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**REGULAR SESSION
SEVENTY-FOURTH
GENERAL ASSEMBLY**

**Convened January 14, 1991
Adjourned May 12, 1991**

**Volume II
May 6 – May 12**

**JOE J. WELSH, President of the Senate
ROBERT C. ARNOULD, Speaker of the House**

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JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SEVENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 6, 1991

The Senate met in regular session at 1:38 p.m., Senator Sturgeon presiding.

Prayer was offered by Robin Shipler, Senate Page from Hancock County, Britt, Iowa.

The Journal of Friday, May 3, 1991, was approved.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1991, adopted the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 9, a joint resolution to nullify an administrative rule of the department of human services relating to reimbursement for psychiatric medical institutions for children, and providing an effective date.

ALSO: That the House has on May 2, 1991, receded from the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 131, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

ALSO: That the House has on May 2, 1991, 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 317, a bill for an act relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties.

ALSO: That the House has on May 2, 1991, 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 478, a bill for an act to establish a parent education program and making teachers participating in the program eligible for performance-based pay.

ALSO: That the House has on May 2, 1991, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 610, a bill for an act to create a Missouri river preservation and land use authority and fund.

House File 672, a bill for an act relating to the health practice profession examining boards, the duties of the board of medical examiners, the composition of the board of podiatry examiners and its disciplinary hearing panel, and providing penalties.

House File 690, 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 sales and services tax, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

ALSO: That the House has on May 6, 1991, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund (S—3716).

ALSO: That the House has on May 6, 1991, 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 273, a bill for an act authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees.

ALSO: That the House has on May 6, 1991, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 200, a bill for an act relating to the minutes required to be maintained by governmental bodies.

SPECIAL GUESTS

Senator Horn introduced from the floor Al Meier, State Labor Commissioner and Iowa Boxing Commissioner; Angelo Dundee, national boxing trainer and Michael Nunn, middleweight boxing Champion of the World.

Mr. Nunn addressed the Senate with brief remarks regarding the national Golden Gloves tournament being held in Des Moines from May 6-11.

QUORUM CALL

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

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

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 491

Senator Varn withdrew the motion to reconsider the vote by which the Senate refused to concur in House amendment S-3581 to Senate File 491, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties, on May 1, 1991, filed by him on May 1, 1991, and found on page 1587 of the Senate Journal.

Senate File 530

Senator Dieleman withdrew the motion to reconsider Senate File 530, a bill for an act relating to the deduction for individual income tax purposes of part of a governmental pension, annuity or retirement allowance received and providing retroactive and applicability dates, filed by him on April 29, 1991, and found on page 1533 of the Senate Journal.

SENATE RECEDES

House File 233

Senator Dieleman called up for consideration House File 233, a bill for an act relating to the hunter safety and ethics education program, and providing a penalty for violations, amended by the Senate, moved that the Senate recede from its amendment.

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

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. 233) the vote was:

Ayes, 46:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Boswell	Hagerla	Hutchins	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 April 19, 1991)

House File 656

The Senate resumed consideration of House File 656, a bill for an act relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty, deferred on April 19, 1991.

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. 656) the vote was:

Ayes, 47:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, none.

Absent or not voting, 3:

Boswell	Hutchins	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.

SENATE RECEDES

Senate File 273

Senator Kibbie called up for consideration Senate File 273, a bill for an act authorizing a class "B" wine permittee who also

holds a class "E" liquor control license to sell wine to liquor control licensees, 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 Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 273) the vote was:

Ayes, 44:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hester	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, 6:

Boswell	Dieleman	Hedge	Jensen
Rensink	Vande Hoef		

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

Senator Horn asked and received unanimous consent that **House Files 233 and 656 be immediately messaged** to the House.

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 273**.

MOTION TO OVERRIDE GOVERNOR'S VETO LOST

Senator Running called up for consideration Senate File 457, a bill for an act relating to collective bargaining, and moved to

reconsider and pass the bill, the objection of the Governor notwithstanding, as vetoed by the Governor on May 2, 1991.

President pro tempore Lloyd-Jones took the chair at 2:40 p.m.

On the question "Shall the Senate on reconsideration, agree to pass the bill, the objections of the Governor to the contrary notwithstanding?" (S.F. 457) the vote was:

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

Ayes, 26:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 23:

Borlaug	Dieleman	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Nystrom	Pate	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 1:

Boswell

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

HOUSE AMENDMENT CONSIDERED

Senate File 455

Senator Sturgeon called up for consideration Senate File 455, a bill for an act relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties, amended by the House, and moved that the Senate concur in House amendment S—3703 filed May 3, 1991.

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. 455) the vote was:

Ayes, 47:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Dieleman

Absent or not voting, 2:

Boswell

Hutchins

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 302

Senator Gronstal called up for consideration House File 302, a bill for an act relating to infectious and radioactive waste treatment and disposal facilities by extending the moratorium on construction and operation, requiring operating permits for treatment and disposal facilities and collection and transportation operations, providing for emission limitations and standards, and

providing an effective date, amended by the Senate, further amended by the House in House amendment S—3694 to Senate amendment H—4010 filed May 3, 1991.

Senator Gronstal asked and received unanimous consent that action on House amendment S—3694 and House File 302 be deferred.

UNFINISHED BUSINESS
(Deferred April 10, 1991)

House File 556

The Senate resumed consideration of House File 556, a bill for an act relating to corporation law by providing electronic access to corporate records, relating to the removal or resignation of directors, relating to certain notice requirements, and by making certain nonsubstantive corrections, (substituted for Senate File 369 as amended, and deferred on April 10, 1991).

Senator Varn offered amendment S—3271 filed by Senators Varn and Sturgeon on April 2, 1991, to page 2 of the bill and moved its adoption.

Amendment S—3271 was adopted by a voice vote.

Senator Riordan offered amendment S—3720 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—3720 lost by a voice vote.

Senator Rensink offered amendment S—3718 filed by Senators Rensink, et. al., from the floor the pages 3 and 4 of the bill and moved its adoption.

Amendment S—3718 lost by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 556) the vote was:

Ayes, 42:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Horn	Husak	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 6:

Borlaug	Hester	McLaren	Taylor
Tieden	Vande Hoef		

Absent or not voting, 2:

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

WITHDRAWN

Senator Varn asked and received unanimous consent that **Senate File 369** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 455**.

Senator Horn asked and received unanimous consent that **House File 556** be **immediately messaged** to the House.

SENATE RECEDES

Senate File 478

Senator Connolly called up for consideration Senate File 478, a bill for an act to establish a parent education program and making teachers participating in the program eligible for performance-based pay, 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 Connolly 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. 478) the vote was:

Ayes, 39:

Buhr	Connolly	Deluhery	Doyle
Drake	Fraise	Gettings	Gronstal
Hagerla	Hannon	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 9:

Borlaug	Dieleman	Fuhrman	Hedge
Hester	Rensink	Taylor	Tieden
Vande Hoef			

Absent or not voting, 2:

Boswell Hutchins

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

UNFINISHED BUSINESS (Deferred May 3, 1991)

House File 683

The Senate resumed consideration of House File 683, a bill for an act relating to the establishment of a toxics pollution prevention program and establishing fees, deferred on May 3, 1991.

Senator Varn called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT, I move to reconsider the vote by which amendment S—3691 as amended, to House File 683 was adopted by the Senate on May 3, 1991.

The motion prevailed by voice vote and amendment S—3691 by the committee on Environment and Energy Utilities to pages 4-7, 10-13 and the title page of the bill, was taken up for reconsideration.

Senator Varn called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT, I move to reconsider the vote by which amendment S—3710 to amendment S—3691 to House File 683 was adopted by the Senate on May 3, 1991.

The motion prevailed by voice vote and amendment S—3710 by Senator Drake to amendment S—3691 was taken up for reconsideration.

Senator Drake asked and received unanimous consent that action on amendment S—3710 to amendment S—3691 be deferred.

Senator Varn asked and received unanimous consent that action on amendment S—3719 filed by Senators Varn and Drake from the floor to amendment S—3691 be deferred.

Senator Varn asked and received unanimous consent that action on amendment S—3691 be deferred.

Senator Varn offered amendment S—3721 filed by Senators Varn and Drake from the floor to page 13 of the bill and moved its adoption.

Amendment S—3721 was adopted by a voice vote.

The Senate resumed consideration of amendment S—3691, previously deferred.

Senator Varn offered amendment S—3723 filed by Senators Varn and Drake from the floor to amendment S—3691 and moved its adoption.

Amendment S—3723 was adopted by a voice vote.

With the adoption of amendment S—3723 to amendment S—3691, the Chair ruled amendments S—3719 and S—3710 to amendment S—3691, previously deferred, out of order.

Senator Varn moved the adoption of amendment S—3691 as amended, which motion prevailed by a voice vote.

Senator Priebe asked and received unanimous consent that action on **House File 683** be **deferred**.

MOTION TO RECONSIDER ADOPTED

Senator Sturgeon called up the motion to reconsider House File 615 filed by him on April 24, 1991, found on page 1473 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 615) the vote was:

Ayes, 28:

Boswell	Connolly	Deluhery	Doyle
Drake	Fraise	Fuhrman	Gettings
Hagerla	Hannon	Hester	Horn
Hutchins	Jensen	Kibbie	Kinley
Kramer	Lind	Miller	Palmer
Pate	Priebe	Riordan	Soorholtz
Sturgeon	Taylor	Tinsman	Welsh

Nays, 21:

Borlaug	Buhr	Gronstal	Hedge
Husak	Kersten	Lloyd-Jones	McLaren
Murphy	Nystrom	Peterson	Rensink
Rife	Rittmer	Rosenberg	Running
Slife	Szymoniak	Tieden	Vande Hoef
Varn			

Absent or not voting, 1:

Dieleman

The motion prevailed.

Senator Sturgeon moved to reconsider the vote by which House File 615 went to its last reading, which motion prevailed by a voice vote.

House File 615

On motion of Senator Sturgeon, House File 615, a bill for an act relating to the confidentiality of victim-identifying information in cases of sexual abuse, and providing for an automatic repeal, was taken up for reconsideration.

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. 615) the vote was:

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

Ayes, 23:

Boswell	Dieleman	Drake	Fraise
Fuhrman	Gettings	Hagerla	Hannon
Horn	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lind	Miller
Pate	Riordan	Soorholtz	Sturgeon
Taylor	Tieden	Tinsman	

Nays, 26:

Borlaug	Buhr	Connolly	Deluhery
Gronstal	Hedge	Hester	Husak
Kersten	Lloyd-Jones	McLaren	Murphy
Nystrom	Palmer	Peterson	Priebe
Rensink	Rife	Rittmer	Rosenberg
Running	Slife	Szymoniak	Vande Hoef
Varn	Welsh		

Absent or not voting, 1:

Doyle

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 491

Senator Lind withdrew the motion to reconsider the vote by

which the Senate refused to concur in House amendment S—3581 to Senate File 491, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties, on May 1, 1991, filed by him on May 2, 1991, and found on page 1630 of the Senate Journal.

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

The Senate resumed session, Senator Running presiding.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 478**.

BUSINESS PENDING

House File 683

The Senate resumed consideration of House File 683, a bill for an act relating to the establishment of a toxics pollution prevention program and establishing fees, previously deferred.

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

On the question "Shall the bill pass?" (H.F. 683) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Riordan

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

Senator Horn asked and received unanimous consent that **House File 683** be immediately messaged to the House.

UNFINISHED BUSINESS
(Deferred April 9, 1991)

House File 391

The Senate resumed consideration of House File 391, a bill for an act relating to the sale of alcoholic liquor, wine, and beer on Sunday, (substituted for Senate File 202 as amended, and deferred on April 9, 1991).

Senator Murphy withdrew amendment S—3352 filed by him on April 9, 1991, to page 2 of the bill.

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?" (H.F. 391) the vote was:

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

Ayes, 26:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Fuhrman	Gettings	Gronstal
Hagerla	Horn	Hutchins	Kersten
Kibbie	Kinley	Lind	McLaren
Murphy	Palmer	Pate	Rife
Riordan	Running	Slife	Soorholtz
Sturgeon	Welsh		

Nays, 22:

Boswell	Dieleman	Drake	Fraise
Hannon	Hedge	Hester	Husak
Jensen	Lloyd-Jones	Miller	Nystrom
Peterson	Priebe	Rensink	Rittmer
Rosenberg	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 2:

Kramer Varn

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

WITHDRAWN

Senator Horn asked and received unanimous consent that **Senate File 202** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS (Deferred April 19, 1991)

House File 662

The Senate resumed consideration of House File 662, a bill for an act relating to facilities used to maintain animals, and providing penalties, deferred on April 19, 1991.

Senator Doyle offered amendment S—3397 filed by the committee on Agriculture on April 11, 1991, to pages 2 and 3 of the bill.

Senator Sturgeon asked and received unanimous consent that action on amendment S—3397 and **House File 662** be **deferred**.

UNFINISHED BUSINESS (Deferred April 19, 1991)

House File 335

The Senate resumed consideration of House File 335, a bill for

an act relating to a parent's right of action for the death of a child, deferred on April 19, 1991.

Senator Slife asked and received unanimous consent to withdraw amendment S—3526 filed by Senators Slife and Varn on April 22, 1991, to page 1 of the bill.

Senator Slife offered amendment S—3722 filed by Senators Slife and Varn from the floor to page 1 of the bill and moved its adoption.

Amendment S—3722 was adopted by a voice vote.

Senator Slife 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. 335) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House Files 391 and 335 be immediately messaged to the House.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: May 3, 1991, 8:40 a.m.

Members Present: Hutchins, Chair; Welsh, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Approved proposed committee resolution relating to the daily operations of the Senate; assigned resolutions to subcommittees.

Adjourned: 8:50 a.m.

WAYS AND MEANS

Convened: May 3, 1991, 10:15 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Hester, McLaren, Murphy, Palmer, Rosenberg and Taylor.

Members Absent: Fuhrman (excused) and Szymoniak.

Committee Business: Assigned bills to subcommittees; recommended passage of House File 683 as amended; recommended passage of House File 702.

Adjourned: 10:37 a.m.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 6th day of May, 1991:

Senate Files 2, 338, 382, 97, 172, 411 and 503.

JOHN F. DWYER
Secretary of the Senate

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 338, the following correction was made:

1. Title page, line 1, the word "indivisible" was changed to the word "indivisible".

JOHN F. DWYER
Secretary of the Senate

**REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 1, the committee on Rules and Administration submits the following change:

Caucus Staff Director

Robert Haus

Step 2 to Step 3
Effective 4-26-91

BILL HUTCHINS, Chair

STUDY BILL RECEIVED

SSB 360 Judiciary

Legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of an industrial property tax exemption under section 427B.1 and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House File 705

WAYS AND MEANS: Fraise, Chair; Hedge and Murphy

SSB 360

JUDICIARY: Slife, Chair; Hagerla and Rosenberg

PRESENTATION OF VISITORS

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

Nineteen sixth grade students from Gilmore City Elementary School, Gilmore City, accompanied by Connie Benjamin. Senator Priebe.

Sixteen high school students from Creston High School, Creston, Iowa, accompanied by Jody Emerson. Senator Boswell.

PETITION

The following petition was presented and placed on file by:

Senator Hutchins from two hundred sixty-nine residents of Harrison and Shelby County favoring parental notification and statistical reporting of abortions performed in Iowa.

BILL ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bill to committee:

H.F. 707 Ways and Means

GOVERNOR'S VETO MESSAGE

May 6, 1991

The Honorable Joseph Welsh
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 422, an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the act, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 422 establishes a procedure to allow certain ballot issue elections involving counties, cities, school districts, and benefited water districts to be conducted by mail ballot. The bill limits the situations in which an election could be conducted by mail ballot to those that are nonpartisan, do not involve the election of candidates, and those at which qualified voters of the political subdivision would not be voting at another election the same day. Despite its limited application, I believe the mail ballot elections procedure provided in this bill is unnecessary and increases the potential for voter fraud.

Individuals must exercise some responsibilities in a democracy. Currently, in this state there is little or no inconvenience associated with exercising the privilege to cast a vote. Registering to vote has become much easier, voting takes place in the neighborhoods, and absentee ballots provide great convenience to those unable to make it to the polls on election day. These provisions already offer great accommodations to Iowa voters. No evidence has been presented that voters are disenfranchised by the current process, therefore, I am not convinced of the need for this type of legislation.

While attempts were made to build in safeguards, the mail ballot election procedure provided in Senate File 422 would significantly increase the opportunity for voter fraud. All persons registered to vote would automatically receive a ballot by mail regardless of their intent or interest in voting in the election. The bill provides that additional ballots could be obtained by persons claiming the ballot previously mailed to them was destroyed, spoiled, lost or not received. The potential for abuse of the system, as well as an increased likelihood of non-valid ballots, recounts, and challenges of the votes cast, would seriously compromise the integrity of the election process.

For the above reasons, I hereby respectfully disapprove Senate File 422.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S—3716	S.F.	536	House amendment
S—3717	H.F.	705	Michael Gronstal
S—3718	H.F.	556	Wilmer Rensink
			Allen Borlaug
			Richard Vande Hoef
			John Jensen
			Alvin Miller
S—3719	H.F.	683	Richard Varn
			Richard F. Drake
S—3720	H.F.	556	Jim Riordan
S—3721	H.F.	683	Richard Varn
			Richard Drake
S—3722	H.F.	335	Harry Slife
			Richard Varn
S—3723	H.F.	683	Richard Varn
			Richard Drake
S—3724	S.F.	546	John Kibbie
S—3725	H.F.	421	Mark Hagerla

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:58 p.m., until 10:00 a.m., Tuesday, May 7, 1991.

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SEVENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 7, 1991

The Senate met in regular session at 10:35 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Reverend Debra Fuller, minister in the Christian Church Disciples of Christ and a Senate Secretary, Des Moines, Iowa.

The Journal of Monday, May 6, 1991, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 1991, 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 452, a bill for an act relating to the administration of fairs.

ALSO: That the House has on May 3, 1991, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 687, a bill for an act relating to the collection and administration of ad valorem property taxes, special assessments, mobile home taxes, and various rates and charges, and providing an effective date.

House File 688, a bill for an act relating to health insurance reforms by limiting small group premium rating practices, increasing access to affordable basic benefits health insurance, and authorizing certain premium credits and tax exemptions for qualifying health insurance plans and insureds.

ALSO: That the House has on May 3, 1991, 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 311, a bill for an act requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty.

ALSO: That the House has on May 3, 1991, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 539, a bill for an act relating to the Iowa pharmacy practice Act and assessing fees (S—3726).

ALSO: That the House has on May 6, 1991, 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 444, a bill for an act relating to law enforcement, victim services, and domestic abuse, establishing certain training and certification requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing a domestic abuse services fund, establishing an income tax checkoff for domestic abuse, increasing certain court costs and fees, eliminating certain court costs, requiring batterers treatment by offenders, establishing a pilot program, and containing effective date and applicability provisions.

ALSO: That the House has on May 6, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty.

This bill was read first time and passed on file.

MOTION TO OVERRIDE GOVERNOR'S VETO LOST

Senator Gronstal called up for consideration Senate File 422, a bill for an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act, and moved to reconsider and pass the bill, the

objections of the Governor notwithstanding, as vetoed by the Governor on May 6, 1991.

On the question "Shall the Senate on reconsideration, agree to pass the bill, the objections of the Governor to the contrary notwithstanding?" (S.F. 422) the vote was:

Ayes, 25:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Sturgeon	Szymoniak
Welsh			

Nays, 22:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Nystrom
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 3:

Dieleman	Running	Varn
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The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's veto was sustained.

UNFINISHED BUSINESS

(Deferred May 3, 1991)

House File 700

The Senate resumed consideration of House File 700, a bill for an act raising the city transit property tax levy limit, deferred on May 3, 1991.

Senator Taylor called up the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT, I move to reconsider the vote by which amendment S—3687 to House File 700 was adopted by the Senate on May 3, 1991.

The motion prevailed by voice vote and amendment S—3687 by the committee on Ways and Means to page 1 of the bill, was taken up for reconsideration.

Senator Connolly offered amendment S—3727 filed by Senators Connolly and Taylor from the floor to amendment S—3687 and moved its adoption.

Amendment S—3727 was adopted by a voice vote.

Senator Connolly moved the adoption of amendment S—3687 as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 700) the vote was:

Ayes, 36:

Boswell	Buhr	Connolly	Deluhéry
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Horn	Husak	Hutchins	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Nystrom	Palmer
Pate	Priebe	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sturgeon
Szymoniak	Tieden	Varn	Welsh

Nays, 13:

Borlaug	Fuhrman	Hedge	Hester
Jensen	Kersten	McLaren	Peterson
Rensink	Rife	Taylor	Tinsman
Vande Hoef			

Absent or not voting, 1:

Running

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

Senator Horn asked and received unanimous consent that **House File 700** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 536

Senator Palmer called up for consideration Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund, amended by the House, and moved that the Senate concur in House amendment S—3716 filed May 6, 1991.

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

BILL ASSIGNED TO COMMITTEE

President pro tempore Lloyd-Jones announced that **House File 706** was assigned to the committee on **Ways and Means**.

HOUSE AMENDMENT CONSIDERED

Senate File 539

Senator Szymoniak called up for consideration Senate File 539, a bill for an act relating to the Iowa pharmacy practice act and assessing fees, amended by the House, and moved that the Senate concur in House amendment S—3726 filed May 7, 1991.

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

Senator Szymoniak 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. 539) the vote was:

Ayes, 49:

Borlaug
Deluhery
Fraise

Boswell
Dieleman
Fuhrman

Buhr
Doyle
Gettings

Connolly
Drake
Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Running

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 536** be **immediately messaged** to the House.

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 539**.

RECESS

On motion of Senator Horn, the Senate recessed at 11:25 a.m., until 4:00 p.m.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 6, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 56 — Requiring reporting of county aid by societies organized to administer local fairs.

SENATE FILE 112 — Relating to the membership on community-based correctional program project advisory committees.

SENATE FILE 114 — Relating to the definition of a physician for the purpose of the practice of nursing.

SENATE FILE 134 — Relating to the use of fireworks in state parks and preserves and providing a penalty.

SENATE FILE 211 — Relating to consumer frauds against the elderly, providing a civil penalty, and creating a special fund.

SENATE FILE 257 — Changing the definition of targeted small business and providing an effective date.

SENATE FILE 313 — Relating to the accreditation process for schools and school districts.

SENATE FILE 340 — Relating to retirement benefits of members of the Iowa public employees' retirement system who retire due to disability and providing an effective date and applicability date.

SENATE FILE 355 — Relating to authorizing a spouse to execute a power of attorney instrument sufficient to relinquish homestead rights and surviving spouses's statutory share in the homestead.

