines 16 through 22 and inserting the following:

"Sec. ____ LAYOFF AND RECALL PROCEDURES.

The department of personnel in consultation with the department of management, the department of revenue and finance, and the department of general services, shall establish a program for employees of those departments whose positions are terminated as a result of this Act. The departments shall give a preference to qualified persons previously employed whose jobs were terminated as a result of this Act when hiring to fill vacant positions according to existing outplacement procedures established by the department of personnel and recall procedures established by public employee collective bargaining agreements.

Sec. ____

There is appropriated from the general fund of the state to the department of general services and the department of revenue and finance for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For allocation, upon approval of the department of management, to avoid layoffs, if, after implementing efficiencies and other methods to achieve savings as directed

by the department of management, the governor, and the department directors, funds appropriated by this Act are insufficient to otherwise avoid layoffs:

- 1. Department of general services: \$ 250,000
- 2. Department of revenue and finance: \$ 250,000

Sec. ____ Section 7.17, Code 1989, is amended to read as follows:

7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.

The governor shall establish the office of the administrative rules co-ordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules co-ordinator shall receive all notices and rules promulgated pursuant to chapter 17A and provide the governor with an opportunity to review and object to any rule as provided in chapter 17A. The administrative rules co-ordinator in consultation with the Code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter 17A which shall correlate each rule to a uniform numbering system devised by the administrative rules co-ordinator. The administrative rules co-ordinator shall review all submitted rules for style and form and may return or revise a rule which is not in proper style and form. In prescribing the style and form, the administrative rules co-ordinator shall require that the agency include a reference to the statute which the rules are intended to implement.

____ Page 19, by inserting after line 26, the following:

"Sec. ____ Section 13.7, Code 1989, is amended to read as follows:

13.7 SPECIAL COUNSEL.

Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head thereof, or to a state board or commission. However, the executive council may employ legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section does not affect the general counsel for the utilities board of the department of commerce, the legal counsel for the board of optometry examiners, or the legal counsel of the division of job service of the department of employment services.

Sec. ____ Section 17A.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 11. "ARC number" means the identification number assigned by the governor's administrative rules coordinator to each rulemaking document.

Sec. ____ Section 17A.4, subsection 1, paragraph a, Code 1989, is amended to read as follows:

- a. Give notice of its intended action by submitting three copies of the notice to the administrative rules co-ordinator, who shall assign an ARC number to each rulemaking document and forward two copies to the Code editor for publication.

in the "Iowa Administrative Bulletin" created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views ~~thereon~~.

Sec. ____ Section 17A.5, subsection 1, Code Supplement 1989, is amended to read as follows:

1. Each agency shall file in the office of the administrative rules co-ordinator three certified copies of each rule adopted by it. ~~Two copies of each rule shall be forwarded to the Code editor by the administrative rules co-ordinator. The administrative rules co-ordinator shall assign an ARC number to each rulemaking document and forward two copies to the Code editor.~~ The administrative rules co-ordinator shall keep a permanent register of the rules open to public inspection.

Sec. ____ Section 17A.6, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The Iowa administrative code shall be cited as (agency identification number) IAC, (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

NEW SUBSECTION. 8. The Iowa administrative bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Sec. ____ Section 18.136, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. It is the intent of the general assembly that during the implementation of parts I and II of the system, the department of general services shall employ a consultant to report to it on the impact of changing technology on the potential cost and capabilities of the system. It is also the intent of the general assembly that the department of education shall study new techniques in distant teaching. These reports shall be made available to the general assembly.

Sec. 101. Section 18.137, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

There is created in the office of the treasurer of state a temporary fund to be known as the state communications network fund. There is appropriated; ~~contingent upon the certification from the department of management of financial resources adequate to fund the expenditure;~~ to the state communications network fund for each the fiscal year of the fiscal period beginning July 1, 1989, and ending June 30, ~~1994~~ 1990, the sum of ~~ten~~ five million dollars from ~~funds in the general fund of the state not otherwise appropriated. Any moneys remaining in the fund on June 30 of a fiscal year, of moneys appropriated from the general fund of the state for that fiscal year, shall revert to the general fund of the state, except that those funds needed to provide the state matching funds pursuant to section 18.136 shall not revert, notwithstanding section 8.33.~~ There is appropriated from the general fund of the state to the state communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars. Notwithstanding section 8.33, unobligated and unencumbered moneys from the appropriation for a fiscal year remaining on June 30 of that fiscal year shall not revert to the general fund of the state but shall remain available for expenditure during the next following fiscal year. There shall also be deposited into the state communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136,

matching funds received from the area schools and the local school boards, funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund. Notwithstanding the requirements of section 18.136, subsection 1, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, thirty-one thousand dollars of moneys in the state communications network fund may be expended for the state's share of the cost for the design of a disaster recovery facility to be built in conjunction with the Iowa communications network facility and emergency operation center. The department of general services may increase its fees for data processing in order to collect an additional amount not exceeding two hundred thousand dollars during the fiscal year beginning July 1, 1991, to pay for the state's share of the cost of construction of the disaster recovery facility."

— Page 20, by inserting before line 1, the following:

"Sec. ____ Section 90A.7, Code 1989, is amended to read as follows:

90A.7 WRITTEN REPORT FILED — TAX.

1. Every person conducting a boxing or wrestling match or charging an admission fee for viewing of a closed-circuit boxing or wrestling match in this state shall, within twenty-four hours after such match, furnish to the commissioner a written report, duly verified, showing the number of tickets sold for such boxing or wrestling match, and the amount of gross proceeds thereof of such boxing or wrestling match, and such other matters as the commissioner may prescribe; and shall also within the said same time period pay to the treasurer of state a tax of five percent of its total gross receipts, after deducting any federal admission state sales tax, from the sale of tickets of admission to such boxing or wrestling match.

2. Moneys collected pursuant to subsection 1 in excess of the amount of moneys needed to administer this chapter are appropriated and shall be used by the state commissioner of athletics to award grants to organizations which promote amateur boxing matches in this state.

3. The state commissioner of athletics shall adopt rules pursuant to chapter 17A to establish procedures for the submission of applications for grants to be awarded pursuant to subsection 2, and for the awarding of grants pursuant to subsection 2.

4. An advisory board composed of three members of the golden gloves association of America, incorporated — Iowa branch, appointed by the association, and three members of the United States of America amateur boxing federation — Iowa branch, appointed by the federation, shall advise the state commissioner of athletics regarding the awarding of grants pursuant to subsection 2.

Sec. ____ Section 97B.49, subsection 16, paragraph d, Code 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3A) As used in subparagraph (3), "correctional officer" includes any employee of the Iowa department of corrections whose primary purpose is, through ongoing direct inmate contact, to enforce and maintain discipline, safety, and security within a correctional facility and any employee of that department whose primary purpose is to provide security within a correctional facility.

Sec. ____ Section 258A.3, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The board of optometry examiners may retain a competent attorney to serve as its legal counsel as it finds necessary for the full

and efficient discharge of its duties. The legal counsel retained by the board of optometry examiners shall be the attorney for, and legal advisor of, the board of optometry examiners while retained. The legal counsel is exempt from the merit provisions of chapter 19A. The legal counsel retained by the board of optometry examiners shall provide necessary legal advice to the board and may represent the board in disciplinary hearings or in actions instituted in a state or federal court challenging the validity of a rule or order of the board.

Sec. ____ Section 303.79, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If the narrowcast system advisory committee determines that an expansion of the number of sites utilizing distance learning would benefit the implementation of the state educational telecommunications system by demonstrating its capabilities to a greater number of individuals, the advisory committee may recommend that the board establish a demonstration program. Notwithstanding section 18.136, the board may allocate not more than one hundred thousand dollars from the state communications network fund for each of the fiscal years beginning July 1, 1990, and July 1, 1991, to be used to equip additional classrooms."

____ Page 20, by inserting after line 9, the following:

"Sec. 201. Section 524.1213, subsection 9, Code Supplement 1989, is amended to read as follows:

9. The resulting bank of a merger or consolidation shall not retain any united community bank office or any other bank office within the municipality ~~or urban complex~~ in which the principal office of the resulting bank is located if the resulting bank then would have a greater number of bank offices within that municipality ~~or urban complex~~ than is expressly permitted by section 524.1202, subsection 2."

____ Page 22, by inserting after line 28, the following:

"Sec. 202. 1990 Iowa Acts, House File 685, section 3, subsection 1, is amended to read as follows:

1. "Acquire"; ~~except in section 524.1802, subsection 1,~~ means to directly or indirectly acquire ~~twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of, over~~ one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

Sec. 203. 1990 Iowa Acts, House File 685, section 3, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Bank conducting a banking business in this state" means a state bank or national bank that has its principal place of business in this state and that is authorized to engage and actually is engaged in receiving money for demand deposit, receiving money for time deposit, paying checks, and making commercial loans.

NEW SUBSECTION. 4A. "Control" means control as defined and described in the federal Bank Holding Company Act of 1956, 12 U.S.C. 1841(a)(2)(A) and (B), as amended to January 1, 1990.

Sec. 204. 1990 Iowa Acts, House File 685, is amended by adding the following new section:

SEC. ____ **NEW SECTION.** 524.1851A RIGHTS RESERVED.

Notwithstanding any other provision of this division, a bank holding company described in section 524.1805 may engage in any acquisition or transaction in

which it could lawfully engage in the absence of this division.

Sec. 205. 1990 Iowa Acts, House File 685, section 4, is amended to read as follows:
SEC. 4. NEW SECTION. 524.1852 ACQUISITIONS.

1. A regional bank holding company may directly or indirectly ~~acquire an interest in the voting securities or other capital stock of, or power to control in any manner the election of any of the directors of~~ obtain interests not constituting control in, one or more banks conducting a banking business in this state or in one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

2. ~~Notwithstanding subsection 1, a~~ A regional bank holding company shall not ~~directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of, acquire~~ one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state ~~without~~ except upon the prior approval of the superintendent and compliance with the application procedures and acquisition conditions, limitations, and requirements of this division.

Sec. 206. 1990 Iowa Acts, House File 685, section 6, subsection 5, paragraph 1, is amended to read as follows:

1. Will on balance have a positive effect upon the community interests of the communities served by the bank or banks to be acquired. In considering community interest factors, the superintendent may investigate in addition to the effects of the acquisition on shareholders or depositors, the effects of the acquisition on employees, suppliers, creditors, short-term and long-term impact upon community interests, and community development. ~~The superintendent shall consider the short-term and long-term impact upon community interests of the proposed acquisition, including the possibility that community interests may be best served by the continued independence of the bank or bank holding company to be acquired.~~

Sec. 207. 1990 Iowa Acts, House File 685, section 6, subsection 8, is amended by striking the subsection and inserting in lieu thereof the following:

8. Approval shall be conditioned upon the applicant entering into a contract with the superintendent providing that any bank located in this state and owned or controlled by the applicant will be operated in a manner that conforms to any actions, promised to be undertaken by the applicant in its application, to correct any deficiencies in the procedures or operations of the acquired bank, including requirements of subsection 5, which promises were necessary to allow the superintendent to approve the application. As part of such contract, the applicant shall agree that the applicant, as well as any Iowa bank or Iowa bank holding company acquired by the applicant, shall provide reports to and permit examinations of its records by the superintendent to the extent necessary to ensure compliance with the promises referred to in the application.

Sec. 208. 1990 Iowa Acts, House File 685, section 8, subsection 3, is amended to read as follows:

3. The superintendent may assess a civil penalty to a bank holding company in violation of a condition up to five ~~thousand~~ hundred dollars per violation, but not to exceed a total of ~~two hundred fifty ten~~ thousand dollars per year.

Sec. 209. 1990 Iowa Acts, House File 685, section 13, subsection 2, is amended to read as follows:

2. An authorization for a state bank ~~chartered in this state~~, to engage in activities

regulated under title 20, if any, does not grant the bank a regional bank holding company that acquires a state bank under section 524.1852 or any state bank owned or controlled by that bank holding company or any subsidiary or affiliate the ability or right to engage in such activities outside of this state.

Sec. 210. 1990 Iowa Acts, House File 685, is amended by adding the following new section:

SEC. ____ NEW SECTION. 524.1862 PROHIBITED ACQUISITIONS.

Unless expressly authorized by federal law in the absence of the enactment of this division, a foreign bank, as defined in 12 U.S.C. 3101, or an out-of-state bank holding company that is directly or indirectly owned or controlled by a foreign bank shall not make any type of acquisition described or referred to in section 524.1852, and shall divest itself of any interest acquired in violation of this section. The superintendent may prosecute any action or proceeding necessary to compel compliance with this section.

Sec. ____

There is appropriated from the banking revolving fund to the banking division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purpose designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, in connection with the implementation, administration, and enforcement of interstate banking: \$ 50,000
.....FTEs 2.00

Sec. ____ RESALE OF COMMUNICATION SERVICES.

It is the intent of the general assembly that the department of general services shall not provide or resell communication services to agencies other than accredited nonpublic schools, nonprofit institutions of higher education eligible for tuition grants, state agencies, school corporations, city libraries, regional libraries as provided in chapter 303B, and county libraries as provided in chapter 358B."

____ Page 22, by striking lines 29 and 30, and inserting the following:

"Sec. ____ EFFECTIVE DATES.

- 1. This section and sections 101 and 201 of this Act, being deemed of immediate importance, take effect upon enactment. All other sections of this Act take effect July 1, 1990.
- 2. Sections 202 through 210 of this Act shall have the same effect as if originally enacted in 1990 Iowa Acts, House File 685.
- 3. Section 210 of this Act is repealed effective January 1, 1992.
- 4. Sections 30, 31, 32, and 34 of this Act are repealed effective July 1, 1996."

____ Title page, line 6, by inserting after the word "management," the following: "and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations.""

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
WILLIAM W. DIELEMAN

On the Part of the House:

DENNIS L. RENAUD, Chair
JANET L. ADAMS

CALVIN O. HULTMAN
JOHN W. JENSEN
JOHN P. KIBBIE

EUGENE H. BLANSHAN
JOSEPH M. KREMER

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2306

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 2306, a bill for An Act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5908.
2. That the House recedes from its amendment, S-5534.
3. That Senate File 2306, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 1, by inserting after the figure "2," the following: "3,".
2. Page 1, line 28, by striking the words and figure "November 1 deadline" and inserting the following: "deadline of October 30 of the previous year".
3. Page 1, line 29, by inserting after the word "deadline" the following: "or if the request is to enroll a child in kindergarten in a public school in another district".
4. Page 1, line 34, by inserting after the word "year" the following: "and shall transmit any approved request within five days after board action on the request".
5. Page 1, line 35, by inserting after the word "year" the following: "unless the board of the receiving district has acted on the request".
6. Page 2, line 15, by striking the words "ten fifteen" and inserting the following: "ten".
7. Page 3, by striking lines 15 and 16, and inserting the following: "permitted to appeal the decision of the board either directly to the director of the department of education or to the state board under chapter 290, but not to both. If the matter is to be heard by the director, or the director's designee, the matter shall be heard de".
8. Page 3, line 18, by striking the words "by the director, or the director's designee".

9. Page 3, by inserting before line 22, the following:

"Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of board action on the request, of whether the child will be enrolled in that district or whether the request is to be denied."

10. Page 3, by striking lines 33 through 35 and inserting the following: "district within five days of the receipt of the request. The new receiving district shall".

11. Page 5, line 7, by inserting after the word "years," the following: "If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child, who is the subject of the request, is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the lower of the two district costs per pupil or other costs to the receiving district until the start of the first full year of enrollment of the child."

12. By striking page 6, line 33 through page 7, line 2, and inserting the following: "If a child, for which a request to transfer has been filed with a district, has been suspended or expelled in the district, ~~the receiving district named in the request may refuse the request~~ the child shall not be permitted to transfer until the child has been reinstated in the sending district. Once the child has been reinstated, however, the child shall be permitted to transfer in the same manner as if the child had not been suspended by the sending district. If a child, for whom a request to transfer has been filed with a district, is expelled in the district, the child shall be permitted to transfer to a receiving district under this section if the child applies for and is reinstated in the sending district. However, if the child applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The parent or guardian of the child shall be permitted to appeal the decision of the receiving district to the director of the department of education. If the director rules in favor of permitting the transfer, the child shall be permitted to transfer, but the transfer shall be conditioned upon the expiration of the expulsion period without the student incurring a new violation."

13. Page 8, line 9, by inserting before the word "participation" the following: "or".

14. Page 8, line 11, by inserting after the word "circumstances" the following: "consistent with the definition of good cause".

15. Page 8, by striking lines 15 and 16 and inserting the following: "reorganization plan, or a similar set of circumstances consistent with the definition of good cause. If the good cause relates to a change".

16. Page 8, line 29, by inserting after the word "notwithstanding" the following: "the enrollment loss provisions and, if a district has a minority enrollment of less than ten percent of the total district student population, the desegregation provisions of".

17. Page 8, line 32, by inserting after the figure "1990" the following: "and the board of the district of residence shall grant the request. Children who are the subject of requests, which are filed prior to August 1, 1990, and which meet the good cause requirements for a change in the status of the children's resident district due to rejection of a whole grade sharing agreement, are not subject to the restrictions on athletic participation contained in section 282.18 if the district to which the child is to transfer under the request is or was a participant in a whole grade sharing agreement".

18. Page 8, by inserting after line 32, the following: "If a pupil transfers for

the balance of the 1989-1990 school year, if that year is covered by the request, and for the 1990-1991 school year, only the state aid portion of the lower district cost per pupil of the two districts."

19. Page 8, by inserting before line 33, the following:

"Sec. 100. Section 279.19A, subsection 3, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of a school district may require an employee who has resigned from an extracurricular contract to accept, as a condition of employment under section 279.13, the extracurricular contract for the subsequent no longer than one additional school year if all the following conditions apply:

Sec. ____ JOINT STUDY.

The state board of education and the board of educational examiners shall review current rules and educational requirements relating to extracurricular contracts and licensing or endorsement requirements for teaching and nonteaching personnel who perform duties relating to school athletic programs. The state board of education and the board of educational examiners shall develop recommendations for uniform rules relating to the education and licensing of persons performing duties relating to school athletic programs and submit the recommendations in a report to the general assembly by January 1, 1992.

Sec. ____ CODIFICATION.

The Code editor shall divide section 282.18 into appropriate subsections and paragraphs."

20. Page 8, line 34, by inserting after the word "Act," the following: "except for section 1 of this Act".

21. Page 9, by inserting after line 1, the following:

"Sec. ____

Section 100 of this Act takes effect July 1, 1993."

22. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

LARRY MURPHY, Chair
C. JOSEPH COLEMAN
WALLY HORN

On the Part of the House:

C. ARTHUR OLLIE, Chair
JANET ADAMS
HORACE DAGGETT
PHILIP WISE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2402

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 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway

research board, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5937.
2. That the House recedes from its amendment, S-5680.
3. That Senate File 2402, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 12, by striking the figure "961,617" and inserting the following: "953,617".
 2. Page 1, line 25, by striking the letter "a."
 3. Page 1, by striking lines 33 and 34.
 4. Page 2, line 4, by striking the figure "320,482" and inserting the following: "307,271".
 5. Page 2, line 5, by striking the figure "13" and inserting the following: "12".
 6. Page 2, line 10, by striking the figure "133,934" and inserting the following: "143,934".
 7. Page 2, by inserting after line 11, the following:
"As a condition, limitation, and qualification of the appropriation in this paragraph, \$10,000 shall be used for the purchase of POW/MIA flags."
 8. Page 2, by striking lines 12 through 18.
 9. Page 3, line 5, by striking the figure "75,000" and inserting the following: "25,000".
 10. Page 3, line 8, by inserting after the word "enforcement," the following: "and for river boat gambling enforcement."
 11. Page 3, line 14, by striking the figure "6,557,018" and inserting the following: "6,534,828".
 12. Page 3, line 15, by striking the figure "137" and inserting the following: "136".
 13. Page 3, line 17, by striking the figure "250,000" and inserting the following: "75,000".
 14. Page 3, by inserting after line 17 the following:
"The department of public safety shall prepare a status report for the legislative fiscal committee, the transportation and safety appropriations subcommittee, and the legislative fiscal bureau, on or before November 1, 1990, which details the actual and planned expenditures from the appropriation made in this paragraph."
 15. Page 3, line 21, by striking the figure "20,000" and inserting the following: "10,000".
 16. Page 4, line 14, by striking the figure "50,000" and inserting the following: "25,000".
 17. Page 4, by striking lines 15 through 17.
 18. Page 4, by inserting after line 21 the following:
"7. For funding the department's administrative functions to implement the accreditation for law enforcement agencies: \$ 25,000".
 19. Page 5, by inserting after line 2, the following:
"The unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1989, is not a liability of funds paid to the state racing and gaming commission under section 99D.14."
 20. Page 5, by striking lines 9 and 10.
 21. Page 5, line 11, by striking the figure "2".
 22. Page 6, by inserting after line 11 the following:
"The unfunded liability of the peace officers' retirement, accident, and disability system, under chapter 97A is not a liability of the road use tax fund as of July

1, 1986.”

23. Page 6, line 25, by striking the word “purchase” and inserting the following: “lease/purchase”.

24. Page 6, line 28, by striking the figure “300,000” and inserting the following: “350,000”.

25. Page 7, line 1, by striking the figure “200,000” and inserting the following: “133,334”.

26. Page 7, by striking line 19 and inserting the following: “ \$ 30,000

9. For the purchase of a new office facility as a law enforcement headquarters for the department: \$ 220,000

Proceeds from the sale of any existing facility shall be deposited in the road use tax fund.

Sec. ____ .

There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the department of public safety, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For the purchase of automated fingerprint information system local remote terminals: \$ 279,800

It is the intent of the general assembly that moneys shall be appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for costs associated with the automated fingerprint information system local remote terminals.”

27. Page 7, line 22, by striking the words “general fund of the state” and inserting the following: “road use tax fund”.

28. Page 8, line 17, by striking the figure “105,000” and inserting the following: “55,000”.

29. Page 9, line 9, by striking the figure “655,900” and inserting the following: “705,900”.

30. Page 9, by inserting after line 10 the following:

“As a condition, limitation, and qualification of the appropriation in this paragraph, \$50,000, or so much thereof as is necessary, shall be used to conduct a demonstration study to assess the economic and technical feasibility of establishing an intermodal transportation facility at or near a location on the Mississippi river that has access to year-round navigation. The demonstration study shall be conducted by a regional planning agency. The department shall coordinate the demonstration study with the department of economic development and shall report to the general assembly, not later than March 31, 1991, on the outcome of the study, on the applicability of integrating intermodal transportation analysis into regional economic development studies, and on the contribution that regional planning can make to statewide planning.”

31. Page 9, by inserting after line 12, the following:

“Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1992, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department.”

32. Page 10, line 33, by striking the figure “2,883” and inserting the following: “2,889”.

33. Page 11, by striking lines 5 through 8 and inserting the following:

"(3) For parcel acquisition: \$ 306,000".

34. Page 11, line 25, by striking the figure "2,000,000" and inserting the following: "1,750,000".

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

"Sec. ____.

The Iowa highway research board may conduct an experimental roadway paving project using recycled rubber in hot asphalt concrete. The materials shall be applied by a company with experience in the use of recycled tire rubber.

Sec. ____ . RULES VALID.

The administrative rules adopted by the state fire marshal pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2, are valid.

Sec. ____ .

Notwithstanding the manual on uniform traffic control devices for streets and highways, the state department of transportation shall adopt rules regulating travel in the left-hand lane of uphill traffic lanes by posting signs which shall state "KEEP RIGHT EXCEPT TO PASS".

Sec. ____ .

The state department of transportation shall contact other states' transportation departments for the purpose of initiating a lawsuit in conjunction with the other states, to seek an injunction to prevent the United States department of transportation from impounding the states' portions of the federal gas tax.

Sec. 399.

Notwithstanding section 8.33, funds appropriated under 1989 Iowa Acts, chapter 317, section 19, subsection 2, shall not revert until after October 1, 1990, and shall remain available for expenditure until such date."

36. Page 16, by striking lines 20 through 31 and inserting the following:

"Sec. ____ . Section 135C.2, subsection 5, paragraph b, Code Supplement 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A facility must be located in an area zoned for single or multiple-family housing and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2."

37. Page 17, by inserting after line 14 the following:

"Sec. ____ . Section 309.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the maximum funds the county could have transferred in the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. ____ . Section 312.2, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the maximum funds that the county could have transferred in the prior fiscal year under section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

Sec. ____ . Section 312.3, subsection 1, Code 1989, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for each fiscal year based upon the total needs of secondary roads of the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department, sixty seven percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of each county bears to the total area of the state, forty thirty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties. However, for a hold harmless period in a fiscal year each county is guaranteed a hold harmless base year amount. The amount in the secondary road fund of the counties in each fiscal year during the hold harmless period in excess of the sum of the hold harmless base period year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Hold harmless Base period" means the fiscal years beginning July 1, 1979 and ending June 30, 1985 three-year period ending June 30, 1989.

b. "Base year amount" means the amount of the secondary road fund of the counties received by a county for the fiscal year beginning July 1, 1977. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and

three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state as shown by the latest quadrennial need study by the state department of transportation, and which is on record at the department, sixty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportioned among the counties in the ratio that the area of each county bears to the total area of the state, forty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>LOCAL EFFORT</u>	<u>COUNTY'S</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>At least:</u>	<u>but less than:</u>	
<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0</u>

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in secondary road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year, the department shall prepare and deliver to the treasurer of state an estimate of the increase of secondary road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

Sec. ____ . Section 312.5, Code 1989, is amended to read as follows:

312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

1. The road use tax funds credited to the farm-to-market road fund and federal aid secondary road funds received by the state by the treasurer of state are hereby divided as follows, and are to be known respectively as:

- ± a. Need allotment farm-to-market road funds, sixty seventy percent; and
- ± b. Area allotment farm-to-market road funds, forty thirty percent.

2. All farm-to-market road funds, except funds which under section 310.20 come from any county's allotment of the road use tax funds, shall be allotted among the counties by the department.

3. Area allotment farm-to-market road funds and federal aid secondary road funds received by the state, shall be allotted among all the counties of the state in the ratio that the area of each county bears to the total area of the whole state.

4. Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state for each fiscal year based upon the total needs of the farm-to-market roads in the state as shown in the

latest quadrennial need study report developed by the state department of transportation, and which is on record at the department.

5. Notwithstanding subsections 1 through 4, in a fiscal year each county is guaranteed a hold harmless base year amount. The amount of farm-to-market road funds in each fiscal year in excess of the sum of the hold harmless base year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Base period" means the three-year period ending June 30, 1989.

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties with the federal aid secondary road funds being apportioned by one hundred percent area allotment and the road use tax funds credited to the farm-to-market road fund apportioned to the counties with a sixty percent need allotment and forty percent area allotment.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>		<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>but less than:</u>	
96%	<u>unlimited</u>	<u>100% of old formula amount</u>
92%	<u>96%</u>	<u>96% of old formula amount</u>
88%	<u>92%</u>	<u>92% of old formula amount</u>
84%	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0</u>

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in the farm-to-market road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year the department shall prepare and deliver to the treasurer of state an estimate of the increase of the farm-to-market road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection."