SENATE FILE 412 — Relating to the department of inspections and appeals by expanding its investigatory authority, providing that certain information regarding health care facilities be available to the public, relating to health care facilities under receivership, providing additional grounds for suspension and revocation of certain licenses issued by the department, increasing criminal penalties for wanton neglect of a resident of a health care facility, and providing an effective date and a penalty.

SENATE FILE 453 — Relating to judicial officers having jurisdiction over civil commitment proceedings and providing an effective date.

SENATE FILE 479 — Relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services.

SENATE FILE 492 — Relating to the classified civil service status of two second deputy sheriffs in certain counties.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 7th day of May, 1991:

Senate Files 221, 323, 329, 346, 504, 403, 110 and 532.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

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

Thirty sixth grade students from Netherlands Reformed Christian School, Rock Valley, accompanied by Sharla Boone. Senator Rensink.

Twenty high school students from Grace Baptist School, Marion. Senator Pate.

Forty-three sixth grade students from Traer Elementary School, Traer, accompanied by Marcia Gookin. Senator Husak.

SUBCOMMITTEE ASSIGNMENTS

House File 706

WAYS AND MEANS: Rosenberg, Chair; Deluhery and McLaren

House File 707

WAYS AND MEANS: Dieleman, Chair; Drake and Szymoniak

AMENDMENTS FILED

S-3726	S.F.	539	House amendment
S-3727	H.F.	700	Mike Connolly Ray Taylor
S-3728	S.F.	184	Mark Hagerla Eugene S. Fraise
S-3729	S.F.	352	Richard Varn Berl E. Priebe
S-3730	S.F.	184	John P. Kibbie Richard J. Varn Bill Hutchins Emil Husak Eugene S. Fraise

AFTERNOON SESSION

The Senate reconvened at 4:25 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

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

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

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 451

Senator Vande Hoef withdrew the motion to reconsider Senate File 451, a bill for an act relating to the imposition of an increased solid waste tonnage fee, filed by him on April 4, 1991, and found on page 1071 of the Senate Journal.

Senator Rosenberg withdrew the motion to reconsider Senate File 451, filed by him on April 4, 1991, and found on page 1071 of the Senate Journal.

MOTION TO RECONSIDER LOST

House File 214

Senator Riordan called up the motion to reconsider House File 214, a bill for an act relating to the reproductive toxicity of alcoholic beverages, and providing a penalty, filed by him on April 25, 1991, found on page 1507 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 214) the vote was:

Ayes, 15:

Connolly
Hannon
Kinley
Sturgeon

Deluhery
Hedge
Lloyd-Jones
Szymoniak

Dieleman
Horn
Riordan
Varn

Gronstal
Kibbie
Rosenberg

Nays, 31:

Borlaug	Buhr	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hester	Husak	Jensen	Kersten
Kramer	Lind	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rittmer
Running	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 4:

Boswell	Hutchins	Rife	Welsh
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The motion lost.

HOUSE AMENDMENT CONSIDERED

Senate File 184

Senator Kibbie called up for consideration Senate File 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates, amended by the House in House amendment S—3692 filed May 3, 1991.

Senator Kibbie offered amendment S—3730 filed by Senators Kibbie, et. al., from the floor to House amendment S—3692 and moved its adoption.

Amendment S—3730 was adopted by a voice vote.

With the adoption of amendment S—3730 to House amendment S—3692, the Chair ruled the following amendments out of order:

S—3713 filed by Senators Varn, Husak and Connolly on May 3, 1991, to House amendment S—3692.

S—3728 filed by Senators Hagerla and Fraise from the floor to amendment S—3713 to House amendment S—3692.

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

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

Senator Kibbie 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. 184) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Vande Hoef	Varn
Welsh			

Nays, 1:

Tinsman

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

Senator Horn asked and received unanimous consent that **Senate File 184** be immediately messaged to the House.

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

The Senate resumed session, Senator Kinley presiding.

WITHDRAWN

Senator Buhr asked and received unanimous consent that **Senate File 158** be withdrawn from further consideration of the Senate.

APPENDIX**COMMITTEE REPORT****WAYS AND MEANS**

Final Bill Action: HOUSE FILE 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S—3731	H.F.	702	Emil J. Husak
			Eugene Fraise
			Larry Murphy
			Berl E. Priebe

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:44 p.m., until 9:00 a.m., Wednesday, May 8, 1991.

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SEVENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 8, 1991

The Senate met in regular session at 9:27 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by Rabbi Neil Sandler of the Tifereth Israel Synagogue, Des Moines, Iowa.

The Journal of Tuesday, May 7, 1991, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 6, 1991, passed the following bills in which the concurrence of the House was asked:

Senate File 350, a bill for an act relating to the franchise tax on financial institutions and providing an effective date.

Senate File 535, a bill for an act relating to increasing the fees for issuance or replacement or renewal of a permit to carry weapons.

ALSO: That the House has on May 6, 1991, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 276, a bill for an act amending the Iowa Uniform Securities Act, by exempting agricultural cooperative associations from certain requirements provided under the Act, providing for the retroactive application of the Act, and providing an effective date.

Senate File 507, a bill for an act relating to the authority of the superintendent of banking to remove officers and directors of state banks and to prohibit an institution-affiliated party from participating in the conduct of the affairs of a state bank, and providing civil penalties.

Senate File 508, a bill for an act relating to energy efficiency by expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, requiring the appropriation of abandoned utility refunds and deposits, establishing energy efficiency standards for certain products, establishing various energy efficiency-related programs and projects, and providing for a sales and use tax credit for the purchase of fuel-efficient motor vehicles.

ALSO: That the members of the **Conference Committee**, appointed May 6, 1991, on **Senate File 471**, a bill for an act relating to state policies and procedures affecting children, on the part of the House are: The Representative from Polk, Mr. Haverland, Chair; the Representative from Polk, Mrs. Carpenter; the Representative from Fayette, Mr. Hurley; the Representative from Linn, Mr. Nielsen; the Representative from Carroll, Mr. Peterson.

ALSO: That the House has on May 6, 1991, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 232, a bill for an act relating to the sale and furnishing of cigarettes and tobacco products to certain persons and providing penalties and an effective date.

House File 353, a bill for an act relating to the possession or use of a device or appliance to stimulate or depress a race horse or dog and providing penalties.

House File 556, a bill for an act relating to corporation law by providing electronic access to corporate records, relating to the removal or resignation of directors, relating to certain notice requirements, and by making certain nonsubstantive corrections.

House File 697, a bill for an act relating to the collection of delinquent criminal fines by counties.

ALSO: That the House has on May 7, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 704, a bill for an act granting urban renewal and urban revitalization authority to counties.

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

QUORUM CALL

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

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

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

The Senate resumed session, President pro tempore Lloyd-Jones presiding.

QUORUM CALL

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

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

HOUSE AMENDMENT CONSIDERED

Senate File 362

Senator Gronstal called up for consideration Senate File 362, a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals,

imposing an environmental damage offset, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3701 filed May 3, 1991.

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

SENATE RECEDES

Senate File 444

Senator Sturgeon called up for consideration Senate File 444, a bill for an act relating to law enforcement, victim services, and domestic abuse, establishing certain training and certification requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing a domestic abuse services fund, establishing an income tax checkoff for domestic abuse, increasing certain court costs and fees, eliminating certain court costs, requiring batterers treatment by offenders, establishing a pilot program, and containing effective date and applicability provisions, 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 Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 444) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sturgeon	Szymoniak	Taylor

Tieden
Welsh

Tinsman

Vande Hoef

Varn

Nays, none.

Absent or not voting, 1:

Soorholtz

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 362** be immediately messaged to the House.

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 444**.

BILL ASSIGNED TO COMMITTEE

President pro tempore Lloyd-Jones announced that **House File 704** was assigned to the committee on **Ways and Means**.

RECESS

On motion of Senator Horn, the Senate recessed at 11:07 a.m., until 4:00 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: May 7, 1991, 3:10 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg, Szymoniak and Taylor.

Members Absent: Palmer.

Committee Business: Assigned bills to subcommittees; recommended passage of House File 706.

Adjourned: 3:30 p.m.

REPORTS OF THE SECRETARY OF THE SENATE

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

1. Page 49, lines 21 through 28 should have been underlined.

ALSO: That in enrolling Senate File 343, the following corrections were made:

1. Page 6, line 14, the words "Three months limit" were changed to the words "THREE MONTHS LIMIT".

The following correction was made to House amendment S—3551:

1. Page 3, line 40, the word "subsection" was changed to the word "section".

JOHN F. DWYER
Secretary of the Senate

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of May, 1991:

Senate Files 445, 502, 268, 343 and 441.

JOHN F. DWYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 7, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 115 — Relating to the obstetrical and newborn indigent patients care program by providing for the reversion of the unencumbered balance to the state general fund and by increasing the income eligibility level for the payment of indigent obstetrical and newborn care costs.

SENATE FILE 138 — Requiring the acceptance of any student's postsecondary options credits as high school academic or vocational-technical credits by a school district or accredited nonpublic school and providing an effective date.

SENATE FILE 297 — Relating to the confidentiality of information identifying inert ingredients in pesticides, and providing retroactive applicability and effective date.

SENATE FILE 314 — Relating to federal reimbursements for certain special education services.

SENATE FILE 473, a bill for an act relating to accredited schools and school districts, making changes in the department of education's biennial report on the condition of schools, changing the requirements for certain pilot projects, providing exceptions to certain uses of funds received under an instructional support program, and changing the district in which shared-time pupils are counted under the postsecondary enrollment options Act.

ALSO: That communications were received announcing that on May 8, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2 — Relating to sexual exploitation by a counselor or therapist and providing penalties.

SENATE FILE 97 — Increasing penalties for interfering with a traffic control device and relating to the use of flashing white lights.

SENATE FILE 172 — Establishing a state fair foundation.

SENATE FILE 338 — Relating to movement of indivisible loads of excessive size and weight and increasing the fee for escort services.

SENATE FILE 382 — Relating to rural water districts.

SENATE FILE 411 — Relating to the availability of certain information concerning nonprofit agencies or corporations receiving public funds.

SENATE FILE 503 — Relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code concerning occupational safety and health penalties, boiler inspections, child labor laws, the definition of a contractor, and out-of-state contractor bonding requirements.

PRESENTATION OF VISITORS

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

Twelve students from Iowa Mennonite School, Kalona, accompanied by Dwight Gingerich. Senators Drake and Varn.

Forty-one fourth grade students from Roosevelt Elementary School, Ames, accompanied by Marie Sunderman and Mrs. Hollenbach. Senator Rosenberg.

Twenty-five twelfth grade students from Anita High School, Anita, accompanied by Don Parkhurst. Senator Hester.

RESOLUTION ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following resolution to committee:

H.C.R. 19 Rules and Administration

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent on May 1, 1991, that House File 678 be referred from the Unfinished Business Calendar to the committee on **Agriculture**.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Patrick Murray-John and Kira P. Schroeder, Oelwein — For national merit scholarships. Senator Murphy (5-7-91).

Eagle Store #157 and Manager Jeff Fisher; Eagle Store #220 and Manager Jim Leyden, and Eagle Store #329 and Manager Dan Shay — For apple computers for students program. Senator Lloyd-Jones (5-7-91).

Vernon L. Vance, Director of Special Education, Mississippi Bend AEA — For forty years of dedicated service and leadership as an educator, administrator and friend of children with special needs. Senator Deluhery (6-21-91).

SUBCOMMITTEE ASSIGNMENT

House File 704

WAYS AND MEANS: Husak, Chair; Fraise and Hedge

AMENDMENT FILED

S—3732

H.F.

706

Richard Vande Hoef

AFTERNOON SESSION

The Senate reconvened at 4:09 p.m., Senator Connolly presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 1991, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 19, a concurrent resolution urging the United States Congress and the President of the United States to establish a health care coverage system for all persons in the United States.

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

ALSO: That the House has on May 7, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 695, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates.

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

ALSO: That the House has on May 8, 1991, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 22, a concurrent resolution to request that Iowa's congressional delegation support measures to protect America's vital interests and to review and amend procedures to ensure that Congress retains its constitutional authority to amend trade agreements affecting the traditional rights of states and the citizens of the United States.

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

ALSO: That the House has on May 8, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 709, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

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

QUORUM CALL

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

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

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 42)

A conference committee report signed by the following Senate and House members was filed May 8, 1991, on Senate File 42, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances:

On the Part of the Senate:

JAMES RIORDAN, Chair
BEVERLY A. HANNON
JOHN JENSEN
MARY KRAMER
LARRY MURPHY

On the Part of the House:

GENE BLANSHAN, Chair
SCOTT KREBSBACH
DAVID OSTERBERG
JANE TEAFORD

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 42

Senator Riordan called up the conference committee report on Senate File 42, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances, filed on May 8, 1991, and moved its adoption.

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

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

On the question "Shall the bill pass?" (S.F. 42) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

HOUSE AMENDMENT CONSIDERED

Senate File 496

Senator Gronstal called up for consideration Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties, amended by the House in House amendment S—3698 filed May 3, 1991.

Senator Gronstal offered amendment S—3733 filed by him from the floor to pages 1-3 of House amendment S—3698.

Senator Drake asked and received unanimous consent that action on amendment S—3733 to House amendment S—3698, House amendment S—3698 and **Senate File 496** be deferred.

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

The Senate resumed session, Senator Connolly presiding.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 42** be immediately messaged to the House.

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

The Senate resumed session, Senator Connolly presiding.

BUSINESS PENDING

Senate File 496

The Senate resumed consideration of Senate File 496, House amendment S—3698 and amendment S—3733 to pages 1-3 of House amendment S—3698, previously deferred.

Senator Gronstal offered amendment S—3736 filed by him from the floor to page 8 of amendment S—3733 to House amendment S—3698 and moved its adoption.

Amendment S—3736 was adopted by a voice vote.

Senator Gronstal moved the adoption of amendment S—3733 as amended to House amendment S—3698, which motion prevailed by a voice vote.

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

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

Senator Gronstal 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. 496) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Pate

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 706.

House File 706

On motion of Senator Rosenberg, House File 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent that action on **House File 706** be deferred.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 496** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House File 594** be referred from the Unfinished Business Calendar to the committee on **Judiciary**.

Senator Horn asked and received unanimous consent that **House File 662** be referred from the Unfinished Business Calendar to the committee on **Judiciary** and returned to the Senate Calendar by 12:00 noon, May 9, 1991.

Senator Buhr took the chair at 5:26 p.m.

CONSIDERATION OF BILL
(Ways and Means Calendar)**Senate File 540**

On motion of Senator Dieleman, Senate File 540, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing an effective date, was taken up for consideration.

President pro tempore Lloyd-Jones took the chair at 5:31 p.m.

Senator Connolly asked and received unanimous consent that action on amendment S—3566 filed by him on April 24, 1991, to page 2 of the bill be deferred.

Senator Dieleman offered amendment S—3680 filed by Senators Dieleman and Drake on May 2, 1991, to pages 2 and 3 of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S—3680 and **Senate File 540** be **deferred**.

BUSINESS PENDING

House File 706

The Senate resumed consideration of House File 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty, previously deferred.

Senator Taylor offered amendment S—3735 filed by Senators Taylor and Husak from the floor to page 2 of the bill.

Senator Priebe asked and received unanimous consent that action on amendment S—3735 and **House File 706** be deferred.

BILL ASSIGNED TO COMMITTEE

President pro tempore Lloyd-Jones announced that **House File 709** was assigned to the committee on **Judiciary**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 1991, adopted the following resolutions in which the concurrence of the House was asked:

Senate Concurrent Resolution 5, a concurrent resolution relating to the recognition of the thirtieth anniversary of Iowa's sister state relationship with Yamanashi prefecture, Japan.

Senate Concurrent Resolution 13, a concurrent resolution relating to assistive technology and endorsing the efforts of the Iowa Council on Assistive Technology.

ALSO: That the House has on May 8, 1991, 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 335, a bill for an act relating to a parent's right of action for the death of a child (S—3737 to H—4071).

ALSO: That the House has on May 8, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 710, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date.

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

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of May, 1991:

Senate Files 131, 356 and 342.

JOHN F. DWYER
Secretary of the Senate

AMENDMENTS FILED

S—3733	S. F.	496	Michael Gronstal
S—3734	H. F.	695	Mike Connolly
S—3735	H. F.	706	Ray Taylor
			Emil J. Husak
S—3736	S. F.	496	Michael E. Gronstal
S—3737	H. F.	335	House amendment
S—3738	H. F.	706	Ralph Rosenberg
S—3739	S. F.	540	Mike Connolly

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:10 p.m., until 10:00 a.m., Thursday, May 9, 1991.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH CALENDAR DAY
SEVENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 9, 1991

The Senate met in regular session at 10:38 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Honorable Jim Riordan, member of the Senate from Dallas County, Waukee, Iowa.

The Journal of Wednesday, May 8, 1991, was approved.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 1991, passed the following bill in which the concurrence of the House was asked:

Senate File 102, a bill for an act eliminating the requirement that the clerk of the district court file an annual report with the treasurer of state on certain fines, penalties, forfeitures, and recognizances.

ALSO: That the House has on May 7, 1991, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 698, a bill for an act relating to school bus driver education and qualifications, establishing a fund for school bus driver and passenger safety programs, and providing for a fee.

ALSO: That the House has on May 8, 1991, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 83, a bill for an act relating to the updating of the references to the federal Internal Revenue Code, adopting revisions in the research activities credit and the earned income credit, and providing applicability and effective dates (S—3740).

ALSO: That the House, on May 8, 1991, insisted on its amendment to Senate File 362, a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date, and that the members of the Conference Committee on the part of the House are: The Representative from Polk, Mr. Hatch, Chair; the Representative from Plymouth, Mr. Banks; the Representative from Scott, Mr. Grubbs; the Representative from Madison, Mr. Hibbard; the Representative from Linn, Mr. Osterberg.

ALSO: That the House, on May 8, 1991, insisted on its amendment to Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund, and that the members of the Conference Committee on the part of the House are: The Representative from Tama, Mrs. Svoboda, Chair; the Representative from Hamilton, Mrs. Adams; the Representative from Marshall, Mr. Burke; the Representative from Adams, Mr. Daggett; the Representative from Polk, Mrs. Metcalf.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on Senate File 362 on the part of the Senate: Senators Gronstal, Chair; Husak, Fraise, Drake and McLaren.

The Chair announced the following conference committee on Senate File 536 on the part of the Senate: Senators Palmer, Chair; Connolly, Dieleman, Hester and Fuhrman.

QUORUM CALL

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

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

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

The Senate resumed session, Senator Buhr presiding.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 1991, passed the following bill in which the concurrence of the House was asked:

Senate File 545, a bill for an act relating to fuel, by providing for the production and consumption of renewable fuel, and providing for the imposition of taxes upon certain fuel.

ALSO: That the House has on May 8, 1991, 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 542, a bill for an act relating to and making appropriations from the energy conservation trust for weatherization purposes.

ALSO: That the House has on May 8, 1991, receded from the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 491, a bill for an act relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties.

ALSO: That the House has on May 8, 1991, adopted the conference committee report and passed **Senate File 42**, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances.

ALSO: That the House has on May 8, 1991, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 700, a bill for an act raising the city transit property tax levy limit.

RECESS

On motion of Senator Husak, the Senate recessed at 12:43 p.m., until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:17 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

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

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

UNFINISHED BUSINESS

(Deferred May 8, 1991)

House File 706

The Senate resumed consideration of House File 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected; and providing a penalty, and amendment S—3735 by Senators Taylor and Husak to page 2 of the bill, deferred on May 8, 1991.

Senator Taylor asked and received unanimous consent to withdraw amendment S—3735.

Senator Vande Hoef offered amendment S—3732 filed by him on May 8, 1991, to page 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3732 be adopted?" (H.F. 706) the vote was:

Ayes, 30:

Borlaug	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Hagerla	Hannon	Hedge	Hester
Husak	Jensen	Kersten	Kibbie
McLaren	Miller	Nystrom	Pate
Priebe	Rensink	Rife	Rittmer
Running	Slife	Soorholtz	Taylor
Tieden	Vande Hoef		

Nays, 17:

Buhr	Connolly	Gronstal	Horn
Kinley	Kramer	Lind	Lloyd-Jones
Murphy	Palmer	Peterson	Riordan
Rosenberg	Sturgeon	Szymoniak	Tinsman
Varn			

Absent or not voting, 3:

Boswell	Hutchins	Welsh
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Amendment S—3732 was adopted.

Senator Rosenberg offered amendment S—3738 filed by him on May 8, 1991, to page 1-4, 6 and 7 of the bill.

Senator Riordan offered amendment S—3741 filed by him from the floor to amendment S—3738 and moved its adoption.

Amendment S—3741 was adopted by a voice vote.

Senator Rosenberg offered amendment S—3744 filed by him from the floor to amendment S—3738 and moved its adoption.

Amendment S—3744 was adopted by a voice vote.

Senator Rosenberg moved the adoption of amendment S—3738 as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 706) the vote was:

Ayes, 46:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gettings
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak

Taylor
Varn

Tieden
Welsh

Tinsman

Vande Hoef

Nays, 4:

Boswell

Dieleman

Fuhrman

Priebe

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

Senator Horn asked and received unanimous consent that **House File 706** be immediately messaged to the House.

UNFINISHED BUSINESS

(Deferred May 8, 1991)

Senate File 540

The Senate resumed consideration of Senate File 540, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing an effective date, amendment S—3566 by Senator Connolly to page 2 of the bill and amendment S—3680 by Senators Dieleman and Drake to pages 2 and 3 of the bill, deferred on May 8, 1991.

Senator Connolly offered amendment S—3739 filed by him on May 8, 1991, to amendment S—3680 and moved its adoption.

A non record roll call was requested.

The ayes were 9, nays 29.

Amendment S—3739 lost.

Senator Connolly offered amendment S—3746 filed by him from the floor to amendment S—3680 and moved its adoption.

A non record roll call was requested.

The ayes were 12, nays 30.

Amendment S—3746 lost.

Senator Connolly offered amendment S—3747 filed by him from the floor to amendment S—3680 and moved its adoption.

Amendment S—3747 lost by a voice vote.

Senator Dieleman offered amendment S—3742 filed by him from the floor to amendment S—3680 and moved its adoption.

Amendment S—3742 was adopted by a voice vote.

Senator Dieleman moved the adoption of amendment S—3680 as amended, which motion prevailed by a voice vote.

The Senate resumed consideration of amendment S—3566 by Senator Connolly to page 2 of the bill, deferred on May 8, 1991.

Senator Drake raised the point of order that amendment S—3566 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3566 in order.

Senator Connolly moved the adoption of amendment S—3566, which motion lost by a voice vote.

With the adoption of amendment S—3680 as amended, amendment S—3599 filed by Senator Dieleman on April 25, 1991, to page 3 of the bill, was out of order.

Senator Dieleman asked and received unanimous consent that **House File 695** be substituted for **Senate File 540**, as amended.

House File 695

On motion of Senator Dieleman, House File 695, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates, was taken up for consideration.

The Chair ruled amendment S—3734 filed by Senator Connolly on May 8, 1991, to page 3 and the title page of the bill, and amendment S—3745 filed by Senator Connolly from the floor to page 3 of the bill, out of order.

Senator Connolly asked and received unanimous consent that action on **House File 695** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 4

Senator Riordan called up for consideration Senate File 4, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city, amended by the House in House amendment S—3714 filed May 3, 1991.

Senator Riordan asked and received unanimous consent that action on House amendment S—3714 and **Senate File 4** be **deferred**.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 335**

Senator Slife called up for consideration House File 335, a bill for an act relating to a parent's right of action for the death of a child, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3737 to Senate amendment H—4071 filed May 8, 1991.

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

HOUSE AMENDMENT CONSIDERED

Senate File 83

Senator Szymoniak called up for consideration Senate File 83, a bill for an act relating to the updating of the references to the federal Internal Revenue code, adopting revisions in the research activities credit and the earned income credit, and providing applicability and effective dates, amended by the House, and moved that the Senate concur in House amendment S—3740 filed May 9, 1991.

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

Senator Szymoniak 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. 83) the vote was:

Ayes, 41:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Hester	Horn	Husak	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn			

Nays, 5:

Hagerla	Hedge	Peterson	Rife
Taylor			

Absent or not voting, 4:

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 335** be **immediately messaged** to the House.

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 83**.

BILL ASSIGNED TO COMMITTEE

President Welsh announced that **House File 710** was assigned to the committee on **State Government**.

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

The Senate resumed session, Senator Deluhery presiding.

QUORUM CALL

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

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

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

The Senate resumed session, Senator Kinley presiding.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 1991, amended and adopted the following resolution in which the concurrence of the Senate is asked:

Senate Concurrent Resolution 24, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's early childhood, primary, and secondary education system and requiring reporting by certain dates (S—3749).

ALSO: That the House has on May 9, 1991, passed the following bill in which the concurrence of the House was asked:

Senate File 547, a bill for an act relating to housing and residential development within certain urban renewal areas and to tax exemption schedules for revitalization areas and providing an applicability date.

ALSO: That the House has on May 9, 1991, **refused to concur** in the Senate amendment to the House amendment to following bill in which the concurrence of the House was asked:

Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties.

ALSO: That the House has on May 9, 1991, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 683, a bill for an act relating to the establishment of a toxics pollution prevention program and establishing fees.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: May 8, 1991, 6:14 p.m.

Members Present: Sturgeon, Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Gronstal, Hester, Horn, Murphy, Pate and Slife.

Members Absent: Rosenberg, Vice Chair; Drake, Hagerla, Peterson and Varn.

Committee Business: Assigned bills to subcommittees.

Adjourned: 6:15 p.m.

WAYS AND MEANS

Convened: May 8, 1991, 11:14 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: Murphy.

Committee Business: Assigned bills to subcommittees.

Adjourned: 11:15 a.m.

SUBCOMMITTEE ASSIGNMENTS

House File 662

JUDICIARY: Varn, Chair; Hester and Murphy

House File 709

JUDICIARY: Gronstal, Chair; Deluhery and Fuhrman

House File 710

STATE GOVERNMENT; Dieleman, Chair; Buhr and Kramer

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 356, the following corrections were made:

1. Page 14, line 20, the words and numbers "Sections 2 and 21" were changed to the words and numbers "Sections 1 and 22".

2. Page 14, lines 23 and 24, the words and numbers "Sections 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, and 18" were changed to the words and numbers "Sections 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, and 17".

3. Page 14, line 26, the word and number "Section 7" were changed to the word and number "Section 6".

4. Page 14, line 28, the word and number "Section 8" were changed to the word and number "Section 7".

5. Page 14, line 30, the word and number "Section 27" were changed to the word and number "Section 28".

6. Page 14, line 32, the words and numbers "Sections 22, 23, 24, 25, and 26" were changed to the words and number "Sections 23, 24, 25, 26, and 27".

JOHN F. DWYER
Secretary of the Senate

PETITIONS

The following petitions were presented and placed on file by:

Senator Rittmer from two hundred sixty residents of Clinton County opposing Reapportionment Plan No. 1.

Senator Rensink from three hundred eighty-three residents of northwest Iowa favoring legislation requiring parental notification prior to the performance of an abortion on a minor.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Angelina Bizjak, Chariton — For celebration of her 100th birthday. Senator Peterson (5-10-91).

Cadet Lieutenant Colonel Daniel J. Christensen, Newell — For receiving Governor's award for outstanding ROTC Cadet. Senator Fuhrman (5-1-91).

Cadet Colonel Greg A. Kent, Aurelia — For receiving Governor's award for outstanding ROTC Cadet. Senator Fuhrman (5-1-91).

Fred Cobler, Ottumwa — For being selected Southeast Iowa Farmer of the Year. Senator Hedge (3-21-91).

Hartley Sentinel publishers Ed and Billie Robinson — For receiving the Master Editor-Publisher honor. Senator Vande Hoef (5-6-91).

The N'West Iowa Review, Sheldon — For being named 1991 Newspaper of the Year by the Iowa Newspaper Association. Senator Vande Hoef (5-6-91).

PRESENTATION OF VISITORS

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

Fifteen twelfth grade students from Wilton High School, Wilton, accompanied by Brenda Grunder. Senators Rife and Hannon.

Fifty fourth grade students from West Cedar Elementary School, Waverly, accompanied by Evelyn Aubrey. Senator Jensen.

Twenty-eight fifth grade students from Ida Grove Cadet Band, Ida Grove, accompanied by Allan Yeager, Jane Lansink and Marcia Carr. Senator Doyle.

BILL RETURNED TO CALENDAR (House File 662)

Pursuant to Senate Rule 13 and unanimous consent received by Senator Horn on May 8, 1991, on Senate Journal page 1725, **House File 662** was returned to the Unfinished Business Calendar from the committee on Judiciary at 12:00 noon, Thursday, May 9, 1991, without committee recommendation for passage.

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: SENATE FILE 544, a bill for an act to legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Deluhery, Drake, Gronstal, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 709, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENTS S-3752, S-3753, S-3754 and S-3755.

Final Vote: Ayes, 15: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Gronstal, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 710, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3751.

Final Vote: Ayes, 13: Kibbie, Lloyd-Jones, Nystrom, Buhr, Dieleman, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Rife and Running. Nays, 2: Priebe and Welsh. Absent or not voting, 4: Doyle, Lind, Soorholtz and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 707, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3740	S. F.	83	House amendment
S-3741	H. F.	706	Jim Riordan
S-3742	S. F.	540	William Dieleman
S-3743	S. F.	4	James Riordan
			Eugene S. Fraise
			Beverly Hannon
			Larry Murphy
			John Kibbie
			Berl Priebe
			Alvin Miller
			John Peterson
			Donald Doyle
			John Soorholtz
			Allen Borlaug
			Ray Taylor
			John Jensen
			Jack Hester
			Richard Vande Hoef
			Wilmer Rensink
			H. Kay Hedge
			Dale L. Tieden
			William W. Dieleman
S-3744	H. F.	706	Ralph Rosenberg
S-3745	H. F.	695	Mike Connolly
S-3746	S. F.	540	Mike Connolly
S-3747	S. F.	540	Mike Connolly
S-3748	S. F.	4	Michael Gronstal
			Richard Drake
S-3749	S. C. R.	24	House amendment

S-3750	H.F.	695	Mike Connolly
S-3751	H.F.	710	State Government
S-3752	H.F.	709	Judiciary
S-3753	H.F.	709	Judiciary
S-3754	H.F.	709	Judiciary
S-3755	H.F.	709	Judiciary

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:01 p.m., until 10:00 a.m., Friday, May 10, 1991.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 10, 1991

The Senate met in regular session at 10:25 a.m., President Welsh presiding.

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

The Journal of Thursday, May 9, 1991, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 703, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates.

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

ALSO: That the House has on May 9, 1991, 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 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty (S—3756 to H—4107).

ALSO: That the House has on May 9, 1991, **insisted on its amendment to House File 335**, a bill for an act relating to a parent's right of action for the death of a child, and that the members of the **Conference Committee** on part of the House are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Mills, Mr. Harbor; the Representative from Madison, Mr. Hibbard; the

Representative from Scott, Mr. Millage; the Representative from Carroll, Mr. Peterson.

QUORUM CALL

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

The vote revealed 36 present, 14 absent and a quorum present.

BILL ASSIGNED TO COMMITTEE

President Welsh announced that **House File 703** was assigned to the committee on **Ways and Means**.

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 24

Senator Connolly called up for consideration Senate Concurrent Resolution 24, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's early childhood, primary, and secondary education system and requiring reporting by certain dates, amended by the House, and moved that the Senate concur in House amendment S—3749 filed May 9, 1991.

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

Senator Connolly moved the adoption of Senate Concurrent Resolution 24, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 544 and House File 709.

Senate File 544

On motion of Senator Gronstal, Senate File 544, a bill for an act to legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and

the inclusion of funds raised through the levy in the district's budget, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 544) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

House File 709

On motion of Senator Gronstal, House File 709, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, with report of committee recommending amendments and passage, was taken up for consideration.

Senator Gronstal offered amendment S—3755 filed by the committee on Judiciary on May 9, 1991, to page 28 of the bill and moved its adoption.

Amendment S—3755 was adopted by a voice vote.

Senator Gronstal offered amendment S—3754 filed by the committee on Judiciary on May 9, 1991, to page 33 of the bill and moved its adoption.

Amendment S—3754 was adopted by a voice vote.

Senator Palmer offered amendment S—3757 filed by him from the floor to page 11 of the bill and moved its adoption.

Amendment S—3757 was adopted by a voice vote.

Senator Gronstal offered amendment S—3752 filed by the committee on Judiciary on May 9, 1991, to pages 32 and 34 of the bill and moved its adoption.

Amendment S—3752 was adopted by a voice vote.

Senator Gronstal offered amendment S—3753 filed by the committee on Judiciary on May 9, 1991, to page 34 of the bill and moved its adoption.

Amendment S—3753 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 709** be **deferred**.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 544** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 707.

House File 707

On motion of Senator Dieleman, House File 707, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 707) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 710.

House File 710

On motion of Senator Dieleman, House File 710, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dieleman offered amendment S—3751 filed by the committee on State Government on May 9, 1991, to pages 1 and 4 of the bill and moved its adoption.

Amendment S—3751 was adopted by a voice vote.

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. 710) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

BUSINESS PENDING

House File 709

The Senate resumed consideration of House File 709, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, previously deferred.

Senator Lind offered amendment S—3759 filed by him from the floor to page 19 of the bill and moved its adoption.

Amendment S—3759 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 709) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Nays, 3:

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 707, 709 and 710** be **immediately messaged** to the House.

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

The Senate resumed session, President Welsh presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 335** on the part of the Senate: Senators Varn, Chair; Deluhery, Doyle, Slife and Kersten.

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

The Senate resumed session, President Welsh presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 1991, passed the following bill in which the concurrence of the House was asked:

Senate File 533, a bill for an act relating to the rate of the Shelby Tennant community school district income surtax and the refund of any excess income surtax paid and providing effective and applicability dates.

ALSO: That the House has on May 10, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

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

ALSO: That the House has on May 10, 1991, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 28, a concurrent resolution expressing congratulations to the Iowa State Horticultural Society on the occasion of the Society's 125th Anniversary.

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

ALSO: That the House has on May 10, 1991, 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 210, a bill for an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing effective date and retroactive applicability provisions.

INTRODUCTION OF BILL

Senate File 548, by Hutchins and Rife, a bill for an act relating to the compensation and benefits for public officials and employees

by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

Read first time and passed on file.

BILL ASSIGNED TO COMMITTEE

President Welsh announced that **Senate File 548** was assigned to the committee on **Appropriations**.

MOTION TO RECONSIDER WITHDRAWN

House File 201

Senator Hutchins withdrew the motion to reconsider House File 201, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates, filed by him on May 2, 1991, and found on page 1630 of the Senate Journal.

QUORUM CALL

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

The vote revealed 32 present, 18 absent and a quorum present.

RECESS

On motion of Senator Horn, the Senate recessed at 12:07 p.m., until 2:00 p.m.

APPENDIX**GOVERNOR'S ITEM VETO MESSAGE**

May 9, 1991

The Honorable Joe Welsh
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

I hereby transmit Senate File 532, a bill for an act relating to reductions and increases in appropriations made for the fiscal year ending June 30, 1991, to departments and agencies of state government and to other public purposes, transferring moneys to the general fund of the state, and providing an effective date.

Senate File 532 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1001, which amends 1991 Iowa Acts, Senate File 209, Section 2. This provision attempts to condition supplemental funding for medical assistance in fiscal year 1991 by providing medical assistance coverage for adult liver and pancreas transplants through fiscal year 1991. While I believe it is appropriate to provide coverage under the Medicaid program for adult liver transplants, I do not believe it is appropriate to extend coverage to pancreas transplants at this time.

The Medicare program provides coverage of adult liver transplants but currently makes no provision for adult pancreas transplants. The safety, effectiveness, and reasonableness of adult liver transplants is clearly established while pancreas transplants are still considered investigational. As some Medicaid recipients are also Medicare recipients, the total amount of Medicaid funds needed to pay for the costs of liver transplants will be reduced by the amount covered by Medicare.

I am aware of the joint resolution under consideration by the General Assembly to require coverage of adult liver transplants. With the passage of the resolution, the effect of this item veto is to only disallow coverage of adult pancreas transplants. I will be directing the Department of Human Services to develop criteria for coverage of adult liver transplants.

I am unable to approve the designated portion of Section 1001, which amends 1991 Iowa Acts, Senate File 209, Section 8. This provision would direct the payment of interest on claims paid under Juvenile Justice which became more than 60 days past due during the period of January 1, 1991, through April 30, 1991. Under current law, a procedure exists for persons who wish to challenge untimely payments by the state. These claimants like all other claimants should be required to use the existing procedure.

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 532 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: May 9, 1991, 5:30 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Gronstal, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Recommended passage of Senate File 544; recommended passage of House File 709 as amended.

Adjourned: 6:08 p.m.

STATE GOVERNMENT

Convened: May 9, 1991, 5:15 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Nystrom, Ranking Member; Buhr, Dieleman, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Priebe, Rife, Running, Soorholtz and Welsh.

Members Absent: Doyle, Lind and Vande Hoef.

Committee Business: Recommended passage of House File 710 as amended.

Adjourned: 5:21 p.m.

WAYS AND MEANS

Convened: May 9, 1991, 4:42 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Recommended passage of House File 707.

Adjourned: 4:45 p.m.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 10th day of May, 1991:

Senate Files 205, 182, 501, 324, 317, 429 and 470.

JOHN F. DWYER
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENT

House File 703

WAYS AND MEANS: Palmer, Chair; Hester and Rosenberg

PRESENTATION OF VISITORS

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

Thirty sixth grade students from South Page Senior High School, College Springs, accompanied by Shannon Athen. Senator McLaren.

Fifty fourth grade students from Washington Irving Elementary School, Waverly. Senator Jensen.

The following visitors were present in the Senate gallery:

Thirty-five seventh and eighth grade students from Dumont Middle School, Dumont, accompanied by Rollie Ackerman. Senator Jensen.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Boswell, Tieden, Buhr, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, Peterson, Rensink, Running, Szymoniak and Varn. Nays, 3: McLaren, Pate and Tinsman. Absent or not voting, 3: Welsh, Connolly and Riordan.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3756	H.F.	706	House amendment
S-3757	H.F.	709	William Palmer
S-3758	H.F.	703	Mark Hagerla
S-3759	H.F.	709	Jim Lind
S-3760	H.F.	703	John Jensen

AFTERNOON SESSION

The Senate reconvened at 2:08 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

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

Senator Pate took the chair at 2:15 p.m.

President Welsh took the chair at 2:20 p.m.

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

SPECIAL PRESENTATION

Senator Kinley introduced Virginia M. Moore, RN, nurse for the Iowa State Capitol Complex since 1978, who will retire on June 20, 1991. Senator Kinley presented Virginia with a Certificate of Recognition and the Senate rose and expressed its appreciation for 13 years of dedicated service.

HOUSE AMENDMENT CONSIDERED

Senate File 476

Senator Gronstal called up for consideration Senate File 476, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs, amended by the House, and moved that the Senate concur in House amendment S-3631 filed April 29, 1991.

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

SENATE INSISTS

Senate File 496

Senator Gronstal called up for consideration Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties, amended by the House, further amended by the Senate and moved that the Senate insist on its amendment.

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for immediate consideration Senate File 548.

Senate File 548

On motion of Senator Boswell, Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 548** be **deferred**.

SENATE RECEDES

Senate File 210

Senator Sturgeon called up for consideration Senate File 210, a bill for an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing effective date and retroactive applicability provisions, 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 Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 210) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Vande Hoef	Varn	Welsh

Nays, 2:

Deluhery	Tinsman
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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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Riordan until he returns on request of Senator Hutchins.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 476 and 496 be immediately messaged to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 496** on the part of the Senate: Senators Sturgeon, Chair; Gronstal, Murphy, Borlaug and Hester.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 704, a bill for an act granting urban renewal and urban revitalization authority to counties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3761.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 704.

House File 704

On motion of Senator Husak, House File 704, a bill for an act granting urban renewal and urban revitalization authority to counties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Husak offered amendment S—3761 filed by the committee on Ways and Means from the floor to page 2 of the bill and moved its adoption.

Amendment S—3761 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that action on **House File 704** be **deferred**.

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

The Senate resumed session, President Welsh presiding.

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

The Senate resumed session, President Welsh presiding.

QUORUM CALL

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

The vote revealed 29 present, 21 absent and a quorum present.

BUSINESS PENDING

Senate File 548

The Senate resumed consideration of Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates, previously deferred.

Senator Gronstal offered amendment S—3764 filed by Senators Gronstal, et. al., from the floor to pages 1-3, 6 and 8 of the bill.

Senator Murphy called for a division of amendment S—3764; lines 2-11 and lines 14-44 as division S—3764B; lines 12 and 13 as division S—3764A.

Senator Murphy withdrew his request for division of amendment S—3764.

Senator Gronstal moved the adoption of amendment S—3764.

A record roll call was requested.

On the question "Shall amendment S—3764 be adopted?" (S.F. 548) the vote was:

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

Ayes, 40

Borlaug
Deluhery

Boswell
Dieleman

Buhr
Fraise

Connolly
Gettings

Gronstal	Hagerla	Hannon	Hedge
Hester	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Nystrom	Pate	Peterson	Priebe
Rensink	Rittmer	Running	Slife
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 5:

Drake	Fuhrman	Horn	Murphy
Palmer			

Voting present, 2:

Doyle	Rosenberg
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Absent or not voting, 3:

Rife	Riordan	Soorholtz
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Amendment S—3764 was adopted.

Senator Buhr offered amendment S—3762 filed by her from the floor to page 4 of the bill and moved its adoption.

Amendment S—3762 was adopted by a voice vote.

Senator Taylor offered amendment S—3765 filed by him from the floor to page 10 of the bill.

Senator Hutchins raised the point of order that amendment S—3765 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3765 out of order.

Senator Kramer offered amendment S—3767 filed by her from the floor to page 10 of the bill and moved its adoption.

Amendment S—3767 was adopted by a voice vote.

President pro tempore Lloyd-Jones took the chair at 4:04 p.m.

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

On the question "Shall the bill pass?" (S.F. 548) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Taylor

Absent or not voting, 1:

Soorholtz

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

Senator Hutchins asked and received unanimous consent that **Senate File 548** be **immediately messaged** to the House.

BUSINESS PENDING

House File 704

The Senate resumed consideration of House File 704, a bill for an act granting urban renewal and urban revitalization authority to counties, previously deferred.

President Welsh took the chair at 4:24 p.m.

Senator Priebe offered amendment S—3763 filed by Senators Priebe, et. al., from the floor to page 4 of the bill.

Senator Dieleman raised the point of order that amendment S—3763 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3763 out of order.

Senator Connolly took the chair at 4:30 p.m.

Senator Priebe asked and received unanimous consent that action on House File 704 be deferred.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Concurrent Resolution 24 and Senate File 210 be immediately messaged to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 471)

A conference committee report signed by the following Senate and House members was filed May 10, 1991, on Senate File 471, a bill for an act relating to state policies and procedures affecting children:

On the Part of the Senate:

RALPH ROSENBERG, Chair
BEVERLY A. HANNON
MARY KRAMER
ELAINE SZYMONIAK
MAGGIE TINSMAN

On the Part of the House:

MARK A. HAVERLAND, Chair
DOROTHY F. CARPENTER
CHARLES HURLEY
JOYCE NIELSEN
MICHAEL K. PETERSON

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 471

Senator Rosenberg called up the conference committee report of Senate File 471, a bill for an act relating to state policies and procedures affecting children, filed on May 10, 1991, 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 Rosenberg 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. 471) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Soorholtz

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 706

Senator Rosenberg called up for consideration House File 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty, amended by the Senate, further amended by the House and moved that the Senate concur in House

amendment S—3756 to Senate amendment H—4107 filed May 10, 1991.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 706) the vote was:

Ayes, 29:

Buhr	Connolly	Deluhery	Fraise
Gronstal	Hedge	Hester	Horn
Hutchins	Jensen	Kersten	Kinley
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Riordan	Rosenberg	Running
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 20:

Borlaug	Boswell	Dieleman	Doyle
Drake	Fuhrman	Gettings	Hagerla
Hannon	Husak	Kibbie	McLaren
Priebe	Rensink	Rife	Rittmer
Slife	Taylor	Tieden	Vande Hoef

Absent or not voting, 1:

Soorholtz

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

Senator Rosenberg 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. 706) the vote was:

Ayes, 37:

Borlaug	Buhr	Connolly	Deluhery
Drake	Fraise	Gronstal	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kinley

Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Szymoniak	Tinsman	Varn
Welsh			

Nays, 11:

Boswell	Dieleman	Doyle	Fuhrman
Gettings	Hagerla	Kibbie	Priebe
Taylor	Tieden	Vande Hoef	

Absent or not voting, 2:

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 471** and **House File 706** be immediately messaged to the House.