38. Page 17, by inserting after line 23 the following:

"Sec. ____ . Section 313.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. PURPOSE. It is the purpose of this section to enhance opportunities for the

development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network **except as provided in subsection 4.**

Sec. ____ . Section 313.2A, subsection 4, Code Supplement 1989, is amended by striking the subsection.

Sec. ____ . Section 317.13, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan."

39. Page 18, by inserting after line 18 the following:

"Sec. ____ . Section 321L.2, subsection 3, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. ____ . **NEW SECTION.** 325.37 ADVERTISING BY MOTOR CARRIERS OF PROPERTY.

Any advertising of available service provided by a motor carrier, of property shall contain or display the number of the certificate issued by the department pursuant to this chapter.

Sec. ____ . Section 331.660, Code 1989, is amended to read as follows:

331.660 APPROPRIATION — INDIAN SETTLEMENT OFFICER.

There is appropriated annually from the general fund of the state to the county of Tama the sum of ~~three thousand three hundred sixty-five~~ twenty-five thousand dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama. The state shall not be held liable for the

performance or nonperformance of law enforcement duties pursuant to this section.

Sec. 400. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 2, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended to read as follows:

Total payments for claims pursuant to this subparagraph are limited to no more than ~~six~~ eight million dollars. Claims for eligible retroactive releases shall be prorated if claims filed in a permitted application period or for a particular priority class of applicants exceed ~~six~~ eight million dollars or the then remaining balance of ~~six~~ eight million dollars. If claims remain partially or totally unpaid after total payments equal ~~six~~ eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 401. Section 455G.9, subsection 1, paragraph a, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended by inserting the following new subparagraph:

NEW SUBPARAGRAPH. (3) Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1985, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, subsection 4 notwithstanding. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

(a) The owner or operator applying for coverage must be currently engaged in the business for which the tank connected with the release was used prior to the report of the release.

(b) The owner or operator applying for coverage shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after January 1, 1985.

(d) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to September 1, 1990.

(e) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 402. 1990 Iowa Acts, House File 2552, section 43, is amended to read as follows:

SEC. 43.

Provided that amounts reserved for the retroactive portion of the remedial account claims pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), do not exceed ~~six~~ eight million dollars, the administrator shall from the effective date of this Act, through September 1, 1990, reopen applications previously received but denied based upon section 455G.9, subsection 1, paragraph "a", subparagraph (1), subparagraph subdivision (a), Code Supplement 1989, which subparagraph subdivision is repealed by this Act, and may accept new applications under section 455G.9, subsection 1, paragraph "a", subparagraph (1) for that period. If claims reopened or received exceed the remaining balance of unobligated or unreserved funds of the ~~six~~ eight million dollars, the remaining balance shall

be prorated among the reopened and newly received claims. If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account exceed six million dollars, all remaining claims are void, and no entitlement exists for further payment. If claims paid pursuant to this section do not exceed the remaining balance of unobligated or unreserved funds of the six million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the six million dollars allocated for retroactive claims to zero. distributed according to the following priority:

1. Claims reopened or submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), first; provided, however, that payments pursuant to this subsection shall not exceed one million two hundred thousand dollars.

2. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), second, on a first-come-first-served basis.

3. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), not previously accepted for payment or paid because the claim was ineligible solely on the basis of section 455G.9, subsection 1, paragraph "a", subparagraph (3), subparagraph subdivision (a), third.

4. If claims paid pursuant to subsections 1, 2, and 3 do not exceed the remaining balance of unobligated or unreserved funds of the eight million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the eight million dollars allocated for retroactive claims to zero.

If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment."

40. Page 18, by inserting after line 20 the following:

"Sec. _____

Sections 399, 400, 401, and 402 of this Act, being deemed of immediate importance, take effect upon enactment."

41. Title page, line 6, by striking the word "purchases and" and inserting the following: "purchases,".

42. Title page, line 7, by inserting after the word "board" the following: ", providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date".

43. By renumbering and relettering as necessary.

On the Part of the Senate:

DONALD E. GETTINGS, Chair
EMIL J. HUSAK
JIM LIND
JOE WELSH

On the part of the House:

DENNIS M. COHOON, Chair
JACK BEAMAN
DEO A. KOENIGS
LOUIS J. MUHLBAUER
DON SHONING

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2413

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 2413, An Act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, respectfully make the following report:

1. That the House recedes from its amendment, S-5888.
2. That Senate File 2413, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 24, by inserting after the word "services" the following: "or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 246.703."
 2. Page 1, line 32, by inserting after the word "services," the following: "or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 246.703."
 3. Page 2, line 7, by inserting after the word "services," the following: "or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 246.703."
 4. Page 2, line 25, by inserting after the word "services," the following: "or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 246.703."
 5. Page 2, by striking lines 31 and 32, and inserting the following:

"A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of".

6. Page 2, line 34, by inserting after the figure "123.47" the following: "and if the person is not referred to juvenile court".

7. Page 3, line 13, by striking the word "counterfiet" and inserting the following: "counterfeit".

8. Page 4, by striking lines 13 and 14, and inserting the following:

"A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a".

9. Page 4, line 16, by inserting after the word "chapter," the following: "and if the person is not referred to juvenile court".

10. Page 9, line 17, by striking the word "—PENALTY" and inserting the following: "— PENALTY".

11. Page 10, by inserting after line 28, the following:

"Sec. ____ . Section 232.2, subsection 6, paragraph d, Code Supplement 1989, is amended to read as follows:

d. Who has been, or is imminently likely to be, sexually abused by the child's parent, guardian, custodian or other member of the household in which the child resides.

Sec. ____ . Section 232.8, subsection 1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Violations by a child of provisions of chapter 106, 106A, 109, 109A, 110, 1120, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, and violations by a child of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child who appears before it for a violation of section 123.47. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this unnumbered paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations."

12. Page 11, by inserting after line 5, the following:

"Sec. ____ . Section 232.19, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding any other provision of this chapter, a child shall not be placed in detention as a result of a violation by that child of section 123.47."

13. Page 11, line 11, by inserting after the word "alcohol" the following: "or controlled substance".

14. Page 11, by inserting after line 19, the following:

"Sec. ____ . Section 232.82, Code 1989, is amended to read as follows:

232.82 REMOVAL OF SEXUAL OFFENDERS AND PHYSICAL ABUSERS FROM THE RESIDENCE PURSUANT TO COURT ORDER.

1. Notwithstanding section 561.15, if it is alleged by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion, that a parent, guardian, custodian, or an adult member of the household in which a child resides has committed a sexual offense with or against the child, pursuant to chapter 709 or section 726.2, or a physical abuse as defined by section 232.2, subsection 38, the juvenile court may enter an ex parte order requiring the alleged

sexual offender or physical abuser to vacate the child's residence upon a showing that probable cause exists to believe that the sexual offense or physical abuse has occurred and that substantial evidence exists to believe that the presence of the alleged sexual offender or physical abuser in the child's residence presents a danger to the child's life or physical, emotional, or mental health.

2. If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the county attorney, the department of human services, or a juvenile court officer within three days of the entering of the order.

3. The juvenile court may order on its own motion, or shall order upon the request of the alleged sexual offender or physical abuser, a hearing to determine whether the order to vacate the residence should be upheld, modified, or vacated. The juvenile court may in any later child in need of assistance proceeding uphold, modify, or vacate the order to vacate the residence.

Sec. ____ . Section 232.116, subsection 1, Code Supplement 1989, is amended by adding a new paragraph:

NEW PARAGRAPH. 1. The court finds that both of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 after finding that the child has been physically or sexually abused as a result of the acts or omissions of a parent.

(2) The parent found to have physically or sexually abused the child has been imprisoned for such abuse against the child, the child's sibling, or any other child in the household and the court finds it is unlikely that the parent will be released within five years."

15. Page 11, by striking line 23, and inserting the following: "of suitable space for reading material for inmates. For purposes of this section, "suitable reading materials" does not include material depicting or describing the genitals, sex acts, masturbation, excretory functions, or sadomasochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material for inmates, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value. The".

16. Page 12, line 3, by inserting after the word "paragraph" the following: "b or".

17. Page 12, by inserting after line 14, the following:

"Sec. ____ . Section 246.703, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may enter into a chapter 28E agreement with a county board of supervisors or county conservation board to provide inmate services for environmental maintenance including but not limited to brush and weed cutting, tree planting, and erosion control. The board of supervisors or conservation board shall reimburse the department of corrections for the allowance paid the inmates by the director. The supervision, security, and transportation of inmates used pursuant to the chapter 28E agreement shall be provided by the department of corrections."

18. Page 12, line 19, by inserting after the word "inmate's" the following: "mandatory minimum".

19. By striking page 12, line 20. through page 13, line 28, and inserting the following: "sentence performing labor in the program. Duties, if possible, shall consist of physical labor in plain view of the public. However, an inmate shall

not be required to perform work which is beyond an inmate's physical ability, which constitutes a physical hardship, or which is dangerous or threatening to the inmate's life or health, medically prohibited, or unduly painful.

Sec. ____ . Section 321J.2, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A minimum term of imprisonment in a county jail or community-based correctional facility imposed on a person convicted of a second or subsequent offense under paragraph "b" or "c" shall be served on consecutive days. However, if the sentencing court finds that service of the full minimum term on consecutive days would work an undue hardship on the person, or finds that sufficient jail space is not available and is not reasonably expected to become available within four months after sentencing to incarcerate the person serving the minimum sentence on consecutive days, the court may order the person to serve not less than forty-eight consecutive hours of the minimum term and to perform a specified number of hours of unpaid community service as deemed appropriate by the sentencing court.

Sec. ____ . Section 321J.3, subsection 1, Code 1989, is amended to read as follows:

1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.22. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, or if the defendant is charged with a second or subsequent offense, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court ~~may~~ shall order the defendant to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court-ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. Upon successfully completing or attending a course for drinking drivers or an ordered substance abuse treatment program, the person may be placed on probation for six months and as a condition of probation, shall attend a program providing posttreatment services relating to substance abuse as approved by the court. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation

punishable as contempt of court. In addition to any other condition of probation, the person shall attend a program providing substance abuse prevention services or posttreatment services related to substance abuse as ordered by the court. The person shall report to the person's probation officer as ordered concerning proof of attendance at the treatment program or posttreatment program ordered by the court. Failure to attend or complete the program shall be considered a violation of probation and is punishable as contempt of court.

Sec. 200. NEW SECTION. 321J.4A SURRENDER OF REGISTRATION AND PLATES.

1. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the court shall issue an impoundment order requiring the surrender to the court of the registration certificate and registration plates of all of the following:

a. All vehicles registered to the defendant, or jointly to the defendant and the defendant's spouse.

b. All vehicles owned by the defendant, or jointly by the defendant and the defendant's spouse.

c. All vehicles leased to the defendant, or jointly to the defendant and the defendant's spouse. This paragraph does not apply to a rental vehicle which is one of a fleet of two or more vehicles rented for periods of four months or less.

2. For purposes of this subsection, a conviction for, deferred judgment for, or plea of guilty to, a violation of section 321J.2, which occurred more than six years prior to the date of the most recent violation charged, shall not be considered in determining that the most recent violation is a third or subsequent violation.

3. If the court issues an impoundment order, the registration certificate and registration plates shall be surrendered to the court either three days after the order is issued or on the date specified by the court, whichever is later. The court shall forward surrendered registration certificates to the county recorder within seven days after surrender. The court may destroy the surrendered registration plates. Except as provided in subsection 5, new registration plates shall not be issued to the defendant or owner until the driver's license of the violator has been reissued or reinstated. The court shall notify the director within ten days after issuing an impoundment order.

4. a. A defendant or an owner may apply to the director for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. Application for and acceptance of special plates constitutes implied consent for law enforcement officers to stop the vehicle bearing special plates at any time. The director shall authorize the issuance of special plates if any of the following apply:

(1) A member of the defendant's household has a valid driver's license.

(2) The defendant or owner has a temporary restricted license pursuant to section 321J.20.

The director may issue the special plates on payment of a fifty dollar fee for each vehicle for which special plates are requested.

b. Until the driver's license of the defendant is reinstated or reissued, the defendant shall inform the department that an impoundment order is in effect when requesting any new registration plates.

5. A registered owner shall not sell a motor vehicle during the time its registration plates and registration certificate have been ordered surrendered or during the time its registration plates bear a special series number, unless the registered owner applies to the department for consent to transfer title to the motor vehicle.

If the department is satisfied that the proposed sale is in good faith and for valid consideration, that the registered owner will be deprived of custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, the department may certify its consent to the county recorder. The county recorder shall then transfer the registration certificate to the new owner upon proper application and issue new registration plates. After the registration plates and registration certificate have been ordered surrendered to the court under this section, if the title to the motor vehicle is transferred by the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the department shall order the registration certificate surrendered to the new registered owner. The county recorder shall then transfer the registration certificate and issue new registration plates to the new registered owner.

6. This section is not intended to change or modify taxation of motor vehicles or the time within which a motor vehicle tax must be paid.

7. a. A person who fails to surrender any registration plates or a registration certificate to the court upon demand under this section or who fails to comply with this section is guilty of a simple misdemeanor and contempt of court.

b. A person who operates a motor vehicle on a street or highway at a time when a court has ordered the surrender of its registration plate and registration certificate is guilty of a simple misdemeanor as a separate and distinct offense from any other penalty imposed in connection with driving while under a license suspension or revocation.

8. The director may adopt such rules as may be necessary or convenient for the implementation and administration of this section.

Sec. ____ . Section 356.26, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The district court may also grant by order to any person sentenced to a county jail the privilege of a sentence of in-home detention where the county sheriff has certified to the court that the jail has an in-home detention program. The department of corrections shall report to the legislative fiscal bureau on a semiannual basis concerning utilization of in-home detention, including the counties which have established such programs and the number of prisoners allowed in-home detention privileges."

20. Page 20, line 6, by striking the word "--REFUNDS" and inserting the following: "-- REFUNDS".

21. Page 22, by inserting after line 34, the following:

"Sec. 104. Section 602.6405, subsection 1, Code 1989, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. They also Magistrates have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. They also Magistrates have jurisdiction over violations of section 123.47 involving persons eighteen years of age, and section 123.49, subsection 2, paragraph "h". Magistrates have jurisdiction to conduct hearings authorized under section 809.4 and section 809.10, subsection 2."

22. By striking page 22, line 35 through page 23, line 6, and inserting the following:

"Sec. ____ . Section 707.6A, Code Supplement 1989, is amended to read as follows:
707.6A HOMICIDE OR SERIOUS INJURY BY VEHICLE.

1. A person commits a class "~~D~~" "C" felony when the person unintentionally causes the death of another by either of the following means:

a. Operating a motor vehicle while under the influence of alcohol or ~~a other~~ drug or a combination of such substances or while having an alcohol concentration, as defined in section 321J.1, subsection 1, of .10 or more; ~~in violation of section 321J.2~~. Upon a plea or verdict of guilty of a violation of this paragraph, the court shall order the state department of transportation to revoke the defendant's motor vehicle license or nonresident operating privileges for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the revocation order.

b. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

2. A person commits ~~an aggravated misdemeanor~~ a class "D" felony when the person unintentionally causes the death of another by operating a motor vehicle in any of the following manners:

a. Drag racing, in violation of section 321.278.

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279.

3. A person commits an aggravated misdemeanor when the person unintentionally causes a serious injury, as defined in section 321J.1, subsection 8, by either of the means described in subsection 1 of this section.

§ 4. As used in this section, "motor vehicle" includes any vehicle defined as a motor vehicle in section 321.1.

5. Except for the purpose of sentencing under section 321J.2, subsection 2, a conviction or deferral of judgment for a violation of this section, where a violation of section 321J.2 is admitted or proved, shall be treated as a conviction or deferral of judgment for a violation of section 321J.2 for the purposes of chapters 321, 321A, and 321J, and section 907.3, subsection 1."

23. Page 24, by inserting after line 15, the following:

"Sec. ____ . Section 809.10, subsection 3, Code 1989, is amended to read as follows:

3. Upon a finding by the court that the property is forfeitable, the court ~~shall~~ may as a matter of equity enter an order transferring title to the property to the state.

Sec. ____ . NEW SECTION. 809.17 PROCEEDS APPLIED TO VARIOUS PROGRAMS.

Except as provided in section 809.21, proceeds from the disposal of seized or forfeited property pursuant to this chapter may be transferred in whole or in part to the victim reparation fund created in pursuant to chapter 912 at the discretion of the recipient agency, political subdivision, or department."

24. Page 26, by striking lines 4 through 7, and inserting the following:

"1. A brief personal and social history of the defendant.

2. The defendant's criminal record."

25. Page 26, by inserting after line 33, the following:

"Sec. ____ . Section 903.1, subsection 3, unnumbered paragraph 1, Code 1989, is amended to read as follows:

3. A person under eighteen years of age convicted of a simple misdemeanor under chapter 106, 106A, 109, 109A, 110, 1120, 110B, 111, 321, or 321G, ~~section 123.47~~, or a violation of a county or municipal curfew or traffic ordinance, except

for an offense subject to section 805.8, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court."

26. Page 27, line 10, by striking the words "substance abuse" and inserting the following: "treatment".

27. Page 27, line 21, by inserting after the word "service." the following: "The board shall not make community service a uniform or mandatory requirement for all or substantially all parolees or work release inmates but shall exercise discretion in ordering community service as a condition of parole or work release. The board shall report to the general assembly on the implementation of community service as a condition of parole or work release. The report shall be submitted on or before January 1, 1991."

28. Page 35, by striking line 16, and inserting the following:

"The department of public safety shall study the feasibility and usefulness of implementing a pilot program for".

29. Page 35, line 22, by striking the word "program" and inserting the following: "study".

30. Page 35, by striking lines 24 through 26, and inserting the following: "prevention coordinator who shall consult with the department of public safety to accomplish the purposes described in this section."

31. By striking page 35, line 27, through page 36, line 11, and inserting the following:

"Sec. ____ . ALTERNATIVE DRUG TESTING FOR OFFICERS.

The department of public safety shall develop a plan for the implementation of alternative drug testing programs for law enforcement, parole, and probation officers. The plan shall be submitted to the general assembly by January 15, 1991, in a form which could be adopted and implemented by the department of public safety or individual law enforcement agencies throughout the state."

32. Page 36, by striking lines 16 through 20, and inserting the following:

"Sec. ____ . Section 200 takes effect July 1, 1991."

33. By renumbering, relettering, and redesignating as necessary.

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
DONALD DOYLE
LINN FUHRMAN
MARK R. HAGERLA
RICHARD VARN

On the Part of the House:

DANIEL JAY, Chair
WILLIAM HARBOR
MICHAEL PETERSON
GARY SHERZAN
BILL TRENT

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2422

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 2422, a bill for An Act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for

salaries, by specifying properly related matters, and by making appropriations and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6171.
2. That the House amendment, S-5987, to Senate File 2422, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 4, by striking the figure "76,100" and inserting the following: "76,700".
 2. Page 1, line 6, by striking the figure "73,000" and inserting the following: "73,600".
 3. Page 1, line 11, by striking the figure "58,500" and inserting the following: "60,000".
 4. Page 1, line 14, by striking the figure "58,500" and inserting the following: "60,000".
 5. Page 1, line 17, by striking the figure "58,500" and inserting the following: "60,000".
 6. Page 1, line 20, by striking the figure "58,500" and inserting the following: "60,000".
 7. Page 2, line 12, by striking the figure "28" and inserting the following: "27".
 8. Page 2, line 14, by striking the figure "\$58,500" and inserting the following: "\$60,000".
 9. Page 2, by striking lines 17 through 21 and inserting the following:
 " ____ . Page 25, line 24, by striking the words "twenty-two thousand five" and inserting the following: "nineteen thousand one"."
 10. Page 2, by inserting after line 23 the following:
 "Sec. ____ . Section 422B.1, subsections 4 and 5, Code Supplement 1989, are amended to read as follows:
 4. The county commissioner of elections shall submit the question of imposition of a local option tax at a state general election or at a special election held at any time other than the time of a city regular election ~~which may~~. The election shall not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and in the case of a vehicle tax the classes that will be exempt and in the case of a local sales and services tax the date it will be imposed. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. If the county board of supervisors decides under subsection 5 to specify a date on which the local option sales and services tax shall automatically be repealed, the date of the repeal shall also be specified on the ballot. The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.
 5. a. If a majority of those voting on the question of imposition of a local option tax favor imposition of a local option tax, the governing body of that county shall impose the tax at the rate specified for an unlimited period. However, in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did not favor its imposition. For purposes of the local sales

and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax ~~would~~ shall be imposed in each of those contiguous cities only if the majority of those voting on the tax in the total area covered by the contiguous cities ~~favor~~ favor its imposition. The local option tax may be repealed or the rate increased or decreased ~~only~~ after an election at which a majority of those voting on the question of repeal or rate change ~~favor~~ favor the repeal or rate change. The election at which the question of repeal or rate change is offered shall be called and held in the same manner and under the same conditions as provided in subsections 3 and 4 for the election on the imposition of the local option tax. However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition shall be voted on only by the qualified electors of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.

When submitting the question of the imposition of a local sales and services tax, the county board of supervisors may direct that the question contain a provision for the repeal, without election, of the local sales and services tax on a specific date, which date shall be the end of a calendar quarter.

b. Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of a local option tax, the governing body shall give written notice to the director of revenue and finance or, in the case of a local vehicle tax, to the director of the department of transportation, of the result of the election."

On the Part of the Senate:

GEORGE KINLEY, Chair
WILLIAM DIELEMAN
ELAINE SZYMONIAK
JIM LIND
JOY CORNING

On the Part of the House:

THOMAS JOCHUM, Chair
TOM MILLER
STEVEN HANSEN
ROGER HALVORSON
ROBERT ARNOULD

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
Previously Printed During the**

SEVENTY-THIRD GENERAL ASSEMBLY

1990 Regular Session

SENATE RESOLUTION 101

1
2 By: Committee on Rules and Administration
3 A Resolution to amend Senate Rule 59, relating to
4 confirmation of appointments, by allowing for a
5 single introduction and a single vote on a nominee
6 who is both appointed to fill a vacancy and
7 reappointed for a full term.

Rule 59

Appointments

8
9
10 The secretary of the senate shall:

11 a. send, to each appointee submitted by the
12 governor for senate confirmation, a copy of a senate
13 questionnaire as approved by the rules and
14 administration committee;

15 b. receive completed questionnaires from
16 appointees and forward copies of the completed
17 questionnaires to appropriate committee members;

18 c. maintain "Confirmation Calendar" categories on
19 the senate calendar as directed under this rule,
20 senate rule 6, and by the committee on rules and
21 administration. No appointee shall be listed as
22 eligible on the confirmation calendar until the
23 secretary has received the appointee's completed
24 senate questionnaire.

25 The secretary of the senate shall maintain a file
26 of all appointments received from the governor for
27 confirmation. The file shall contain a description of
28 the duties and the compensation for each nominee. The
29 file shall show the date an appointment was received
30 from the governor, whether the appointment letter was

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1 read to the senate, whether the nominee has been
2 introduced, whether a committee report has been filed,
3 when the senate questionnaire was sent to the
4 appointee, and shall include a copy of the appointee's
5 completed senate questionnaire, upon receipt.
6 INVESTIGATING COMMITTEES. All appointments
7 received from the governor shall be referred to the
8 rules and administration committee by the secretary of
9 the senate on the same day they are read to the
10 senate. The rules and administration committee shall
11 establish an en bloc confirmation calendar which must
12 be filed with the secretary of the senate. Within
13 three (3) legislative days after receiving an
14 appointment, the committee shall either place a
15 nominee on the en bloc confirmation calendar or assign
16 the nominee to an appropriate standing committee for

17 further investigation, publishing notice of such
18 assignment in the senate journal for the next
19 legislative day. If the rules and administration
20 committee fails to take action on a nominee within the
21 three days, the nominee shall automatically be placed
22 on the en bloc confirmation calendar.
23 Within the three (3) legislative days after an
24 appointment has been referred to the rules and
25 administration committee, any ten senators may require
26 that the nominee be assigned to an appropriate
27 standing committee by filing a written, signed request
28 therefor with the chairperson of the rules and
29 administration committee. The committee chair shall
30 refer the appointment to a subcommittee within one (1)

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1 legislative day after a standing committee receives an
2 appointment for further investigation, publishing
3 notice of such assignment in the senate journal for
4 the next legislative day. Within ten (10) legislative
5 days after a standing committee receives an
6 appointment for further investigation the subcommittee
7 shall file its report with the standing committee.
8 Within fourteen (14) legislative days after a
9 standing committee receives an appointment for further
10 investigation, the committee shall conduct an
11 investigation of the nominee and file its report
12 thereon with the secretary of the senate, who shall
13 then place the nominee on the en bloc calendar or
14 individual confirmation calendar as directed by the
15 committee. The failure of a committee to file its
16 report within the prescribed time means that the
17 nominee is to be automatically placed, without
18 recommendation, upon the individual confirmation
19 calendar.
20 Any senator within five (5) legislative days
21 following a nominee's name being published in the
22 journal may request that said nominee be introduced to
23 the full senate by filing a written request with the
24 secretary of the senate. In any event, all nominees
25 who are referred by the rules and administration
26 committee to a standing committee shall be introduced
27 to the full senate prior to a vote on confirmation of
28 the nominee. If an individual is nominated both to
29 fill a vacancy for an unexpired term and is also
30 nominated for reappointment to that position during

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1 the same session, a single introduction is sufficient
2 for eligibility for confirmation to both terms.

3 HEARINGS. Any member of a committee investigating
4 an appointment may, within five (5) legislative days
5 after the committee receives the appointment, obtain
6 a hearing with the nominee by filing a written request
7 with the secretary of the senate who shall forward it
8 to the chair of the standing committee and the chair
9 of the subcommittee. Notice of the hearing shall be
10 published in the journal at least two (2) legislative
11 days prior to the hearing. At the hearing, which
12 shall be before the subcommittee, the nominee may be
13 questioned as to his or her qualifications to fulfill
14 the office to which nominated and further questioned
15 as to his or her viewpoints on issues facing the
16 office to which nominated. Any senator may at the
17 discretion of the chair of the subcommittee be
18 permitted to submit oral questions. The public may, at
19 the discretion of the investigating committee, be
20 permitted to submit oral or written statements as to
21 the qualifications of the nominee.

22 Also, within five (5) legislative days after the
23 subcommittee receives an appointment for
24 investigation, any senator may submit written
25 questions to be answered by the nominee prior to
26 consideration of the nominee's confirmation by the
27 senate.

28 INFORMATIONAL MEETINGS. After a nominee has been
29 placed on the calendar and prior to the vote on
30 confirmation, any senator may request an informational

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1 meeting on the nomination which shall be held before
2 the subcommittee.

3 VOTING ON CONFIRMATIONS. Upon the motion of the
4 majority leader or his or her designee, the nominees
5 on the en bloc confirmation calendar shall be
6 confirmed en bloc by the affirmative vote of two-
7 thirds of the members elected to the senate. The
8 journal shall reflect a single roll call accompanied
9 by a statement of the names of those individuals
10 subject to the en bloc confirmation vote.

11 Prior to an en bloc vote, any senator may request
12 an individual vote on any nominee on the en bloc
13 confirmation calendar. The senate shall vote
14 separately on the nominee.

15 Nominees on the individual confirmation calendar
 16 shall be confirmed by a two-thirds vote; however, the
 17 senate shall take a separate roll call on each
 18 nominee, unless by unanimous consent, it determines to
 19 take one vote on all nominees under consideration. In
 20 any case, the journal shall reflect a single roll call
 21 vote for each nominee.
 22 If an individual is nominated both to fill a
 23 vacancy for an unexpired term and is also nominated
 24 for reappointment to that position, and such
 25 appointment and reappointment appear on the senate
 26 calendar as eligible at the same time, a single vote
 27 is sufficient for confirmation to both terms.

1 SENATE RESOLUTION 102

2 By: Committee on Rules and Administration
 3 A Resolution honoring former Senator Bob Carr for his
 4 years of legislative service.
 5 WHEREAS, former Senator Bob Carr completed his
 6 years of service to the state of Iowa as a member of
 7 the General Assembly on July 1, 1989, having served as
 8 a member of the House of Representatives during the
 9 1973 and 1974 legislative sessions, and as a member of
 10 the Senate from the 1975 legislative session through
 11 the 1989 legislative session; and
 12 WHEREAS, former Senator Carr's service as Senate
 13 Transportation and Law Enforcement Budget Subcommittee
 14 Chairperson, Senate Corrections and Mental Health
 15 Appropriations Subcommittee Chairperson, Senate
 16 Committee on Human Resources Chairperson, and Senate
 17 Committee on State Government Chairperson is well
 18 recognized; and
 19 WHEREAS, former Senator Carr served on numerous
 20 standing committees and appropriations subcommittees
 21 throughout his many years of legislative service and
 22 he used his knowledge and expertise to guide the en-
 23 actment of legislation in the transportation, mental
 24 health, corrections, retirement, and state government
 25 fields; and
 26 WHEREAS, former Senator Carr served honorably and
 27 unselfishly gave of his time and efforts to further
 28 the interests of the state of Iowa and to provide
 29 beneficial programs for the citizens of Iowa; and
 30 WHEREAS, it is proper that former Senator Carr be

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1 honored for his many years of service to the state of
 2 Iowa; NOW THEREFORE,

3 BE IT RESOLVED BY THE SENATE, That the Senate pay
 4 tribute to former Senator Carr and express its
 5 gratitude for the service rendered by him; and
 6 BE IT FURTHER RESOLVED, That the Senate present to
 7 former Senator Carr his Senate chair in appreciation
 8 for his service.

1 SENATE RESOLUTION 104

2 By: Committee on Rules and Administration

3 A resolution to amend Senate Rule 37 by advancing the
 4 deadline dates for appropriations subcommittees for
 5 the 1990 Session of the Seventy-third General
 6 Assembly only.

7 BE IT RESOLVED BY THE SENATE, That pursuant to the
 8 adoption of Senate Concurrent Resolution 101, amending
 9 the Joint Rules of the Senate and House by advancing
 10 the deadline dates for the 1990 session of the
 11 Seventy-third General Assembly, Senate Rule 37 is
 12 amended as follows, for the 1990 session of the
 13 Seventy-third General Assembly only:

14 Rule 37

15 Appropriations Committee

16 The appropriations committee shall receive bills
 17 committed to it and shall assign each to one of the
 18 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

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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~~ 3rd 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~~ 3rd week of the second
25 session, 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 BE IT FURTHER RESOLVED, That this resolution is
21 effective retroactively to January 8, 1990.

1 SENATE RESOLUTION 105

2 By: Connolly and Welsh

3 A Resolution relating to the sesquicentennial of

4 Loras College.

5 WHEREAS, Loras College traces its beginning to
6 September 1839, when pioneer Bishop Mathias Loras
7 opened St. Raphael's Seminary in his residence; and

8 WHEREAS, Bishop Loras brought eminent
9 qualifications as an outstanding educator from his
10 native France to Dubuque; and

11 WHEREAS, the institution which bears Bishop Loras'
12 name has rendered outstanding service in the education
13 and improvement of the youth of this state and nation;
14 and

15 WHEREAS, Loras College has established a proud
16 record in the professions, business and industry, and
17 church and civic affairs, including its many alumni
18 who have served in this legislative body; and

19 WHEREAS, Loras College, Iowa's oldest college, is
20 celebrating its sesquicentennial; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, That tribute be paid
22 to Loras College for its many contributions, and
23 extend its sincere congratulations to the
24 administration, faculty, students, and alumni of Loras
25 College during its sesquicentennial; and

26 BE IT FURTHER RESOLVED, That an official copy of
27 this resolution be prepared and presented to the
28 President of Loras College.

1 SENATE RESOLUTION 107

2 By: Committee on Rules and Administration

3 (SUCCESSOR TO LSB 8385C)

4 A Resolution relating to gubernatorial appointments
5 requiring senate confirmation.

6 WHEREAS, section 2.32, subsection 7, requires the
7 governor to provide the secretary of the senate with a
8 list of all gubernatorial appointments requiring
9 senate confirmation during this session by February 1;
10 and

11 WHEREAS, this information has been submitted and is
12 on file in the office of the secretary of the senate;
13 and

14 WHEREAS, that subsection also requires that the
15 senate by resolution approve the list or request
16 corrections by February 15; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, That the following
18 list of appointments submitted by the governor
19 pursuant to section 2.32, subsection 7, and on file
20 with the secretary of the senate is approved:

21 Accountancy Examining Board

22 2 terms commencing 5-1-90 and ending 4-30-93

23 1 term ending 4-30-92

- 24 Agricultural Development Authority
- 25 3 terms commencing 5-1-90 and ending 4-30-96
- 26 Alcoholic Beverages Commission
- 27 1 term commencing 5-1-90 and ending 4-30-95
- 28 1 term ending 4-30-91
- 29 Alcoholic Beverages Division, Administrator of the
- 30 1 term commencing 5-1-90 and ending 4-30-94

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- 1 Architectural Examining Board
- 2 3 terms commencing 5-1-90 and ending 4-30-93
- 3 Barber Examiners, Board of
- 4 2 terms commencing 5-1-90 and ending 4-30-93
- 5 Blacks, Commission on the Status of
- 6 4 terms commencing 5-1-90 and ending 4-30-94
- 7 Blind, Commission for the
- 8 1 term commencing 5-1-90 and ending 4-30-93
- 9 Chiropractic Examiners, State Board of
- 10 3 terms commencing 5-1-90 and ending 4-30-93
- 11 City Development Board
- 12 1 term commencing 5-1-90 and ending 4-30-96
- 13 Corrections, Board of
- 14 1 term commencing 5-1-90 and ending 4-30-94
- 15 Cosmetology Examiners, State Board of
- 16 2 terms commencing 5-1-90 and ending 4-30-93
- 17 Credit Union Review Board
- 18 2 terms commencing 5-1-90 and ending 4-30-93
- 19 Criminal and Juvenile Justice Advisory Council
- 20 7 terms commencing 5-1-90 and ending 4-30-94
- 21 Deaf, Commission on the
- 22 3 terms commencing 5-1-90 and ending 4-30-93
- 23 Dental Examiners, State Board of
- 24 3 terms commencing 5-1-90 and ending 4-30-93
- 25 Dietetic Examiners, State Board of
- 26 1 term commencing 5-1-90 and ending 4-30-93
- 27 1 term ending 4-30-90
- 28 Drug Abuse Prevention and Education Advisory Council
- 29 1 term ending 4-30-91
- 30 2 terms ending 4-30-93

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- 1 Economic Development Board, Iowa
- 2 2 terms commencing 5-1-90 and ending 4-30-94
- 3 2 terms ending 4-30-92
- 4 Economic Development, Director of the Department of
- 5 1 term served at the pleasure of the Governor
- 6 Education, State Board of
- 7 3 terms commencing 5-1-90 and ending 4-30-96

- 8 Educational Examiners, Board of
- 9 4 terms ending 4-30-91
- 10 6 terms ending 4-30-93
- 11 Emergency Response Commission, Iowa
- 12 1 term ending 4-30-91
- 13 1 term ending 4-30-92
- 14 Employment Appeal Board
- 15 1 term commencing 5-1-90 and ending 4-30-96
- 16 Employment Services, Director of the Department of
- 17 1 term served at the pleasure of the Governor
- 18 Engineering and Land Surveying Examining Board
- 19 3 terms commencing 5-1-90 and ending 4-30-93
- 20 Environmental Protection Commission
- 21 2 terms ending 4-30-93
- 22 Foster Care Review Board, State
- 23 3 terms commencing 5-1-90 and ending 4-30-94
- 24 Grain Indemnity Fund Board, Iowa
- 25 2 terms commencing 5-1-90 and ending 4-30-93
- 26 2 terms ending 4-30-92
- 27 Health Facilities Council
- 28 1 term ending 4-30-91
- 29 Hearing Aid Dealers, Board of Examiners for the
- 30 2 terms commencing 5-1-90 and ending 4-30-93

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- 1 Higher Education Loan Authority
- 2 1 term commencing 5-1-90 and ending 4-30-96
- 3 Highway Research Board, Iowa
- 4 7 terms ending 4-30-91
- 5 7 terms ending 4-30-93
- 6 Human Rights, Department Coordinator of the Department of
- 7 1 term served at the pleasure of the Governor
- 8 Human Services, Council on
- 9 1 term ending 4-30-95
- 10 IPERS, Investment Board of the
- 11 1 term ending 4-30-92
- 12 Job Service Advisory Council
- 13 1 term ending 4-30-91
- 14 Judicial Qualifications, Commission on
- 15 1 term ending 4-30-91
- 16 Landscape Architectural Examining Board
- 17 3 terms commencing 5-1-90 and ending 4-30-93
- 18 Law Enforcement Academy Council, Iowa
- 19 2 terms commencing 5-1-90 and ending 4-30-94
- 20 1 term ending 4-30-92
- 21 Lottery Board
- 22 4 terms served at the pleasure of the Governor
- 23 Medical Examiners, State Board of
- 24 3 terms commencing 5-1-90 and ending 4-30-93

- 25 Mental Health and Mental Retardation Commission
- 26 5 terms commencing 5-1-90 and ending 4-30-93
- 27 Mortuary Science Examiners, State Board of
- 28 2 terms commencing 5-1-90 and ending 4-30-93
- 29 Narcotics Enforcement Advisory Council
- 30 3 terms ending 4-30-91

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- 1 3 terms ending 4-30-93
- 2 Natural Resource Commission
- 3 1 term ending 4-30-91
- 4 Nursing Examiners, State Board of
- 5 3 terms commencing 5-1-90 and ending 4-30-93
- 6 Nursing Home Administrators, State Board of Examiners for
- 7 2 terms commencing 5-1-90 and ending 4-30-93
- 8 1 term ending 4-30-90
- 9 1 term ending 4-30-91
- 10 1 term ending 4-30-92
- 11 Optometry Examiners, State Board of
- 12 2 terms commencing 5-1-90 and ending 4-30-93
- 13 Parole, Chairperson of the Board of
- 14 1 term commencing 7-1-90 and ending 6-30-94
- 15 1 term ending 6-30-90
- 16 Parole, Board of
- 17 1 term ending 6-30-91
- 18 1 term ending 6-30-92
- 19 2 terms ending 6-30-93
- 20 Pharmacy Examiners, State Board of
- 21 3 terms commencing 5-1-90 and ending 4-30-93
- 22 Physical and Occupational Therapy Examiners, State
- 23 Board of
- 24 3 terms commencing 5-1-90 and ending 4-30-93
- 25 Physician Assistant Examiners, Board of
- 26 2 terms commencing 5-1-90 and ending 4-30-93
- 27 1 term ending 4-30-91
- 28 Podiatry Examiners, State Board of
- 29 2 terms commencing 5-1-90 and ending 4-30-93
- 30 Product Development Corporation, Iowa

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- 1 1 term ending 4-30-91
- 2 1 term ending 4-30-93
- 3 Professional Licensing and Regulation, Administrator of
- 4 1 term commencing 5-1-90 and ending 4-30-94
- 5 Psychology Examiners, State Board of
- 6 3 terms commencing 5-1-90 and ending 4-30-93
- 7 1 term ending 4-30-92
- 8 Public Employment Relations Board

- 9 1 term commencing 5-1-90 and ending 4-30-94
- 10 Public Safety, Commissioner of
- 11 1 term served at the pleasure of the Governor
- 12 Racing and Gaming Commission, State
- 13 2 terms commencing 5-1-90 and ending 4-30-93
- 14 1 term ending 4-30-90
- 15 Railway Finance Authority, Iowa
- 16 2 terms commencing 5-1-90 and ending 4-30-96
- 17 1 term ending 4-30-90
- 18 Real Estate Appraiser Examining Board
- 19 2 terms commencing 5-1-90 and ending 4-30-93
- 20 2 terms ending 4-30-90
- 21 2 terms ending 4-30-91
- 22 3 terms ending 4-30-92
- 23 Real Estate Commission
- 24 2 terms commencing 5-1-90 and ending 4-30-93
- 25 Respiratory Care Advisory Committee
- 26 2 terms commencing 5-1-90 and ending 4-30-93
- 27 Savings and Loan Associations, Superintendent of
- 28 1 term commencing 5-1-90 and ending 4-30-94
- 29 Social Work Examiners, State Board of
- 30 2 terms commencing 5-1-90 and ending 4-30-93

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- 1 Speech Pathology and Audiology Examiners, State Board of
- 2 2 terms commencing 5-1-90 and ending 4-30-93
- 3 1 term ending 4-30-91
- 4 Transportation Commission, State
- 5 2 terms commencing 5-1-90 and ending 4-30-94
- 6 Veterinary Medicine, Iowa Board of
- 7 2 terms commencing 5-1-90 and ending 4-30-93
- 8 Wallace Technology Transfer Foundation of Iowa
- 9 1 term commencing 5-1-90 and ending 4-30-94
- 10 1 term ending 4-30-91
- 11 2 terms ending 4-30-92
- 12 1 term ending 4-30-93
- 13 Women, Commission on the Status of
- 14 4 terms commencing 5-1-90 and ending 4-30-94

- 1 SENATE RESOLUTION 108
- 2 By: Committee on Business and Labor Relations
- 3 (SUCCESSOR TO SSB 2284)
- 4 A Senate Resolution relating to American Coal Miners' Memorial Day.
- 5 WHEREAS, it has been proposed that September 23 be
- 6 designated American Coal Miners' Memorial Day; and
- 7 WHEREAS, the purpose of the holiday would be to
- 8 educate school children about the dangers of coal
- 9 mining and the importance of the coal industry; and

10 WHEREAS, this holiday will provide an opportunity
 11 to teach about the place of coal miners in America's
 12 industrial society, and it will provide an opportunity
 13 for people to learn more about the uses of coal in
 14 metallurgical, electrical, chemical, and
 15 transportation industries; and

16 WHEREAS, in addition, the memorial recalls the
 17 sacrifices and hardships that coal miners suffered to
 18 make America a safer and better place to work and
 19 live; and

20 WHEREAS, through organization and collective
 21 bargaining, miners helped win the five-day, forty-hour
 22 work week, helped establish a national minimum wage,
 23 and helped keep children from being exploited in
 24 factories and mines; NOW THEREFORE,

25 BE IT RESOLVED BY THE SENATE, That the United
 26 States Congress is urged to designate September 23 as
 27 an official commemorative holiday in honor of
 28 America's coal miners.

29 BE IT FURTHER RESOLVED, That copies of this
 30 Resolution be presented to the President of the United

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1 States Senate, the Speaker of the United States House
 2 of Representatives, and to each member of Iowa's
 3 congressional delegation.

1 SENATE RESOLUTION 115

2 By: Committee on Rules and Administration
 3 (SUCCESSOR TO LSB 8469XC)

4 A Resolution deferring action on the confirmation of
 5 an appointment submitted by the 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, Director
 11 of the Department of Richard Timmerman
 12 (Term beginning May 1, 1990, and ending April 30, 1994)

1 SENATE RESOLUTION 121

2 By: Committee on Rules and Administration

3 A Senate Resolution to amend Senate Rule 36, to
 4 establish permanent subcommittees of the committee on
 5 rules and administration, Senate Rule 52, to establish
 6 the duties of the president of the senate, and Senate
 7 Rule 53, to establish the duties of the president pro

8 tempore of the senate, all to become effective on the
9 last day of the Seventy-third General Assembly.

10 BE IT RESOLVED BY THE SENATE, That the permanent
11 rules of the senate are amended to read as follows:

12 Rule 36

13 Committee on Rules and Administration

14 The committee on rules and administration shall
15 recommend rules and rule changes to the senate, shall
16 hire senate employees, shall recommend salary scales
17 for all senate employees, and shall oversee senate
18 budget and administration matters.

19 The committee on rules and administration will
20 select, for senate approval, an individual to serve as
21 secretary of the senate.

22 Upon authorization being given by the committee on
23 rules and administration, the minority party members
24 of the committee will select, for senate approval, an
25 individual to serve as assistant parliamentarian.

26 The committee shall have the following standing
27 subcommittees:

28 1. Joint Rules

29 2. Senate Rules

30 3. Administrative Services

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1 4. Caucus Services.

2 The majority leader shall serve as chair of the
3 rules and administration committee and as chair of the
4 standing subcommittee on caucus services. The
5 president of the senate shall serve as vice-chair of
6 the rules and administration committee, and as chair
7 of the subcommittee on administrative services.

8 Rule 52

9 Duties of the President

10 The senate shall elect, from its membership, a
11 president. The president shall call the senate to
12 order at the hour to which the senate is adjourned.
13 Unless otherwise ordered by the senate, the president
14 shall proceed with the regular order of daily
15 business. The president shall preserve order and
16 decorum and decide all questions of order and
17 corrections to the journal, subject to an appeal to
18 the senate. The president shall direct voting as
19 provided in rule 22. When a ruling on germaneness is
20 issued by the presiding officer, it shall be
21 accompanied by an explanation of the ruling. The
22 president of the senate shall be the chair of the
23 committee of the whole unless otherwise ordered by the

24 senate, under rule 19.

25 Upon the first reading of an individual bill or
 26 resolution, or a house committee bill or resolution,
 27 the president shall refer the bill or resolution to
 28 the appropriate standing committee unless otherwise
 29 ordered by the senate. If the bill or resolution is a
 30 senate committee bill or resolution, the president

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1 shall place it on the calendar after its first
 2 reading. If the subject of the bill or resolution is
 3 not germane to the title of the committee presenting
 4 it, the president of the senate may refer it to the
 5 appropriate committee.

6 The president shall sign legislative enactments
 7 upon their enrolling as provided under Joint Rule 14.
 8 The president of the senate shall serve as a member
 9 of the legislative council and the senate rules and
 10 administration committee. The president shall serve
 11 on the rules and administration committee as chair of
 12 the standing subcommittee designated to supervise the
 13 secretary of the senate and other employees of the
 14 administrative services division of the senate.

15 Rule 53

16 The President Pro Tempore

17 The senate shall elect, from its membership, a
 18 president pro tempore. When the president is absent,
 19 the president pro tempore shall preside, except when
 20 the chair is filled by temporary appointment by the
 21 president or the majority leader.

22 The president pro tempore, when presiding, shall
 23 perform duties as prescribed in rule 52, paragraphs 1
 24 and 2.

25 The president pro tempore shall serve as a member
 26 of the legislative council, as chair of the senate
 27 ethics committee, and as a member of the senate
 28 committee on rules and administration.

29 BE IT FURTHER RESOLVED, That the rule changes
 30 embodied in this resolution shall become effective

Page 4

1 January 13, 1991.

1 SENATE RESOLUTION 123
 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; and

10 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, 1990 and ending June 30, 1991, 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 \$2,398,492.

27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$270,500.

30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed
2 \$1,310,590.

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 \$118,000.

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.

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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 CONCURRENT RESOLUTION 101

2 By: Committee on Rules and Administration
 3 A Concurrent Resolution to amend Joint Rule 20 by
 4 advancing the deadline dates for the 1990 Session
 5 of the Seventy-third General Assembly.

6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 7 REPRESENTATIVES CONCURRING, That the joint rules of
 8 the senate and house for the 1990 session of the
 9 Seventy-third General Assembly are amended as follows:

10 Rule 20
 11 Time of Committee Passage and Consideration of Bills
 12 1. This rule does not apply to concurrent or
 13 simple resolutions, joint resolutions nullifying
 14 administrative rules, senate confirmations, or bills
 15 passed by both houses in different forms. Subsection
 16 2 of this rule does not apply to appropriations bills,
 17 ways and means bills, legalizing acts, administrative
 18 rules review committee bills, bills cosponsored by
 19 majority and minority floor leaders of one house,
 20 bills in conference committee, and companion bills
 21 sponsored by the majority floor leaders of both houses
 22 after consultation with the respective minority floor
 23 leaders. For the purposes of this rule, a joint
 24 resolution is considered as a bill. To be considered
 25 an appropriations or ways and means bill for the
 26 purposes of this rule, the appropriations committee or
 27 the ways and means committee must either be the
 28 sponsor of the bill or the committee of first referral
 29 in the originating house.
 30 2. To be placed on the calendar in the house of

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1 origin, a bill must be first reported out of the
 2 committee of first referral by Friday of the 10th week
 3 of the first session and the 8th week of the second
 4 session. To be placed on the calendar in the other
 5 house, a bill must be first reported out of the
 6 committee of first referral by Friday of the 13th week
 7 of the first session and the 11th week of the second
 8 session.

9 However, for the second session of the Seventy-
 10 third General Assembly only, to be placed on the
 11 calendar in the house of origin a bill must be first
 12 reported out of the committee of first referral by
 13 Friday of the 6th week, and to be placed on the
 14 calendar in the other house, a bill must be first
 15 reported out of the committee of first referral by
 16 Friday of the 9th week.

17 3. During the 11th week of the first session and
 18 the 9th week of the second session, each house shall
 19 consider only bills originating in that house and
 20 unfinished business. During the 14th week of the
 21 first session and the 12th week of the second session,
 22 each house shall consider only bills originating in
 23 the other house and unfinished business. Beginning
 24 with the 15th week of the first session and the 13th
 25 week of the second session, each house shall consider
 26 only bills passed by both houses, bills exempt from
 27 subsection 2 and unfinished business.

28 However, for the second session of the Seventy-
 29 third General Assembly only, during the 7th week each
 30 house shall consider only bills originating in that

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1 house and unfinished business, during the 10th week
 2 each house shall consider only bills originating in
 3 the other house and unfinished business, and beginning
 4 with the 11th week each house shall consider only
 5 bills passed by both houses, bills exempt from
 6 subsection 2, and unfinished business.

7 4. A motion to reconsider filed and not disposed
 8 of on an action taken on a bill or resolution which is
 9 subject to a deadline under this rule may be called up
 10 at any time before or after the day of the deadline by
 11 the person filing the motion or after the deadline by
 12 the majority floor leader, notwithstanding any other
 13 rule to the contrary.

1 SENATE CONCURRENT RESOLUTION 102

2 By: Committee on Rules and Administration

3 A Concurrent Resolution to amend Joint Rule 11,
4 relating to the Code Editor's Correction Bills by
5 extending the applicability of the rule to
6 amendments by the other house.

7 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
8 REPRESENTATIVES CONCURRING, That the joint rules of
9 the senate and house for the 1990 session of the
10 Seventy-third General Assembly are amended as follows:

11 Rule 11

12 Code Editor's Correction Bill

13 A bill recommended by the code editor which is
14 introduced by a committee of the house or senate
15 within the first four weeks of convening of a
16 legislative session and which contains code
17 corrections of a nonsubstantive nature shall not be
18 amended on the floor of either house except pursuant
19 to corrective or nonsubstantive amendments filed by
20 the judiciary committee of the senate or the judiciary
21 and law enforcement committee of the house. Such
22 committee amendments shall not be incorporated into
23 the bill in the originating house but shall be filed
24 separately. When the bill is returned to the
25 originating house, this paragraph shall also apply to
26 an amendment attached by the other house.

27 A bill recommended by the code editor which is
28 introduced by a committee of the house or senate
29 within the first four weeks of convening of a
30 legislative session and which contains code

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1 corrections beyond those of a nonsubstantive nature
2 shall not be amended on the floor of either house
3 except pursuant to amendments filed by the judiciary
4 committee of the senate or the judiciary and law
5 enforcement committee of the house. Such committee
6 amendments shall not be incorporated into the bill in
7 the originating house but shall be filed separately.
8 Such a bill shall be limited to corrections which:
9 Adjust language to reflect current practices, insert
10 earlier omissions, delete redundancies and
11 inaccuracies, delete temporary language, resolve
12 inconsistencies and conflicts, update ongoing
13 provisions, and remove ambiguities. When the bill is
14 returned to the originating house, this paragraph
15 shall also apply to an amendment attached by the other
16 house.

1 SENATE CONCURRENT RESOLUTION 109
2 By: Taylor
3 (COMPANION TO LSB 7945H BY IVERSON)
4 A Concurrent Resolution recognizing the efforts of
5 United States Army Specialist Thomas Hageman in the
6 service of his country.
7 WHEREAS, United States Army Specialist Thomas
8 Hageman of Hampton, Iowa, served with the 82nd
9 Airborne division during the United States' military
10 activity in Panama; and
11 WHEREAS, Specialist Hageman was injured in two
12 separate incidents and was awarded the Purple Heart;
13 and
14 WHEREAS, Specialist Hageman's efforts have been
15 recognized with the award of the Combat Infantry
16 Badge; and
17 WHEREAS, Specialist Hageman was awarded a gold star
18 to adorn his wings in recognition of his parachute
19 drop into Panama; and
20 WHEREAS, Specialist Hageman will return to regular
21 duty following his medical furlough; and
22 WHEREAS, Specialist Hageman plans to complete two
23 more years of military service; NOW THEREFORE,
24 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
25 That the General Assembly and the people of Iowa
26 recognize United States Army Specialist Thomas Hageman
27 of Hampton, Iowa, and express their appreciation for
28 his services on behalf of the citizens of the United
29 States and Panama.