BILL INDEFINITELY POSTPONED

Senator Horn asked and received unanimous consent that **Senate File 532** be indefinitely postponed and that the bill be removed from the Item Veto Messages from the Governor Calendar.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED (Deferred May 6, 1991)

House File 302

Senator Gronstal called up for further consideration House File 302, a bill for an act relating to infectious and radioactive waste treatment and disposal facilities by extending the moratorium on construction and operation, requiring operating permits for treatment and disposal facilities and collection and transportation

operations, providing for emission limitations and standards, and providing an effective date, and House amendment S—3694 to Senate amendment H—4010, deferred on May 6, 1991.

Senator Gronstal moved that the Senate concur in the House amendment to the Senate amendment.

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

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

On the question "Shall the bill pass?" (H.F. 302) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Soorholtz

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

Senator Horn asked and received unanimous consent that **House File 302** be **immediately messaged** to the House.

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

The Senate resumed session, President Welsh presiding.

BILLS ASSIGNED TO COMMITTEE

President Welsh announced that **House File 712** and **House Joint Resolution 10** were assigned to the committee on **Appropriations**.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 529)

A conference committee report signed by the following Senate and House members was filed May 10, 1991, on Senate File 529, a bill for an act relating to and making appropriations to state departments, agencies, programs, funds, and the interstate agricultural grain marketing commission, and providing effective dates:

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
BILL HUTCHINS
JACK RIFE
DALE L. TIEDEN
JOE J. WELSH

On the Part of the House:

THOMAS J. JOCHUM, Chair
JANET L. ADAMS
HAROLD VAN MAANEN
PHILIP WISE

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 529

Senator Boswell called up the conference committee report on Senate File 529, a bill for an act relating to and making appropriations to state departments, agencies, programs, funds, and the interstate agricultural grain marketing commission, and providing effective dates, filed on May 10, 1991, and moved its adoption.

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

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

On the question "Shall the bill pass?" (S.F. 529) the vote was:

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

Ayes, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gronstal	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Nystrom
Palmer	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Szymoniak	Tieden	Varn	Welsh

Nays, 10:

Borlaug	Doyle	Drake	Fuhrman
Gettings	Hagerla	Peterson	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 4:

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

Senator Hutchins asked and received unanimous consent that Senate File 529 be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senate File 546

On motion of Senator Kibbie, Senate File 546, a bill for an act providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment S—3724 filed by him on May 6, 1991, to page 60 of the bill and moved its adoption.

Amendment S—3724 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 546) the vote was:

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

Ayes, 39:

Borlaug	Boswell	Buhr	Connolly
Dieleman	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Husak	Hutchins
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Rife	Riordan	Rosenberg
Slife	Sturgeon	Szymoniak	Taylor
Tieden	Varn	Welsh	

Nays, 10:

Deluhery	Doyle	Horn	Kinley
Priebe	Rensink	Rittmer	Running
Tinsman	Vande Hoef		

Absent or not voting, 1:

Soorholtz

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

Senator Hutchins asked and received unanimous consent that **Senate File 546** be immediately messaged to the House.

UNFINISHED BUSINESS.
(Deferred May 9, 1991)

Senate File 4

The Senate resumed consideration of Senate File 4, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city, and House amendment S—3714, deferred on May 9, 1991.

Senator Riordan offered amendment S—3769 filed by Senators Riordan, et. al., from the floor to House amendment S—3714 and moved its adoption.

Amendment S—3769 was adopted by a voice vote.

With the adoption of amendment S—3769 to House amendment S—3714, the Chair ruled amendment S—3748 filed by Senators Gronstal and Drake on May 9, 1991, and amendment S—3743 filed by Senators Riordan, et. al., on May 9, 1991, to House amendment S—3714, out of order.

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

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

Senator Riordan 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. 4) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer

Rosenberg
Szymoniak
Vande Hoef

Running
Taylor
Varn

Slife
Tieden
Welsh

Sturgeon
Tinsman

Nays, 2:

Gettings

Palmer

Absent or not voting, 1:

Soorholtz

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

Senator Hutchins asked and received unanimous consent that **Senate File 4** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 1991, passed the following bill in which the concurrence of the House was asked:

Senate File 544, a bill for an act to legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

ALSO: That the House has on May 10, 1991, adopted the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 10, a joint resolution to nullify an administrative rule of the department of human services relating to a limitation on payment for liver transplants under the medical assistance program and providing an effective date.

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

ALSO: That the House has on May 10, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 711, a bill for an act establishing a state of Iowa facilities authority to finance the acquisition, construction, and disposition of buildings and other property for use by governmental entities and state agencies, including the issuance of anticipation notes and bonds.

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

ALSO: That the House has on May 10, 1991, concurred in the Senate amendment and passed the following bill in which the concurrence of the Senate is asked:

House File 710, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date.

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

The Senate resumed session, President Welsh presiding.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 1991, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates (S—3772).

ALSO: That the House has on May 10, 1991, 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 4, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city.

ALSO: That the House has on May 10, 1991, **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 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates.

ALSO: That the House has on May 10, 1991, adopted the conference committee report and passed **Senate File 471**, a bill for an act relating to state policies and procedures affecting children.

ALSO: That the House, on May 10, 1991, insisted on its amendment to **Senate File 476**, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs, and that the members of the **Conference Committee** on the part of the House are: The Representative from Webster, Mr. Halvorson, Chair; the Representative from Greene, Mr. Blanshan; the Representative from Delaware, Mr. Hanson; the Representative from Grundy, Mr. Renken; the Representative from Black Hawk, Mrs. Teaford.

ALSO: That the members of the **conference committee**, appointed May 10, 1991, on **Senate File 496**, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties, on the part of the House are: The Representative from Polk, Mr. Sherzan, Chair; the Representative from Jones, Mr. McKean; the Representative from Hardin, Mr. McNeal; the Representative from Carroll, Mr. Peterson; the Representative from Scott, Mr. Wissing.

INTRODUCTION OF BILL

Senate File 549, by the committee on Appropriations, a bill for an act relating to appropriations from the lottery fund.

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 476** on the part of the Senate: Senators Kibbie, Chair; Gronstal, Lloyd-Jones, Drake and Pate.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Mitch Hill, Bettendorf — For attaining the coveted rank of Eagle Scout. Senator Tinsman (5-10-91).

Virginia M. Moore, RN, Des Moines — For 13 years of dedicated service in the Capitol First Aid Room. Senator Kinley (5-10-91).

RESOLUTION ENROLLED, SIGNED AND SENT TO SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 10th day of May, 1991:

Senate Joint Resolution 9.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

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

Forty band members from Calamus-Wheatland High School, Wheatland, accompanied by August Knoll. Senator Rittmer.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 10, 1991, when the final vote was taken on Senate File 529.

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

WILMER RENSINK

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 10, 1991, when the final vote was taken on Senate File 529.

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

PAUL PATE

RESOLUTION ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following resolution to committee:

H.C.R. 28 · Rules and Administration

GOVERNOR'S VETO MESSAGE

May 10, 1991

The Honorable Joe Welsh
President of the Senate
State Capitol Building
LOCAL

Dear Mr. President:

Senate File 131, an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims act, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Iowa Code Section 25A.13 currently provides a two-year statute of limitations for claims against the state under the Iowa Tort Claims Act. This is a departure from common law which did not permit actions against the state. Senate File 131 would amend Section 25A.13 to allow the two years to be tolled if the claimant is a minor or incompetent at the time the claim accrues.

Current Iowa law parallels the Federal Tort Claims Act which does not provide a tolling of its two-year statute of limitations for claims against the federal government brought by minors or incompetents. Congress was concerned about stale claims when it passed the federal act and has declined to alter it. Federal court decisions have upheld the constitutionality of the federal statute of limitations. Likewise, the Iowa Supreme Court has upheld the constitutionality of Section 25A.13.

At any given time, the state is charged with the care of hundreds of institutionalized minors and incompetents, many who because of the seriousness of their problems have been denied care by private facilities. Under this bill, a claim could be brought against the state by minors until their nineteenth birthday or by incompetents until one year after they attain competency which may be

some 10, 20 or even 30 years after the incident giving rise to the claim. In the case of both minors and incompetents, the claim may be made many years after the evidence and people familiar with the circumstances are gone. The state should not be forced to defend against claims that are stale. Our present law permits parents or guardians of minors or incompetents to bring claims on their behalf in a timely manner.

For the above reasons, I hereby respectfully disapprove Senate File 131.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 549 (LSB 2817), a bill for an act relating to appropriations from the lottery fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Boswell, Welsh, Tieden, Buhr, Connolly, Gronstal, Hagerla, Husak, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Running, Szymoniak and Tinsman. Nays, none. Absent or not voting, 5: Gettings, Kersten, Lind, Riordan and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE JOINT RESOLUTION 10, a joint resolution to nullify an administrative rule of the department of human services relating to a limitation on payment for liver transplants under the medical assistance program and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Boswell, Welsh, Tieden, Buhr, Connolly, Gronstal, Hagerla, Husak, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Running, Szymoniak and Tinsman. Nays, none. Absent or not voting, 4: Gettings, Kersten, Riordan and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 703, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates.

Recommendation: AMEND IN AMENDMENT S—3766 AND THE BILL WITHOUT RECOMMENDATION.

Final Vote: Ayes, 10: Hedge, Connolly, Deluhery, Drake, Hester, McLaren, Palmer, Rosenberg, Szymoniak and Taylor. Nays, 4: Husak, Fraise, Fuhrman and Murphy. Pass, 1: Dieleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—3761	H.F.	704	Ways and Means
S—3762	S.F.	548	Florence Buhr
S—3763	H.F.	704	Berl E. Priebe
			Donald Doyle
			Emil Husak
			Leonard Boswell.
			Jack Hester
			Richard Vande Hoef
			Derryl McLaren
			John Soorholtz
			H. Kay Hedge
			Sheldon Rittmer
			Eugene Fraise
			John Peterson
			Dale Tieden
S—3764	S.F.	548	Michael E. Gronstal
			Emil Husak
			Richard Varn
			John Kibbie
			William Dieleman
			Al Sturgeon
			Berl Priebe
			John Peterson
			George Kinley
			Elaine Szymoniak
			Richard Running
			Don Gettings

			Bill Hutchins
			Joe Welsh
			Eugene Fraise
			Mike Connolly
			Beverly Hannon
S-3765	S.F.	548	Ray Taylor
S-3766	H.F.	703	Ways and Means
S-3767	S.F.	548	Mary Kramer
S-3768	H.F.	703	Mark Hagerla
S-3769	S.F.	4	Jim Riordan
			Michael Gronstal
			Richard Drake
			Eugene Fraise
S-3770	H.F.	703	Jim Lind
S-3771	H.F.	712	Joe Welsh
			Jim Lind
			Harry Slife
S-3772	S.F.	548	House amendment

ADJOURNMENT

On motion of Senator Varn, the Senate adjourned at 9:26 p.m., until 10:00 a.m., Saturday, May 11, 1991.

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTEENTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, May 11, 1991

The Senate met in regular session at 10:27 a.m., President Welsh presiding.

Prayer was offered by Candy Boucher, Senate Secretary, who sang "Amazing Grace".

The Journal of Friday, May 10, 1991, was approved.

BILL ASSIGNED TO COMMITTEE

President Welsh announced that **House File 711** was assigned to the committee on **Ways and Means**.

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.

SENATE INSISTS

Senate File 184

Senator Kibbie called up for consideration Senate File 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates, amended by the House, further amended by the Senate and moved that the Senate insist on its amendment.

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

HOUSE AMENDMENT CONSIDERED

Senate File 548

Senator Boswell called up for consideration Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S—3772 filed May 10, 1991.

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

Senator Boswell 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. 548) the vote was:

Ayes, 39:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hedge
Horn	Husak	Hutchins	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 11:

Borlaug	Fuhrman	Hannon	Hester
Jensen	Kersten	McLaren	Rensink
Taylor	Tieden	Vande Hoef	

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 Hutchins asked and received unanimous consent to take up for consideration House Joint Resolution 10.

House Joint Resolution 10

On motion of Senator Connolly, House Joint Resolution 10, a joint resolution to nullify an administrative rule of the department of human services relating to a limitation on payment for liver transplants under the medical assistance program and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Connolly 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.J.R. 10) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, 2:

Drake Vande Hoef

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on

Senate File 184 on the part of the Senate: Senators Varn, Chair; Kibbie, Fraise, Rensink and Hedge.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 548**.

Senator Horn asked and received unanimous consent that **Senate File 184** and **House Joint Resolution 10** be immediately messaged to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration **Senate File 549**.

Senate File 549

On motion of Senator Husak, **Senate File 549**, a bill for an act relating to appropriations from the lottery fund, was taken up for consideration.

Senator Boswell offered amendment S—3774 filed by him from the floor to pages 4 and 5 of the bill and moved its adoption.

Amendment S—3774 was adopted by a voice vote.

Senator Boswell offered amendment S—3775 filed by him from the floor to page 6 of the bill and moved its adoption.

Amendment S—3775 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 549) the vote was:

Ayes, 49:

Borlaug
Deluhery
Fraise
Hagerla

Boswell
Dieleman
Fuhrman
Hannon

Buhr
Doyle
Gettings
Hedge

Connolly
Drake
Gronstal
Hester

Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Kibbie

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

Senator Horn asked and received unanimous consent that **Senate File 549** be immediately messaged to the House.

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

The Senate resumed session at 11:25 a.m., President Welsh presiding.

INTRODUCTION OF BILL

Senate File 550, by Hutchins and Rife, a bill for an act relating to transportation provided by motor carriers.

Read first time and assigned to the committee on **Transportation**.

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

The Senate resumed session at 12:05 p.m., Senator Running presiding.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed on May 11, 1991, on **Senate File 184**, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates, on the part of the House are: The Representative from Scott, Mr. Wissing, Chair; the Representative from Polk, Mr. Baker; the Representative from Black Hawk, Mr. Hanson; the Representative from Jefferson, Mr. Kistler; the Representative from Clinton, Mr. Ollie.

QUORUM CALL

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

The vote revealed 36 present, 14 absent and a quorum present.

COMMITTEE REPORT

TRANSPORTATION

Final Bill Action: SENATE FILE 550, a bill for an act relating to transportation provided by motor carriers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Kersten, Kinley, Pate and Welsh. Nays, none. Absent or not voting, 2: Lloyd-Jones and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 550.

Senate File 550

On motion of Senator Fraise, Senate File 550, a bill for an act relating to transportation provided by motor carriers, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 550) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rife	Rittmer	Rosenberg
Running	Slife	Soorholtz	Szymoniak
Taylor	Tieden	Tinsman	Varn
Welsh			

Nays, 3:

Hedge	Rensink	Vande Hoef
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Absent or not voting, 2:

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

President Welsh took the chair at 12:14 p.m.

Senator Horn asked and received unanimous consent that Senate File 550 be immediately messaged to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

House File 693

On motion of Senator Murphy, House File 693, a bill for an act relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, and service

delivery, and to a new alternative form of county government, with report of committee recommending passage, was taken up for consideration.

Senator Murphy offered amendment S—3649 filed by him on April 30, 1991, to pages 5, 6, 20 and 21 of the bill.

Senator Murphy called for a division of amendment S—3649; lines 3-8 and 15-17 as division S—3649A; lines 9-14 as division S—3649B.

Senator Murphy moved the adoption of division S—3649A, which motion prevailed by voice vote.

Senator Murphy asked and received unanimous consent that action on division S—3649B be deferred.

Senator Murphy withdrew amendment S—3670 filed by him on May 1, 1991, to page 7 of the bill.

Senator Murphy offered amendment S—3776 filed by him from the floor to pages 7, 11 and 12 of the bill.

Senator Kramer called for a division of amendment S—3776: lines 3-12 as division S—3776A and lines 13-31 as division S—3776B.

Senator Horn asked and received unanimous consent that action on divisions S—3776A and S—3776B and House File 693 be deferred.

RECESS

On motion of Senator Horn, the Senate recessed at 1:00 p.m., until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:20 p.m., President pro tempore Lloyd-Jones presiding.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 30, 1991

Mr. John Dwyer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Mr. Dwyer:

It is my pleasure to submit to the Senate for their consideration, the name of David J. Lyons, Des Moines, Polk County, for reappointment as Commissioner of Insurance, pursuant to Iowa Code Section 505.2 (1991) for a term beginning May 1, 1991, and ending April 30, 1995.

Sincerely,
Terry E. Branstad
Governor

Communication was received in the office of the Secretary of Senate on May 10, 1991, and referred to the committee on **Rules and Administration**.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 22, by committee on Rules and Administration, a resolution relating to a gubernatorial appointment requiring senate confirmation.

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

Senate Concurrent Resolution 28, by committee on Rules and Administration, a senate concurrent resolution to approve and confirm the appointment of the citizens' aide.

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

Senate Concurrent Resolution 30, by Priebe, Husak, McLaren and Soorholtz, a concurrent resolution to request the establishment of an interim committee to study agricultural chemical site remediation.

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

QUORUM CALL

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

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

President Welsh took the chair at 2:42 p.m.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 28, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Welsh, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 29, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Welsh, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 22, a resolution relating to a gubernatorial appointment requiring senate confirmation.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Welsh, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 25, a concurrent resolution relating to honoring members of the Iowa national guard and reserve units called to active duty for Operation Desert Shield and Desert Storm.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3777.

Final Vote: Ayes, 9: Hutchins, Welsh, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 28, a concurrent resolution expressing congratulations to the Iowa State Horticultural Society on the occasion of the Society's 125th Anniversary.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hutchins, Welsh, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolution 22.

Senate Resolution 22

On motion of Senator Deluhery, Senate Resolution 22, a resolution relating to a gubernatorial appointment requiring senate confirmation (David J. Lyons as Commissioner of Insurance), was taken up for consideration.

Senator Deluhery moved the adoption of Senate Resolution 22, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 11, adopted the conference committee report and passed House File 479, a bill for an act relating to appropriations for state departments, agencies, programs, funds, and INTERNET, and adjusting the school foundation aid program, delaying the effective date of certain tax rate reductions, credits, or

rent reimbursements, redirecting net lottery revenues, relating to the amount of federal income taxes deductible for the state individual income tax, and providing for effective and applicability dates.

BILL ASSIGNED TO COMMITTEE

President Welsh announced that **Senate Concurrent Resolution 30** was assigned to the committee on **Rules and Administration**.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 479)

A conference committee report signed by the following Senate and House members was filed May 11, 1991, on House File 479, a bill for an act relating to appropriations for state departments, agencies, programs, funds, and INTERNET, and adjusting the school foundation aid program, delaying the effective date of certain tax rate reductions, credits, or rent reimbursements, redirecting net lottery revenues, relating to the amount of federal income taxes deductible for the state individual income tax, and providing for effective and applicability dates:

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
BILL HUTCHINS
JOE J. WELSH

On the Part of the House:

THOMAS J. JOCHUM, Chair
TONY BISIGNANO
JOHN GRONINGA

CONFERENCE COMMITTEE REPORT ADOPTED (BILL FAILED)

House File 479

Senator Boswell called up the conference committee report on House File 479, a bill for an act relating to appropriations for state departments, agencies, programs, funds, and INTERNET, and adjusting the school foundation aid program, delaying the effective date of certain tax rate reductions, credits, or rent reimbursements, redirecting net lottery revenues, relating to the amount of federal income taxes deductible for the state individual

income tax, and providing for effective and applicability dates, filed on May 11, 1991, 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 26, nays 24.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

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

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

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

Ayes, 25:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Riordan	Rosenberg	Slife
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 25:

Borlaug	Doyle	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Running	Soorholtz	Taylor	Tieden
Vande Hoef			

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

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

CALL OF THE SENATE

MR. PRESIDENT: Pursuant to Rule 18 of the Rules of the Senate of the Seventy-fourth General Assembly, we, the undersigned hereby request a Call of the Senate on House File 479:

BILL HUTCHINS
DON GETTINGS
GEORGE R. KINLEY
JOE J. WELSH
WALLY E. HORN
AL STURGEON
BEVERLY A. HANNON
LEONARD L. BOSWELL
WILLIAM W. DIELEMAN
ELAINE SZYMONIAK

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

The Senate resumed session, President Welsh presiding.

QUORUM CALL

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

The vote revealed 50 present, 0 absent and a quorum present.

MOTION TO RECONSIDER ADOPTED
(House File 479)

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

MR. PRESIDENT, I move to reconsider the vote by which House File 479 failed to pass the Senate on May 11, 1991.

On the question "Shall the motion to reconsider be adopted?" (H.F. 479) the vote was:

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

Ayes, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Lloyd-Jones	Miller	Murphy
Riordan	Rosenberg	Running	Slife
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Welsh		

Nays, 24:

Borlaug	Doyle	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kinley	Kramer	Lind
McLaren	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Soorholtz	Tieden	Vande Hoef

The motion prevailed.

Senator Boswell moved to reconsider the vote by which House File 479 went to its last reading, which motion prevailed by a voice vote.

House File 479

On motion of Senator Boswell, House File 479, a bill for an act relating to appropriations for state departments, agencies, programs, funds, and INTERNET, and adjusting the school foundation aid program, delaying the effective date of certain tax rate reductions, credits, or rent reimbursements, redirecting net lottery revenues, relating to the amount of federal income taxes deductible for the state individual income tax, and providing for effective and applicability dates, was taken up for reconsideration.

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

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

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

Ayes, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Horn	Husak	Hutchins	Kibbie
Kinley	Lind	Lloyd-Jones	Miller
Murphy	Riordan	Rosenberg	Slife
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Welsh		

Nays, 24:

Borlaug	Doyle	Drake	Fuhrman
Hagerla	Hannon	Hedge	Hester
Jensen	Kersten	Kramer	McLaren
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Running	Soorholtz	Tieden	Vande Hoef

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

Senator Hutchins asked and received unanimous consent that **House File 479** be **immediately messaged** to the House.

Senator Hutchins asked and received unanimous consent that the Call of the Senate on House File 479 be lifted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slife for the remainder of the session on request of Senator Rife.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

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

Senate Concurrent Resolution 28

On motion of Senator Jensen, Senate Concurrent Resolution 28, a senate concurrent resolution to approve and confirm the appointment of the citizens' aide, was taken up for consideration.

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

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Deluhery called up the reappointment of David J. Lyons as Commissioner of Insurance, placed on the Individual Confirmation Calendar in accordance with Senate Resolution 22, adopted by the Senate on May 11, 1991.

Senator Deluhery moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Soorholtz	Sturgeon	Szymoniak
Taylor	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 6:

Gronstal	Hutchins	Priebe	Slife
Tieden	Tinsman		

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

BUSINESS PENDING

House File 693

The Senate resumed consideration of House File 693, a bill for

an act relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, and service delivery, and to a new alternative form of county government, and division S—3649B by Senator Murphy to page 20 of the bill, and divisions S—3776A and S—3776B by Senator Murphy to pages 7, 11 and 12 of the bill, previously deferred.