1 SENATE CONCURRENT RESOLUTION 111
2 By: Committee on Agriculture
3 (SUCCESSOR TO SSB 2020)
4 A Concurrent Resolution to urge the Congress of the
5 United States, the President of the United States,
6 and the United States Secretary of Agriculture,
7 to enact and implement legislation to ensure that
8 the United States is the world's preeminent sup-
9 plier of grains.
10 WHEREAS, the state of Iowa is one of the major
11 agricultural producing regions in the world, having
12 33,500,000 acres of farmland, generating more than
13 \$9,000,000,000 annually from the production of
14 agricultural commodities, and exporting annually
15 \$2,000,000,000 worth of agricultural products to
16 foreign markets; and
17 WHEREAS, Iowa and the upper midwest are naturally
18 suited for consistent, cost-effective production of
19 high quality grain, with Iowa having more cropland
20 than 19 other states combined, and ranking first among

21 all states in the production of corn and soybeans; and
22 WHEREAS, foreign customers at times express
23 dissatisfaction with the quality of grain received
24 from the United States; and
25 WHEREAS, premium quality grains deteriorate during
26 shipment, which can be caused by mishandling, poor
27 storage, and adulteration through blending of inferior
28 quality grains; and
29 WHEREAS, grain users are increasingly demanding
30 special characteristics in the grains they purchase,

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1 and competitor nations are becoming increasingly
2 capable of delivering scheduled shipments of superior
3 quality grains having specified characteristics
4 demanded by foreign customers; and
5 WHEREAS, federal grain standards and procedures do
6 not measure use factors, other than protein or oil
7 content, economically important to customers, which
8 result in foreign customers purchasing grains meeting
9 only minimum grade requirements under their contracts;
10 NOW THEREFORE,
11 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
12 That the Congress of the United States, the President
13 of the United States, and the United States Secretary
14 of Agriculture enact and implement legislation to
15 assure the United States' position as the world's
16 preeminent supplier of quality grain; and
17 BE IT FURTHER RESOLVED, That federal reforms of
18 current grain standards provide opportunities for
19 measurement of as many quality characteristics of
20 grain as practical and economical, which may include
21 protein content, oil content, starch content, and
22 kernel hardness; and
23 BE IT FURTHER RESOLVED, That technical and
24 financial support be extended to producers through
25 land grant colleges to assist in developing seeds for
26 the production of grain to meet end-use demands of
27 domestic and foreign customers of grains, to
28 facilitate bulk merchandising of grains, and to
29 minimize deterioration in grain quality, including
30 breakage and foreign material adulteration caused by

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1 mechanical factors; and
2 BE IT FURTHER RESOLVED, That Congress and the
3 United States Federal Grain Inspection Service
4 continue to review the current federal grain standards

5 and procedures, to better maintain grain integrity and
 6 efficiency within the system which in turn will reward
 7 producers and handlers delivering quality grain,
 8 facilitate commercial transactions between marketers
 9 and foreign customers purchasing quality grains, and
 10 ensure the scheduled delivery of grain of a quality
 11 contracted for as a normal part of conducting business
 12 with United States suppliers; and
 13 **BE IT FURTHER RESOLVED**, That copies of this
 14 resolution be sent by the Secretary of the Senate, to
 15 the President of the United States Senate, to the
 16 Speaker of the United States House of Representatives,
 17 to Iowa's congressional delegation, to the President
 18 of the United States, and to the United States
 19 Secretary of Agriculture.

1 **SENATE CONCURRENT RESOLUTION 112**

2 **By: Scott**

3 A Concurrent Resolution relating to Vietnam veterans
 4 and recognizing the need for programs and services
 5 for veterans and their families.
 6 **WHEREAS**, many Iowa men and women served in the
 7 United States armed forces during the Vietnam conflict
 8 from 1964 until 1975; and
 9 **WHEREAS**, veterans who returned home from Vietnam
 10 have experienced posttraumatic stress disorder, and
 11 related problems including substance abuse,
 12 depression, career and family troubles; and
 13 **WHEREAS**, Vietnam veteran support groups are being
 14 formed to assist veterans and the families and friends
 15 of veterans to discuss the problems related to
 16 posttraumatic stress disorder; and
 17 **WHEREAS**, support groups and counseling are
 18 assisting veterans of all wars and conflicts and are
 19 often not supported through public funding; and
 20 **WHEREAS**, more public awareness and support of the
 21 needs of veterans and the families and friends of
 22 veterans are needed to aid veterans to live full,
 23 productive lives; **NOW THEREFORE**,
 24 **BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING**,
 25 That the citizens of Iowa need to become more aware of
 26 the special needs of veterans.
 27 **BE IT FURTHER RESOLVED**, That the United States
 28 veterans administration be more responsive to the
 29 individual veteran and the need for counseling,
 30 rehabilitation, and outreach for veterans and for

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1 families and friends of veterans.
 2 BE IT FURTHER RESOLVED, That a copy of this
 3 resolution be transmitted by the Secretary of the
 4 Senate to the President of the United States, the
 5 Speaker of the United States House of Representatives,
 6 the President of the United States Senate, and all
 7 members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 114

2 By: Committee on Natural Resources

3 (SUCCESSOR TO SCR 110)

4 A Concurrent Resolution relating to an endorsement by
 5 the General Assembly for full federal funding for
 6 fish and wildlife mitigation on the Missouri River.

7 WHEREAS, the Missouri River was one of the most
 8 productive ecosystems in North America, supporting an
 9 immense fish and wildlife resource and contributing
 10 greatly to the economic and social well-being of the
 11 United States since the early 1800's; and

12 WHEREAS, federally funded Missouri River Bank Sta-
 13 bilization and Navigation Projects have caused severe
 14 environmental problems within this ecosystem,
 15 including the loss of nearly four hundred seventy-five
 16 thousand acres of diverse natural habitats, and
 17 continued channel degradation; and

18 WHEREAS, the loss or deterioration of these natural
 19 resources has greatly reduced this region's economic,
 20 recreational, and natural resource base; and

21 WHEREAS, significant opportunities still exist to
 22 restore fish and wildlife habitats and some of the
 23 economic and recreational diversity to this region;
 24 and

25 WHEREAS, fish and wildlife mitigation is mandated
 26 under the 1958 Fish and Wildlife Coordination Act
 27 (Pub. L. 85-624) and was affirmed through a fifty-one
 28 million nine hundred thousand dollar authorization for
 29 mitigation in the 1986 Water Resources Development Act
 30 (Pub. L. 99-662) and a subsequent appropriation to

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1 develop a plan for implementation; and

2 WHEREAS, fish and wildlife mitigation is judged to
 3 be of vital importance to the economic and
 4 environmental well-being of this region and its
 5 citizens; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 7 That the Iowa General Assembly endorses full federal

8 funding for fish and wildlife mitigation on the
9 Missouri River.

10 BE IT FURTHER RESOLVED, That a copy of this
11 resolution be forwarded to the Iowa congressional
12 delegation, the Chairperson of the United States House
13 of Representatives Subcommittee on Energy and Water
14 Development, the Chairperson of the United States
15 Senate Subcommittee on Energy and Water Development,
16 the United States Department of Interior, and the
17 United States Army Corps of Engineers.

1 SENATE CONCURRENT RESOLUTION 115

2 By: Committee on State Government

3 (SUCCESSOR TO SSB 2008)

4 A Concurrent Resolution recognizing the twenty-fifth
5 anniversary of the Iowa Civil Rights Commission.

6 WHEREAS, it has come to the attention of this
7 General Assembly that the Iowa Civil Rights Commission
8 will celebrate its twenty-fifth anniversary during
9 1990; and

10 WHEREAS, Iowa has long been a leader in civil
11 rights legislation stemming from 1884 when the Iowa
12 General Assembly enacted legislation to make it a
13 crime to deny any individual equal access to specific
14 business establishments considered public
15 accommodations, except for reasons applicable to all
16 persons; and

17 WHEREAS, when Iowa extended civil rights
18 jurisdiction to include age and disability in 1972, it
19 was the broadest statute of its kind in the United
20 States; and

21 WHEREAS, Iowa was one of the first states to ratify
22 the federal Equal Rights Amendment in 1972; and
23 WHEREAS, the Iowa Civil Rights Commission was
24 recognized by the United States Department of Housing
25 and Urban Development as Most Improved Fair Housing
26 Agency in Region VII (Iowa, Missouri, Nebraska,
27 Kansas) in 1988 and as Most Outstanding Fair Housing
28 Agency in Region VII in 1989; and

29 WHEREAS, all residents of the State of Iowa should
30 be able to live in an environment free of

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1 discrimination based on race, sex, national origin,
2 age, religion, disability, color, or marital or
3 familial status; and

4 WHEREAS, the members of the General Assembly
5 recognize the essential role of the Iowa Civil Rights
6 Commission in the elimination of discrimination in the

7 State of Iowa; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

9 That the Iowa Civil Rights Commission be commended for

10 its accomplishments to date and that its twenty-fifth

11 anniversary be commemorated.

1 SENATE CONCURRENT RESOLUTION 116

2 By: Committee on Business and Labor Relations

3 (SUCCESSOR TO SSB 2283)

4 A Concurrent Resolution to urge the Congress of the United

5 States, the President and the United States Department

6 of Labor to enact and implement a supplemental appropria-

7 tion to states for administration of unemployment

8 insurance programs.

9 WHEREAS, Iowa employers provided \$48.5 million in

10 fiscal year 1989 in Federal Unemployment Tax Act

11 (FUTA) taxes to fund the cost of administering the job

12 placement and job insurance functions; and

13 WHEREAS, the federal government only returns 52

14 cents for each FUTA dollar collected from Iowa

15 employers; and

16 WHEREAS, the United States Department of Labor does

17 not provide adequate funding for administration of the

18 job placement and job insurance functions and has

19 announced an additional cutback of \$124 million

20 nationwide retroactive to last October; and

21 WHEREAS, the latest reduction of federal resources

22 is estimated to be \$844,600 from Iowa's unemployment

23 insurance federal grant and is equivalent to a

24 reduction of 67 positions in services for the balance

25 of the fiscal year; and

26 WHEREAS, Iowa employers provide an additional \$5

27 million annually in state unemployment taxes to

28 support placement and unemployment services in Iowa

29 communities; and

30 WHEREAS, Iowa session law prohibits closing any job

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1 placement offices; NOW THEREFORE,

2 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

3 That the United States Congress be asked through

4 Iowa's congressional delegation to enact and implement

5 a supplemental appropriation to states for

6 administration of unemployment insurance functions.

7 BE IT FURTHER RESOLVED, That copies of this

8 resolution be sent by the Secretary of the Senate to

9 the President of the United States Senate, the Speaker

10 of the United States House of Representatives, members

11 of Iowa's congressional delegation, and the United
12 States Department of Labor.

1 SENATE CONCURRENT RESOLUTION 118

2 By: Committee on Education

3 (SUCCESSOR TO SSB 2242)

4 A Concurrent resolution to welcome and encourage diverse
5 cultures and diverse languages in business, government,
6 and private affairs in Iowa.

7 WHEREAS, the members of the General Assembly
8 recognize the diverse cultures and languages in the
9 state; and

10 WHEREAS, diverse ethnic and linguistic communities
11 have contributed to the social and economic prosperity
12 of Iowa; and

13 WHEREAS, it is the welcomed responsibility and
14 opportunity of this state to respect and facilitate
15 the efforts of all cultural, ethnic, and linguistic
16 segments of the population to become full participants
17 in Iowa communities; and

18 WHEREAS, this state's economic well-being
19 increasingly depends on foreign trade and
20 international exchange; and

21 WHEREAS, if Iowa is to prosper in foreign trade and
22 international exchange, it must have citizens who are
23 multilingual and multicultural; and

24 WHEREAS, while recognizing the value of a
25 multilingual background, the state also encourages all
26 citizens to become proficient in English to facilitate
27 full participation of all groups in society and to
28 promote cross-communication between multilingual
29 groups; and

30 WHEREAS, the multilingual nature of communication

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1 that currently exists in this state should be promoted
2 to build trust and understanding among all its
3 citizens; NOW THEREFORE,

4 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

5 That it shall be the policy of the state of Iowa to
6 welcome and encourage the presence of diverse cultures
7 and the use of diverse languages in business,
8 government, and private affairs in this state.

1 SENATE CONCURRENT RESOLUTION 119

2 By: Committee on Appropriations

3 A Concurrent Resolution relating to the training and
4 rotation of correctional officers at the Iowa State
5 Penitentiary.

6 WHEREAS, the correctional officers at the Iowa
 7 State Penitentiary who were hired prior to the opening
 8 of the Iowa State Correctional Academy received their
 9 last formal training in 1979; and

10 WHEREAS, in 1982 the Iowa State Penitentiary
 11 started a systematic training schedule and sent
 12 approximately 5 correctional officers at a time to the
 13 Iowa State Correctional Academy in Mt. Pleasant, but
 14 prior to completing the training, the training was
 15 canceled; and

16 WHEREAS, there has been no formalized training
 17 offered to the correctional officers since 1982, other
 18 than to the correctional emergency response team; and

19 WHEREAS, the warden of the Iowa State Penitentiary
 20 has now implemented mass rotation without adequate
 21 training; NOW THEREFORE,

22 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 23 That prior to correctional officers being rotated,
 24 formal training at the Iowa State Correctional Academy
 25 shall be established and all correctional officers at
 26 the Iowa State Penitentiary shall receive formal
 27 training on all job positions into which they are
 28 rotated. In addition, all correctional officers must
 29 be certified as passing this formal training according
 30 to the laws of this state by the Superintendent of the

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1 Iowa State Correctional Academy or the officers shall
 2 not be rotated.

3 BE IT FURTHER RESOLVED, That all correctional
 4 officers currently employed shall be fully trained in
 5 all aspects of each job into which they are rotated.

1 SENATE CONCURRENT RESOLUTION 120
 2 By: Committee on Agriculture
 3 (SUCCESSOR TO LSB 7914SC)

4 A Concurrent Resolution to urge the immediate repeal
 5 of federal regulations inhibiting the sale of re-
 6 cyclable pesticide containers.

7 WHEREAS, the state of Iowa is one of the major crop
 8 producing states in the United States, having
 9 33,500,000 acres in farmland, and ranking first in the
 10 production of corn and soybeans; and

11 WHEREAS, agricultural producers in Iowa use and
 12 dispose of approximately 2,500,000 pesticide
 13 containers annually, most of which have a capacity of
 14 less than three gallons; and

15 WHEREAS, pesticide containers are made of the
 16 highest quality polyethylene, which ensures safe and

17 durable storage of pesticides, but which increasingly
 18 presents difficult disposal problems; and
 19 WHEREAS, sound public policy requires solid waste
 20 management practices which encourage the use of
 21 recycled products; and
 22 WHEREAS, it is the policy of the United States
 23 Environmental Protection Agency to exempt a person
 24 selling a pesticide in a repackaged container from
 25 certain registration requirements only if the
 26 container has a capacity greater than 55 gallons, or
 27 100 pounds if a pesticide is sold on a dry weight
 28 basis; and
 29 WHEREAS, the effect of this policy is to increase
 30 disposal of pesticide containers by ecologically

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1 unsound methods, including by burning and disposal at
 2 landfills already crowded with solid waste; NOW
 3 THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 5 That the Congress of the United States, the President
 6 of the United States, and the United States
 7 Environmental Protection Agency are urged to reform
 8 the policy of the Environmental Protection Agency to
 9 permit the unburdened sale of pesticides in repackaged
 10 containers with capacities of 55 gallons or less, and
 11 100 pounds or less if the pesticides are sold on a dry
 12 weight basis; and
 13 BE IT FURTHER RESOLVED, That copies of this
 14 resolution be sent by the Secretary of the Senate to
 15 the President of the United States Senate, to the
 16 Speaker of the United States House of Representatives,
 17 to Iowa's congressional delegation, to the President
 18 of the United States, and to the administrator of the
 19 United States Environmental Protection Agency.

1 SENATE CONCURRENT RESOLUTION 121
 2 By: Committee on Appropriations
 3 (SUCCESSOR TO SSB 2290)
 4 A Concurrent Resolution encouraging the selection of
 5 Iowa as an evaluation state for a national study
 6 of welfare reform.
 7 WHEREAS, Iowa is recognized as a national leader in
 8 implementing policies and programs to reform the
 9 welfare system; and
 10 WHEREAS, Iowa has designed special programs
 11 targeted to persons who are at risk of long-term
 12 dependency on government welfare, such as the Family
 13 Development and Self-Sufficiency Grant program; and

14 WHEREAS, Iowa's special programs are structured to
 15 provide comparison groupings which are especially
 16 suited to research needs; and
 17 WHEREAS, Iowa is one of the first states in the
 18 nation to implement the federal Job Opportunities and
 19 Basic Skills (JOBS) program; and
 20 WHEREAS, the federal government intends to analyze
 21 welfare reform efforts by selecting ten states in
 22 which to conduct studies; and
 23 WHEREAS, Iowa is specially suited to conduct the
 24 necessary analysis; and
 25 WHEREAS, findings from Iowa's welfare reform
 26 initiatives will be of benefit to the nation and the
 27 state; NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 29 That the United States Department of Health and Human
 30 Services is strongly encouraged to choose the state of

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1 Iowa to be part of its national evaluation of welfare
 2 reform.
 3 BE IT FURTHER RESOLVED, That copies of this
 4 resolution be submitted by the Secretary of the Senate
 5 to the Secretary of the United States Department of
 6 Health and Human Services and to the members of Iowa's
 7 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 123

2 By: Committee on Agriculture

3 (SUCCESSOR TO LSB 8401SC)

4 A Concurrent Resolution relating to manipulative prac-
 5 tices by the Chicago Board of Trade and the Commodity
 6 Futures Commission causing hardship on agricultural
 7 economies, and emphasizing the need to support fair
 8 and equitable pricing of agricultural com-
 9 modities.

10 WHEREAS, the state of Iowa is one of the richest
 11 agricultural producing regions in the world, ranking
 12 first among all states in the production of soybeans
 13 and corn; and

14 WHEREAS, agricultural producers have been forced to
 15 suffer a reduction in commodity prices in 1989
 16 resulting from manipulative pricing practices engaged
 17 in by the Chicago Board of Trade and the Commodity
 18 Futures Trading Commission; and

19 WHEREAS, rural economies have suffered billions of
 20 dollars in losses resulting from lower prices paid for
 21 commodities by price manipulation; and

22 WHEREAS, agricultural support organizations,
 23 including the American Agriculture Movement, the
 24 American Farmers Union, the National Farm
 25 Organization, the American Corn Growers Association,
 26 and the Iowa Citizens for Community Improvement have
 27 struggled to prevent injury to agricultural producers
 28 resulting in the commodity price manipulation; and
 29 WHEREAS, it is essential to increase awareness of
 30 fraudulent and manipulative commodity pricing, and to

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1 support fair and equitable pricing of commodities; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 4 That the Chicago Board of Trade and the Commodity
 5 Futures Trading Commission immediately institute
 6 reforms and restore confidence in their markets; and
 7 BE IT FURTHER RESOLVED, That a pending class action
 8 brought by agricultural support organizations against
 9 the Chicago Board of Trade and the Commodity Futures
 10 Trading Commission be supported to ensure all legal
 11 and equitable relief is provided; and
 12 BE IT FURTHER RESOLVED, That the President of the
 13 United States and the United States Congress take all
 14 appropriate measures to guarantee fairness and equity
 15 in the pricing of agricultural commodities; and
 16 BE IT FURTHER RESOLVED, That copies of this
 17 resolution be sent by the Secretary of the Senate to
 18 board members of the Chicago Board of Trade and
 19 commissioners of the Commodity Futures Trading
 20 Commission, and to the titular heads of the American
 21 Agriculture Movement, the American Farmers Union, the
 22 National Farm Organization, the American Corn Growers
 23 Association, and the Iowa Citizens for Community
 24 Improvement; and
 25 BE IT FURTHER RESOLVED, That copies of this
 26 resolution be sent by the Secretary of the Senate, to
 27 the President of the United States, to the President
 28 of the United States Senate, to the Speaker of the
 29 United States House of Representatives, and to Iowa's
 30 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 124

2 By: Committee on Rules and Administration
 3 A Concurrent Resolution to amend subsection 2,
 4 unnumbered paragraph 2, of Joint Rule 20, by
 5 advancing the second deadline date in that
 6 paragraph.

7 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

8 That the Joint Rules of the Senate and House for the
 9 Seventy-third General Assembly, are amended as
 10 follows:

11 Rule 20

12 Time of Committee Passage and Consideration of Bills
 13 1. This rule does not apply to concurrent or
 14 simple resolutions, joint resolutions nullifying
 15 administrative rules, senate confirmations, or bills
 16 passed by both houses in different forms. Subsection
 17 2 of this rule does not apply to appropriations bills,
 18 ways and means bills, legalizing acts, administrative
 19 rules review committee bills, bills cosponsored by
 20 majority and minority floor leaders of one house,
 21 bills in conference committee, and companion bills
 22 sponsored by the majority floor leaders of both houses
 23 after consultation with the respective minority floor
 24 leaders. For the purposes of this rule, a joint
 25 resolution is considered as a bill. To be considered
 26 an appropriations or ways and means bill for the
 27 purposes of this rule, the appropriations committee or
 28 the ways and means committee must either be the
 29 sponsor of the bill or the committee of first referral
 30 in the originating house.

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1 2. To be placed on the calendar in the house of
 2 origin, a bill must be first reported out of the
 3 committee of first referral by Friday of the 10th week
 4 of the first session and the 8th week of the second
 5 session. To be placed on the calendar in the other
 6 house, a bill must be first reported out of the
 7 committee of first referral by Friday of the 13th week
 8 of the first session and the 11th week of the second
 9 session.

10 However, for the second session of the Seventy-
 11 third General Assembly only, to be placed on the
 12 calendar in the house of origin a bill must be first
 13 reported out of the committee of first referral by
 14 Friday of the 6th week, and to be placed on the
 15 calendar in the other house, a bill must be first
 16 reported out of the committee of first referral by
 17 ~~Friday of the 9th week~~ the end of business on Monday
 18 of the 10th week.

19 3. During the 11th week of the first session and
 20 the 9th week of the second session, each house shall
 21 consider only bills originating in that house and
 22 unfinished business. During the 14th week of the
 23 first session and the 12th week of the second session,
 24 each house shall consider only bills originating in

25 the other house and unfinished business. Beginning
 26 with the 15th week of the first session and the 13th
 27 week of the second session, each house shall consider
 28 only bills passed by both houses, bills exempt from
 29 subsection 2 and unfinished business.
 30 However, for the second session of the Seventy-

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1 third General Assembly only, during the 7th week each
 2 house shall consider only bills originating in that
 3 house and unfinished business, during beginning on
 4 Tuesday of the 10th week each house shall consider
 5 only bills originating in the other house and
 6 unfinished business, and beginning with the 11th week
 7 each house shall consider only bills passed by both
 8 houses, bills exempt from subsection 2, and unfinished
 9 business.
 10 4. A motion to reconsider filed and not disposed
 11 of on an action taken on a bill or resolution which is
 12 subject to a deadline under this rule may be called up
 13 at any time before or after the day of the deadline by
 14 the person filing the motion or after the deadline by
 15 the majority floor leader, notwithstanding any other
 16 rule to the contrary.

1 SENATE CONCURRENT RESOLUTION 125
 2 By: Committee on Rules and Administration
 3 A Concurrent Resolution designating March 1990 as Iowa
 4 Women's History Month.
 5 WHEREAS, Iowa women of every race, class, and
 6 ethnic background helped found the state in countless
 7 recorded and unrecorded ways as servants, nurses,
 8 social workers, clergy, nuns, homemakers, industrial
 9 workers, teachers, reformers, soldiers, pioneers,
 10 entrepreneurs, and politicians; and
 11 WHEREAS, Iowa women have played and continue to
 12 play a critical economic, cultural, and social role in
 13 every sphere of our state's life by constituting a
 14 significant portion of the labor force working in and
 15 outside of the home; and
 16 WHEREAS, Iowa women have played a unique role
 17 throughout our history by providing the majority of
 18 the state's volunteer labor force and have been
 19 particularly important in the establishment of early
 20 charitable, philanthropic, and cultural institutions
 21 in the state; and
 22 WHEREAS, Iowa women of every race, class, and
 23 ethnic background served as early leaders in the
 24 forefront of every major progressive social change

25 movement, not only to secure their own right of
26 suffrage and equal opportunity, but also in the
27 abolitionist movement, the emancipation movement, the
28 industrial labor union movement, and the modern civil
29 rights movement; and
30 WHEREAS, despite these contributions, the role of

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1 Iowa women in history has been consistently overlooked
2 and undervalued in the body of Iowa history; NOW
3 THEREFORE,
4 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
5 That the month of March 1990 is designated as "Iowa
6 Women's History Month".

1 SENATE CONCURRENT RESOLUTION 128

2 By: Committee on Appropriations

3 A Concurrent Resolution relating to the provision of
4 cable television service.

5 WHEREAS, the current status of the laws and
6 regulations governing cable television do not provide
7 protection from rate escalation of the type that could
8 divide society into those who can and those who cannot
9 afford to avail themselves of this educational and
10 entertainment service; and

11 WHEREAS, this division is a result of the current
12 status of cable television being that of an
13 unregulated monopoly, resulting from a lack of
14 competition and a preempted regulatory environment;
15 and

16 WHEREAS, the lack of competition has arisen from
17 the absence of alternative delivery methods of cable
18 television; and

19 WHEREAS, a switched fiber optic network could
20 provide competition for the cable television industry
21 and also provide advanced services to consumers; and

22 WHEREAS, a statewide switched fiber optic network
23 will serve as a vital component to Iowa's future
24 public and continuing education structures; and

25 WHEREAS, a highly-featured switched fiber optic
26 network would be an asset to the economic development
27 within the state of Iowa and provide international
28 competitiveness for the United States; and

29 WHEREAS, the current trends of horizontal
30 consolidation, the practice by which one cable company

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1 merges with others in the same delivery area, and
2 vertical integration, the process by which cable
3 companies purchase rights in programming, has further
4 inhibited competition; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
6 That the General Assembly of the state of Iowa call
7 upon the United States Congress and the executive
8 branch administration, in order to guarantee the right
9 of all citizens to the educational and entertainment
10 opportunities and other necessities provided by cable
11 television, to address this issue by enacting laws
12 which encourage the introduction of competition into
13 the cable market.
14 BE IT FURTHER RESOLVED, That until and unless such
15 competition is achieved, Congress and the
16 administration must again provide for regulation of
17 rates and technical delivery. Specifically, the
18 General Assembly of the state of Iowa calls upon the
19 Congress and the administration to do all of the
20 following:
21 1. Regulate basic cable in the absence of a
22 switched fiber optic network or a second multichannel
23 alternative.
24 2. Permit telephone companies to own and operate
25 cable systems if all of the following conditions are
26 met:
27 a. The law does not relieve telephone companies,
28 as common carriers, which provide video transmission
29 facilities by use of an integrated switched network,
30 of the obligation to comply with the order of the

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1 Federal Communications Commission entitled "Filing and
2 Review of Open Network Architecture Plans," CC Docket
3 88-2, Phase I, released December 22, 1988, and any
4 amendment or revision of the order.
5 b. State and federal regulations are in place to
6 prevent cross subsidization between a telephone
7 company's cable programming operations and regulated
8 telephone operations. State regulations of intrastate
9 fiber optics shall not be preempted by the federal
10 government.
11 c. All other requirements of a local franchise
12 agreement are enforceable at law against a telephone
13 company operating as a video transmission facilities
14 provider.
15 d. Regulations are in place to ensure that fiber-

16 optic cable deployed to homes is accorded the legal
17 status of a common carrier.
18 e. Regulations are in place to prohibit common
19 carriers, which provide video transmission facilities
20 by use of an integrated switched network, from
21 providing, pursuant to customer desires, individual
22 customer data accumulated by the carrier in the course
23 of furnishing regulated common carrier services to the
24 customer, to all enhanced service providers whether
25 they are affiliated or unaffiliated with the involved
26 common carrier. Penalties must be assessed of any
27 carrier that violates these disclosure rules.
28 3. Encourage telephone and cable companies to
29 deploy fiber optic cable to homes, so the maximum
30 number of Americans will benefit from the abundance of

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1 the information age services and programming that
2 could be provided over a switched fiber network.
3 4. Mandate that as a term and condition of
4 availing a video transmission facilities provider of
5 the compulsory license, that this provider or its
6 affiliates make programming available at a reasonable
7 profit to all other delivery providers.