Senator Murphy moved the adoption of division S—3776A, which motion prevailed by a voice vote.

Senator Murphy moved the adoption of division S—3776B, which motion prevailed by a voice vote.

President pro tempore Lloyd-Jones took the chair at 4:08 p.m.

Senator Murphy offered amendment S—3677 filed by him on May 2, 1991, to page 7 of the bill and moved its adoption.

Amendment S—3677 was adopted by a voice vote.

Senator Kramer offered amendment S—3664 filed by her on May 1, 1991, to pages 8 and 15 of the bill and moved its adoption.

A non record roll call was requested.

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

The ayes were 23, nays 25.

Amendment S—3664 lost.

Senator Szymoniak withdrew amendment S—3650 filed by her on April 30, 1991, to pages 8, 14 and 25 of the bill.

Senator Szymoniak offered amendment S—3683 filed by Senators Szymoniak, McLaren and Murphy on May 2, 1991, to pages 8, 10, 14 and 25 of the bill and moved its adoption.

Amendment S—3683 was adopted by a voice vote.

Senator Kramer offered amendment S—3660 filed by her on April 30, 1991, to page 14 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3660 be adopted?" (H.F. 693) the vote was:

Ayes, 24:

Borlaug	Dieleman	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Nystrom	Pate	Rensink	Rife
Rittmer	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Welsh

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Vande Hoef
Varn			

Absent or not voting, 1:

Slife

Amendment S—3660 lost.

Senator McLaren offered amendment S—3673 filed by Senators McLaren, et. al., on May 1, 1991, to pages 15, 25 and the title page of the bill.

Senator Miller offered amendment S—3712 filed by Senators Miller and Buhr on May 3, 1991, to pages 3, 6, 9 and 11 of amendment S—3673 and moved its adoption.

Amendment S—3712 was adopted by a voice vote.

Senator Szymoniak raised the point of order that amendment S—3673 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—3673 as amended out of order.

Senator Dieleman offered amendment S—3778 filed by him from the floor to page 20 of the bill and moved its adoption.

Amendment S—3778 was adopted by a voice vote.

With the adoption of amendment S—3778, the Chair ruled division S—3649B by Senator Murphy, previously deferred, out of order.

Senator Lind withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT, I move to reconsider the vote by which division S—3776A to House File 693 was adopted by the Senate on May 11, 1991.

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. 693) the vote was:

Ayes, 42:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Rosenberg	Running	Soorholtz	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 7:

Fuhrman	Hagerla	Hedge	Hester
Jensen	Riordan	Taylor	

Absent or not voting, 1:

Slife

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

Senator Horn asked and received unanimous consent that **House File 693** and **Senate Concurrent Resolution 28** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 11, 1991, passed the following bill in which the concurrence of the House was asked:

Senate File 546, a bill for an act providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date.

ALSO: That the House has on May 11, 1991, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 30, a concurrent resolution relating to the state board of regents ten-year building program.

Read first time and assigned to the committee on **Appropriations**.

ALSO: That the House has, on May 11, 1991, adopted by conference committee report and passed **House File 335**, a bill for an act relating to a parent's right of action for the death of a child.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 335)

A conference committee report signed by the following Senate and House members was filed May 11, 1991, on House File 335, a bill for an act relating to a parent's right of action for the death of a child:

On the Part of the Senate:

RICHARD J. VARN, Chair
PATRICK J. DELUHERY
DONALD V. DOYLE
JAMES B. KERSTEN
HARRY SLIFE

On the Part of the House:

DANIEL J. JAY, Chair
DAVE HIBBARD
DAVID MILLAGE
MICHAEL K. PETERSON

CONFERENCE COMMITTEE REPORT DEFERRED**House File 335**

Senator Varn called up the conference committee report on House File 335, a bill for an act relating to a parent's right of action for the death of a child, filed on May 11, 1991.

Senator Fuhrman asked and received unanimous consent that action on the conference committee report and **House File 335** be deferred.

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

The Senate resumed session at 5:45 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

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

The vote revealed 32 present, 18 absent and a quorum present.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 476)

A conference committee report signed by the following Senate and House members was filed May 11, 1991, on Senate File 476, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs:

On the Part of the Senate:

JOHN P. KIBBIE, Chair
MICHAEL E. GRONSTAL

On the Part of the House:

ROD HALVORSON, Chair
EUGENE BLANSHAN

JEAN LLOYD-JONES
RICHARD F. DRAKE
PAUL D. PATE

JANE TEAFORD
DARRELL R. HANSON
BOB RENKEN

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 476

Senator Kibbie called up the conference committee report on Senate File 476, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs, filed on May 11, 1991, and moved its adoption.

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

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

On the question "Shall the bill pass?" (S.F. 476) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Peterson

Slife

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 476** be immediately messaged to the House.

UNFINISHED BUSINESS

House File 662

The Senate resumed consideration of House File 662, a bill for an act relating to facilities used to maintain animals, and providing penalties, and amendment S—3397 by the committee on Agriculture, deferred on May 6, 1991; referred to the committee on Judiciary on May 8, 1991, to be returned to the Senate Calendar by 12:00 noon on May 9, 1991; returned automatically to the Unfinished Business Calendar at 12:00 noon on May 9, 1991, without any committee recommendation.

Senator Doyle moved the adoption of amendment S—3397 to pages 2 and 3 of the bill, which motion prevailed by a voice vote.

Senator Doyle withdrew amendment S—3433 filed by him on April 16, 1991, to page 1 and the title page of the bill.

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

On the question "Shall the bill pass?" (H.F. 662) the vote was:

Ayes, 46:

Borlaug
Deluhery
Fraise
Hagerla
Horn
Kersten
Lind

Boswell
Dieleman
Fuhrman
Hannon
Husak
Kibbie
Lloyd-Jones

Buhr
Doyle
Gettings
Hedge
Hutchins
Kinley
McLaren

Connolly
Drake
Gronstal
Hester
Jensen
Kramer
Miller

Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Running	Soorholtz
Szymoniak	Taylor	Tieden	Vande Hoef
Varn	Welsh		

Nays, 3:

Rosenberg	Sturgeon	Tinsman
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Absent or not voting, 1:

Slife

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

UNFINISHED BUSINESS (Deferred May 10, 1991)

House File 704

The Senate resumed consideration of House File 704, a bill for an act granting urban renewal and urban revitalization authority to counties, deferred on May 10, 1991.

Senator Lind took the chair at 6:06 p.m.

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

On the question "Shall the bill pass?" (H.F. 704) the vote was:

Ayes, 38:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fraise	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Nystrom
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Welsh		

Nays, 10:

Connolly
Murphy
Sturgeon

Doyle
Peterson
Varn

Fuhrman
Rosenberg

Gettings
Running

Absent or not voting, 2:

Lloyd-Jones

Slife

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

Senator Horn asked and received unanimous consent that **House File 704** be **immediately messaged** to the House.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Hutchins and Rife for their service to the Senate.

Certificates of Recognition for serving with honor and distinction as a Senate Page during the 1991 Regular Session of the Seventy-fourth General Assembly and a Page group picture were presented to the following Pages:

Jennifer Carey, Jennifer Dawson, Kathy Foresman, Michele Goodwin, Molly Kressin, Gary McWeeny, Susan Mikkelson, Matthew Most, Angela Mumm, Kate Reichardt, Frank Sackett, Robin Shipler, Jami Snyder and Michelle Turner.

The Senate rose and expressed its appreciation to the Pages.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Concurrent Resolution 25.

House Concurrent Resolution 25

On motion of Senator Husak, House Concurrent Resolution 25, a concurrent resolution relating to honoring members of the Iowa national guard and reserve units called to active duty for Operation

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

Senator Husak offered amendment S—3777 filed by the committee on Rules and Administration from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S—3777 was adopted by a voice vote.

Senator Husak moved the adoption of House Concurrent Resolution 25 as amended, which motion prevailed by a voice vote.

Senator Horn asked and received unanimous consent that House Concurrent Resolution 25 be immediately messaged to the House.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE CONCURRENT RESOLUTION 30, a concurrent resolution relating to the state board of regents ten-year building program.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boswell, Welsh, Tieden, Gronstal, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Rensink, Running, Szymoniak, Tinsman and Varn. Nays, 4: Buhr, Connolly, Gettings and Hagerla. Pass, 3: Husak, Peterson and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3780.

Final Vote: Ayes, 18: Boswell, Tieden, Buhr, Connolly, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Running, Szymoniak and Tinsman. Nays, none. Absent or not voting, 3: Welsh, Riordan and Varn.

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 712.

House File 712

On motion of Senator Boswell, House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Boswell offered amendment S—3771 filed by Senators Welsh, Lind and Slife on May 10, 1991, to page 1 of the bill.

Senator Rife took the chair at 6:40 p.m.

Senator Lind took the chair at 6:43 p.m.

Senator Boswell moved the adoption of amendment S—3771, which motion prevailed by a voice vote.

With the adoption of amendment S—3771, the Chair ruled amendment S—3780 filed by the committee on Appropriations from the floor to page 1 of the bill, out of order.

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

On the question "Shall the bill pass?" (H.F. 712) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan

Rittmer
Szymaniak
Vande Hoef

Rosenberg
Taylor
Varn

Soorholtz
Tieden

Sturgeon
Tinsman

Nays, 1:

Running

Absent or not voting, 3:

Hutchins

Slife

Welsh

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 496)

A conference committee report signed by the following Senate and House members was filed May 11, 1991, on Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties:

On the Part of the Senate:

AL STURGEON, Chair
ALLEN BORLAUG
MICHAEL E. GRONSTAL
JACK W. HESTER
LARRY MURPHY

On the Part of the House:

GARY SHERZAN, Chair
MICHAEL K. PETERSON
MATTHEW WISSING

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 496

Senator Gronstal called up the conference committee report on Senate File 496, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties, filed on May 11, 1991, 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. 496) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Hutchins	Lloyd-Jones	Slife	Welsh
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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.

BUSINESS PENDING

House File 335

The Senate resumed consideration of House File 335, a bill for an act relating to a parent's right of action for the death of a child, and the conference committee report, previously deferred.

Senator Varn moved the adoption of the conference committee report on House File 335, which motion lost by a voice vote.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 496** and **House Files 712 and 335** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 11, 1991, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 550, a bill for an act relating to transportation provided by motor carriers (S—3779).

ALSO: That the House has on May 11, 1991, adopted the conference committee report and passed **Senate File 529**, a bill for an act relating to and making appropriations to state departments, agencies, programs, funds, and the interstate agricultural grain marketing commission, and providing effective dates.

HOUSE AMENDMENT CONSIDERED**Senate File 550**

Senator Fraise called up for consideration **Senate File 550**, a bill for an act relating to transportation provided by motor carriers, amended by the House, and moved that the Senate concur in House amendment S—3779 filed May 11, 1991.

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

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

On the question "Shall the bill pass?" (S.F. 550) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Slife

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 184)

A conference committee report signed by the following Senate and House members was filed May 11, 1991, on Senate File 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates:

On the Part of the Senate:

RICHARD VARN, Chair
EUGENE FRAISE
H. KAY HEDGE
JOHN P. KIBBIE
WILMER RENSINK

On the Part of the House:

MATTHEW WISSING, Chair
TOM BAKER
DONALD E. HANSON
BOB KISTLER
C. ARTHUR OLLIE

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 184

Senator Varn called up the conference committee report on Senate File 184, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates, filed on May 11, 1991, and moved its adoption.

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

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

On the question "Shall the bill pass?" (S.F. 184) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Slife

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 Horn asked and received unanimous consent that Senate Files 550 and 184 be immediately messaged to the House.

CONSIDERATION OF RESOLUTION (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 30.

House Concurrent Resolution 30

On motion of Senator Boswell, House Concurrent Resolution 30, a resolution relating to the state board of regents ten-year building program, with report of committee recommending passage, was taken up for consideration.

Senator Peterson asked and received unanimous consent that action on House Concurrent Resolution 30 be deferred.

President pro tempore Lloyd-Jones took the chair at 7:24 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 505

Senator Gronstal called up for consideration Senate File 505, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties, amended by the House, and moved that the Senate concur in House amendment S—3688 filed May 2, 1991.

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

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

On the question "Shall the bill pass?" (S.F. 505) the vote was:

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

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Hannon	Hedge
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Priebe	Riordan
Rittmer	Rosenberg	Running	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 17:

Borlaug	Drake	Fuhrman	Hester
Jensen	Kramer	Lind	McLaren
Nystrom	Pate	Rensink	Rife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 2:

Peterson Slife

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

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on House File 335 on the part of the Senate: Senators Varn, Chair; Deluhery, Doyle, Kersten and Rittmer.

BUSINESS PENDING

House Concurrent Resolution 30

The Senate resumed consideration of House Concurrent

Resolution 30, a resolution relating to the state board of regents ten-year building program, previously deferred.

Senator Boswell moved the adoption of House Concurrent Resolution 30.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.C.R. 30) the vote was:

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

Ayes, 27:

Borlaug	Boswell	Deluhery	Gronstal
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Nystrom
Pate	Rensink	Rife	Rittmer
Rosenberg	Running	Szymoniak	Tieden
Tinsman	Varn	Welsh	

Nays, 21:

Buhr	Connolly	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Hagerla	Hannon	Hedge	Hester
Kinley	Murphy	Palmer	Priebe
Riordan	Soorholtz	Sturgeon	Taylor
Vande Hoef			

Absent or not voting, 2:

Peterson	Slife
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The motion prevailed and the resolution was adopted.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that House Concurrent Resolution 30, House File 662 and Senate File 505 be immediately messaged to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 703.

House File 703

On motion of Senator Palmer, House File 703, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates, with report of committee recommending amendment and the bill without recommendation, was taken up for consideration.

Senator Palmer offered amendment S—3766 filed by the committee on Ways and Means on May 10, 1991, to pages 1 and 3 of the bill.

Senator Hagerla offered amendment S—3768 filed by him on May 10, 1991, to amendment S—3766 and moved its adoption.

Amendment S—3768 was adopted by a voice vote.

Senator Palmer moved the adoption of amendment S—3766 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—3766 as amended, the Chair ruled amendment S—3758 filed by Senator Hagerla to pages 1 and 3 of the bill, out of order.

Senator Jensen offered amendment S—3760 filed by him on May 10, 1991, to pages 2 and 3 of the bill and called for a division: lines 5-8, 11 and 12 and 17-39 as division S—3760A; lines 9-10 and 13-16 as division S—3760B.

Senator Jensen asked and received unanimous consent that action on division S—3760A and S—3760B be deferred.

Senator Husak offered amendment S—3773 filed by him from the floor to pages 2, 4 and 5 of the bill and called for a division:

Division S—3773A: lines 3 and 4.

Division S—3773B: lines 5 and 6.

Division S—3773C: lines 7 and 8.

Division S—3773D: lines 9 and 10.

Division S—3773E: lines 11 and 12.

Senator Husak moved the adoption of division S—3773A.

A record roll call was requested.

On the question "Shall division S—3773A be adopted?" (H.F. 703) the vote was:

Ayes, 28:

Borlaug	Boswell	Connolly	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Kersten	McLaren	Miller	Murphy
Priebe	Rensink	Rittmer	Running
Soorholtz	Szymoniak	Taylor	Tieden

Nays, 20:

Buhr	Deluhery	Gronstal	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Nystrom	Palmer	Pate
Rife	Riordan	Rosenberg	Sturgeon
Tinsman	Vande Hoef	Varn	Welsh

Absent or not voting, 2:

Peterson Slife

Division S—3773A was adopted.

Senator Husak moved the adoption of division S—3773B.

A non record roll call was requested.

The ayes were 15, nays 32.

Division S—3773B lost.

Senator Husak offered amendment S—3783 filed by him from the floor to amendment S—3773C and moved its adoption.

Amendment S—3783 was adopted by a voice vote.

Senator Husak moved the adoption of division S—3773C as amended.

A record roll call was requested.

On the question "Shall division S—3773C as amended be adopted?" (H.F. 703) the vote was:

Ayes, 15:

Borlaug	Boswell	Connolly	Dieleman
Doyle	Fraise	Gettings	Horn
Husak	Miller	Murphy	Priebe
Rittmer	Taylor	Tieden	

Nays, 33:

Buhr	Deluhery	Drake	Fuhrman
Gronstal	Hagerla	Hannon	Hedge
Hester	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Nystrom	Palmer
Pate	Rensink	Rife	Riordan
Rosenberg	Running	Soorholtz	Sturgeon
Szymaniak	Tinsman	Vande Hoef	Varn
Welsh			

Absent or not voting, 2:

Peterson	Slife
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Division S—3773C lost.

Senator Husak asked and received unanimous consent that action on division S—3773D be deferred.

Senator Husak moved the adoption of division S—3773E.

A non record roll call was requested.

The ayes were 12, nays 29.

Division S—3773E lost.

Senator Husak withdrew division S—3773D, previously deferred.

The Senate resumed consideration of divisions S—3760A and S—3760B, previously deferred.

Senator Jensen called for a further division of amendment S—3760:

Division S—3760A: lines 5-8, 11, 12 and 17-39.

Division S—3760B: lines 3 and 4.

Division S—3760C: lines 13-16.

Division S—3760D: lines 9 and 10.

Senator Jensen moved the adoption of division S—3760A, which motion prevailed by a voice vote.

With the adoption of division S—3773A, the Chair ruled division S—3760B, out of order.

Senator Jensen moved the adoption of division S—3760C.

A record roll call was requested.

On the question "Shall division S—3760C be adopted?" (H.F. 703) the vote was:

Ayes, 23:

Borlaug	Boswell	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Husak	Jensen
Lloyd-Jones	Miller	Murphy	Pate
Priebe	Rensink	Rittmer	Rosenberg
Taylor	Vande Hoef	Welsh	

Nays, 25:

Buhr	Connolly	Deluhery	Drake
Gronstal	Hester	Horn	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Nystrom	Palmer
Rife	Riordan	Running	Soorholtz
Sturgeon	Szymoniak	Tieden	Tinsman
Varn			

Absent or not voting, 2:

Peterson Slife

Division S—3760C lost.

President Welsh took the chair at 8:45 p.m.

Senator Palmer asked and received unanimous consent that action on division S—3760D be deferred.

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

MR. PRESIDENT, I move to reconsider the vote by which division S—3760A to House File 703 was adopted by the Senate on May 11, 1991.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 703) the vote was:

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

Ayes, 26:

Buhr	Connolly	Deluhery	Dieleman
Gronstal	Hannon	Horn	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Nystrom	Palmer
Pate	Rife	Riordan	Rosenberg
Running	Soorholtz	Szymoniak	Tinsman
Varn	Welsh		

Nays, 21:

Borlaug	Boswell	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hedge	Hester	Husak	Jensen
McLaren	Miller	Murphy	Priebe
Rensink	Rittmer	Taylor	Tieden
Vande Hoef			

Absent or not voting, 3:

Peterson	Slife	Sturgeon
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The motion prevailed and division S—3760A by Senator Jensen, was taken up for reconsideration.

Senator Jensen moved the adoption of division S—3760A.

A record roll call was requested.

On the question "Shall division S—3760A be adopted?" (H.F. 703) the vote was:

Ayes, 19:

Boswell	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Hagerla	Hedge
Husak	Jensen	Miller	Nystrom
Priebe	Rensink	Rittmer	Rosenberg
Running	Taylor	Vande Hoef	

Nays, 24:

Buhr	Connolly	Deluhery	Drake
Gronstal	Hannon	Horn	Hutchins
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Palmer	Pate
Rife	Riordan	Soorholtz	Szymoniak
Tieden	Tinsman	Varn	Welsh

Absent or not voting, 7:

Borlaug	Hester	Kersten	Murphy
Peterson	Slife	Sturgeon	

Division S—3760A lost.

Senator Jensen withdrew division S—3760D, previously deferred.

Senator Lind offered amendment S—3770 filed by him on May 10, 1991, to page 2 of the bill.

Senator Palmer called for a division of amendment S—3770: lines 3 and 4 as division S—3770A and lines 5-14 as division S—3770B.

Senator Lind moved the adoption of division S—3770A, which motion prevailed by a voice vote.

Senator Lind withdrew division S—3770B.

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. 703) the vote was:

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

Ayes, 30:

Borlaug	Buhr	Deluhery	Dieleman
Drake	Gronstal	Hagerla	Hannon
Hedge	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Nystrom	Palmer
Pate	Priebe	Rife	Riordan
Rosenberg	Soorholtz	Szymoniak	Taylor
Varn	Welsh		

Nays, 16:

Boswell	Connolly	Doyle	Fraise
Fuhrman	Gettings	Hester	Horn
Husak	Jensen	Murphy	Rensink
Rittmer	Running	Tinsman	Vande Hoef

Voting present, 1:

Tieden

Absent or not voting, 3:

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 11, 1991, passed the following bill in which the concurrence of the House was asked:

Senate File 549, a bill for an act relating to appropriations from the lottery fund.

ALSO: That the House has on May 11, 1991, amended and adopted the following resolution in which the concurrence of the Senate is asked:

Senate Concurrent Resolution 28, a concurrent resolution to approve and confirm the appointment of the citizens' aide (S—3782).

ALSO: That the House has on May 11, 1991, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 29, a concurrent resolution relating to the establishment of a solid waste and recycling consortium.

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

ALSO: That the House has on May 11, 1991, concurred in the Senate amendment and adopted the following resolution in which the concurrence of the House was asked:

House Concurrent Resolution 25, a concurrent resolution relating to honoring members of the Iowa national guard and reserve units called to active duty for Operation Desert Shield and Desert Storm.

ALSO: That the House has on May 11, 1991, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 662, a bill for an act relating to facilities used to maintain animals, and providing penalties.

House File 693, a bill for an act relating to alternative forms of local government and creating a new alternative form of local government for cities known as a consolidated metropolitan corporation, with provisions relating to its charter process, legislative body, tax collection, and service delivery, and to a new alternative form of county government.

House File 704, a bill for an act granting urban renewal and urban revitalization authority to counties.

ALSO: That the House has on May 11, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 713, a bill for an act relating to state budget and financial control by requiring certain financial practices and establishing a temporary fund and a capitals fund, limiting the amount of federal income tax that may be deducted for individual income tax purposes, and providing a retroactive applicability provision.

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

ALSO: That the House has on May 11, 1991, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

ALSO: That the House has on May 11, 1991, appointed a second conference committee on **House File 335**, a bill for an act relating to a parent's right of action for the death of a child, and the members are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Mills, Mr. Harbor; the Representative from Madison, Mr. Hibbard; the Representative from Scott, Mr. Millage; the Representative from Carroll, Mr. Peterson.