1 SENATE CONCURRENT RESOLUTION 129

2 By: Horn, Drake and Coleman

3 A Concurrent Resolution urging the President of the
4 United States, the Federal Highway Administration
5 of the United States Department of Transportation,
6 and the United States House Public Works and Trans-
7 portation Committee, and the United States Senate
8 Commerce, Science and Transportation Committee to
9 work toward ascertaining funding for development
10 of a four-lane highway to connect the cities of St.
11 Louis, Missouri, and St. Paul, Minnesota, more com-
12 monly referred to as "The Avenue of the Saints."
13 WHEREAS, in 1988, the Congress of the United States
14 mandated a feasibility study to consider connecting
15 the cities of St. Louis, Missouri, and St. Paul,
16 Minnesota; and
17 WHEREAS, an intensive study was conducted and over-
18 seen by a committee representing the interests of
19 Illinois, Iowa, Minnesota, Missouri, and Wisconsin
20 over two years; and
21 WHEREAS, the study was completed and the steering
22 committee recommended a route following U.S. Highway
23 61 from St. Louis through Hannibal, Missouri, to
24 Wayland, Missouri; Missouri County Road B from Wayland

25 to St. Francisville, Missouri; Iowa Highway 394 from
 26 the Missouri state line to U.S. Highway 218,
 27 continuing north to Iowa City, Iowa; Interstate
 28 Highway 380 from Iowa City to Waterloo, Iowa; U.S.
 29 Highway 218 from Waterloo to Floyd, Iowa; U.S. Highway
 30 18 from Floyd to Mason City, Iowa; and Interstate

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1 Highway 35 from Mason City, Iowa, to St. Paul,
 2 Minnesota; and
 3 WHEREAS, the steering committee determined that
 4 this route is the most economically and
 5 environmentally sound, would benefit nearly 6,000,000
 6 people, accommodate an estimated 16,300 vehicles per
 7 day by the year 2010, and promote economic development
 8 for communities within a 150-mile radius of the
 9 proposed expressway; and
 10 WHEREAS, the expedient development of the Avenue of
 11 the Saints is in the interests of the people of Iowa,
 12 Minnesota, and Missouri and persons from all over the
 13 world who travel the roads of these states; and
 14 WHEREAS, the immediate pledge of resources is
 15 necessary for commitments on the part of the Federal
 16 Highway Administration and the states of Iowa,
 17 Minnesota, and Missouri to construct the Avenue of the
 18 Saints; NOW THEREFORE,
 19 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 20 That the General Assembly of the State of Iowa
 21 strongly urges the President, the Federal Highway
 22 Administration, the United States House Public Works
 23 and Transportation Committee, and the United States
 24 Senate Commerce, Science and Transportation Committee,
 25 expediently commit the resources necessary to develop
 26 the route known as "The Avenue of the Saints."
 27 BE IT FURTHER RESOLVED, That the Secretary of the
 28 Senate transmit copies of this resolution to the
 29 President of the United States, the United States
 30 Secretary of Transportation, the members of the United

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1 States House Public Works and Transportation
 2 Committee, the members of the United States Senate
 3 Commerce, Science and Transportation Committee, Iowa's
 4 congressional delegation, and the Director of Iowa's
 5 Department of Transportation.

1 SENATE CONCURRENT RESOLUTION 130

2 By: Riordan, Mann, Murphy, Hannon, Lloyd-Jones, Varn,
3 and Bruner

4 A Concurrent Resolution on Namibian independence.

5 WHEREAS, on Tuesday, March 20, 1990, a runner
6 bearing a torch which had been carried 1,800 miles
7 through the country ran into the stadium in Windhoek,
8 Namibia, and lighted "The Flame of Freedom", and

9 WHEREAS, Namibia has become the world's newest free
10 nation, ending 75 years of German and South African
11 rule, and

12 WHEREAS, Namibia was the last colony on the African
13 continent; NOW THEREFORE,

14 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

15 That we the people of Iowa welcome Namibia into the
16 family of free nations, with the hope that the era for
17 violence has passed not only for Namibia but for all
18 of southern Africa.

1 SENATE CONCURRENT RESOLUTION 131

2 By: Coleman, Connolly and Drake

3 A Concurrent Resolution expressing opposition to the
4 proposed federal gas tax increase.

5 WHEREAS, the Chairperson of the Ways and Means
6 Committee of the United States House of
7 Representatives has proposed a federal gas tax

8 increase dedicated to the federal debt reduction; and

9 WHEREAS, the proposed federal gas tax increase
10 violates the longstanding tradition of the road user
11 trust fund principle which requires that moneys in the
12 fund be used solely for road-related purposes; and

13 WHEREAS, over \$10,000,000,000 in the highway trust
14 fund is currently being withheld from the states to
15 artificially minimize the federal deficit; and

16 WHEREAS, 28 percent of all bridges in this nation,
17 and 40 percent of the pavement surfaces on the federal
18 highway system are deficient; and

19 WHEREAS, current funding levels of the federal gas
20 tax rate fail to respond to the existing needs of the
21 federal highway system; NOW THEREFORE,

22 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

23 That the General Assembly of the State of Iowa does
24 hereby express its emphatic opposition to the "road
25 raiding scheme" introduced by the Chairperson of the
26 Ways and Means Committee of the United State House of
27 Representatives.

28 BE IT FURTHER RESOLVED, That the Secretary of the
29 Senate transmit copies of this resolution to the
30 President of the United States, the Secretary of the

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1 United States Department of Transportation, the
 2 members of the Ways and Means Committee of the United
 3 States House of Representatives, and Iowa's
 4 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 133

2 By: Committee on Appropriations

3 A Concurrent Resolution relating to the state board of
 4 regents' ten-year building program and providing for
 5 the financing of certain building and remodeling
 6 projects.

7 WHEREAS, pursuant to section 262A.3, the state
 8 board of regents prepared and within seven days after
 9 the convening of the Seventy-third General Assembly of
 10 the State of Iowa, Second Session, submitted to the
 11 Seventy-third General Assembly, Second Session, for
 12 approval the proposed ten-year building program for
 13 each institution of higher learning under the
 14 jurisdiction of the board, containing a list of the
 15 buildings and facilities which the board deems
 16 necessary to further the educational objectives of the
 17 institutions, together with an estimate of the cost of
 18 each of the buildings and facilities and an estimate
 19 of the maximum amount of bonds which the board expects
 20 to issue under chapter 262A for the fiscal period
 21 beginning July 1, 1990, and ending June 30, 1992; and

22 WHEREAS, the projects contained in the building
 23 program are deemed necessary for the proper
 24 performance of the instructional, research, and
 25 service functions of the institutions; and

26 WHEREAS, section 262A.4 provides that the state
 27 board of regents, after authorization by a
 28 constitutional majority of each house of the general
 29 assembly and approval by the governor, may undertake
 30 and carry out at the institutions of higher learning

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1 under the jurisdiction of the board any project as
 2 defined in chapter 262A; and

3 WHEREAS, chapter 262A authorizes the state board of
 4 regents to borrow money and to issue and sell
 5 negotiable revenue bonds to pay all or any part of the
 6 cost of carrying out projects at any institution
 7 payable solely from and secured by an irrevocable
 8 pledge of a sufficient portion of the student fees and
 9 charges and institutional income received by the
 10 particular institution; and

11 WHEREAS, to further the educational objectives of
 12 the institutions, the state board of regents requests
 13 authorization to undertake and carry out certain
 14 projects at this time and to finance their cost by
 15 borrowing money and issuing negotiable bonds under
 16 chapter 262A in a total amount not to exceed
 17 \$41,300,000, the remaining cost of the projects to be
 18 financed by capital appropriations or by federal or
 19 other funds lawfully available; NOW THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 21 That the proposed ten-year building program submitted
 22 by the state board of regents for each institution of
 23 higher learning under its jurisdiction is approved.
 24 BE IT FURTHER RESOLVED, That no commitment is
 25 implied or intended by approval to fund any portion of
 26 the proposed ten-year building program submitted by
 27 the state board of regents beyond the portion that is
 28 approved by the Seventy-third General Assembly, Second
 29 Session, and the governor.
 30 BE IT FURTHER RESOLVED, That during the fiscal

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1 period which commences July 1, 1990, and which ends
 2 June 30, 1992, the maximum amount of bonds which the
 3 state board of regents expects to issue under chapter
 4 262A unless additional bonding is authorized is
 5 \$41,300,000, all or any part of which may be issued
 6 during the fiscal year ending June 30, 1991, and if
 7 all that amount should not be issued during the fiscal
 8 year ending June 30, 1991, any remaining balance may
 9 be issued during the fiscal year ending June 30, 1992,
 10 and this plan of financing is approved.

11 BE IT FURTHER RESOLVED, That the state board of
 12 regents is authorized to undertake and carry out the
 13 following projects and to pay all or any part of the
 14 cost of carrying out the projects by borrowing money
 15 and issuing negotiable revenue bonds under chapter
 16 262A in a total amount not to exceed \$41,300,000:

17 <u>State Board of Regents</u>	
18 Fire and life safety deficiency corrections at the	
19 three state universities to be distributed by the	
20 state board of regents from the initial proceeds of the	
21 negotiable revenue bonds issued pursuant to this reso-	
22 lution	
23	\$ 6,000,000
24 <u>State University of Iowa</u>	
25 Academic building construction	
26 Cost of issuance of bonds	
27	\$24,000,000

- 28 Iowa State University of Science and Technology
- 29 Sweeney hall remodeling
- 30 Cost of issuance of bonds

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1	\$ 6,600,000
2	<u>University of Northern Iowa</u>	
3	Seerley hall remodeling	
4	Cost of issuance of bonds	
5	.....	\$ 4,700,000
6		Total \$41,300,000

- 1 SENATE CONCURRENT RESOLUTION 136
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
- 6 That when adjournment is had on Sunday, April 8, 1990
- 7 it be the final adjournment of the 1990 Regular
- 8 Session of the Seventy-third General Assembly.

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Senátor Emil J. Husak—1706

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 Mack, Daniel L.—763, 796, 819, 893, 1166, 1167
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Senate File 199—249-250 adopted

Senate File 2057—1594-1595 adopted
 Senate File 2093—1717 adopted
 Senate File 2280—1727-1728 adopted
 Senate File 2306—1639 adopted
 Senate File 2402—1677-1678 lost
 Motion to reconsider—1678-1679 adopted
 Senate File 2413—1744-1745 adopted
 Senate File 2422—1757 adopted
 House File 156—1590 lost
 House File 178—451 adopted
 House File 685—316-317 adopted
 House File 2287—1746-1747 adopted
 House File 2329—1754 adopted
 House File 2416—1692 adopted
 House File 2534—1715 adopted
 House File 2543—1637 adopted
 House File 2554—1684-1685 adopted
 House File 2559—1693-1694 adopted

Reports filed:

Printed after session—3232-3274

CONGRESS OF THE UNITED STATES—

(See President of the United States, Congress, and/or Federal Agencies)

CONNOLLY, MIKE—Senator Eighteenth District

Bills introduced—138, 361

Amendments filed—539, 632, 664, 731, 767, 774, 799, 805, 829, 853, 936,
 1065, 1207, 1226, 1244, 1291, 1335, 1353, 1392, 1419, 1474, 1494, 1496,
 1553, 1593

Amendments offered—731, 786, 799, 829, 1320, 1353, 1475, 1476, 1496, 1536

Amendments withdrawn—1475, 1536

Oath of office—9

Presided at sessions of the Senate—137, 139, 1570, 1577, 1581, 1741

Resolutions offered—157, 379, 1429

Rulings—1426

Standing committees and subcommittees appointed to—21, 22, 23

Subcommittee assignments, governor's appointments—215, 803, 816, 1173

CORNING, JOY—Senator Twelfth District, Assistant Minority Leader

Bills introduced—140, 154, 189, 209, 218, 219, 223, 234, 266, 280, 281, 299,
 314, 568

Amendments filed—257, 258, 487, 618, 798, 813, 827, 929, 932, 947, 1036,
 1100, 1197, 1230, 1231, 1235, 1236, 1237, 1252, 1348, 1377, 1392, 1404,
 1419, 1500

Amendments offered—929, 1091, 1197, 1556

Committee appointments—156, 1440, 1688

Escorted Senator Gentleman to well of the Senate—1721

Escorted Senator Hultman to well of the Senate—1742

Petitions presented—1307

Presented eight elementary education students from the Leningrad State Pedagogical Institute in the city of Leningrad, Soviet Union, they were accompanied by Professor Olga Zebrova and Dr. Marian Krogmann—1062

Presided at sessions of the Senate—482, 1423

Reports—1635, 1692, 1757

Resolutions offered—172, 190, 853, 993

Rulings—1432

Standing committees and subcommittees appointed to—20, 21, 23

Subcommittee assignments, governor's appointments—816, 817, 1199

CREDENTIALS, COMMITTEE ON—

Committee appointed—8

Reports—9

DELUHERY, PATRICK J.—Senator Twenty-first District

Bills introduced—314, 448, 489

Amendments filed—487, 670, 774, 799, 824, 905, 1120, 1136, 1212, 1382, 1435, 1474, 1681

Amendments offered—603, 858, 976, 1095, 1129, 1263, 1286-1287, 1697

Amendments withdrawn—1136

Committee appointments—156, 1625

Offered remarks in honor and memory of the birthday of Dr. Martin Luther King, Jr.—102

Presided at sessions of the Senate—1201

Reports—1635, 1714

Standing committees and subcommittees appointed to—20, 21, 23

Subcommittee assignments, governor's appointments—214, 803, 1199

DIELEMAN, WILLIAM W. (Bill)—Senator Thirty-fifth District

Bills introduced—18, 67, 285, 482

Amendments filed—415, 611, 670, 721, 805, 824, 878, 895, 915, 932, 1036, 1120, 1175, 1197, 1200, 1212, 1243, 1252, 1272, 1310, 1335, 1359, 1377, 1419, 1446, 1492, 1494, 1501, 1502, 1576, 1598, 1614, 1718

Amendments offered—614, 882, 914, 1069, 1160, 1195, 1197, 1252, 1310, 1382, 1446, 1463, 1494, 1501, 1589, 1614, 1718

Amendments withdrawn—1160, 1341, 1382

Called up appointees on Individual Confirmation Calendar—1513

Committee appointments—8, 333, 1451, 1582, 1688

Petitions presented—114

Presented Heather Heiting, Queen of the Fifty-fifth Annual Tulip Time Festival, who in turn introduced the members of her court: Jill Dieleman, Holly Gosselink, Michelle Poortinga and Kelly Pothoven—1331

Presided at sessions of the Senate—235, 1039, 1177

Reports—9, 1670, 1727, 1757

Standing committees and subcommittees appointed to—20, 21, 22

Subcommittee assignments, governor's appointments—203, 214, 215, 803, 804, 816, 817, 818, 819, 820

DOYLE, DONALD V.—Senator Second District

Bills introduced—66, 240, 326

Amendments filed—247, 382, 415, 671, 697, 721, 805, 878, 895, 940, 1036,
1064, 1079, 1085, 1100, 1108, 1120, 1150, 1151, 1189, 1200, 1335, 1377,
1495, 1498, 1508, 1544

Amendments offered—260, 635, 701, 731, 859, 943, 1074, 1079, 1300, 1302,
1313, 1495, 1498

Amendments withdrawn—1074, 1544

Committee appointments—1358, 1472, 1601, 1643, 1772

Presided at sessions of the Senate—325, 958, 1145

Reports—1693

Standing committees and subcommittees appointed to—21, 22, 23

Subcommittee assignments, governor's appointments—203, 804

DRAKE, RICHARD F.—Senator Twenty-eighth District

Bills introduced—140, 219, 326, 338, 489, 568

Amendments filed—409, 487, 611, 671, 686, 688, 689, 697, 728, 804, 831,
921, 1036, 1078, 1085, 1108, 1120, 1150, 1177, 1226, 1233, 1235, 1252,
1363, 1377, 1419, 1424, 1435, 1469, 1491, 1492, 1500, 1576, 1598, 1710,
1748

Amendments offered—674, 728, 831, 1251, 1363

Appointed to Highway Research Board—36

Committee appointments—23, 1358, 1450, 1472, 1582, 1601

Escorted Senator Hultman to the well of the Senate—1732

Reports—1670, 1677

Resolutions offered—1288, 1429

Standing committees and subcommittees appointed to—21, 22

Subcommittee assignments, governor's appointments—203, 214, 215, 216,
803, 804, 817, 818, 819, 820

EDUCATION, COMMITTEE ON—

Appointed and appointments to—20

Appointees, investigation of—198, 214, 794, 1173

Bills introduced—325, 336, 482, 483, 508, 543, 570, 579

Amendments filed—965

Investigating committee report—424, 484, 1000, 1199

Referred to—1294

Resolutions offered—566

Standing committees and subcommittees appointed to—816

Subcommittee assignments, governor's appointments—214

EMPLOYEES—

(See Officers and Employees)

EN BLOC CONFIRMATION CALENDAR—

(See Appointments - Governor's)

ENVIRONMENT AND ENERGY UTILITIES, COMMITTEE ON—

Appointed and appointments to—21

Appointees, investigation of—198, 309

Bills introduced—192, 285, 569, 579, 597, 598
 Amendments filed—509, 920, 992, 1006
 Investigating committee reports—380
 Referred to—1294
 Subcommittee assignments, governor's appointments—202

ETHICS, COMMITTEE ON—

Appointed and appointments to—23

EXPLANATIONS OF VOTES—

Senate Joint Resolution 2002 - Senator Pate—888
 Senate Joint Resolution 2003 - Senator Pate—1418
 Senate File 18 - Senator Welsh—1001-1002
 Senate File 148 - Senator Pate—1418
 Senate File 149 - Senator Pate—1418
 Senate File 199 - Senator Connolly—274
 Senate File 280 - Senator Tinsman—478
 Senate File 298 - Senator Priebe—663
 Senate File 332 - Senator Pate—1418
 Senate File 2003 - Senator Pate—888
 Senate File 2010 - Senator Hannon—952
 Senate File 2011 - Senator Hedge—878
 Senate File 2031 - Senator Welsh—1001-1002
 Senate File 2048 - Senator Tinsman—478
 Senate File 2049 - Senator Connolly—186
 Senate File 2049 - Senator Pate—888
 Senate File 2052 - Senator Dieleman—794
 Senate File 2059 - Senator Dieleman—794
 Senate File 2064 - Senator Fuhrman—662
 Senate File 2080 - Senator Pate—1418
 Senate File 2082 - Senator Dieleman—794
 Senate File 2084 - Senator Connolly—186
 Senate File 2084 - Senator Pate—888
 Senate File 2084, S-5008 - Senator Connolly—186
 Senate File 2100 - Senator Connolly—493
 Senate File 2150 - Senator Tinsman—478
 Senate File 2155 - Senator Dieleman—794
 Senate File 2156 - Senator Connolly—493
 Senate File 2159 - Senator Dieleman—794
 Senate File 2159, S-5193 - Senator Dieleman—794
 Senate File 2164 - Senator Tinsman—478
 Senate File 2165 - Senator Tinsman—478
 Senate File 2169 - Senator Pate—888
 Senate File 2169 - Senator Pate—1418
 Senate File 2173 - Senator Dieleman—794
 Senate File 2184 - Senator Hedge—878
 Senate File 2186 - Senator Tinsman—478
 Senate File 2187 - Senator Connolly—493
 Senate File 2197 - Senator Connolly—1333

- Senate File 2198 - Senator Connolly—493
- Senate File 2212 - Senator Tinsman—478
- Senate File 2232 - Senator Connolly—493
- Senate File 2233 - Senator Priebe—663
- Senate File 2240 - Senator Hagerla—1291
- Senate File 2240 - Senator Pate—1418
- Senate File 2245 - Senator Hagerla—1291
- Senate File 2245 - Senator Pate—1418
- Senate File 2252 - Senator Priebe—663
- Senate File 2261 - Senator Pate—888
- Senate File 2268 - Senator Pate—888
- Senate File 2277 - Senator Priebe—663
- Senate File 2277 - Senator Tinsman—1622
- Senate File 2291 - Senator Priebe—663
- Senate File 2296 - Senator Fuhrman—696
- Senate File 2298 - Senator Dieleman—794
- Senate File 2298 - Senator Pate—888
- Senate File 2302 - Senator Priebe—663
- Senate File 2315 - Senator Priebe—663
- Senate File 2317 - Senator Priebe—663
- Senate File 2322 - Senator Priebe—663
- Senate File 2323 - Senator Priebe—663
- Senate File 2324 - Senator Dieleman—794
- Senate File 2326 - Senator Dieleman—794
- Senate File 2334 - Senator Priebe—663
- Senate File 2340 - Senator Priebe—663
- Senate File 2340 - Senator Deluhery—696
- Senate File 2342 - Senator Deluhery—696
- Senate File 2343 - Senator Fuhrman—696
- Senate File 2343 - Senator Deluhery—696
- Senate File 2348 - Senator Fuhrman—696
- Senate File 2348 - Senator Deluhery—696
- Senate File 2349 - Senator Dieleman—794
- Senate File 2358 - Senator Fuhrman—696
- Senate File 2358 - Senator Deluhery—696
- Senate File 2358 - Senator Pate—888
- Senate File 2364, S-5770 - Senator Hannon—1400
- Senate File 2365 - Senator Pate—1418
- Senate File 2366 - Senator Fuhrman—696
- Senate File 2367 - Senator Fuhrman—696
- Senate File 2368 - Senator Dieleman—794
- Senate File 2374 - Senator Dieleman—794
- Senate File 2375 - Senator Welsh—1001-1002
- Senate File 2377 - Senator Dieleman—794
- Senate File 2377 - Senator Connolly—820-821
- Senate File 2383 - Senator Pate—888
- Senate File 2387 - Senator Dieleman—794
- Senate File 2387 - Senator Pate—888
- Senate File 2388 - Senator Hagerla—766
- Senate File 2388 - Senator Dieleman—794

- Senate File 2388 - Senator Connolly—820-821
- Senate File 2392 - Senator Welsh—1001-1002
- Senate File 2395 - Senator Welsh—1001-1002
- Senate File 2408 - Senator Pate—888
- Senate File 2410 - Senator Coleman—1225
- Senate File 2413 - Senator Pate—1418
- Senate File 2418 - Senator Pate—1418
- Senate File 2419 - Senator Pate—1418
- Senate File 2421 - Senator Scott—1391
- Senate File 2422 - Senator Hagerla—1671
- Senate Concurrent Resolution 131 - Senator Connolly—1575
- Confirmation of Robert Van Vooren - Senator Szymoniak—1375
- House File 156 - Senator Hagerla—1291
- House File 156 - Senator Pate—1418
- House File 178 - Senator Pate—888
- House File 252 - Senator Pate—888
- House File 534 - Senator Hagerla—1291
- House File 534 - Senator Pate—1418
- House File 2016 - Senator Pate—888
- House File 2057 - Senator Szymoniak—1077
- House File 2114 - Senator Pate—888
- House File 2115 - Senator Pate—1418
- House File 2120 - Senator Pate—888
- House File 2142 - Senator Tinsman—478
- House File 2177 - Senator Hagerla—1291
- House File 2177 - Senator Pate—1418
- House File 2188 - Senator Hagerla—1291
- House File 2188 - Senator Pate—1418
- House File 2201 - Senator Hagerla—1291
- House File 2201 - Senator Pate—1418
- House File 2271 - Senator Pate—1418
- House File 2304 - Senator Connolly—1149
- House File 2320 - Senator Pate—1418
- House File 2320 - Senator Connolly—1575
- House File 2329 - Senator Connolly—1575
- House File 2338 - Senator Pate—1418
- House File 2369 - Senator Rensink—1149
- House File 2371 - Senator Hannon—1400
- House File 2381 - Senator Rensink—1149
- House File 2401 - Senator Szymoniak—1077
- House File 2422 - Senator Hagerla—1291
- House File 2431 - Senator Pate—1418
- House File 2436 - Senator Pate—1418
- House File 2440 - Senator Connolly—1575
- House File 2450 - Senator Pate—1418
- House File 2454 - Senator Connolly—1149
- House File 2455 - Senator Hagerla—1291
- House File 2455 - Senator Pate—1418
- House File 2457 - Senator Szymoniak—1077

House File 2468 - Senator Rensink—1149
 House File 2476 - Senator Connolly—1149
 House File 2502 - Senator Tinsman—1118
 House File 2508 - Senator Connolly—1149
 House File 2512 - Senator Rensink—1149
 House File 2517 - Senator Pate—1418
 House File 2518 - Senator Connolly—1149
 House File 2534 - Senator Hagerla—1149
 House File 2534 - Senator Pate—1671
 House File 2554 - Senator Fuhrman—1533
 House File 2554, S-5873, S-5860 - Senator Fuhrman—1533
 (Corrected):
 House File 2369 - Senator Rensink—1174
 House File 2381 - Senator Rensink—1174
 House File 2468 - Senator Rensink—1174
 House File 2512 - Senator Rensink—1174

FEDERAL AGENCIES—

(See President of the United States, Congress and/or Federal Agencies)

FRAISE, EUGENE—Senator Thirty-first District

Bills introduced—19, 44, 154, 326
 Amendments filed—664, 746, 826, 853, 1006, 1036, 1105, 1201, 1212, 1228,
 1233, 1265, 1377, 1425, 1495, 1496, 1508, 1664, 1671, 1704
 Amendments offered—746, 826, 1080, 1105, 1201, 1265, 1495, 1496, 1656,
 1704, 1749, 1750
 Amendments withdrawn—1201, 1495, 1664, 1749
 Appointed to Capital Projects Advisory Committee—36
 Committee appointments—46, 1358, 1467, 1472, 1643, 1684
 Petitions presented—981
 Reports—1594, 1693, 1716
 Standing committees and subcommittees appointed to—20, 21, 22, 23
 Subcommittee assignments, governor's appointments—215, 802, 803, 817,
 818, 819, 820

FUHRMAN, LINN—Senator Fifth District, Assistant Minority Leader

Bills introduced—19, 45, 154, 209, 218, 219, 223, 234, 280, 281, 299, 326,
 338, 339, 568
 Amendments filed—257, 258, 449, 588, 604, 611, 625, 664, 670, 721, 767,
 774, 804, 805, 838, 847, 895, 896, 897, 898, 921, 928, 1006, 1080, 1085,
 1120, 1151, 1200, 1233, 1235, 1243, 1377, 1382, 1492, 1500
 Amendments offered—262, 604, 783, 830, 847, 875, 876, 884, 885, 896, 897,
 898, 914, 928, 1131, 1235, 1570
 Amendments withdrawn—783, 1080
 Appointed to Technology Transfer Foundation—36
 Committee appointments—8, 1440, 1467, 1601, 1629, 1630
 Escorted Senator Mann to well of the Senate—1719
 Escorted President Zimmerman to the well of the Senate—1742
 Reports—9, 1622, 1744

Standing committees and subcommittees appointed to—20, 21, 22, 23
Subcommittee assignments, governor's appointments—202, 203, 802, 803,
820

GENERAL ASSEMBLY - SENATE—

(See also Rules and Administration and/or President of the United States, Congress, Federal Agencies and/or Study Committees in this General Index and/or Senate Concurrent Resolutions, Senate Resolutions, and House Concurrent Resolutions listed in Legislative Index Volume)

Resolutions relating to:

- Senate Concurrent Resolution 101, amend Joint Rule 20 by advancing the deadline dates for 1990 session. S.J. 13, 14 adopted - H.J. 16-17, 35, 53-55 adopted - S.J. 101.
- Senate Concurrent Resolution 102, amend Joint Rule 11, relating to the Code Editor's Correction Bills. S.J. 13, 14, 67 adopted - H.J. 65, 72.
- Senate Concurrent Resolution 114, endorsement by G.A., full funding for fish and wildlife mitigation on the Missouri River. S.J. 536, 540, 612-613 adopted - H.J. 547, 601.
- Senate Concurrent Resolution 124, amend subsection 2, unnumbered paragraph 2, of Joint Rule 20, by advancing the second deadline in that paragraph. S.J. 958-959 adopted, 1009 - H.J. 978-980 adopted.
- Senate Concurrent Resolution 136, final adjournment, Saturday, April 7, 1990, 136, as amended - S.J. 1758, 1759 adopted - H.J. 2427-2428 adopted.
- Senate Resolution 102, honor Senator Bob Carr and present his Senate Chair in appreciation of his service. S.J. 95, 96 adopted.
- Senate Resolution 103, Senate thank Senator Doyle for his dedication, hard work and personal effort as chairperson of Senate Committee on Judiciary. S.J. 103, 148, 242, 372, 398, 471-472 adopted.
- Senate Resolution 104, advance deadline dates for appropriation committees for 1990 session. S.J. 315 adopted.
- Senate Resolution 107, gubernatorial appointments, require confirmation. S.J. 540, 543, 544 adopted.
- Senate Resolution 112, honor Senator John N. Nystrom for his years of legislative service and present to him his chair. S.J. 1511, 1532, 1705-1706 adopted.
- Senate Resolution 113, honor Senator Emil J. Husak for his years of legislative service and present to him his chair. S.J. 1511, 1532, 1706 adopted.
- Senate Resolution 114, honor Senator George R. Kinley for his years of legislative service and present to him his chair. S.J. 1511, 1532, 1706-1707 adopted.
- Senate Resolution 116, honor Senator Calvin O. Hultman, who is retiring from Legislative office. S.J. 1689, 1731-1732 adopted.
- Senate Resolution 117, honor Senator Charles H. Bruner, who is retiring from Legislative office. S.J. 1689-1690, 1729-1730 adopted.