ALSO: That the House has on May 11, 1991, adopted the conference committee report and passed **Senate File 184**, a bill for an act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates.

ALSO: That the House has on May 11, 1991, adopted the conference committee report and passed **Senate File 476**, a bill for an act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs.

ALSO: That the House has on May 11, 1991, adopted the conference committee report and passed **Senate File 496**, a bill for an act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties.

Senator Running took the chair at 9:19 p.m.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 703** be **immediately messaged** to the House.

BILL ASSIGNED TO COMMITTEE

Senator Running announced that **House File 713** was assigned to the committee on **Appropriations**.

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

The Senate resumed session at 10:22 p.m., President Welsh presiding.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills be referred from the Senate Calendar to committee:

S. J. R.	3	State Government
S. F.	280	Appropriations
S. F.	352	Ways and Means
H.F.	200	State Government
H.F.	469	Local Government
H.F.	702	Ways and Means

CONSIDERATION OF RESOLUTION (Regular Calendar)

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

House Concurrent Resolution 28

On motion of Senator Gettings, House Concurrent Resolution 28, a concurrent resolution expressing congratulations to the Iowa State Horticultural Society on the occasion of the Society's 125th Anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Gettings moved the adoption of House Concurrent Resolution 28, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 28

Senator Jensen called up for consideration Senate Concurrent Resolution 28, a concurrent resolution to approve and confirm the appointment of the citizens' aide, amended by the House, and moved that the Senate concur in House amendment S—3782 filed May 11, 1991.

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

Senator Jensen moved the adoption of Senate Concurrent Resolution 28 as amended, which motion prevailed by a voice vote.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 536)

A conference committee report signed by the following Senate and House members was filed May 11, 1991, on Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund:

On the Part of the Senate:

WILLIAM D. PALMER, Chair
MIKE CONNOLLY
WILLIAM W. DIELEMAN

On the Part of the House:

JANE SVOBODA, Chair
GORDON BURKE
JANET ADAMS
HORACE DAGGETT
JANET METCALF

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 536

Senator Palmer called up the conference committee report on Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund, filed on May 11, 1991, 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?" (S.F: 536) the vote was:

Ayes, 28:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Hedge	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Priebe	Riordan	Rosenberg	Running
Soorholtz	Szymoniak	Varn	Welsh

Nays, 19:

Borlaug	Drake	Fuhrman	Hagerla
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Nystrom	Pate
Rensink	Rife	Rittmer	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 536, House Concurrent Resolution 28 and Senate Concurrent Resolution 28** be immediately messaged to the House.

BILL INDEFINITELY POSTPONED

Senator Horn asked and received unanimous consent that **Senate File 131** be indefinitely postponed and that the bill be removed from the Veto Message from the Governor Calendar.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 11, 1991, adopted the second conference committee report and passed House File 335, a bill for an act relating to a parent's right of action for the death of a child.

SECOND CONERENCE COMMITTEE REPORT RECEIVED (House File 335)

A second conference committee report signed by the following Senate and House members was filed May 11, 1991, on House File 335, a bill for an act relating to a parent's right of action for the death of a child:

On the Part of the Senate:

RICHARD J. VARN, Chair
PATRICK J. DELUHERY
DONALD V. DOYLE
JAMES B. KERSTEN

On the Part of the House:

DANIEL J. JAY, Chair
WILLIAM H. HARBOR
DAVE HIBBARD
DAVID MILLAGE
MICHAEL K. PETERSON

SECOND CONFERENCE COMMITTEE REPORT ADOPTED

House File 335

Senator Varn called up the second conference committee report on House File 335, a bill for an act relating to a parent's right of action for the death of a child, filed on May 11, 1991, and moved its adoption.

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

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

On the question "Shall the bill pass?" (H.F. 335) the vote was:

Ayes, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lloyd-Jones	Miller	Murphy
Palmer	Priebe	Riordan	Rosenberg
Running	Soorholtz	Szymoniak	Varn
Welsh			

Nays, 18:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Lind
McLaren	Nystrom	Pate	Rensink
Rife	Rittmer	Taylor	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 3:

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

CONSIDERATION OF BILL (Regular Calendar)

Senate Concurrent Resolution 10

On motion of Senator Varn, Senate Concurrent Resolution 10, a concurrent resolution relating to the establishment of a solid waste and recycling consortium, with report of committee recommending passage, was taken up for consideration.

Senator Varn asked and received unanimous consent that **House Concurrent Resolution 29** be substituted for **Senate Concurrent Resolution 10**.

House Concurrent Resolution 29

On motion of Senator Varn, House Concurrent Resolution 29, a concurrent resolution relating to the establishment of a solid waste and recycling consortium, was taken up for consideration.

Senator Varn moved the adoption of House Concurrent Resolution 29, which motion prevailed by a voice vote.

Senator Varn asked and received unanimous consent that **Senate Concurrent Resolution 10** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 335** and **House Concurrent Resolution 29** be **immediately messaged** to the House.

SENATE INSISTS

House File 712

Senator Boswell called up for consideration House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa, amended by the Senate and moved that the Senate insist on its amendment.

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

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 11, 1991, 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 709, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities (S—3786 to H—4113).

ALSO: That the House has on May 11, 1991, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 703, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 709

Senator Gronstal called up for consideration House File 709, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3786 to Senate amendment H—4113 filed May 11, 1991.

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

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

On the question "Shall the bill pass?" (H.F. 709) the vote was:

Ayes, 44:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Nystrom
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Soorholtz	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Taylor

Absent or not voting, 5:

Boswell
Sturgeon

Fraise

Peterson

Slife

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 713, a bill for an act relating to state budget and financial control by requiring certain financial practices and establishing a temporary fund and a capitals fund, limiting the amount of federal income tax that may be deducted for individual income tax purposes, and providing a retroactive applicability provision.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3785.

Final Vote: Ayes, 20: Boswell, Welsh, Tieden, Buhr, Connolly, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Rensink, Riordan, Running, Szymoniak, Tinsman and Varn. Nays, none. Absent or not voting, 1: Peterson.

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 713.

House File 713

On motion of Senator Varn, House File 713, a bill for an act relating to state budget and financial control by requiring certain financial practices and establishing a temporary fund and a capitals fund, limiting the amount of federal income tax that may be deducted for individual income tax purposes, and providing a retroactive applicability provision, with report of committee

recommending amendment and passage, was taken up for consideration.

Senator Fuhrman offered amendment S—3784 filed by Senators Fuhrman, Hedge and Taylor from the floor to strike everything after the enacting clause and to the title page of the bill.

Senator Running took the chair at 11:16 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings until he returns on request of Senator Hutchins.

BUSINESS PENDING

House File 713

The Senate resumed consideration of House File 713 and amendment S—3784.

Senator Fuhrman moved the adoption of amendment S—3784.

A record roll call was requested.

On the question "Shall amendment S—3784 be adopted?" (H.F. 713) the vote was:

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

Ayes, 22:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Nystrom
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller

Murphy
Rosenberg
Welsh

Palmer
Running

Priebe
Szymoniak

Riordan
Varn

Absent or not voting, 3:

Gettings

Peterson

Sturgeon

Amendment S—3784 lost.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 712**, on the part of the Senate: Senators Kinley, Chair; Riordan, Welsh, Soorholtz and Taylor.

BUSINESS PENDING

House File 713

The Senate resumed consideration of House File 713.

Senator Varn offered amendment S—3785 filed by the committee on Appropriations on May 11, 1991, to pages 1-3 and the title page of the bill.

Senator Connolly offered amendment S—3789 filed by Senators Connolly, et. al., on May 11, 1991, to amendment S—3785 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3789 to amendment S—3785 be adopted?" (H.F. 713) the vote was:

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

Ayes, 21:

Buhr
Fraise
Hutchins
Miller
Rosenberg
Welsh

Connolly
Gronstal
Kibbie
Murphy
Running

Deluhery
Hannon
Kinley
Palmer
Szymoniak

Dieleman
Horn
Lloyd-Jones
Riordan
Varn

Nays, 25:

Borlaug	Boswell	Drake	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kramer	Lind
McLaren	Nystrom	Pate	Priebe
Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 4:

Doyle	Gettings	Peterson	Sturgeon
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Amendment S—3789 lost.

Senator Varn moved the adoption of amendment S—3785, which motion prevailed by a voice vote.

Senator Varn offered amendment S—3788 filed by him on May 11, 1991, to pages 1 and 3 of the bill.

Senator Tinsman offered amendment S—3790 filed by Senators Tinsman and Varn from the floor to amendment S—3788 and moved its adoption.

Amendment S—3790 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—3788 as amended, which motion prevailed by a voice vote.

The Chair ruled amendment S—3781 filed by Senator Hannon on May 11, 1991, to page 6 and the title page of the bill, out of order.

Senator Hannon offered amendment S—3787 filed by her on May 11, 1991, to page 7 and the title page of the bill.

Senator Jensen raised the point of order that amendment S—3787 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3787 out of order.

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

On the question "Shall the bill pass?" (H.F. 713) the vote was:

Ayes, 38:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gronstal	Hagerla	Hannon
Hester	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Nystrom	Palmer	Pate	Priebe
Riordan	Rittmer	Running	Slife
Soorholtz	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Nays, 9:

Fuhrman	Hedge	Jensen	McLaren
Rensink	Rife	Rosenberg	Taylor
Vande Hoef			

Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 709, 712 and 713** be **immediately messaged** to the House.

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

The Senate resumed session at 1:20 a.m., Senator Running presiding.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 362)

A conference committee report signed by the following Senate and House members was filed May 12, 1991, on Senate File 362,

a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date:

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
RICHARD DRAKE
EUGENE FRAISE
EMIL HUSAK
DERRYL McLAREN

On the Part of the House:

JACK HATCH, Chair
BRADLEY BANKS
STEVEN GRUBBS
DAVID HIBBARD

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 362

Senator Gronstal called up the conference committee report on Senate File 362, a bill for an act relating to petroleum underground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified

tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date, filed on May 12, 1991, 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. 362) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Nystrom	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

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

Senator Hutchins asked and received unanimous consent that Senate File 362 be immediately messaged to the House.

UNFINISHED BUSINESS
(Deferred May 9, 1991)

House File 695

The Senate resumed consideration of House File 695, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates, deferred May 9, 1991.

Senator Connolly offered amendment S—3750 filed by him on May 9, 1991, to pages 1, 2, 3 and the title page of the bill.

Senator Slife took the chair at 1:23 a.m.

Senator Connolly moved the adoption of amendment S—3750.

A non record roll call was requested.

The ayes were 12, nays 29.

Amendment S—3750 lost.

Senator Hutchins asked and received unanimous consent that action on **House File 695** be deferred.

HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 12, 1991, adopted the conference committee report and passed **Senate File 536**, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund.

ALSO: That the members of the **conference committee**, appointed May 12, 1991, on **House File 712**, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa on the part of the House are: The Representative from Dickinson, Ms Gruhn, Chair; the Representative from Palo Alto, Mr. Fogarty; the Representative from Winneshiek, Mr. Gipp; the Representative from Linn, Mrs. Lundby; the Representative from Black Hawk, Mrs. Teaford.

President Welsh took the chair at 1:38 a.m.

SPECIAL PRESENTATION

Senator Rife was escorted to the well of the Senate by Senators Lind and Soorholtz and presented with an Iowa flag from Senator Kinley that was flown over the Iowa Capitol on November 11, 1990, the day Senator Rife was elected minority leader.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 29, by committee on Rules and Administration, a senate concurrent resolution to provide for adjournment sine die.

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

CONSIDERATION OF RESOLUTION

(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 29.

Senate Concurrent Resolution 29

On motion of Senator Hutchins, Senate Concurrent Resolution 29, a senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins offered amendment S—3791 filed by him from the floor to page 1 of the resolution.

Senator Lind offered amendment S—3795 filed by him from the floor to amendment S—3791 and moved its adoption.

Amendment S—3795 lost by a voice vote.

Senator Hutchins asked and received unanimous consent that action on amendment S—3791 and **Senate Concurrent Resolution 29** be deferred.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 12, 1991, adopted the conference committee report and passed **House File 712**, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 712)

A conference committee report signed by the following Senate and House members was filed May 12, 1991, on House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa:

On the Part of the Senate:

GEORGE R. KINLEY, Chair
JIM RIORDAN
JOHN SOORHOLTZ

On the Part of the House:

JOSEPHINE GRUHN, Chair
DANIEL FOGARTY
CHUCK GIPP
MARY LUNDBY
JANE TEAFORD

CONFERENCE COMMITTEE REPORT ADOPTED

House File 712

Senator Kinley called up the conference committee report on House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa, filed on May 12, 1991.

Senator Hutchins asked and received unanimous consent that copies of the conference committee report not be distributed.

Senator Kinley 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 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?" (H.F. 712) the vote was:

Ayes, 42:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Rensink	Rife	Rittmer
Rosenberg	Running	Slife	Soorholtz
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 8:

Gettings	Kibbie	Nystrom	Peterson
Priebe	Riordan	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 712** be immediately messaged to the House.

BUSINESS PENDING

Senate Concurrent Resolution 29

The Senate resumed consideration of Senate Concurrent Resolution 29, a resolution to provide for adjournment sine die, and amendment S—3791 by Senator Hutchins, previously deferred.

Senator Hutchins moved the adoption of amendment S—3791, which motion prevailed by a voice vote.

Senator Hutchins moved the adoption of Senate Concurrent Resolution 29 as amended, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 29** be immediately messaged to the House.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 10, 1991, 12:15 p.m.

Members Present: Boswell, Chair; Tieden, Ranking Member; Buhr, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Running, Szymoniak, Tinsman and Varn.

Members Absent: Welsh, Vice Chair; Connolly and Riordan (all excused).

Committee Business: Recommended passage of Senate File 548.

Adjourned: 12:45 p.m.

APPROPRIATIONS

Convened: May 10, 1991, 7:16 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gronstal, Hagerla, Husak, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Running, Szymoniak and Tinsman.

Members Absent: Gettings, Kersten, Riordan and Varn (all excused).

Committee Business: Approved LSB 2817 as amended as a committee bill; recommended passage of House Joint Resolution 10.

Adjourned: 7:20 p.m.

WAYS AND MEANS

Convened: May 10, 1991, 11:27 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Recommended passage of House File 704 as amended; House File 703 failed recommendation for passage; assigned bills to subcommittees.

Adjourned: 12:02 p.m.

WAYS AND MEANS

Convened: May 10, 1991, 3:07 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Reconsidered prior committee vote on House File 703; amended House File 703 and placed on the calendar without recommendation for passage.

Adjourned: 3:16 p.m.

APPROPRIATIONS

Convened: May 11, 1991, 5:10 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Running, Szymoniak, Tinsman and Varn.

Members Absent: none.

Committee Business: Recommended passage of House File 712 as amended; recommended passage of House Concurrent Resolution 30.

Adjourned: 5:40 p.m.

APPROPRIATIONS

Convened: May 11, 1991, 9:30 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Rensink, Riordan, Running, Szymoniak, Tinsman and Varn.

Members Absent: Peterson (excused).

Committee Business: Recommended passage of House File 713 as amended.

Adjourned: 10:16 p.m.

RULES AND ADMINISTRATION

Convened: May 11, 1991, 11:15 a.m.

Members Present: Hutchins, Chair; Welsh, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Recommended passage of House Concurrent Resolution 25 as amended; recommended passage of House Concurrent Resolution 28; approved proposed Senate resolution relating to confirmation of insurance commissioner; approved proposed Senate concurrent resolutions to approve and confirm appointment of citizens' aide and to provide for adjournment sine die.

Adjourned: 11:25 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 550

TRANSPORTATION: Fraise, Chair; Gettings and Jensen

House File 711

WAYS AND MEANS: Palmer, Chair; Fuhrman and Szymoniak

House Concurrent Resolution 28

RULES AND ADMINISTRATION: Gettings, Chair; Jensen and Lloyd-Jones.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 9, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 110 — Relating to wagers by certain persons under the age of eighteen years on excursion gambling boats, and providing an effective date.

SENATE FILE 221 — Relating to amending or repealing city or county ordinances, and adopting by reference portions of the Code of Iowa.

SENATE FILE 323 — Relating to the resource enhancement and protection program.

SENATE FILE 329 — Authorizing the state department of transportation to adopt rules requiring public utilities to comply with the utility accommodation policy for certain Iowa road systems.

SENATE FILE 346 — Relating to payments made pursuant to public contracts.

SENATE FILE 403 — Relating to the state income tax refund checkoff for olympics.

SENATE FILE 504 — Relating to the method of deregulation of communication services and facilities.

ALSO: That on May 10, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 268 — Establishing the arts and cultural enhancement and endowment program.

SENATE FILE 343 — Relating to the medical assistance program.

SENATE FILE 356 — Relating to the procedures, confidentiality, penalties, refunds, and nonsubstantive changes for taxes administered by the department of revenue and finance, relating to refunds of the environmental protection charge, and providing effective dates.

SENATE FILE 441 — Relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation.

SENATE FILE 445 — Relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date.

SENATE FILE 502 — Relating to workers' health, safety, and welfare, by providing funding for the second injury fund and providing applicability and effective dates.

ALSO: That on May 11, 1991, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 342 — Relating to the prevention of disabling conditions by establishing a prevention of disabilities policy council and a technical assistance committee of the council, by making an appropriation and providing for a repeal.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Cedar Rapids Jaycees, Cedar Rapids — For their support of environmental issues; the sponsoring of such recycling projects as the recycling drop off center for glass, metals and plastics at Econo Foods East. Senator Pate (May 11, 1991.)

Econo Foods East (Nash Finch), Cedar Rapids — For demonstrating community spirit and environmental concern by supporting an onsite recycling drop-off point for glass, metals and plastics in cooperation with the Cedar Rapids Jaycees. Senator Pate (May 11, 1991.)

Harding Middle School, Cedar Rapids — National recognition from the United States Department of Education for excellence in education. Senator Pate (May 11, 1991.)

Washington High School, Cedar Rapids — National recognition from the United States Department of Education for excellence in education. Senator Pate (May 11, 1991.)

AMENDMENTS FILED

(May 11, 1991)

S-3773	H.F.	703	Emil J. Husak
S-3774	S.F.	549	Leonard Boswell
S-3775	S.F.	549	Leonard Boswell
S-3776	H.F.	693	Larry Murphy
S-3777	H.C.R.	25	Rules & Administration
S-3778	H.F.	693	William Dieleman
S-3779	S.F.	550	House amendment
S-3780	H.F.	712	Appropriations
S-3781	H.F.	713	Beverly Hannon
S-3782	S.C.R.	28	House amendment
S-3783	H.F.	703	Emil Husak
S-3784	H.F.	713	Linn Fuhrman
			H. Kay Hedge
			Ray Taylor
S-3785	H.F.	713	Appropriations
S-3786	H.F.	709	House amendment
S-3787	H.F.	713	Beverly Hannon
S-3788	H.F.	713	Richard J. Varn
S-3789	H.F.	713	Mike Connolly

Joe J. Welsh
 Jean Lloyd-Jones
 Elaine Szymoniak
 Larry Murphy
 Beverly Hannon
 Florence Buhr
 Don Gettings
 Richard Running

AMENDMENTS FILED
 (May 12, 1991)

S-3790	H.F.	713	Maggie Tinsman Richard J. Varn
S-3791	S. C. R.	29	Bill Hutchins
S-3792	H.F.	695	Mike Connolly
S-3793	H.F.	695	Mike Connolly
S-3794	H.F.	695	Mike Connolly
S-3795	S. C. R.	29	Jim Lind

The Senate stood at ease until the fall of the gavel at 1:55 a.m.

The Senate resumed session, President Welsh presiding.

FINAL DISPOSITION OF
 MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider which remained on the Senate calendar upon the adjournment of the 1991 Regular Session of the Seventy-fourth General Assembly, will be considered to have **failed**:

HOUSE FILE 20, a bill for an act to exclude Sunday and all legal public holidays as banking days for purposes of determining a bank's midnight deadline (Senate passed April 17, 1991). Motion filed by Senator Welsh on April 17, 1991.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 4, 1991, passed the following bill in which the concurrence of the Senate is asked:

House File 323, a bill for an act relating to exempting a financial institution from providing evidence of financial security when making an application for registration as a travel agency.

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

ALSO: That the House has on May 12, 1991, adopted the conference committee report and passed **Senate File 362**, a bill for an act relating to petroleum underground and aboveground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date.

ALSO: That the House has on May 12, 1991, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 29, a senate concurrent resolution to provide for adjournment sine die.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 4, the following corrections were made:

1. Page 1, line 8, the word and number "Sec. 2" were added before the words "NEW SECTION".

2. Page 7, line 28, the word and number "Section 5" were changed to the word and number "Section 6".

ALSO: That in enrolling the Conference Committee Report the following correction was made to Senate File 184:

1. Page 1, line 31, the words "Section 2 of this Act" was changed to the words "This Act".

ALSO: That in enrolling Senate File 311, the following corrections were made:

1. Page 1, line 16, the word "indentifier," was changed to the word "identifier."
2. Page 9, line 3, the word "NOTIFICATON" was changed to the word "NOTIFICATION".

ALSO: That in enrolling Senate File 318, the following corrections were made:

1. Page 2, line 31, the words "telephones companies" were changed to the words "telephone companies".
2. Page 3, line 35, the word "intra-state" was changed to the word "intrastate".

ALSO: That in enrolling Senate File 444, the following corrections were made:

1. Page 6, line 8, the underscoring was removed.
2. Page 17, line 8, the word and number "Section 19" were changed to the word and number "Section 14".
3. Page 17, line 18, the word and number "section 24" were changed to the word and number "section 18".
4. Page 17, line 22, the word and number "section 33" were changed to the word and number "section 27".
5. Page 18, line 7, the word and number "section 33" were changed to the word and number "section 27".
6. Page 18, line 8, the word and numbers "sections 34, 35" were changed to the word and numbers "sections 28, 29".
7. Page 18, line 15, the words and numbers "Sections 24 and 43" were changed to the words and numbers "Sections 18 and 35".

ALSO: That in enrolling Senate File 452, the following correction was made:

1. Page 4, line 18, the word and number "Section 1000" were changed to the word and number "Section 10".

ALSO: That in enrolling Senate File 471, the following correction was made:

1. Page 7, line 26, the words and numbers "Sections 9 and 10" were changed to the words and numbers "Sections 12 and 13".

ALSO: That in enrolling Senate File 496, the following corrections were made:

1. Page 6, line 13, the letter "a." was changed to the letter "a.(1)".

2. Page 6, line 16, the letter "b." was changed to the letter "b-(2)".
3. Page 6, line 18, the letter "c." was changed to the letter "c-(3)".
4. Page 12, line 18, the words "General assembly" were changed to the words "General Assembly".