- Senate Resolution 118, honor Senator Norman J. Goodwin, who is retiring from Legislative office. S.J. 1690, 1711 adopted.
- Senate Resolution 119, honor Senator Thomas Mann, Jr., who is retiring from Legislative office. S.J. 1690, 1719 adopted.
- Senate Resolution 120, honor Senator Julia B. Gentleman, who is retiring from Legislative office. S.J. 1690, 1720-1721 adopted.
- Senate Resolution 121, amend Senate Rule 36 to establish permanent subcommittees of rules and administration, Senate Rule 52, establish duties of president of the senate, Senate Rule 53, establish duties of the president pro tempore of senate, become effective on last of seventy-third general assembly. S.J. 1645, 1647, 1654 adopted.
- Senate Resolution 122, honor Lt. Governor Jo Ann Zimmerman. S.J. 1732-1734 adopted.
- Senate Resolution 123, daily operation of the Senate. S.J. 1714, 1716 adopted.
- House Concurrent Resolution 101, joint convention Tuesday, January 9, 1990, 10:00 a.m., Governor Terry E. Branstad deliver his Condition of the State and Budget Message. H.J. 6 adopted - S.J. 15-16 adopted, 45 - H.J. 38.

GENTLEMAN, JULIA B.—Senator Forty-first District

- Bills introduced—45, 140, 189, 218
- Amendments filed—256, 257, 487, 576, 631, 829, 927, 975, 995, 997, 1006, 1043, 1078, 1099, 1207, 1230, 1233, 1235, 1243, 1244, 1324, 1335, 1340, 1352, 1403, 1409, 1427, 1431, 1492, 1500, 1544, 1545, 1587, 1598, 1623, 1628, 1666
- Amendments offered—576, 1043, 1108, 1207, 1230, 1251, 1352, 1409, 1410, 1414, 1415, 1431, 1492, 1544, 1545, 1587, 1666
- Amendments withdrawn—1235, 1611
- Committee appointments—333, 1358, 1467, 1601, 1629, 1772
- Reports—1594
- Resolutions offered—172, 190, 853, 993
- Rulings—172
- Standing committees and subcommittees appointed to—21, 22
- Subcommittee assignments, governor's appointments—202, 215, 803, 816, 818, 819, 820, 1173

GETTINGS, DONALD E.—Senator Thirty-third District

- Bills introduced—44, 154, 259, 326
- Amendments filed—256, 449, 625, 805, 921, 1078, 1151, 1233, 1347, 1377
- Amendments offered—261, 634, 1070, 1363
- Committee appointments—1295, 1450, 1467
- Petitions presented—1622
- Reports—1550, 1677
- Standing committees and subcommittees appointed to—20, 21, 22, 23
- Subcommittee assignments, governor's appointments—203, 214, 802

GOODWIN, NORMAN J.—Senator Nineteenth District

- Bills introduced—154, 209, 218, 219, 234, 280, 281, 299, 326, 568
- Amendments filed—167, 257, 258, 697, 921, 1036, 1233, 1234, 1235, 1377, 1468, 1500, 1691
- Committee appointments—46
- Presented an engraved plaque and an engraved copy of Senate Resolution 118-1712
- Reports—46
- Standing committees and subcommittees appointed—20, 21, 22, 23
- Subcommittee assignments, governor's appointments—203, 804

GOVERNOR BRANSTAD, TERRY E.—

- Addressed joint convention—46-54
- Bills signed by—335, 622, 834, 1188, 1322, 1346-1347, 1416, 1442-1443, 1528-1529, 1622, 1761-1762
- Condition of the State and Budget Message—47-54
- Committees to notify and/or report—46, 1773
- Committees to escort—46, 54
- Communications from—175-179, 237, 753-763, 1124-1125
- Item veto messages—1304-1306, 1527-1528, 1617-1619, 1652-1654, 1669-1670, 1782-1804
- Veto messages—444-445, 1402-1403, 1506-1507, 1526-1527, 1804-1807
- Resolution relating to Condition of the State and Budget Message, HCR 101 - H.J. 5-6 adopted - S.J. 15-16 adopted, 45 - H.J. 38.
- Resolutions signed by—953, 1447, 1776
- Closing message—1773-1774

GRONSTAL, MICHAEL E.—Senator Fiftieth District, Majority Floor Whip

- Bills introduced—18, 66, 240, 302, 314
- Amendments filed—376, 406, 500, 539, 567, 588, 680, 685, 696, 774, 798, 799, 824, 826, 847, 895, 905, 921, 933, 945, 1077, 1151, 1200, 1212, 1226, 1233, 1234, 1236, 1243, 1252, 1285, 1347, 1370, 1378, 1419, 1426, 1488, 1648, 1671, 1727
- Amendments offered—406, 417, 599, 602, 680, 706, 799, 933, 945, 968, 1074, 1092, 1104, 1127, 1135, 1222, 1230, 1234, 1236, 1252, 1259, 1263, 1277, 1285, 1315, 1352, 1370, 1441, 1461, 1488, 1661
- Amendments withdrawn—1277, 1661
- Committee appointments—225, 1451, 1601, 1625
- Escorted Senator Bruner to the well of the Senate—1730
- Escorted Senator Hultman to the well of the Senate—1742
- Presided at sessions of the Senate—79
- Reports—268, 1714, 1744, 1753
- Standing committees and subcommittees appointed to—20, 21, 22
- Subcommittee assignments, governor's appointments—202, 214, 215, 802, 803, 817, 819, 820

HAGERLA, MARK R.—Senator Thirtieth District

- Bills introduced—137, 138, 154, 189, 195, 203, 209, 218, 219, 223, 233, 234, 266, 280, 281, 299, 314, 326, 357, 383, 568

- Amendments filed—256, 257, 258, 265, 402, 487, 619, 634, 826, 827, 829, 965, 1099, 1120, 1190, 1197, 1230, 1233, 1234, 1235, 1236, 1237, 1243, 1253, 1262, 1377, 1398, 1403, 1425, 1427, 1500, 1544
 - Amendments offered—619, 630, 1236, 1253, 1398, 1409, 1427, 1544
 - Amendments withdrawn—1278, 1383, 1425
 - Committee appointments—1358, 1472, 1601
 - Reports—1744
 - Resolutions offered—172, 190
 - Standing committees and subcommittees appointed to—21, 22
 - Subcommittee assignments, governor's appointments—202, 215, 803, 816, 817, 1173
- HANNON, BEVERLY A.**—Senator Twenty-second District
- Bills introduced—19, 140, 154, 190
 - Amendments filed—449, 618, 625, 631, 633, 663, 664, 671, 696, 711, 853, 895, 936, 939, 1085, 1189, 1190, 1207, 1231, 1262, 1302, 1339, 1571, 1598, 1648
 - Amendments offered—618, 631, 633, 872, 928, 946, 1168, 1207, 1231, 1302, 1571, 1676
 - Amendments withdrawn—632, 1676
 - Called up appointees on Individual Confirmation Calendar—1515, 1516
 - Committee appointments—333
 - Escorted Senator Gentleman to well of the Senate—1721
 - Investigating committee reports—866
 - Petitions presented—719
 - Presided at sessions of the Senate—502
 - Reports—162
 - Resolutions offered—853, 993, 1303, 1684
 - Standing committees and subcommittees appointed to—20, 21, 22
 - Subcommittee assignments, governor's appointments—202, 215, 802, 817, 818, 819, 1173, 1174
- HEARINGS—**
- Kjonaas, Dr. Merle, Optometry Examining Board—866
- HEDGE, H. KAY**—Senator Thirty-second District
- Bills introduced—154, 164, 189, 218, 219, 280, 326, 448, 568
 - Amendments filed—256, 257, 258, 666, 670, 697, 774, 799, 805, 915, 921, 1036, 1099, 1230, 1233, 1234, 1235, 1236, 1243, 1500, 1649, 1681
 - Committee appointments—10, 1472, 1630
 - Petitions presented—1444, 1622
 - Resolutions offered—172, 190
 - Standing committees and subcommittees appointed to—20, 21, 23
 - Subcommittee assignments, governor's appointments—202, 214, 802
- HESTER, JACK W.**—Senator Forty-ninth District
- Bills introduced—140, 154, 209, 219, 280, 281, 313, 326, 339, 569
 - Amendments filed—167, 256, 257, 258, 611, 666, 827, 921, 940, 1036, 1226, 1230, 1236, 1359, 1419, 1500

Amendments offered—167, 924, 969, 970, 1180
Amendments withdrawn—969
Appointed to Advisory Committee on Quality Grain Marketing—36
Committee appointments—10, 1216, 1582, 1643
Escorted President pro tempore Mann to the well of the Senate—1742
Presented Ilaria Ponchio, foreign exchange student from Italy, attending
Woodbine High School—1062
Reports—1670, 1693
Resolutions offered—235
Standing committees and subcommittees appointed to—20, 21, 22
Subcommittee assignments, governor's appointments—202, 214, 802, 820

HORN, WALLY E.—Senator Twenty-fifth District, Assistant Majority Leader
Bills introduced—81, 154, 164, 318
Amendments filed—604, 610, 670, 798, 805, 845, 885, 921, 936, 937, 1072,
1100, 1233, 1335, 1488
Amendments offered—844, 881, 885, 931, 967
Amendments withdrawn—1220
Called up appointees on En Bloc Confirmation Calendar—1283
Committee appointments—156, 1440, 1460, 1466, 1629, 1684
Escorted President pro tempore Mann to the well of the Senate—1742
Presided at sessions of the Senate—1304
Reports—1635, 1692, 1716
Resolutions offered—552, 1288
Standing committees and subcommittees appointed to—20, 21
Subcommittee assignments, governor's appointments—214, 215, 216, 803,
816, 817, 818, 819, 820, 1173

HOUSE AMENDMENTS FILED—

Senate Joint Resolution 2003, S-5582—1200
Senate File 57, S-5502—1099
Senate File 81, S-5072—440
Senate File 138, S-5071—440
Senate File 148, S-5612—1226
Senate File 205, S-5886—1534
Senate File 280, S-5037—270
Senate File 332, S-5554—1176
Senate File 390, S-5795—1418
Senate File 431, S-6015—1763
Senate File 514, S-5945—1623
Senate File 2003, S-5580—1200
Senate File 2011, S-5910—1576
Senate File 2018, S-5531—1151
Senate File 2049, S-5982—1649
Senate File 2057, S-5553—1176
Senate File 2080, S-5584—1200
Senate File 2084, S-5483—1077
Senate File 2093, S-5983—1649
Senate File 2097, S-5460—1036

Senate File 2114, S-5824—1444
Senate File 2153, S-5915—1576
Senate File 2158, S-5481—1077
Senate File 2159, S-5532—1151
Senate File 2163, S-5670—1291
Senate File 2169, S-5549—1175
Senate File 2186, S-5501—1099
Senate File 2197, S-5552—1176
Senate File 2206, S-5722—1359
Senate File 2212, S-5341—868
Senate File 2230, S-5960—1648
Senate File 2233, S-5613—1226
Senate File 2240, S-5583—1200
Senate File 2244, S-5689—1335
Senate File 2245, S-5551—1176
Senate File 2262, S-5461—1036
Senate File 2263, S-5530—1151
Senate File 2277, S-5611—1226
Senate File 2280, S-5672—1291
Senate File 2287, S-6006—1762
Senate File 2306, S-5534—1151
Senate File 2323, S-5482—1077
Senate File 2324, S-5943—1623
Senate File 2326, S-5794—1418
Senate File 2327, S-5726—1359
Senate File 2328, S-5681—1307
Senate File 2329, S-5851—1487
Senate File 2349, S-5533—1151
Senate File 2363, S-5480—1077
Senate File 2364, S-5675—1291
Senate File 2365, S-5550—1176
Senate File 2379, S-5796—1418
Senate File 2385, S-5673—1291
Senate File 2402, S-5680—1307
Senate File 2403, S-5942—1623
Senate File 2408, S-5838—1474
Senate File 2410, S-5826—1444
Senate File 2412, S-6046—1764
Senate File 2413, S-5888—1534
Senate File 2416, S-5959—1648
Senate File 2422, S-5987—1671
Senate File 2423, S-5881—1534
Senate File 2428, S-6014—1763
Senate File 2429, S-6022—1763
Senate File 2430, S-5944—1623
Senate File 2433, S-6023—1763
Senate Concurrent Resolution 128, S-5817—1435
House File 366, S-6012—1763
House File 2057, S-5758—1377

Presented the Senate Pages with a certificate of excellence for serving with honor and distinction as a Senate Page during the 1990 Regular session—1638

Reports—268, 1727

Resolutions offered—172, 190, 489

Standing committees and subcommittees appointed to—20, 21, 22

Subcommittee assignments, governor's appointments—203, 820

HUMAN RESOURCES, COMMITTEE ON—

Appointed and appointments to—21

Appointees, investigation of—199, 794-795, 1173

Bills introduced—404, 414, 415, 487, 527, 540, 541, 569, 579, 598, 612

Amendments filed—360, 487, 524, 588, 611, 671, 825, 838, 1036

Investigating committee reports—369, 1000, 1323

Referred to—419, 510, 589

Standing committees and subcommittees appointed to—816-817

Subcommittee assignments, governor's appointments—202, 1173

HUSAK, EMIL J.—Senator Thirty-eighth District, Assistant Majority Leader

Bills introduced—81, 154, 165, 326, 357, 568

Amendments filed—415, 804, 912, 921, 933, 936, 957, 1006, 1036, 1108, 1120, 1189, 1377, 1424, 1425, 1426, 1488, 1494, 1507, 1536, 1552, 1583, 1598, 1641, 1681

Amendments offered—408, 912, 1266, 1380, 1424, 1425, 1536, 1553, 1583, 1593, 1641, 1749

Amendments withdrawn—1748

Committee appointments—23, 1295, 1450, 1582, 1772

Escorted Senator Hutchins to the well of the Senate—1741

Presented his Senate chair and an enrolled copy of Senate Resolution 113—1706

Presided at sessions of the Senate—189, 356, 1420, 1650

Reports—1670, 1677

Resolutions offered—489

Standing committees and subcommittees appointed to—20, 21, 22, 23

Subcommittee assignments, governor's appointments—202, 802

HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Majority Leader

Addressed the Senate—5-6

Bills introduced—44, 81, 82, 154, 157, 169, 441, 1170, 1428, 1459, 1503, 1517, 1605, 1632

Amendments filed—415, 936, 1348, 1427, 1456, 1488, 1546

Amendments offered—436, 1456, 1546, 1759

Amendments withdrawn—1353

Appointed to Highway Research Board—36

Appointments to statutory commissions, committees, councils and advisory boards—35-36

Called up appointee on Individual Confirmation Calendar—1362

Called up appointees on En Bloc Confirmation Calendar—1350, 1413-1414, 1512

House File 2114, S-5042—342
 House File 2170, S-5610—1226
 House File 2235, S-6021—1763
 House File 2320, S-5825—1444
 House File 2329, S-5723—1359
 House File 2371, S-5766—1392
 House File 2418, S-5431—991
 House File 2435, S-6027—1763
 House File 2459, S-5679—1307
 House File 2488, S-5911—1576
 House File 2500, S-5793—1418
 House File 2517, S-6028—1763
 House File 2522, S-5792—1418
 House File 2534, S-5914—1576
 House File 2552, S-5898—1552
 House File 2564, S-6035—1763
 House File 2567, S-6024—1763
 House Concurrent Resolution 112, S-5889—1534

HULTMAN, CALVIN O.—Senator Forty-seventh District, Minority Leader

Addressed the Senate—6-8
 Bills introduced—19, 44, 154, 155, 189, 219, 234, 280, 299, 300, 314, 326,
 441, 568, 579, 1428, 1459, 1503, 1517, 1605, 1632
 Amendments filed—167, 256, 257, 258, 265, 355, 409, 600, 619, 688, 689,
 696, 804, 805, 828, 829, 838, 975, 995, 996, 997, 1078, 1085, 1099, 1107,
 1108, 1120, 1151, 1177, 1189, 1197, 1226, 1233, 1234, 1235, 1236, 1252,
 1272, 1307, 1335, 1339, 1341, 1347, 1427, 1469, 1500, 1547, 1548, 1627,
 1649, 1671, 1762, 1763
 Amendments offered—260, 261, 265, 688, 751, 828, 829, 875, 884, 995, 996,
 997, 1108, 1233, 1234, 1236, 1286, 1341, 1352, 1500, 1547, 1588, 1627
 Amendments withdrawn—406, 689, 998, 1548
 Appointed to Capital Projects Advisory Committee—36
 Appointments to statutory commissions, committees, councils and advisory
 boards—35-36
 Committee appointments—225, 1451
 Escorted and presented Senator Goodwin with an engraved plate and an
 enrolled copy of Senate Resolution 118—1720
 Escorted President Zimmerman to the well of the Senate—1734
 Escorted to the well of the Senate by Senators Corning and Gronstal and
 presented him with a framed color lithograph of the Golden Dome on
 behalf of members of the Senate in recognition of his service as Senate
 Minority Leader during the Seventy-third General Assembly—1742
 Presented with an engraved plaque and an enrolled copy of Senate Resolution
 116, and his Senate chair and desk—1732
 Presented Senator Nystrom with his Senate chair and enrolled copy of Senate
 Resolution 112—1706
 Presented the Red Oak Tigers high school Boy's State basketball tournament
 team, accompanied by Coach Dan Martinez—1150

- Committee appointments—1466
- Confirmation of appointment deferred, Richard Timmerman, Dir. of Dept. of Economic Development—1518
- Escorted to the well of the Senate by Senators Husak and Jensen and presented with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of his service as Senate Majority Leader during the Seventy-third Assembly—1741
- Escorted Senator Hultman to the well of the Senate—1732
- Escorted President Zimmerman to the well of the Senate—1734
- Petitions presented—114, 478, 582, 866
- Presented Senator Husak with his Senate chair and an enrolled copy of Senate Resolution 113—1706
- Presented Senator Kinley with his Senate chair and an enrolled copy of Senate Resolution 114—1706-1707
- Presented the Senate Pages with a certificate of excellence for serving with honor and distinction as a Senate Page during the 1990 Regular Session—1638
- Received unanimous consent that Senator Hultman be presented his Senate chair and desk—1732
- Requested that a single vote be taken for confirmation of the appointment and reappointment of Varel G. Bailey—1354
- Standing committees and subcommittees appointed to—21
- Welcomed Marcela Cabrera from Chile, who is teaching at Harlan High School under the AFS program—663

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—18, 154, 189, 207, 219, 280, 299, 314, 326, 338, 568
 Amendments filed—257, 258, 355, 599, 631, 640, 688, 689, 767, 804, 813, 824, 832, 895, 921, 927, 1036, 1082, 1096, 1100, 1189, 1235, 1236, 1369, 1377, 1392, 1494, 1500, 1502, 1598, 1691
 Amendments offered—599, 975, 1070, 1369, 1494, 1656
 Amendments withdrawn—631, 813, 1082, 1096
 Committee appointments—8, 1295, 1451
 Escorted Senator Hutchins to the well of the Senate—1741

Presented Carmen Garzaunie from South Africa AFS student attending Wellsburg-Steamboat Rock High School; Maja Hirschbuehl from Switzerland, AFS student attending Ackley-Geneva High School and Max Paulin from Austria, AFS student attending Ackley-Geneva High School—981

Reports—9, 1727

Resolutions offered—190

Standing committees and subcommittees appointed to—20, 21, 22

Subcommittee assignments, governor's appointments—203, 802, 803, 804

Welcomed the Honorable Charles Grassley, United States Senator—464

JOINT CONVENTIONS—

Condition of the State and Budget Message of Governor Terry E. Branstad—46-54

Resolutions relating to:

House Concurrent Resolution 101, relating to the Condition of the State Message and Budget address. H.J. 5-6 adopted - S.J. 15-16 adopted, 45 - H.J. 38.

JOINT RULES—

(See also Rules)

Resolutions relating to:

Senate Concurrent Resolution 101, amend Joint Rule 20, by advancing deadline dates for 1990 session. S.J. 13, 14 adopted - H.J. 16-17, 35, 55 adopted - S.J. 101.

Senate Concurrent Resolution 102, amend Joint Rule 11, relating to Code Editor's correction bills. S.J. 13, 14, 67 adopted - H.J. 65, 72.

Senate Concurrent Resolution 121, amend Senate Rule 36, to establish permanent subcommittee of rules and administration, Senate Rule 52, establish duties of the president of the senate, Senate Rule 53, establish duties of the president pro tempore of senate, become effective on last of seventy-third G.A. S.J. 1645, 1647, 1654 adopted.