ALSO: That in enrolling Senate File 519, the following correction was made:

1. Page 41, line 27, the words "institutions's activities" were changed to the words "institution's activities".

ALSO: That in enrolling Senate File 541, the following corrections were made:

1. Page 4, line 16, the words "child-health speciality clinics" were changed to the words "child health specialty clinics".
2. Page 6, line 1, the words "and startup fluoridation" were changed to the words "and start-up fluoridation".
3. Page 30, line 19, the words "For Substance abuse" were changed to the words "For substance abuse".
4. Page 35, line 27, the words "For the job training partnership Act" were changed to the words "For the Job Training Partnership Act".

ALSO: That in enrolling Senate File 542, the following corrections were made:

1. Page 3, line 23, the words and numbers "Section 100 and 101" were changed to the words and numbers "Sections 4 and 6".

ALSO: That in enrolling Senate File 549, the following corrections were made:

1. Page 5, lines 25, 28, and 31, the number "8" was changed to the number "7".

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate from:

CITIZEN'S FOSTER CARE REVIEW BOARD

The 1990 Annual Report, pursuant to Chapter 237.18(b), Code of Iowa.

CIVIL RIGHTS COMMISSION

Annual Report for fiscal year 1990, pursuant to Chapter 601A.5(7), Code of Iowa.

COLLEGE AID COMMISSION

A copy of the commission's Cosmetology and Chiropractic Study, pursuant to Chapter 1272.3(1), 1990 Acts of the 73rd General Assembly.

Fiscal Year 1990 Annual Report for the Iowa Small Business New Jobs Training Program, pursuant to Chapter 280C.7, Code of Iowa.

Annual Report of Job Training for Program Year 1989, July 1, 1989 to June 30, 1990, pursuant to Chapter 15.293(10), Code of Iowa.

DEPARTMENT OF EDUCATION

A report on Iowa Early Childhood Guidelines for Indoor and Outdoor Learning Environments and Class Size and Staffing, pursuant to 256.7(13), Code of Iowa.

DEPARTMENT OF EMPLOYMENT SERVICES**Job Service Division**

The 1990 Annual Status Report on the Unemployment Compensation Trust Fund, pursuant to Chapter 96.35, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report of the "Standard of Need of Iowa" and a report of "A Profile of AFDC Recipients in Iowa", pursuant to Chapter 318(1)(5) 1989 Acts of the 73rd General Assembly.

A Pre-Expenditure Report of proposed Social Services Block Grant funds for the period July 1, 1991 to June 30, 1992.

DEPARTMENT OF HUMAN RIGHTS

1990 Annual Report of Community Action Programs, pursuant to Chapter 601K, Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Annual Report for 1990.

DEPARTMENT OF MANAGEMENT

The 1990 Contract Compliance Report, pursuant to Chapter 19B.7, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The 1991 Annual Report on Homemaker-Home Health Aide/Chore program, pursuant to Chapter 1259.6(11)(d)(5), 1990 Acts of the 73rd General Assembly.

A report for the Council on Chemically Exposed Infants, pursuant to Chapter 235C.3, Code of Iowa.

A report describing services and programs provided by public health nurses to the citizens of Iowa, pursuant to Chapter 1259.6(11)(3)(c), 1990 Acts of the 73rd General Assembly.

DEPARTMENT OF PUBLIC SAFETY

An analysis of the "feasibility and usefulness of implementing a pilot program" to research issues related to drug and alcohol use and abuse among persons arrested for felonies, pursuant to Chapter 1251.83, 1990 Acts of the 73rd General Assembly.

DEPARTMENT OF REVENUE AND FINANCE

A report on "An Examination of the Concept of Income Wealth and Other Nonproperty Wealth in Selected Iowa School Districts", pursuant to Chapter 246.38, 1989 Acts of the 73rd General Assembly.

DEPARTMENT OF TRANSPORTATION

"Iowa Transportation System Facts" on the complexity and magnitude of transportation systems in Iowa.

A report on the "Southeast Iowa Intermodal Freight Transportation Study, pursuant to Chapter 1267.9(1)(f), 1990 Acts of the 73rd General Assembly.

Summary report of the Southeast Iowa Intermodal Freight Transportation Study, pursuant to Chapters 1265 and 1267, 1990 Acts of the 73rd General Assembly.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of May, 1991:

Senate Files 4, 23, 42, 48, 83, 102, 184, 193, 210, 273, 276, 311, 318, 350, 362, 363, 444, 452, 455, 471, 476, 478, 491, 496, 505, 507, 508, 519, 529, 533, 535, 536, 539, 541, 542, 544, 545, 546, 547, 548, 549 and 550.

JOHN F. DWYER
Secretary of the Senate

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hutchins moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 29.

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

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 29.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Lloyd-Jones, Boswell and Lind.

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 Lloyd-Jones 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 Horn 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 29, duly adopted,

the day of May 12, 1991, having arrived, President Welsh declared the 1991 Regular Session of the Seventy-fourth General Assembly adjourned sine die.

MESSAGE FROM THE GOVERNOR

May 22, 1991

The Honorable Joseph Welsh
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

When this session of the General Assembly convened, the members faced two especially difficult and divisive tasks: balancing the state budget and passage of a fair and nonpartisan reapportionment bill.

The General Assembly left the Capitol this year without a balanced budget, in part because revenues failed to meet expectations, in part because we are spending too much money on too many programs and services. We plan to spend the summer and fall developing a new approach to budgeting that effectively controls spending and avoids the cost overruns that have become common.

Fortunately this year you resisted efforts to pass a major tax increase. A sales or income tax increase would be counter-productive to economic growth and would only fuel higher spending. Unfortunately this year's budget deliberately does not pay some of the known, mandated costs of services.

Legislators can take pride in their work on the reapportionment bill. It was debated and passed without letting personal interests overcome good government. Legislators performed well in fulfilling their responsibility to redraw legislative and congressional districts in a nonpartisan manner.

Sincerely,
TERRY E. BRANSTAD
Governor



**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Seventy-fourth General Assembly
1991 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 1991 Regular Session:

- S.F. 4 — Relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city and providing an effective date and an applicability date. Approved June 10.
- S.F. 23 — Relating to the teaching of American sign language in accredited schools. Approved May 22.
- S.F. 42 — Relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances, and providing an effective date. Approved June 5.
- S.F. 48 — Relating to professional titles and abbreviations of physical therapists and physical therapist assistants, and licensure, examination fees, and conditions of practice of physical therapist assistants. Approved June 4.
- S.F. 83 — Relating to the updating of the references to the federal Internal Revenue Code, adopting revisions in the research activities credit and the earned income credit, and providing applicability and effective dates. Approved May 29.
- S.F. 102 — Eliminating the requirement that the clerk of the district court file an annual report with the treasurer of state on certain fines, penalties, forfeitures, and recognizances. Approved May 21.
- S.F. 182 — Relating to administrative rulemaking. Approved May 17.
- S.F. 184 — Relating to open enrollment, permitting students whose former district of residence was dissolved and merged with contiguous districts to participate immediately in athletics, and providing for the Act's applicability. Approved May 28.
- S.F. 193 — Relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the use of the title marital and family therapist or mental health counselor without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, and providing other properly related matters. Approved June 4.

- S.F. 205 — Relating to residency requirements for commercial mussel fishers and providing effective and applicability dates. Approved May 14.
- S.F. 210 — Relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing an effective date. Vetoed June 5. See Governor's Veto Message.
- S.F. 273 — Relating to the packaging and sale of wine, by authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees and by providing for a study of license fees and surcharges. Approved May 28.
- S.F. 276 — Relating to financial requirements of cooperative associations, by providing for the preparation and delivery of certain statements, exempting agricultural cooperative associations from certain requirements provided under the Iowa Uniform Securities Act, providing for the retroactive application of the Act, and providing an effective date. Approved June 4.
- S.F. 311 — Relating to the machines and access devices utilized to perform electronic transfer of funds, requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty. Approved May 29.
- S.F. 317 — Relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties. Approved May 14.
- S.F. 318 — Creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf. Approved May 22.
- S.F. 324 — Relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties. Approved June 10.
- S.F. 350 — Relating to the franchise tax on financial institutions and providing an effective date. Approved May 29.
- S.F. 362 — Relating to petroleum underground and aboveground storage tanks by raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending

loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, making technical changes, and providing an effective date. Approved June 10.

- S.F. 363 — To permit advanced nurse practitioners to prescribe noncontrolled substances or devices under certain circumstances. Approved June 5.
- S.F. 429 — Relating to agricultural land, by providing for land use, and land held by corporations, limited partnerships, and trusts, and providing penalties. Approved May 14.
- S.F. 444 — Relating to law enforcement, victim services, and domestic abuse, establishing certain training requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing an income tax checkoff for domestic abuse, increasing certain court costs and fees, requiring batterers' treatment by offenders, and containing effective date and applicability provisions. Approved May 29.
- S.F. 452 — Relating to the administration of fairs, and providing for effective dates. Approved June 7.
- S.F. 455 — Relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties. Approved June 4.
- S.F. 470 — Relating to federal-state public assistance programs. Approved May 14.
- S.F. 471 — Relating to state foster care, child care, children waived to adult court, and adoption registry policies and procedures and providing an effective date. Approved June 4.
- S.F. 476 — Relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, restricting the uses of campaign funds, providing for the transfer of campaign funds, providing for the ownership and disposition of campaign property, making penalties applicable, prohibiting certain accounts by officeholders, and providing for a civil penalty

for violations regarding placement of political signs. Approved May 30.

- S.F. 478 — To establish a parent education program and making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program. Vetoed June 6. See Governor's Veto Message.
- S.F. 491 — Relating to the rental of motor vehicles for a period of sixty days or less from a location in this state, and providing civil and criminal penalties. Approved May 28.
- S.F. 496 — Relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, relating to treatment, prevention, prosecution, and sentencing concerning domestic abuse cases, and establishing additional public offenses and criminal penalties. Approved May 29.
- S.F. 501 — Relating to collective bargaining by delineating certain duties and powers of the public employment relations board and modifying certain collective bargaining procedures for teachers. Approved May 14.
- S.F. 505 — Providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties. Vetoed May 30. See Governor's Veto Message.
- S.F. 507 — Relating to limiting the aggregate amount of cash value life insurance a state bank may purchase, amending the date by which the superintendent must file an annual report, providing certain regulatory authority over certain persons associated with a state bank, suspending certain laws, authorizing certain investments by a state bank, and providing an effective date. Approved May 29.
- S.F. 508 — Relating to energy efficiency by expanding the entities entitled to financial assistance for implementing energy conservation measures, requiring implementation of life cycle cost analyses and providing exemptions from the implementation requirements, requiring the appropriation of abandoned utility refunds and deposits, establishing energy efficiency standards for certain products and establishing various energy efficiency-related programs and projects. Approved June 10.
- S.F. 519 — Relating to entities and subject matter subject to regulation under the regulated industries unit of the division of insurance, including business opportunity promotions, continuing care and senior adult congregate living retirement communities, and loan brokers, establishing certain fees, and making penalties applicable. Approved May 28.

- S.F. 529 — Relating to and making appropriations to state departments, agencies, funds, and certain other entities, making related statutory changes, and providing effective dates. Item vetoed and Approved June 7. See Governor's Item Veto Message.
- S.F. 533 — Relating to the rate of the Shelby Tennant community school district income surtax and the refund of any excess income surtax paid and providing effective and applicability dates. Approved May 28.
- S.F. 535 — Relating to increasing the fees for issuance or replacement or renewal of a permit to carry weapons. Approved May 28.
- S.F. 536 — Relating to the limitation period for filing for an Iowa income tax credit or refund. Approved May 29.
- S.F. 539 — Relating to the Iowa pharmacy practice Act and assessing fees. Approved June 4.
- S.F. 541 — Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates. Approved June 7.
- S.F. 542 — Relating to and making appropriations from the energy conservation trust for weatherization purposes. Approved June 7.
- S.F. 544 — To legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date. Approved May 28.
- S.F. 545 — Relating to fuel, by providing for the production and consumption of renewable fuel, and providing for the imposition of taxes upon certain fuel. Approved June 10.
- S.F. 546 — Providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date. Approved May 30.
- S.F. 547 — Relating to housing and residential development within certain urban renewal areas and to tax exemption schedules for revitalization areas and providing an applicability date. Approved May 21.

- S.F. 548 — Relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates. Item vetoed and Approved May 31. See Governor's Item Veto Message.
- S.F. 549 — Relating to appropriations from the lottery fund. Item vetoed and Approved June 7. See Governor's Item Veto Message.
- S.F. 550 — Relating to transportation provided by motor carriers. Approved May 28.

GOVERNOR'S ITEM VETO MESSAGES

May 31, 1991

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

Dear Madam Secretary:

I hereby transmit Senate File 548, an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

Senate File 548 is therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, and 20 in their entirety; the designated portion of Section 9, subsection 1; Section 9, subsections 2, 3 and 4 in their entirety; and the designated portion of Section 10.

Section 8 would provide for wage increases for contract-covered state employees in variable amounts, ranging from two percent to nine percent, at a cost to the state of \$23.4 million in general funds. Sections 2, 9 and 10 would provide for a two percent increase for most non-contract covered state employees. By vetoing these sections, state employee salaries for the next fiscal year will be frozen, and \$34 million of spending on salaries that we cannot afford will be avoided.

Approval of these sections would conflict with existing statutory and Constitutional responsibilities to balance the budget and to adhere to any statutory limitations on the state's funds and spending. Further, these sections would conflict with the state's statutory responsibility to maintain the orderly and efficient operation of governmental services. And, finally, the implementation of these sections would not allow for the continuance of pay equity based upon principles

of comparable worth (Iowa Constitution and Iowa Code Sections 8.3(3), 20.7(4) and 79.18, respectively).

With legislative action just completed, Iowa is already facing a known deficit of at least \$75 million for the fiscal year covered by the proposed wage increases. As Governor, it is my responsibility to make the difficult decisions necessary to balance the budget in a way that avoids major disruptions in service. Clearly, \$23.4 million for salary increases, particularly when paired with the \$10.6 million for salary increases contained in House File 479 for employees of the Board of Regents, is far beyond what the state can afford under these difficult fiscal circumstances. In fact, even after making a substantial amount of cuts through item veto, further reductions in spending will be necessary to assure a balanced budget. Thus, I have indicated my intentions to make an across-the-board cut in spending in fiscal year 1992.

Implementation of the arbitrators' decisions, without the corresponding appropriation, would likewise result in a violation of existing statutory provisions providing for the efficient and orderly provision of governmental services (Iowa Code Section 20.7(4)). In order to maintain pay equity for state employees if the arbitrators' awards are implemented, layoffs of the magnitude required to fund the wage increases provided for in Senate File 548 would significantly impair the state's ability to provide the level of services necessary to meet its statutory duties and responsibilities. In fiscal year 1992, implementation would result in over 1,500 layoffs of state employees. That number increases to over an additional 1,900 layoffs in fiscal year 1993 if the across-the-board wage increases suggested by the arbitrators were implemented.

It is important to note that the state's collective bargaining law mandates that when terms of a proposed collective bargaining agreement are inconsistent with other Code provisions, I am bound to adhere to existing statutes unless action is taken to remove the conflict (Iowa Code Section 20.28). In other words, an arbitrator's decision is final only insofar as it can be implemented without statutory conflict (Iowa Code Sections 20.22(3) and 20.17(6)). The arbitrators' decisions funded by Senate File 548 simply cannot be implemented without violating Iowa law.

Since the issuance of the arbitrators' awards, there has been significant change of circumstance. The arbitrators' awards were premised on estimated revenue growths of a 6.1 percent increase for fiscal year 1992 and a 5 percent increase for fiscal year 1993. Those estimates have been revised downward twice by the Revenue Estimating Conference since the awards were issued resulting in a total reduction in projected revenues of over \$125 million. For this reason and because the implementation of the arbitrators' awards is inconsistent with statutory limitations on the state's funds, spending and budget, and because the implementation would substantially impair and limit the performance of our statutory duties, I have proposed that the state and the unions go back to the bargaining table and renegotiate the wage provisions for the 1991-93 labor agreements. To date, the unions have verbally declined my offer.

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 548 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 7, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

I hereby transmit Senate File 529, an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, making related statutory changes, and providing effective dates.

In order to assure a balanced budget in fiscal year 1992, it is necessary to item veto excessive spending wherever possible and employ an across-the-board cut in spending. My actions on this bill move us closer to a balanced budget in fiscal year 1992 by reducing spending by a total of \$1.3 million.

Senate File 529 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 122, in its entirety. This provision would require the Governor to use the Department of Personnel recruitment process when making an appointment to a full-time position in a division, department, board, commission, or council of the state. The current appointment process includes adequate oversight. In most cases, the qualifications of appointees to fill full-time positions are specified in the Code and the selection made by the Governor must be confirmed by a two-thirds vote of the Iowa Senate. An appointee's service is limited to a term of years and all must be reappointed and reconfirmed to continue in their positions.

I am unable to approve the item designated as Section 201, subsection 6, paragraph d, in its entirety. This provision would appropriate \$250,000 for a stream degradation pilot project. Given the state's fiscal condition, funding for this new program cannot be approved. By disapproving this item, the Department of Agriculture will revert this \$250,000 at the end of the fiscal year 1992.

I am unable to approve the item designated as Section 204, in its entirety. This provision would appropriate \$25,000 to research the multiflora rose virus. Sufficient funding currently exists within the Regents' budget to continue this research at Iowa State University, therefore, this additional funding is unnecessary.

I am unable to approve the item designated as Section 207, subsection 12, in its entirety. This provision would appropriate \$216,000 for programs supported from the Energy Research and Development Fund and administered by the Energy and Geological Resources Division of the Department of Natural Resources. Funding is available for this program through a standing appropriation and from other sources. Given the state's fiscal condition, this additional funding cannot be approved.

I am unable to approve the item designated as Section 218, in its entirety. This provision would transfer funds granted under the Council of Great Lakes Governors Regional Bio Mass Energy Program from the Department of Natural Resources to the Department of Agriculture and Land Stewardship. This grant is appropriately placed in the Energy Bureau of the Department of Natural Resources and should not be transferred.

I am unable to approve the item designated as Section 226, in its entirety. This provision requires the Department of Natural Resources to charge a fee, based upon production costs, for stocking fish in private ponds. The current program was designed to increase fishing opportunities all over the state and has been quite successful. Over 600 pond acres are stocked with fish each year through this program which is funded with the revenues received from fishing license sales. This provision would discourage owners of private ponds from stocking ponds and making them available for fishing to the public.

I am unable to approve the items designated as Sections 227 and 236, in their entirety. These provisions specify procedures for reports filed by the Departments of Natural Resources and Agriculture and Land Stewardship with the General Assembly if a procedure regarding a specific report is not otherwise provided. The procedure would require the automatic distribution of multiple reports to legislative staff who have not indicated an interest in receiving them. This requirement would result in unnecessary costs to the department and waste of state government resources.

I am unable to approve the item designated as Section 232, in its entirety. This provision would change the word "divisions" to "administrative units" in the Department of Natural Resources. The reference to subunits of departments as "divisions" was established during reorganization in 1986 to apply across state government. This change is unnecessary and would result in costly changes to Iowa statutes and rules to conform the provisions where the word "divisions" is used.

I am unable to approve the item designated as Section 234, in its entirety. This item would eliminate the deputy director position in the Department of Natural Resources. This department is one of the largest and most complex in state government, and the director should retain the flexibility to employ a deputy director and to delegate responsibilities as needed.

I am unable to approve the item designated as Section 239, in its entirety. This provision amends the code to transfer \$250,000 annually from the Grain Indemnity Fund to the Regulatory Division of the Department of Agriculture and Land

Stewardship to supplement the general fund appropriations for grain dealer/warehouse inspections. The Grain Indemnity Fund was created to cover qualified losses of depositors and sellers of grain. It should not be used to pay for inspection activities.

I am unable to approve the item designated as Section 403, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would appropriate \$45,396 to fund an additional word processor III position in the Division of Industrial Services. Given the current fiscal condition, I cannot approve funding for this purpose. By disapproving this item, the Department of Employment Services will revert this \$45,396 at the end of the fiscal year 1992.

I am unable to approve the item designated as Section 422, in its entirety. This provision would appropriate up to \$238,389 from the balance remaining in the Insurance Revolving Fund at the end of the fiscal year 1991 to the Department of Employment Services. Given the state's current fiscal condition, funding for this purpose cannot be approved. Any balance remaining in the fund should be transferred to the general fund at the end of this fiscal year.

I am unable to approve the item designated as Section 504, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This provision would prohibit the Department of Public Safety from providing security services to the Lieutenant Governor of Iowa. With the changed nature of the position and expanded duties, it is appropriate to provide security to the holder of the office, therefore, I cannot approve this provision.

I am unable to approve the item designated as Section 504, subsection 6, in its entirety. This provision would appropriate \$50,000 from the Road Use Tax Funds for land acquisition for a new state patrol post. With the state's present fiscal condition, we should not commit the state to expensive capital projects.

I am unable to approve the item designated as Section 505, subsection 2, in its entirety. This provision would appropriate \$38,000 from use tax receipts to design three new armories. I have approved the construction of armories at Corning, Council Bluffs and Oskaloosa in order to avoid the loss of \$6 million in federal funds. However, it is inappropriate to plan for additional armories out of the road use tax fund.

I am unable to approve Section 508, subsection 2, in its entirety. This provision appropriates \$500,000 for air service programs. This amount of funding would result in a significant expansion in spending for this purpose. Given the state's fiscal condition, it cannot be approved. By disapproving this item, the Department of Transportation will revert this \$500,000 at the end of fiscal year 1992.

I am unable to approve the item designated as Section 604, in its entirety. This section would require the Board of Regents to obtain the approval of the Director of the Legislative Fiscal Bureau to implement a uniform budget and accounting systems, and provides for a June 30, 1991 deadline. Approval of budgeting and accounting system used by the Board of Regents should remain with the executive branch.

I am unable to approve the item designated as Section 605, in its entirety. This section would require the Governor's final budget recommendations to be transmitted to the Legislative Fiscal Bureau no later than January 1, rather than the date the budget document is sent to the printer. Over the past several years, the Governor's budget has been transmitted to the legislature well before the February 1 statutory deadline. A further acceleration is unnecessary and would impair the decision-making process in the executive branch.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 529 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 7, 1991

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

Dear Madam Secretary:

I hereby transmit Senate File 549, an act relating to appropriations from the lottery fund.