JUDICIARY, COMMITTEE ON—

Appointed and appointments to—21

Appointees, investigation of—199, 795

Bills introduced—222, 319, 442, 448, 460, 482, 503, 521, 526, 541, 542, 552, 566, 597, 598

Amendments filed—376, 767, 839, 957, 992, 1006, 1036, 1190, 1598, 1710

Investigating committee reports—333, 369, 479, 1242

Referred to—384, 476, 644, 673, 967

Resolutions offered—155

Subcommittee assignments, governor's appointments—214, 802-803

KIBBIE, JOHN P.—Senator Sixth District

Bills introduced—95, 154, 169, 326

Amendments filed—232, 256, 312, 625, 670, 671, 804, 1040, 1085, 1108, 1120, 1189, 1309, 1335, 1339, 1348, 1377, 1403, 1404, 1415, 1425, 1426, 1427, 1432, 1488, 1649, 1682
 Amendments offered—167, 265, 324, 345, 1040, 1196, 1309, 1339, 1380, 1410, 1411, 1415, 1425, 1427, 1676, 1682
 Amendments refiled—1682
 Amendments withdrawn—1686
 Appointed to fill vacancy of Senator Carr as chair of the Conference Committee on House File 178—43
 Appointed to Technology Transfer Foundation Board—36
 Committee appointments—23, 333, 1216, 1451, 1466, 1601, 1630, 1684
 Presented Frank Crowley, T.D., from County Cork, Ireland, a farmer, auctioneer and member of the Irish Parliament—1088
 Presided at sessions of the Senate—235
 Reports—1716, 1727, 1753
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—214, 803, 816, 817, 818, 819, 820

KINLEY, GEORGE R.—Senator Fortieth District

Bills introduced—95, 138, 386, 387
 Amendments filed—671, 878, 1078, 1151, 1177, 1197, 1456, 1469, 1547, 1649, 1691
 Amendments offered—679, 1081, 1197, 1301, 1456
 Asked and received unanimous consent that Des Moines Mayor Pat Dorrian be permitted to the floor of the Senate Chamber—1197
 Committee appointments—23, 225, 1358, 1467, 1688
 Presented his Senate chair and an enrolled copy of Senate Resolution 114—1707
 Presided at sessions of the Senate—84, 233, 338, 740, 799, 896, 1070, 1086, 1102, 1114, 1128, 1153, 1196, 1202, 1237, 1249, 1253, 1336, 1337, 1372, 1398, 1411, 1497, 1608, 1732
 Reports—268, 1594, 1757
 Rulings—1339, 1373, 1414
 Standing committees and subcommittees appointed to—20, 21, 22
 Welcomed the Honorable Les Klink, former member of the Senate—1376

LEGISLATIVE COUNCIL—

(See also Study Committees)
 Reports—39-41

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LIEUTENANT GOVERNOR ZIMMERMAN, JO ANN, President of the Senate—

Addressed the Senate, opening remarks—1-5

Advisories:

House File 209, indefinite deferment or indefinite postponement—1191

House File 2166, S-5087—1111

Announcements:

Resignation of Bob Carr effective 7-1-89 - District 18, appointed Senator Kibbie to fill vacancy of Senator Carr as chair of the conference committee on House File 178—43

Bills signed by—275, 354, 566, 721, 1150, 1212, 1290, 1306, 1335, 1434, 1442-1443, 1473, 1528-1529, 1533, 1621, 1771-1772

Canvass of votes, report—9

Certificate of election—9

Escorted to the well of the Senate and was presented with an enrolled copy of the Senate Resolution 122—1734

Escorted to the well of the Senate and presented a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of her service as President of the Senate during the Seventy-third General Assembly—1742

Presentations:

Presented Governor Terry E. Branstad, who delivered the Condition of State and Budget address—47

Presented Monsignor Barta with an enrolled copy of Senate Resolution 105, relating to the sesquicentennial of Loras College—416

Presided at joint conventions—46

Presided at sessions of the Senate—1, 9, 12, 16, 42, 44, 45, 69, 84, 102, 115, 144, 154, 157, 164, 165, 174, 179, 194, 208, 223, 241, 242, 287, 302, 313, 316, 321, 325, 339, 361, 383, 416, 450, 469, 510, 612, 616, 618, 637, 641, 655, 799, 808, 809, 831, 840, 847, 854, 862, 869, 879, 880, 886, 896, 906, 908, 922, 935, 942, 966, 972, 1008, 1040, 1049, 1107, 1177, 1191, 1204, 1213, 1215, 1229, 1230, 1245, 1251, 1265, 1273, 1292, 1308, 1326, 1436, 1439, 1457, 1470, 1478, 1488, 1491, 1498, 1500, 1503, 1510, 1609, 1626, 1631, 1637, 1642, 1652, 1673, 1687, 1730, 1743, 1745, 1750, 1755, 1756, 1764

Rulings—168, 831, 870, 875, 910, 912, 914, 915, 949, 1108, 1205, 1207, 1233, 1235, 1236, 1253, 1265, 1321, 1464, 1488, 1496, 1502, 1627, 1633, 1641, 1656, 1682, 1697, 1700, 1701, 1704

Welcomed:

Honorable Bob Carr, former member of the Senate—170

Honorable Edgar H. Holden, former member of the Senate—670

Honorable Joe Brown, former member of the Senate—711

Honorable Lucas DeKoster, former member of the Senate—851

Honorable Arthur Gratias, former member of the Senate—1076

Honorable Phil Hill, former member of the Senate—1226

Honorable Les Klink, former member of the Senate—1376

Shannon McCormick from Marne and Tonya Englund from Davenport, Lieutenant Governors from Boys and Girls State—42

Zhiyong Jiang from Hangzhou, Peoples Republic of China, a visiting professor for 1989-90 school year at Central College in Pella, guest of Senator Dieleman—663

Marcela Cabrera from Chile—663

Carmen Garzauzie from South Africa, AFS student attending Wellsburg-Steamboat Rock High School; Maja Hirschbuehl from Switzerland, AFS student attending Ackley-Geneva High School and Max Paulin from Austria, AFS student attending Ackley-Geneva High School, guests of Senator Jensen—981

Jochen Duell, West Germany and Carlos Aramayo, Bolivia, AFS students attending Central Lee Schools, guests of Senator Fraise—1418

Fong Yuan from Beijing, student of Grinnell, guest of Senator Varn—1418

Item veto messages received—1304-1306, 1527-1528, 1617-1619, 1782-1804

Veto messages received—444-445, 1402-1403, 1506-1507, 1526-1527, 1804-1807

Closing message from Governor Terry E. Branstad—1773-1774

Final adjournment 1990 Regular Session of the Seventy-third General Assembly, SCR 136—Final adjournment, Saturday, April 7, 1990, 136 as amended. S.J. 1758, 1759 adopted - H.J. 2427-2428 adopted

LIND, JIM—Senator Thirteenth District

Bills introduced—66, 82, 137, 154, 155, 189, 207, 208, 209, 218, 219, 223, 234, 281, 286, 299, 326, 346, 502, 521, 569

Amendments filed—501, 600, 603, 604, 616, 619, 625, 645, 666, 670, 685, 686, 689, 697, 701, 711, 831, 853, 928, 932, 947, 1048, 1151, 1190, 1231, 1236, 1244, 1335, 1359, 1360, 1365, 1370, 1373, 1377, 1419, 1431, 1456, 1468, 1487, 1500, 1534, 1543, 1598, 1623, 1627, 1763

Amendments offered—409, 592, 600, 616, 645, 666, 685, 686, 687, 689, 701, 731, 831, 928, 932, 1236, 1302, 1365, 1373, 1380, 1431, 1456, 1468, 1543, 1602, 1608, 1626, 1627, 1749

Amendments withdrawn—701, 932, 947, 1370, 1380

Committee appointments—1295, 1450, 1467, 1688

Reports—162, 1594, 1757

Resolutions offered—172, 190

Standing committees and subcommittees appointed to—20, 21, 23

Subcommittee assignments, governor's appointments—214, 215, 803, 816

LLOYD-JONES, JEAN—Senator Twenty-third District, Assistant Majority Leader

Bills introduced—140, 303, 469

Amendments filed—376, 415, 433, 611, 618, 631, 632, 633, 734, 735, 767, 813, 853, 868, 905, 920, 1120, 1191, 1348, 1377, 1392, 1488, 1534, 1588, 1598

Amendments offered—436, 677, 813, 860, 862, 925, 1055, 1556

Amendments withdrawn—433, 871, 1701

Called up appointees on En Bloc Confirmation Calendar—1578, 1610

Committee appointments—8, 1440, 1601

Escorted President Zimmerman to the well of the Senate—1742

Presented twelve doctors, counselors and students from the Leningrad Post Graduate Medical Institute in the city of Leningrad, Soviet Union—1062

Reports—9, 162, 1692
 Resolutions offered—853, 993, 1303
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—203, 214, 215, 804,
 816, 817, 818, 819, 820

LOBBYISTS—

(See Ethics, Committee on)

LOCAL GOVERNMENT, COMMITTEE ON—

Appointed and appointments to—21
 Appointees, investigation of—795, 920
 Bills introduced—234, 314, 379, 441, 542, 551
 Amendments filed—539, 697, 957
 Referred to—144
 Subcommittee assignments, governor's appointments—803

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 approved—226-227
 Claims denied—226
 Claims filed—227
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MANN, TOM, Jr.—Senator Forty-third District, President Pro Tempore

Bills introduced—140, 482
 Amendments filed—449, 550, 610, 611, 631, 664, 696, 767, 768, 774, 885,
 897, 932, 965, 991, 1347, 1435, 1488, 1534, 1553, 1576, 1598, 1648, 1649,
 1710
 Amendments offered—768, 885, 897, 932, 1353, 1569, 1583, 1700, 1710
 Amendments withdrawn—1583, 1701
 Committee appointments—8, 1358, 1440, 1629
 Escorted to the well of the Senate and presented him with a framed color
 lithograph of the Golden Dome on behalf of the members of the Senate
 in recognition of his service as President pro tempore during the
 Seventy-third General Assembly—1742
 Offered remarks in honor and memory of the birthday of Dr. Martin Luther
 King, Jr.—102
 Presented with an engraved plaque and an enrolled copy of Senate Resolution
 119—1719

- Presided at sessions of the Senate—54, 66, 95, 101, 248, 252, 259, 270, 279,
403, 437, 525, 540, 551, 568, 589, 596, 614, 617, 627, 647, 666, 672, 683,
685, 690, 698, 700, 712, 718, 722, 736, 768, 769, 776, 786, 826, 933, 1349,
1354, 1361, 1368, 1379, 1393, 1405, 1426, 1438, 1475, 1488, 1489, 1500,
1501, 1522, 1535, 1537, 1593, 1600, 1605, 1624, 1636, 1672, 1685
- Reports—9, 1622
- Resolutions offered—1303
- Rulings—261, 633, 634, 636, 686, 724, 933, 1354, 1380, 1383, 1388, 1396,
1411, 1476, 1606
- Standing committees and subcommittees appointed to—20, 21, 22
- Subcommittee assignments, governor's appointments—214, 802

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- Committee appointments—1358
- In memoriam list—1816-1821
- Supplemental reports—1358, 1472

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- (See also Communications, Joint Conventions and Addressed the Senate)
- From House—15, 101, 137, 164, 194-195, 224, 233, 248-249, 252, 259, 270,
279, 302, 342, 356, 377, 378, 386, 403, 419, 439-440, 502, 568, 641-644,
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- From Governor Terry E. Branstad, closing—1773-1774
- From Governor Terry E. Branstad, item veto—1304-1306, 1527-1528, 1617-
1619, 1652-1654, 1669-1670, 1782-1804
- From Governor Terry E. Branstad, veto—444-445, 1402-1403, 1506-1507,
1526-1527, 1804-1807
- From Secretary of the Senate—1076

MILEAGE, COMMITTEE ON—

- Reports—15, 36

MILLER, ALVIN V.—Senator Tenth District

- Bills introduced—115, 154, 218, 240, 326
- Amendments filed—247, 376, 487, 664, 701, 774, 804, 839, 921, 1036, 1085,
1108, 1120, 1649, 1682, 1691
- Amendments offered—812, 912, 1030
- Amendments withdrawn—261, 1021

Appointed to Advisory Commission on Intergovernmental Relations—35
 Committee appointments—10
 Escorted Senator Goodwin to well of the Senate—1712
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—202, 802

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 2212—1327-1328
 Senate File 2296—1467
 Senate File 2365—1563
 Senate File 2421—1561

Lost:

Senate File 2212—1328-1329
 Senate File 2296—1467-1468
 Senate File 2365—1564
 Senate File 2421—1561-1563

MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate File 18—790
 Senate File 18—791
 Senate File 81—464
 Senate File 149(2)—1648
 Senate File 514—1613
 Senate File 514, Senate concurred in S-5945—1613
 Senate File 2003—1448
 Senate File 2003, refused to concur in S-5580—1256
 Senate File 2052—765
 Senate File 2212—1001
 Senate File 2245—639
 Senate File 2249(2)—901
 Senate File 2298—772
 Senate File 2298—801
 Senate File 2306(2)—621
 Senate File 2311—719
 Senate File 2326—765
 Senate File 2327(2)—639
 Senate File 2328(2)—1375
 Senate File 2328, Senate concurred in S-5681 as amended—
 1375
 Senate File 2328, S-5730 to S-5681—1375
 Senate File 2329—703

Senate File 2344, S-5186—821
Senate File 2364, S-5172B—686
Senate File 2364, S-5753 to S-5675—1388
Senate File 2369(2)—866
Senate File 2369, S-5338—925
Senate File 2383(2)—791
Senate File 2383—821
Senate File 2392—952
Senate File 2402, conference committee report—1678
Senate File 2406—1175
Senate File 2408—834
Senate File 2410, S-5593 as amended—1206
Senate File 2411—1210
Senate Concurrent Resolution 128—1290
Confirmation of Varel G. Bailey—1362
House File 156—1272
House File 156, S-5522—1272
House File 156, conference committee report—1597
House File 178—464
House File 209(4)—1551
House File 209, S-5557—1210
House File 209, S-5567—1271
House File 705(2)—1063
House File 705—1076
House File 737—1076
House File 737, S-5101—1158
House File 2114—286
House File 2114, S-5016B—283
House File 2188(2)—1271
House File 2268, S-5822—1575
House File 2287(2)—1149
House File 2320—1290
House File 2320, S-5505 as amended—1290
House File 2320, S-5635 to S-5505—1291
House File 2339—1034
House File 2371, S-5713 to S-5704—1341
House File 2384(2)—1324
House File 2412(2)—1486
House File 2412, S-5774—1550
House File 2450—1224
House File 2461—1034
House File 2475—1323
House File 2476—1119
House File 2536(2)—1550
House File 2537(3)—1473
House File 2537, S-5435A—1461
House File 2569—1755

Prevailed:

Senate File 18—943
Senate File 514—1613

Senate File 514, S-5945—1613
 Senate File 2003, renewed motion—1448
 Senate File 2003, S-5580—1449
 Senate File 2326—769
 Senate File 2328—1395
 Senate File 2328, S-5681 as amended—1396
 Senate File 2328, S-5730 to S-5681—1396
 Senate File 2329—703
 Senate File 2344, S-5186—882
 Senate File 2369—925
 Senate File 2369, S-5338—925
 Senate File 2402, conference committee report—1678
 House File 209, S-5567—1522
 House File 737—1158
 House File 737, S-5101—1158
 House File 2114, S-5016B—283
 House File 2268, S-5822—1699
 House File 2371, S-5713 to S-5704—1341
 House File 2412—1592
 House File 2412, S-5774—1592
 House File 2536—1740
 House File 2537, S-5435A—1461
 House File 2569—1755

Lost:

Senate File 2298—907
 Senate File 2327—691
 Senate File 2410, S-5593 as amended—1206
 Confirmation of Varel G. Bailey—1362

Failed:

House File 178—1764
 House File 2384(2)—1764
 House File 2476—1764

Ruled out of order (motions to reconsider filed):

Senate File 18—944
 Senate File 2298—908
 Senate File 2327—691
 Senate File 2328—1397
 Senate File 2364, S-5753 to S-5675—1388
 House File 156, S-5522—1369
 House File 2320, S-5505 as amended—1308
 House File 2320, S-5635 to S-5505—1308
 House File 2412—1592
 House File 2536—1741

Withdrawn:

Senate File 81—627
 Senate File 2052—886
 Senate File 2212—1060-1061
 Senate File 2245—880
 Senate File 2249(2)—944-945

Senate File 2306(2)—637
 Senate File 2311—809
 Senate File 2364, S-5172B—686
 Senate File 2369—874
 Senate File 2383(3)—906
 Senate File 2392—1439
 Senate File 2406—1384
 Senate File 2408—907
 Senate File 2411—1308
 Senate Concurrent Resolution 128—1308
 House File 156—1368
 House File 209(4)—1674
 House File 209, S-5557—1522
 House File 705—1193
 House File 705(2)—1192
 House File 2114—315-316
 House File 2188(2)—1274
 House File 2287(2)—1246
 House File 2320—1308
 House File 2339—1134
 House File 2450—1309
 House File 2461—1246
 House File 2475—1439
 House File 2537(3)—1559-1560

MURPHY, LARRY—Senator Fourteenth District

Bills introduced—80, 154, 233
 Amendments filed—256, 588, 603, 625, 631, 633, 639, 670, 671, 696, 734,
 798, 804, 805, 824, 826, 838, 878, 921, 928, 929, 931, 932, 939, 957, 975,
 1048, 1050, 1072, 1100, 1200, 1206, 1207, 1226, 1233, 1291, 1335, 1338,
 1348, 1377, 1378, 1404, 1419, 1421, 1468, 1649, 1675, 1691
 Amendments offered—614, 615, 659, 929, 931, 932, 935, 948, 968, 975, 1044,
 1048, 1050, 1069, 1072, 1206, 1314, 1338, 1383, 1393, 1421, 1675, 1708
 Amendments withdrawn—931
 Committee appointments—10, 1440, 1460, 1629
 Reports—162, 1692
 Resolutions offered—1303
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—202, 203, 214, 816,
 817, 820, 1173

NATURAL RESOURCES, COMMITTEE ON—

Appointed and appointments to—21
 Appointees, investigation of—199
 Bills introduced—140, 526, 541
 Amendments filed—240, 376, 524, 711, 1006
 Investigating committee reports—268
 Referred to—740
 Resolutions offered—540
 Subcommittee assignments, governor's appointments—202

NYSTROM, JOHN N.—Senator Forty-fourth District, Assistant Minority Leader
 Bills introduced—138, 165, 174, 219, 326, 442, 569
 Amendments filed—487, 1335, 1377, 1427
 Committee appointments—1358, 1466, 1684, 1772
 Escorted Senator Bruner to well of the Senate—1730
 Presented an enrolled copy of Senate Resolution 112 and his Senate Chair—
 1706
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—203, 215, 803, 804,
 818, 819, 820

OATH OF OFFICE—

By newly elected Senators—9

OBJECTIONS—

Raised:

Senate File 2197, Senator Mann—1311
 Senate File 2364, Senator Coleman—685
 House File 2166, Senator Vande Hoef—339
 House File 2412, Senator Pate—1593

Withdrawn:

Senate File 2364—685
 House File 2166—339
 House File 2412—1593

OFFICERS AND EMPLOYEES OF THE SENATE—

Permanent officers appointed and took oath of office—10-11
 Secretaries appointed and took oath of office—11
 Pages appointed and took oath of office—12
 Senate employees, classification, grades and steps—37-41

PAGES—

Appointment of—12
 Special presentation to—1638

PALMER, WILLIAM D.—Senator Thirty-ninth District

Bills introduced—154
 Amendments filed—376, 611, 697, 895, 1078, 1108, 1272, 1435, 1494, 1641,
 1649
 Amendments offered—452, 746, 1183, 1223, 1277
 Amendments withdrawn—1277
 Committee appointments—225, 1440, 1467
 Reports—268, 1550, 1622
 Standing committees and subcommittees appointed to—20, 22, 23
 Subcommittee assignments, governor's appointments—802, 820

PARLIAMENTARY INQUIRY—

Senator Hultman, inquiry to question if request by Senator Sturgeon on
 3-19-90, regarding House File 209 was a request for indefinite deferment

or indefinite postponement, and if two motions had same meaning under Senate Rule 44-1191

PATE, PAUL D.—Senator Twenty-fourth District

Bills introduced—140, 154, 164, 172, 189, 209, 218, 219, 223, 234, 280, 281, 299, 318, 326, 448, 482, 502, 521, 568
 Amendments filed—256, 257, 258, 578, 619, 774, 799, 800, 845, 1077, 1099, 1111, 1189, 1190, 1200, 1324, 1340, 1376, 1500, 1552, 1553, 1623, 1632, 1648, 1718, 1762
 Amendments offered—265, 408, 578, 800, 1111, 1128, 1133, 1319, 1380, 1632, 1680, 1681
 Amendments refiled—1686
 Amendments withdrawn—1682, 1686, 1697
 Committee appointments—1625
 Reports—1714
 Resolutions offered—172, 190
 Standing committees and subcommittees appointed to—20, 21, 23
 Subcommittee assignments, governor's appointments—215, 802, 1174

PETERSON, JOHN A.—Senator Thirty-fourth District

Bills introduced—165, 208, 326, 569
 Amendments filed—247, 467, 697, 1050
 Amendments offered—875
 Committee appointments—1440
 Reports—1622
 Standing committees and subcommittees appointed to—20, 21, 23
 Subcommittee assignments, governor's appointments—215, 802

POINTS OF ORDER RAISED AND RULINGS—

Senate File 2093, S-5349 - Senator Horn—914
 Senate File 2093, S-5353 - Senator Horn—914
 Senate File 2093, S-5357 - Senator Horn—915
 Senate File 2093, S-5385 - Senator Horn—915
 Senate File 2153, S-5029 - Senator Hutchins—260
 Senate File 2153, S-5031 - Senator Hutchins—260
 Senate File 2153, S-5017 - Senator Boswell—260
 Senate File 2153, S-5017 (Senator Boswell's point not in order) - Senator Doyle—260
 Senate File 2153, S-5017 - Senator Hutchins—261
 Senate File 2153, S-5026 - Senator Hutchins—265
 Senate File 2197, S-5684 - Senator Mann—1310
 Senate File 2249, S-5362 - Senator Mann—897
 Senate File 2280, S-5749 to S-5672 - Senator Jensen—1373
 Senate File 2280, S-5750 to S-5672 - Senator Gronstal—1373
 Senate File 2327, S-5785 to S-5726 - Senator Welsh—1398
 Senate File 2328, S-5721 same subject matter considered in S-5714 - Senator Running—1352
 Senate File 2328, S-5712A to S-5681 - Senator Hultman—1352
 Senate File 2328, S-5705 to S-5681 - Senator Dieleman—1353

- Senate File 2328, S-5724 to S-5712B - Senator Deluhery—1353
 Senate File 2328, S-5712B to S-5681 - Senator Hutchins—1353
 Senate File 2329, S-5216 - Senator Coleman—701
 Senate File 2329, S-5217 - Senator Lind—704
 Senate File 2364, S-5206 - Senator Running—686
 Senate File 2364, S-5205 - Senator Husak—686
 Senate File 2385, refer to Appropriations - Senator Priebe—873
 Senate File 2392, S-5396 to S-5139 - Senator Taylor—949
 Senate File 2392, previous point of order - Senator Husak—949
 Senate File 2392, S-5396 to S-5139 - Senator Hultman—949
 Senate File 2408, S-5310 - Senator Welsh—827
 Senate File 2410, S-5591 - Senator Welsh—1197
 Senate File 2410, S-5607 - Senator Hultman—1206
 Senate File 2413, S-5625 - Senator Gronstal—1230
 Senate File 2413, S-5628 - Senator Murphy—1234
 Senate File 2413, S-5615 - Senator Gronstal—1234
 Senate File 2413, ruling rendered after consideration of amendments
 to 613 - Senator Fuhrman—1234
 Senate File 2413, S-5627 - Senator Gronstal—1235
 Senate File 2413, S-5619 - Senator Gronstal—1235
 Senate File 2413, S-5620 - Senator Gronstal—1235
 Senate File 2413, S-5622 - Senator Gronstal—1236
 Senate File 2413, S-5631 - Senator Hultman—1236
 Senate File 2413, S-5637 - Senator Gronstal—1236
 Senate File 2413, S-5656 - Senator Gronstal—1252
 Senate File 2413, S-5649 - Senator Gronstal—1252
 Senate File 2413, S-5658 - Senator Gronstal—1253
 Senate File 2421, S-5740 - Senator Gentleman—1383
 Senate File 2422, S-5835 - Senator Hutchins—1456
 Senate File 2423, S-5786B - Senator Murphy—1411
 Senate File 2423, S-5786A - Senator Tieden—1411
 House File 209, S-5498 - Senator Hultman—1108
 House File 209, S-5490 - Senator Gronstal—1108
 House File 209, S-5557 - Senator Gronstal—1177
 House File 366, refer to Ways and Means under Rule 38 - Senator
 Hultman—1068
 House File 366, S-5560 - Senator Fraise—1656
 House File 737, S-5380 - Senator Gentleman—1069
 House File 2188, refer to Ways and Means under Rule 38 - Senator
 Hultman—1068
 House File 2188, S-5540 - Senator Welsh—1263
 House File 2268, S-5822 - Senator Hultman—1699
 House File 2268, S-5920 - Senator Varn—1700
 House File 2271, S-5488 - Senator Taylor—1072
 House File 2271, S-5542 - Senator Running—1281
 House File 2313, S-5447B - Senator Mann—1586
 House File 2338, S-5277 - Senator Boswell—844
 House File 2346, S-5691 - Senator Mann—1588
 House File 2371, S-5713 to S-5704 - Senator Welsh—1341

House File 2459, S-5474 - Senator Jensen—1048
House File 2481, S-5426 - Senator Murphy—1048
House File 2482, refer to Appropriations under Rule 38 - Senator
Hultman—1039
House File 2486, S-5852 - Senator Gronstal—1479
House File 2495, S-5917 as amended - Senator Mann—1641
House File 2502, S-5497 - Senator Kinley—1082
House File 2516, refer to Ways and Means under Rule 38 - Senator
Hultman—1068
House File 2518, S-5512 - Senator Dieleman—1112
House File 2536, S-5678 as amended - Senator Running—1538
House File 2543, S-5820 to S-5814 - Senator Hutchins—1431
House File 2546, refer to Appropriations under Rule 37 - Senator
Hultman—1493
House File 2554, S-5877 - Senator Dieleman—1500
House File 2554, S-5872 - Senator Dieleman—1502
House File 2567, S-6019 - Senator Hultman—1704
House File 2569, S-6044 - Senator Palmer—1750

Ruled in order:

Senate File 2153, S-5026—265
Senate File 2249, S-5362—897
Senate File 2328, S-5705—1353
Senate File 2364, S-5206—686
Senate File 2408, S-5310—827
Senate File 2413, S-5625—1230
Senate File 2413, S-5631—1236
House File 209, S-5557—1177
House File 2268, S-5920—1700
House File 2271, S-5488—1072
House File 2338, S-5277—844
House File 2346, S-5691—1589
House File 2459, S-5474—1048
House File 2481, S-5426—1048
House File 2567, S-6019—1704
House File 2569, S-6044—1750

Ruled out of order:

Senate File 2093, S-5349—914
Senate File 2093, S-5353—915
Senate File 2093, S-5357—915
Senate File 2093, S-5385—915
Senate File 2153, S-5029—260
Senate File 2153, S-5031—260
Senate File 2153, S-5017—260
Senate File 2153, S-5017—261
Senate File 2197, S-5684—1310
Senate File 2280, S-5749—1373
Senate File 2280, S-5750—1373
Senate File 2328, S-5721 to S-5712A—1352

Senate File 2328, S-5712A to S-5681—1352
 Senate File 2328, S-5724 to S-5712B—1353
 Senate File 2328, S-5712B to S-5681—1353
 Senate File 2329, S-5217—704
 Senate File 2364, S-5205—686
 Senate File 2392, S-5396 to S-5139—949
 Senate File 2392, S-5396 to S-5139—949
 Senate File 2410, S-5591—1197
 Senate File 2410, S-5607—1207
 Senate File 2413, S-5628—1234
 Senate File 2413, S-5615—1234
 Senate File 2413, S-5627—1235
 Senate File 2413, S-5619—1235
 Senate File 2413, S-5620—1235
 Senate File 2413, S-5622—1236
 Senate File 2413, S-5637—1236
 Senate File 2413, S-5656—1252
 Senate File 2413, S-5658—1253
 Senate File 2421, S-5740—1383
 Senate File 2422, S-5835—1456
 Senate File 2423, S-5786B—1411
 Senate File 2423, S-5786A—1411
 House File 209, S-5498—1108
 House File 209, S-5490—1108
 House File 366, S-5560—1656
 House File 737, S-5380—1069
 House File 2188, S-5540—1263
 House File 2268, S-5822—1700
 House File 2271, S-5542—1281
 House File 2313, S-5447B—1586
 House File 2371, S-5713 to S-5704—1341
 House File 2486, S-5852—1479
 House File 2495, S-5917 as amended—1641
 House File 2502, S-5497—1082
 House File 2518, S-5512—1112
 House File 2536, S-5678 as amended—1538
 House File 2543, S-5820—1432
 House File 2554, S-5877—1500
 House File 2554, S-5872—1502

Ruled well taken:

Senate File 2153, Senator Doyle raised point that Senator Boswell's
 point was not in order because Senator Boswell had spoken on
 S-5017—260
 Senate File 2392—949
 House File 2482, referred to Appropriations—1039
 House File 2546, referred to Appropriations—1493

Ruled not well taken:

Senate File 2385, refer to Appropriations—873

Withdrawn:

- Senate File 2327, S-5785 to S-5726—1398
- Senate File 2413, germaneness of S-5615—1234
- Senate File 2413, S-5649—1252
- House File 366, refer to Ways and Means—1068
- House File 2188, refer to Ways and Means—1068
- House File 2516, refer to Ways and Means—1068

PRESENTATIONS—

(See also Addressed the Senate, and/or Lieutenant Governor
Zimmerman, Jo Ann, President of the Senate)

- Presented President Zimmerman with an enrolled copy of Senate Resolution 122—1734
- Presented Senator Hutchins with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of his service as Senate Majority Leader during the Seventy-third General Assembly—1741
- Presented Senator Hultman with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of his service as Senate Minority Leader during the Seventy-third General Assembly—1742
- Presented President Zimmerman with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of her service as President of the Senate during the Seventy-third General Assembly—1742
- Presented President pro tempore Mann with a framed color lithograph of the Golden Dome on behalf of the members of the Senate in recognition of his service as President pro tempore during the Seventy-third General Assembly—1742
- Senator Welsh presented Robin Clark, from Bellevue, Iowa, 1990 Iowa Young Women of the Year—84
- Senator Szymoniak presented Ms. Margarita Riviere Marti, Director of EFE Wireservice in Barcelona, Spain, who was visiting the United States at the invitation of the International Visitor Program of the U.S. Information Agency. She was accompanied by U.S. interpreter, Ms. Claudia Allers—186
- Senator Boswell presented a group of students from Taiwan, who were attending Graceland College for two weeks while visiting the United States, they presented him with a handmade engraved “good luck” tray—339
- Senator Jensen welcomed the Honorable Charles Grassley, U.S. Senator from Iowa—464
- Senator Scott presented Larry Geerts, State FFA President of Charles City and Tina Smith, State FFA Vice President of Humboldt—513
- Senator Hutchins welcomed Marcela Cabrera from Chile—663
- Senator Szymoniak presented Danette Crawford from Des Moines, Youth ambassador for the Easter Seal Campaign—674
- Senator Szymoniak presented Dr. Norman E. Borlaug, 75, a Cresco, Iowa native, who received the Nobel Peace Prize in 1970 for his contribution as an agricultural scientist—778

- Senator Vande Hoef presented the Honorable John Timmer, State representative from Sioux Falls, South Dakota—953
- Senator Rensink presented members of the Maurice-Orange City High School Boys' State basketball tournament team, accompanied by Coach Todd Barry—1062
- Senator Lloyd-Jones presented twelve doctors, counselors and students from the Leningrad Post Graduate Medical Institute in the city of Leningrad, Soviet Union. They are in Iowa meeting with Our Primary Purpose to study chemical dependency—1062
- Senator Hester presented Ilaria Ponchio, foreign exchange student from Italy, attending Woodbine High School—1062
- Senator Corning presented eight elementary education students from the Leningrad State Pedagogical Institute in the city of Leningrad, Soviet Union. They are studying at the University of Northern Iowa in Cedar Falls, and were accompanied by Professor Olga Zebrova and Dr. Marian Krogmann—1062
- Senator Kibbie presented Frank Crowley, T.D., from County Cork, Ireland, a farmer, auctioneer and member of the Irish Parliament. He and his wife will attend the 30th annual St. Patrick's Day Parade in Emmetsburg on March 17th—1088
- Senator Hultman presented the Red Oak Tigers high school Boys' State basketball tournament team, accompanied by Coach Dan Martinez—1150
- Senator Kinley asked and received unanimous consent that Des Moines Mayor Pat Dorrian be permitted to the floor of the Senate chamber—1197
- Senator Dieleman presented Heather Heiting, Queen of the Fifty-fifth Annual Tulip Time Festival, who in turn introduced the members of her court: Jill Dieleman, Holly Gosselink, Michelle Poortinga and Kelly Pothoven—1331
- Senators Hutchins, Hultman and President Zimmerman thanked the Senate Pages and presented them with Certificates of Excellence for serving with honor and distinction as a Senate Page during the 1990 Regular Session of the Seventy-third General Assembly, also page group pictures were presented—1638
- Senator Hultman presented Senator Nystrom with his Senate chair and an enrolled copy of Senate Resolution 112—1706
- Senator Hutchins presented Senator Husak with his Senate chair and an enrolled copy of Senate Resolution 113—1706
- Senator Hutchins presented Senator Kinley with his Senate chair and an enrolled copy of Senate Resolution 114—1706-1707
- Senator Hultman presented Senator Goodwin with an engraved plaque and an enrolled copy of Senate Resolution 118—1712
- Senator Riordan presented Senator Mann with an engraved plaque and an enrolled copy of Senate Resolution 119—1719
- Senator Gentleman was presented with an engraved plaque and an enrolled copy of Senate Resolution 120—1721
- Senator Bruner was presented with an engraved plaque and an enrolled copy of Senate Resolution 117-1730

Senator Hultman was presented with an engraved plaque and an enrolled copy of Senate Resolution 116, and his Senate desk and chair—1732

Senator Szymoniak presented winners of the essay contest sponsored by the Iowa Commission on the Status of Women, Iowa Department of Education and the Iowa State Historical Society to "Write Women Back Into History" in celebration of Women's History Month. First place: Jessica Lea Swats (6th grade), Urbandale Middle School. Second place: Lisa Downing (6th grade), Lincoln Elementary School, Charles City. Third place: Amy Nielsen (6th grade), Battle Creek Elementary, Battle Creek. First place: Heather Kramer (8th grade), Central Middle School, Muscatine. Second place: Rachel Bilyeu (8th grade), Nevada Jr. High School, Nevada. Third place: Tiffany Wickerman (8th grade), Hoyt Middle School, Des Moines. Edith Sackett Memorial Award: Jessica Lea Swats—855-856

Terry Blong from Charles City, Iowa, representing members of the North Central Iowa Vietnam Veterans Support Group, presented a POW-MIA flag to Senators Boswell, Fuhrman, Jensen and Scott on behalf of the Senate in memory of the Americans still missing in action or held prisoner in Vietnam—224

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 111, urge Congress, President of the U.S., and Secretary of Agriculture to enact and implement Legislation, ensure U.S. is worlds preeminent supplier of grains. S.J. 275, 282, 363-364 adopted - H.J. 341, 351, 659, 936, 982, 986.

Senate Concurrent Resolution 116, urge Congress, President and U.S. Department of Labor to enact and implement a supplemental appropriation to states for admin. of unemployment insurance program. S.J. 540, 547, 613 adopted H.J. 547, 601, 896.

Senate Concurrent Resolution 129, urge President of U.S., Federal Highway Admin. of the U.S. Department of Transportation, U.S. House of Public Works and Transportation Committee, U.S. Commerce, Science and Transportation Committee toward ascertaining funding for development of a four-lane highway. S.J. 1280, 1289, 1322, 1324, 1347, 1661 adopted, 1662 - H.J. 2231, 2433.

PRESIDENT PRO TEMPORE OF THE SENATE—Senator Tom Mann, Jr.
(See Mann, Tom Jr., Senator Forty-third District)

PRIEBE, BERL E.—Senator Eighth District

Bills introduced—79, 80, 95, 115, 140, 154, 281, 313, 326, 404, 420, 440, 568

Amendments filed—251, 256, 355, 611, 625, 663, 670, 680, 701, 804, 805, 847, 853, 905, 921, 928, 974, 991, 1006, 1036, 1064, 1120, 1150, 1189, 1226, 1335, 1359, 1377, 1469, 1488, 1494, 1507, 1552, 1593, 1608, 1691
 Amendments offered—614, 667, 679, 847, 974, 1216, 1264, 1267, 1382
 Amendments withdrawn—251, 282, 925
 Appointed to State Council on Agriculture Education—36
 Committee appointments—1216, 1625, 1630
 Reports—1714
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 Subcommittee assignments, governor's appointments—202, 217

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RENSINK, WILMER—Senator Third District

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 Amendments filed—256, 257, 258, 625, 670, 804, 915, 1233, 1234, 1235, 1236, 1243, 1411, 1479, 1500
 Amendments offered—1411, 1479
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 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—214, 816

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 Withdrawn:
 Senate File 2385, Senator Priebe—873

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RIFE, JACK—Senator Twenty-ninth District

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 Amendments filed—257, 454, 618, 625, 667, 804, 824, 921, 927, 1036, 1197,
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Bills introduced—19, 81, 140, 313, 326, 345
 Amendments filed—256, 610, 625, 631, 633, 664, 666, 667, 680, 711, 721,
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Senate Concurrent Resolution 101, amend Joint Rule 20 by advancing
 the deadline dates for 1990 session. S.J. 13, 14 adopted - H.J.
 16-17, 35, 53-55 adopted - S.J. 101.

Senate Resolution 121, amend Senate Rule 36, to establish permanent subcommittees of rules and administration, Senate Rule 52, establish duties of the president of the senate, Senate Rule 53, establish duties of the president tempore of senate, become effective on last of Seventy-third general assembly. S.J. 1645, 1647, 1654 adopted.

Rules invoked—

- Rule 13 (bills returned to calendar):
 - House File 2546—1534
- Rule 21 (engrossment of bills, Secretary's report on enrolling):
 - Senate File 2049—1769
 - Senate File 2114—1472
 - Senate File 2163—1574
 - Senate File 2212—1209
 - Senate File 2274—1486-1487
 - Senate File 2280—1769
 - Senate File 2304—1770
 - Senate File 2306—1770
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 - Senate File 2212—424
 - Senate File 2274, S-5092—1188
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 - Senate File 2328—764
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- Senate Concurrent Resolution 105—172
- Senate Concurrent Resolution 118—566
- Senate Concurrent Resolution 122—853
- Rule 37 (appropriations committee):
 - House File 2546—1493
- Rule 38 (first reading and commitment - referral of bills):
 - Senate File 307—476
 - Senate File 307 (returned to calendar)—719
 - House File 2482—1039

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Rule 59 (confirmation of appointments):

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 1714, 1719, 1721, 1729, 1731, 1733, 1758
 Resolutions relating to:
 Senate Concurrent Resolution 101, amend Joint Rule 20 by advancing
 the deadline dates for 1990 session. S.J. 13, 14 adopted - H.J.
 16-17, 35, 53-55 adopted - S.J. 101.

- Senate Concurrent Resolution 136, final adjournment, Saturday, April 7, 1990, 136 as amended - S.J. 1758, 1759 adopted - H.J. 2427-2428 adopted.
- Senate Resolution 101, amend Senate Rule 59, confirmation of gubernatorial appointments. S.J. 12-13, 15 adopted.
- Senate Resolution 102, honor Senator Bob Carr and present his Senate chair in appreciation of his service. S.J. 95, 96 adopted.
- Senate Resolution 103, Senate thank Senator Doyle for his dedication, hard work and personal effort as chairperson of Senate Committee on Judiciary. S.J. 103, 148, 242, 372, 398, 471-472 adopted.
- Senate Resolution 104, advance deadline dates for appropriations subcommittees for 1990 Session. S.J. 315 adopted.
- Senate Resolution 107, gubernatorial appointments, require confirmation. S.J. 540, 543, 544 adopted.
- Senate Resolution 112, honor Senator John Nystrom for his years of legislative service and present him his chair. S.J. 1511, 1532, 1705-1706 adopted.
- Senate Resolution 113, honor Senator Emil J. Husak for his years of legislative service and present to him his chair. S.J. 1511, 1532, 1706 adopted.
- Senate Resolution 114, honor Senator George R. Kinley for his years of legislative service and present to him his chair. S.J. 1511, 1532, 1706-1707 adopted.
- Senate Resolution 115, defer confirmation of Richard Timmerman, Dir. of Economic Development. S.J. 1517, 1518 adopted.
- Senate Resolution 116, honor Senator Calvin O. Hultman, who is retiring from Legislative office. S.J. 1689, 1731-1732 adopted.
- Senate Resolution 117, honor Senator Charles H. Bruner, who is retiring from Legislative office. S.J. 1689-1690, 1729-1730 adopted.
- Senate Resolution 118, honor Senator Norman J. Goodwin, who is retiring from Legislative office. S.J. 1690, 1711 adopted.
- Senate Resolution 119, honor Senator Thomas Mann, Jr., who is retiring from Legislative service. S.J. 1690, 1719 adopted.
- Senate Resolution 120, honor Senator Julia B. Gentleman, who is retiring from Legislative service. S.J. 1690, 1720-1721 adopted.
- Senate Resolution 121, amend Senate Rule 36, to establish permanent subcommittees of rules and administration, Senate Rule 52, establish duties of president of the senate, Senate Rule 53, establish duties of the president pro tempore of senate, become effective on last day of seventy-third general assembly. S.J. 1645, 1647, 1654 adopted.
- Senate Resolution 122, honor Lt. Governor Jo Ann Zimmerman. S.J. 1732-1734 adopted.
- Senate Resolution 123, daily operation of the Senate. S.J. 1714, 1716 adopted.

RUNNING, RICHARD V.—Senator Twenty-sixth District
Bills introduced—19, 69, 154, 164, 165, 313, 356

Amendments filed—415, 468, 595, 633, 664, 666, 696, 697, 723, 725, 768,
830, 845, 921, 936, 937, 939, 1185, 1189, 1347, 1367, 1396, 1665, 1763
Amendments offered—409, 475, 595, 723, 725, 750, 768, 830, 845, 936, 937,
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Committee appointments—1467
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Subcommittee assignments, governor's appointments—215, 216, 802, 817,
818, 819, 820

SCOTT, KENNETH—Senator Fifteenth District

Bills introduced—79, 80, 81, 84, 115, 154, 174, 207, 326, 568
Amendments filed—193, 206, 382, 415, 625, 645, 664, 701, 804, 921, 1006,
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Amendments offered—251, 361, 362, 843, 1039, 1593
Amendments withdrawn—701, 1592
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Called up appointee on Individual Confirmation Calendar—1354
Committee appointments—10, 156, 1216, 1295
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Smith, State FFA Vice President, of Humboldt—513
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1174

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Senate Resolution 123, legislative expenses, daily operation of the
Senate. S.J. 1714, 1716 adopted.

Resolutions sent to Governor—888, 1335, 1772

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 Amendments filed—468, 524, 921
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 Subcommittee assignments, governor's appointments—214-215, 803, 1174

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Bills introduced—189, 326, 569
 Amendments filed—257, 258, 408, 625, 804, 805, 921, 1036, 1335, 1359, 1369,
 1377, 1507, 1552, 1553
 Amendments offered—928
 Amendments withdrawn—667
 Committee appointments—1625, 1643
 Reports—1693, 1714
 Resolutions offered—172, 190
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—202, 215, 817, 818,
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- Amendments filed—167, 670, 711, 991
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 - Senate Concurrent Resolution 106, railroad companies delivering Iowa grain, committee study. S.J. 405, 412, 514.

- Senate Concurrent Resolution 108, midwest higher education compact, committee study. S.J. 219, 220, 373, 705 adopted.
- Senate Concurrent Resolution 109, treatment of head-injured persons, committee study. S.J. 1428-1429, 1484.
- Senate Concurrent Resolution 110, increase livestock production and expand value added processes involving livestock products, committee study. S.J. 1482, 1484, 1511, 1551.
- Senate Concurrent Resolution 111, business practices related to consignment sales of agricultural property, committee study. S.J. 1490, 1505, 1511, 1551.
- Senate Concurrent Resolution 113, taxation of private pensions, contributory and noncontributory, committee study. S.J. 489-490, 504, 530.
- Senate Concurrent Resolution 117, distribution and retail sale of alcoholic liquors and wine in Iowa, committee study. S.J. 552, 559, 621.
- Senate Concurrent Resolution 132, grain dealers and grain warehouse operators, protect grain depositors and sellers, committee study. S.J. 1485, 1490, 1511, 1551.
- Senate Concurrent Resolution 134, Department of Employment Services Review, committee study continue. S.J. 1631.
- Senate Concurrent Resolution 135, human immunodeficiency virus, committee study. S.J. 1684, 1686.

STURGEON, AL—Senator First District

- Bills introduced—207, 280, 346, 378, 886
- Amendments filed—633, 671, 767, 774, 798, 936, 1151, 1324, 1339
- Amendments offered—724, 831, 1029, 1081, 1264, 1339
- Amendments withdrawn—1339
- Appointed to Office of Rural Health Advisory Committee—36
- Presided at sessions of the Senate—994, 1079, 1081, 1134, 1192, 1197, 1258, 1264, 1282, 1445, 1581, 1585, 1708
- Resolutions offered—235, 1684
- Rulings—1455, 1583, 1586, 1588, 1589, 1710
- Standing committees and subcommittees appointed to—20, 21, 22
- Subcommittee assignments, governor's appointments—202, 802, 816, 817

SUBCOMMITTEE APPOINTMENTS—

- Appropriations subcommittees, listed and members of—22-23
- Assignments for governor's appointments—202-203, 214-216, 802-804, 816-820, 1173-1174

SUBCOMMITTEE ASSIGNMENTS—

- Assignments—43, 56-63, 71-77, 88-94, 98-99, 107-114, 119, 126-136, 149-153, 171-172, 187-188, 203-205, 216-217, 230-232, 237, 246-247, 254-255, 277-278, 294-298, 311-312, 336-337, 349-354, 372-376, 393-395, 421-422, 443-444, 464-465, 479-481, 494-496, 504, 513-515, 530-531, 558, 606-607, 621-622, 670, 693, 709-710, 720-721, 733, 766-767, 792-793, 824, 835, 852,

866-867, 888-891, 919-920, 939, 960, 981, 1077, 1100-1101, 1120, 1175, 1189, 1200, 1209, 1240, 1270, 1322, 1334, 1345, 1359, 1400-1401, 1444, 1473, 1484, 1531, 1551, 1671, 1761

Reassigned subcommittee assignments—981

SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)

SZYMONIAK, ELAINE—Senator Forty-second District

Bills introduced—18, 19, 67, 101, 140, 154, 218, 235, 240, 280, 281, 378, 460, 476, 520

Amendments filed—103, 188, 206, 415, 611, 618, 633, 663, 774, 804, 839, 878, 929, 1100, 1189, 1190, 1197, 1200, 1259, 1291, 1341, 1382, 1419, 1468, 1469, 1474, 1598, 1627, 1641, 1691

Amendments offered—103, 618, 929, 935, 1159, 1203, 1316, 1341, 1691, 1700

Amendments refiled—1700

Amendments withdrawn—929, 1259, 1701

Appointed to Medical Assistance Advisory Council—35

Committee appointments—10, 1358, 1688

Offered remarks in honor and memory of the birthday of Dr. Martin Luther King, Jr.—102

Presented Ms. Margarita Riviere Marti, Dir. of EFE Wireservice in Barcelona, Spain, who was visiting the U.S. at the invitation of the International Visitor Program of the U.S. Information Agency. She was accompanied by U.S. interpreter Ms. Claudia Allers—186

Presented Danette Crawford from Des Moines, Youth Ambassador for the Easter Seal Campaign—674

Presented Dr. Norman E. Borlaug, a Cresco, Iowa native who received the Nobel Peace Prize in 1970 for his contribution as an agriculture scientist—778

Presented winners of the essay contest sponsored by the Iowa Commission on the Status of Women, Iowa Department of Education and the Iowa State Historical Society to "Write Women Back Into History", in celebration of Women's History Month—855-856

Reports—1757

Resolutions offered—853, 993

Standing committees and subcommittees appointed to—20, 21, 22, 23

Subcommittee assignments, governor's appointments—214, 215, 803, 816, 1174

TAYLOR, RAY—Senator Ninth District

Bills introduced—18, 154, 189, 209, 218, 219, 223, 240, 266, 280, 281, 299, 326, 338, 482, 508, 568

Amendments filed—256, 257, 258, 263, 449, 588, 663, 666, 670, 711, 770, 827, 829, 839, 915, 921, 929, 932, 940, 1036, 1064, 1085, 1099, 1120, 1151, 1189, 1228, 1231, 1233, 1234, 1235, 1236, 1237, 1243, 1244, 1272, 1335, 1341, 1366, 1377, 1418, 1419, 1500, 1508, 1623

Amendments offered—263, 675, 770, 929, 932, 1048, 1221, 1235, 1237, 1251, 1252, 1281, 1366, 1463, 1500, 1682

Amendments withdrawn—1252
 Committee appointments—23, 156, 333, 1358, 1460
 Petitions presented—720
 Resolutions offered—172, 190, 219
 Standing committees and subcommittees appointed to—20, 21, 23
 Subcommittee assignments, governor's appointments—202, 214, 802, 816,
 817, 819, 1173

TIEDEN, DALE L.—Senator Sixteenth District

Bills introduced—67, 154, 165, 195, 219, 234, 280, 299, 326, 489, 568
 Amendments filed—167, 663, 666, 670, 770, 804, 827, 829, 846, 921, 932,
 1036, 1078, 1150, 1151, 1177, 1335, 1372, 1377, 1392, 1418, 1435, 1500
 Amendments offered—1372, 1455
 Amendments withdrawn—1456
 Appointed to Capital Projects Advisory Council—36
 Committee appointments—1358, 1460, 1472
 Presented members of the Postville High School Boy's State basketball
 tournament team—1076
 Resolutions offered—172, 190, 489
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—202, 214, 802, 816

TINSMAN, MAGGIE—Senator Twentieth District

Bills introduced—140, 189, 207, 209, 218, 219, 223, 234, 280, 281, 299, 448,
 489, 521
 Amendments filed—256, 257, 258, 711, 824, 829, 929, 1100, 1228, 1233, 1235,
 1236, 1237, 1243, 1252, 1262, 1340, 1377, 1409, 1435, 1492, 1500, 1691
 Amendments offered—264, 749, 885, 1039, 1235, 1252, 1262, 1340, 1383,
 1409, 1463
 Amendments withdrawn—1261
 Appointed to Medical Assistance Advisory Council—35
 Committee appointments—1440
 Reports—162, 1692
 Resolutions offered—172, 190, 489, 853, 993
 Standing committees and subcommittees appointed to—20, 21, 22
 Subcommittee assignments, governor's appointments—214, 816, 817, 1173,
 1199

TRANSPORTATION, COMMITTEE ON—

Appointed and appointments to—22
 Appointees, investigation of—200, 293, 797, 920
 Bills introduced—404, 470, 503, 508, 520, 542, 543
 Amendments filed—402, 487, 539, 610, 905
 Investigating committee reports—392
 Referred to—753
 Subcommittee assignments, governor's appointments—203, 803-804

VACANCIES—

Senator Bob Carr, District 18, resignation effective 7-1-89.

VANDE HOEF, RICHARD—Senator Fourth District

- Bills introduced—19, 45, 165, 174, 189, 208, 209, 218, 219, 253, 266, 280, 281, 287, 299, 313, 326, 338, 339, 357, 469, 568
- Amendments filed—256, 257, 258, 269, 355, 402, 432, 449, 524, 619, 625, 664, 666, 697, 804, 832, 895, 915, 921, 927, 928, 975, 995, 997, 1036, 1078, 1082, 1099, 1151, 1190, 1200, 1230, 1233, 1234, 1235, 1236, 1243, 1377, 1378, 1382, 1383, 1398, 1404, 1435, 1479, 1496, 1500, 1508, 1544, 1552, 1576, 1598, 1640, 1649, 1665, 1671, 1691
- Amendments offered—439, 573, 660, 666, 714, 826, 827, 915, 1194, 1383, 1398, 1520, 1625, 1640
- Amendments refiled—1686
- Amendments withdrawn—714, 1520, 1665, 1686
- Committee appointments—10, 1440, 1467
- Presented the Honorable John Timmer, State Representative from Sioux Falls, South Dakota—953
- Reports—1622
- Resolutions offered—172, 190, 405, 1428
- Standing committees and subcommittees appointed—20, 21, 23
- Subcommittee assignments, governor's appointments—202, 215, 802, 817, 819, 820, 1174

VARN, RICHARD—Senator Twenty-seventh District

- Bills introduced—121, 460
- Amendments filed—611, 664, 670, 671, 697, 767, 774, 799, 800, 804, 805, 826, 839, 905, 927, 928, 936, 937, 1120, 1195, 1197, 1233, 1252, 1291, 1347, 1377, 1404, 1408, 1409, 1429, 1435, 1456, 1464, 1474, 1508, 1596, 1598, 1623, 1627, 1649, 1701, 1710, 1762, 1763
- Amendments offered—634, 799, 812, 847, 912, 927, 928, 1195, 1196, 1197, 1299, 1409, 1429, 1430, 1464, 1497, 1538, 1542, 1585, 1596, 1604, 1627, 1657, 1708, 1710
- Amendments withdrawn—927, 1464, 1538, 1701, 1749
- Committee appointments—1601
- Presided at sessions of the Senate—551, 1263, 1433
- Reports—1744
- Resolutions offered—121, 1303
- Standing committees and subcommittees appointed to—20, 21, 22
- Subcommittee assignments, governor's appointments—202, 214, 816

WAYS AND MEANS, COMMITTEE ON—

- Appointed and appointments to—22
- Appointees, investigation of—200, 797
- Bills introduced—100, 192, 405, 415, 482, 732, 771, 1119, 1147, 1208, 1215, 1403
- Amendments filed—336, 697, 735, 878, 1347, 1403, 1534
- Investigating committee reports—392, 1210
- Referred to—190, 242, 340, 476, 578, 589, 619, 1098
- Standing committees and subcommittees appointed to—820
- Subcommittee assignments, governor's appointments—203

WELSH, JOE J.—Senator Seventeenth District

Bills introduced—165, 207, 241, 326, 403, 411, 489

Amendments filed—256, 632, 633, 680, 682, 685, 689, 696, 704, 722, 723, 725, 726, 739, 804, 825, 829, 847, 853, 936, 937, 995, 1078, 1175, 1233, 1291, 1348, 1365, 1371, 1373, 1377, 1392, 1408, 1435, 1456, 1474, 1488, 1495, 1496, 1499, 1501, 1508, 1534, 1552, 1553, 1627, 1663, 1665, 1762, 1763

Amendments offered—282, 406, 632, 680, 685, 689, 702, 704, 722, 723, 725, 726, 739, 829, 847, 995, 1177, 1365, 1373, 1380, 1408, 1455, 1456, 1499, 1501, 1538, 1558, 1559, 1627, 1663, 1704, 1740, 1748, 1749

Amendments withdrawn—406, 686, 1371, 1559, 1665, 1740

Appointed to Capital Projects Advisory Council—36

Asked and received unanimous consent to have letter from Office of Governor and statement by Senator Welsh printed in the Senate Journal—1332

Committee appointments—1450

Presented Robin Clark from Bellvue, Iowa, 1990 Iowa Young Women of the Year—84

Presided at sessions of the Senate—299, 433, 520, 1397, 1420, 1718

Resolutions offered—379, 489

Standing committees and subcommittees appointed to—20, 21, 22

Subcommittee assignments, governor's appointments—214, 803

ZIMMERMAN, JO ANN, President of the Senate

(See Lieutenant Governor Zimmerman, Jo Ann, President of the Senate)