Senate File 549 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated in Section 1, subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15, in their entirety. These items appropriate a total of \$2.5 million directly ("off-the-top") from the lottery fund for programs administered by the Department of Natural Resources, the Department of Agriculture and Land Stewardship and Iowa State University.

While I support many of these items, each is either a new program or a program expansion that cannot be approved at this time, given the state's difficult fiscal circumstances.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 549 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGES

May 30, 1991

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

Dear Madam Secretary:

Senate File 505, an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 505 would create restricted campaigns calling for candidates to voluntarily agree to limit campaign expenditures. A candidate who does not agree to a restricted campaign must receive notarized signatures of at least ten percent of the total number of votes cast in the last general election for the same office. Political advertisements and printed ballots would indicate under the name of each candidate whether the candidate agreed or did not agree to a restricted campaign.

This bill also establishes expenditure limits for statewide state offices and legislative races. In-kind contributions must be included within the expenditure limits. The Campaign Disclosure Commission would biannually adjust the expenditure limitations to reflect the consumer price index.

This bill not only does not reduce the influence of special interests, it actually enhances the influence of large political action committees (PAC's). It makes it more difficult for candidates who refuse special interest money and who rely on individual small contributions to finance their campaigns.

There are no limits on PAC contributions even though some PAC's have contributed as much as \$100,000 in a single contribution. A candidate who relies on few special interests could raise all of his or her campaign funds with little costs, therefore, having all that money available for advertising and other campaign expenses.

On the other hand, the candidate that raises his or her money from thousands of small individual contributors must by necessity spend thousands of dollars traveling to events and on direct mail and telephone soliciation.

Because campaign limits apply to costs of raising money as well as advertising and other expenses, this bill actually provides an incentive to rely on a few special interest PAC's and discourages building a broad base of public support from individual Iowans. I believe that would be bad public policy.

The "scarlet letter" on the ballot is unfair. The ballot needs to be completely free from any kind of favoritism or attempts to influence voters for or against a particular candidate.

Requiring some candidates to have signatures for nominating petitions notarized is an unnecessary burden. We don't even require absentee ballots to be notarized anymore.

One good thing can be said about this bill; it does not shift the burden of campaigns to Iowa taxpayers. Yet, we can do better than this. I sincerely ask the General Assembly to consider the recommendations made by my 1990 bipartisan task force on campaign reform.

For the above reasons, I hereby respectfully disapprove Senate File 505.

Sincerely,
TERRY E. BRANSTAD
Governor

June 5, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

Senate File 210, an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 210 prohibits a physician from entering into an agreement with another physician that restricts the physician's right to practice after terminating the relationship created by the agreement. The bill applies broadly to prohibit all restrictions on the right to practice "except as a condition to the payment of retirement benefits."

A restrictive covenant which imposes time and geographic restraints on a departing employee is not an unusual type of agreement entered into between members of professions, including physicians. When challenged in court, this type of an agreement is subject to a reasonableness standard. The party seeking enforcement of a noncompetitive provision in an employment contract must prove it is reasonably necessary for the protection of the employer and is not unreasonably restrictive of the employee's rights nor prejudicial to the public interest. Under this standard, the parties as well as the public are assured of fair protection. Because an Iowa court will not enforce a restrictive covenant that is unreasonable, including such agreements between physicians, no justification exists to treat

physicians differently than other professionals. They should not be restricted in their ability to determine their own legal rights and responsibilities.

A prohibition against restrictive covenants between physicians may impair our ability to recruit new physicians to practice in the state. Iowa is currently experiencing a severe shortage of physicians, particularly in the rural areas. Some 165 communities are attempting to recruit general practitioners at this time. Medical groups which employ new physicians to practice in communities throughout Iowa often include restrictive covenants in their employment contracts. These groups incur considerable costs when they take in a new physician, including search fees, moving expenses, and training during a period of time in which the new physician's salary exceeds his or her earnings. Many of these medical groups have indicated they would be reluctant to take a chance on employing a new physician without the assurance a restrictive covenant provides in recouping the costs of their investment.

Only two other states, Delaware and Colorado, have enacted legislation that singles out physicians for special treatment in this area. However even those states have not gone as far as this legislation would. Both states allow money damages upon termination of the employment relationship to compensate for any injury suffered due to the termination or as a result of competition.

In sum, this legislation is not only unnecessary, it could inhibit our efforts to recruit new physicians in the state, and it unfairly singles our physicians by restricting them in their ability to freely contract.

For the above reasons, I hereby respectfully disapprove Senate File 210.

Sincerely,
TERRY E. BRANSTAD
Governor

June 6, 1991

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

Dear Madam Secretary:

Senate File 478, an act to establish a parent education program and making teachers participating in the program eligible for receipt of funds under Phase III of the Educational Excellence Program, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 478 would authorize local school districts to implement programs for expectant parents and parents of children through age three, and would direct the Department of Education to establish programs to prepare individuals who

would provide instruction to parents. Parents play a vital role in the development of their children, and in many ways they can help to assure a child's educational success.

Regrettably, I am unable to approve Senate File 478 because of the methods of funding which this act provides for parent education. The principal source of funding for these programs is local property taxes generated through additional allowable growth. Up to 75 percent of the cost of the program may be funded from this source. Currently, 332 school districts use a similar funding mechanism for talented and gifted and dropout prevent programs with nearly \$19 million generated from property taxes. While Senate File 478 includes provisions which contemplate future state funding for parent education programs, the possibility that the property taxes would be replaced with state aid in the foreseeable future is small given the present condition of the state budget. Consequently, this could result in a \$19 million increase in property taxes. Furthermore, I am concerned about provisions which would encourage the use of Phase III funds as a source of funding. While current law may allow Phase III moneys to be used for this purpose, it is inappropriate to provide the incentive of additional Phase III funds in order to encourage the establishment of parent education programs.

For the above reasons, I hereby respectfully disapprove Senate File 478.

Sincerely,
TERRY E. BRANSTAD
Governor

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 362, the following corrections were made:

1. Page 16, line 10, the Headnote for subsection 7 was changed to all caps.
2. Page 22, line 31, the word "rquirements" was changed to the word "requirements".
3. Page 24, lines 23 and 24, the Headnote for subsection 8 was changed to all caps.
4. Page 25, line 5, the Headnote for subsection 9 was changed to all caps.

ALSO: That in enrolling Senate File 529, the following corrections were made:

1. Page 41, line 30, the word and number "Section 221" were changed to the word and number "Section 223".
2. Page 60, line 35, the word and number "Section 3001" were changed to the word and number "Section 308".

3. Page 85, lines 12 and 13, the words and numbers "Sections 2001 through 2006, and sections 2007 and 2008" were changed to the words and numbers "Sections 408 through 413, and sections 436 and 438".

4. Page 85, lines 21 and 22, the words and numbers "Sections 2001 through 2006, and sections 2007, 2008, and 2009" were changed to the words and numbers "Sections 408 through 413, and sections 436, 438, and 439."

5. Page 85, line 29, the words and numbers "Sections 416 and 431" were changed to the words and numbers "Sections 422 and 442".

ALSO: That in enrolling Senate File 546, the following corrections were made:

1. Page 3, line 14, the words "Sioux city" were changed to the words "Sioux City".

2. Page 8, line 32, the words "east Ridgeway avenue" were changed to the words "East Ridgeway avenue".

3. Page 36, line 30, the word "Street" was changed to the word "street".

4. Page 41, lines 28 and 29, the words "Railroad track" were changed to the words "railroad track".

5. Page 54, line 3, the words "Carter lake" were changed to the words "Carter Lake".

JOHN F. DWYER
Secretary of the Senate

IN MEMORIAM**Senate**

Erskine, Alden J.	May 9, 1901—January 13, 1991
Heaberlin, Stanley M.	September 4, 1908—October 2, 1989
Lange, Elmer F.	April 13, 1917—May 6, 1990
Ringgenberg, Carl H.	April 28, 1895—July 5, 1990
Schwengels, Forrest V.	August 27, 1915—April 10, 1989
Willits, Earl M.	October 30, 1946—July 11, 1990

ALDEN J. ERSKINE

Alden J. Erskine was born May 2, 1901, near Ticonic in Monona County. He passed away January 13, 1991, at the age of 89 years.

Mr. Erskine attended public school in Antelope and Holt counties, Nebraska and the University of Nebraska at Lincoln. He married Sarah Anne Pippett on August 17, 1932, in Sioux City, Iowa.

Mr. Erskine owned and operated an auto parts and service business at Cecelia Park in Morningside from 1928 until his retirement in 1980. He took part in many conservation projects at the local, state, and national level, including the development of the Little Sioux Watershed Project, the first of its kind in the United States. He was one of the founders of the Floyd Valley Watershed Association.

Mr. Erskine served three terms as president of the Woodbury County Chapter of the Izaak Walton League. He served as president of the Iowa Division of the Izaak Walton League and was active in the establishment of the Roadside Park System in the State and County Conservation program. He was appointed to the first Woodbury County Board. He served for a number of years on the Governors Committee on Outdoor Resources and the state and local committees on the Lewis and Clark Trail. He received many awards for his work at the national level and the 1950 Outdoorsman of the Year award from the Exchange Club of Sioux City.

Senator Erskine was elected to the Iowa Senate in 1966 and served in the 62nd and 63rd General Assemblies, where he chaired the Conservation and Recreation Committee.

Mr. Erskine was a member of Grace United Methodist Church. He served on various church committees, including as chair of the board of trustees.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Alden J. Erskine, 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.

AL STURGEON, Chair
DONALD V. DOYLE
WILMER RENSINK

Committee

STANLEY M. HEABERLIN

Stanley Heaberlin was born on September 4, 1908 in Harr, Tennessee. In 1918 he and his family moved to the Pleasantville community. He passed away October 2, 1989, at the age of 81 years.

Mr. Heaberlin graduated from Pleasantville High School in 1928. He married Jessie Core in 1932 and they were the parents of three sons; Carl, who was killed in 1960 while serving in the U.S. Air Force, Gene of Pleasantville, Iowa, and Bruce of Jupiter, Florida, and have six grandchildren, four great-grandchildren and several step grandchildren.

Mr. Heaberlin first operated a truck line from his home in Pleasantville. In 1947, he started grain farming and established the seedstock herd of Hereford cattle which he remained involved with to his death.

Senator Heaberlin was elected to the Iowa Senate in November, 1965 and served four years in the 61st and 62nd General Assemblies.

Mr. Heaberlin served on the Marion County Extension Council and was Director and Treasurer of the Des Moines Coop Dairy. He was the state winner of the Master Soybean contest in 1963, and the Ford Almanac Farm Efficiency Award in 1966. He was a township trustee and worked to promote better schools and other agricultural interests. Mr. Heaberlin was a member of the Methodist Church.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SECOND GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Stanley M. Heaberlin, 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 by instructed to forward an enrolled copy to the family of the deceased.

WILLIAM DIELEMAN, Chair
JOHN PETERSON
H. KAY HEDGE

Committee

ELMER F. LANGE

Elmer F. Lange was born April 13, 1917, at Sac City, Iowa, and was a lifelong resident of that community. He passed away May 6, 1990, at the age of 73 years.

Mr. Lange attended Sac City public schools. He attended both Iowa State and Drake Universities. He joined the U.S. Army in 1942 and graduated from Officers Candidate School before being sent overseas. He was captured by the German

Army in 1944 and held hostage in POW camps until the Division was liberated in May, 1945. On June 16, 1946, he married Beth Thomas and they were the parents of two daughters; Mary Beth Williams of Garden City Kansas and Martha Jane Lange of Guffey, Colorado, and have two grandsons.

Elmer Lange was elected to the House of Representatives in 1960 and served in the 59th, 60th and 60th Special sessions. Senator Lange was elected to the Senate in 1962 and served in the 61st, 62nd and 63rd General Assemblies. In 1969 he served as President Pro-Tempore of the Senate.

In 1971, Mr. Lange was elected as the first SCORE/ACE Director for the ACTION Agency in Washington, D.C.; was then appointed in 1975 as State Director for ACTION in Lincoln, Nebraska. He retired from Federal Government in 1983, but still remained active in the political scene.

Mr. Lange was co-owner-operator of the Sac City Creamery; President of the Iowa Ice Cream Manufacturers Association and of the Madison Holding Company. Mr. Lange was Senior Vice President and on the Board of Directors of the Union State Bank in Winterset, Iowa; Board member of the Midwest Energy Company.

Elmer Lange was a member of the First Presbyterian Church in Sac City, and served as Trustee, Deacon and Ruling Elder.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FOURTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Elmer F. Lange, 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.

LINN FUHRMAN, Chair
DONALD V. DOYLE
BILL HUTCHINS

Committee

CARL H. RINGGENBERG

Carl Ringgenberg of Ames, was born April 28, 1895, in Campbell, Nebraska. He passed away July 5, 1990, in Ames at the age of 95 years.

Mr. Ringgenberg was a graduate of Ames High School and Iowa State College. He taught high school for one year in Whiting, and was a farmer. On December 30, 1919, he married Eloise Minkler in Ames. She died on April 11, 1965. On December 20, 1966, he married Ruth Plagmann. She died on September 25, 1976. On December 3, 1979, he married Vera Wymore in Ames. He was preceded in

death by a daughter, Dorothy. He is survived by his wife, Vera; one son, Robert of Nevada; two daughters, Ruth Matson of Ames and Marilyn Patrick of Dallas, Texas; eight grandchildren and eight great grandchildren.

Senator Ringgenberg was elected to the Iowa Senate in 1956, after serving in the Iowa House of Representatives since 1950. He served in the 54th, 55th, 56th, 57th, and 58th General Assemblies.

Mr. Ringgenberg was a member of the First United Methodist Church, where he served as Sunday school teacher and choir director; member of the board of trustees, and on the finance committee. He also served as clerk of the Washington Township Trustees; on the Story County AAA Committee; and the Story County Board of Education for 16 years. He had been a member of the county Fair Association, County Farm Bureau Board, American Legion, and the Isaac Walton League.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Carl H. Ringgenberg, 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.

RALPH ROSENBERG, Chair
WILLIAM PALMER
JACK NYSTROM

Committee

FORREST V. SCHWENGELS

Forrest "Frosty" Schwengels, 73, of Fairfield, passed away April 10, 1989. He was born in Sheffield, Iowa, on August 27, 1915.

Mr. Schwengels attended schools in Sheffield, Iowa and Chicago, Illinois. He attended Northeast Missouri State Teachers College; received his B.A. from Parsons College, his M.A. from Georgetown University and did doctorate study at Indiana University. He married Betty Pickett in 1943. They had two sons; Paul, of Takoma Park, MD and Forrest II of Poquoson, VA; a daughter Suzanne Schwengels of Des Moines; and six grandchildren.

Senator Schwengels was first elected to the Iowa Senate in 1972 and served in the 65th, 66th, 67th, 68th, 69th, 70th, 71st, and 72nd General Assemblies. During those sixteen years in the Iowa Senate he was an early leader on natural resource issues and led lawmakers in pioneering erosion control. He was author of soil-conservation policies that have set the mark for the nation.

Mr. Schwengels served twenty-three years in the U.S. Air Force. He retired as a Lt. Colonel in 1963. He was a professor at Parsons College from 1963 to 1973.

He was a member of the Farm Bureau, Lions Club, Elks Club, Masons, Retired Officers Association, Air Force Association, Phi Sigma Epsilon, American Legion, Veterans of Foreign Wars, Chamber of Commerce, Shrine, Indian Hills Community College Foundation, Soil Conservation Society of America, and the Historical Society.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Forrest V. Schwengels, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

H. KAY HEDGE, Chair
EUGENE FRAISE
MARK R. HAGERLA

Committee

EARL M. WILLITS

Earl M. Willits was born October 30, 1946, in Marshalltown, Iowa. He passed away in Des Moines, Iowa on July 11, 1990 at the age of 43.

Mr. Willits graduated from Union-Whitten High School, earned an undergraduate degree from Iowa State University in 1968 and was honored with the Cardinal's Key for academic excellence. He received a law degree from Drake University in 1974. Earl married Martha Oldson of Eagle Grove in 1969 and they were the parents of two daughters, Anne and Emily of Des Moines. They were divorced in 1986.

Senator Willits was elected to the House of Representatives in 1970. He served one term there and was elected to the Senate in 1972, serving in the 65th, 66th, 67th and 68th General Assemblies.

During his term in the legislature, Senator Willits' inquiry into the Iowa Commission for the Blind resulted in the resignation of the director and investigations into fiscal irregularities on the state and national level. He unsuccessfully sought school reorganization, and was influential in opening Terrace Hill to the public.

In 1979, Mr. Willits resigned from the Senate to work in the Attorney General Office. He was originally appointed head of the Farm Division, and later functioned as First Assistant Attorney General. His work both in the legislature and the Attorney General Office reflected his strong belief in serving people.

Earl Willits was an active member of Plymouth Congregational Church, serving on the Board of Trustees and their Fine Arts and Music boards.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Earl M. Willits, 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.

FLORENCE BUHR, Chair
WILLIAM D. PALMER
MARY E. KRAMER

Committee

AMENDMENTS FILED

During The

Seventy-fourth General Assembly

1991 Regular Session

S-3001

- 1 Amend Senate Concurrent Resolution 1 as follows:
- 2 1. Page 1, line 23, by striking the words "rules
3 and".
- 4 2. Page 5, by inserting after line 15 the
5 following: "All Senior Caucus Secretaries".
- 6 3. Page 11, line 12, by striking the words "rules
7 and".
- 8 4. Page 12, line 5, by striking the words "rules
9 and".
- 10 5. Page 13, line 23, by striking the words "rules
11 and".
- 12 6. Page 13, line 28, by striking the words "rules
13 and".
- 14 7. Page 16, line 7, by striking the words "rules
15 and".
- 16 8. Page 16, line 15, by striking the words "rules
17 and".
- 18 9. Page 16, line 29, by striking the words "rules
19 and".
- 20 10. Page 17, line 13, by striking the words "rules
21 and".
- 22 11. Page 18, line 7, by striking the words "rules
23 and".
- 24 12. Page 18, line 18, by striking the words
25 "rules and".

BILL HUTCHINS
JACK RIFE

S-3002

- 1 Amend Senate Concurrent Resolution 2 as follows:
- 2 1. Page 7, line 26, by inserting after the figure
3 "3." the following: "The authority of the first
4 conference committee shall be limited to
5 recommendations regarding the subject matter of the
6 amendments which were insisted upon by the house
7 requesting the conference committee."
- 8 2. Page 7, line 26, by inserting before the word
9 "committee" the following: "second and any subsequent
10 conference".

COMMITTEE ON RULES AND ADMINISTRATION
BILL HUTCHINS, Chair

S-3003

- 1 Amend Senate Resolution 1 as follows:

2 1. Page 28, line 11, by inserting after the word
3 "matters" the following: "but shall not adopt an
4 administrative policy on smoking in the chamber which
5 unfairly discriminates against staff members who are
6 required as a condition of their employment to
7 occasionally work in the chamber".

MICHAEL E. GRONSTAL

S-3004

1 Amend Senate Joint Resolution 1 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "law." the following: "This section shall not be
4 construed to grant, secure, deny, or restrict any
5 rights relating to abortion or the funding of
6 abortion."
7 2. Page 1, by striking lines 12 through 19 and
8 inserting the following:
9 "Sec. 2. The foregoing proposed amendment to the
10 Constitution of the State of Iowa is hereby referred
11 to the General Assembly to be chosen at the next
12 general election for members of the General Assembly,
13 and the Secretary of State is directed to cause the
14 same to be published for three consecutive months
15 before the date of that election as provided by law."

WILLIAM W. DIELEMAN

S-3005

1 Amend Senate File 23 as follows:
2 1. Page 1, line 33, by striking the word "or" and
3 inserting the following: "and includes".

ELAINE SZYMONIAK

S-3006

1 Amend Senate File 34 as follows:
2 1. Page 1, line 16, by inserting after the figure
3 "17A." the following: "A person engaged in the
4 business of selling purple looestrife shall keep
5 accurate records, as specified by the department, of
6 each variety of purple looestrife sold, offered for
7 sale, or distributed. The person shall allow the
8 department of agriculture and land stewardship to
9 inspect the records during regular business hours."

BERL E. PRIEBE

S-3007

- 1 Amend Senate Concurrent Resolution 2, as amended,
 2 passed and reprinted by the Senate as follows:
 3 1. Page 7, by striking lines 26 through 30.
 4 2. Page 8, by striking line 1, and inserting the
 5 following: "The authority of the committee shall
 6 cover free conference".
 7 3. Page 8, line 6, by inserting after the word
 8 "house." the following: "However, a report
 9 enumerating any material included in the conference
 10 committee report that was not contained in the bill as
 11 passed by the house of origin or as amended by the
 12 second house, shall be attached to the conference
 13 committee report."

S-3008

- 1 Amend Senate File 48 as follows:
 2 1. Page 1, line 6, by striking the word "'P.T.'"
 3 and inserting the following: "'PT'".
 4 2. Page 1, by inserting after line 7, the
 5 following:
 6 "A physical therapist assistant licensed under
 7 chapter 148A may use the words "physical therapist
 8 assistant" after the person's name or signify the same
 9 by use of the letters "PTA" after the person's name."

ELAINE SZYMONIAK

S-3009

- 1 Amend Senate File 33 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 "retail" the following: "pesticide".
 4 2. By striking page 3, line 7, through page 4,
 5 line 1.
 6 3. Title page, lines 2 and 3, by striking the
 7 words "providing registration requirements."
 8 4. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chair

S-3010

- 1 Amend Senate File 87 as follows:
 2 1. Page 1, by striking line 4 and inserting the
 3 following:

4 "1. A bank organized under this chapter, as a
5 condition of".

6 2. Page 1, line 8, by inserting after the word
7 "bank" the following: "as required by federal law".

8 3. Page 1, by striking lines 12 through 23, and
9 inserting the following:

10 "2. A bank organized under this chapter may
11 acquire and maintain insurance to protect each
12 depositor against loss of funds held on account by the
13 bank in excess of the amount required under subsection
14 1, from any insurance plan as approved by the
15 commissioner of insurance and the superintendent.

16 3. The superintendent may furnish to an official
17 of an insurance plan by which the accounts of the bank
18 are insured as permitted under subsection 2, any
19 information relating to examinations and reports of
20 the status of that bank for the purpose of determining
21 availability of insurance to that bank."

22 4. Page 1, line 32, by inserting after the word
23 "union" the following: "as required by federal law".

24 5. Page 2, by striking lines 2 through 6, and
25 inserting the following:

26 "A credit union organized under this chapter may
27 acquire and maintain insurance to protect each
28 depositor against loss of funds held on account by the
29 credit union in excess of the amount required under
30 this section, from any insurance plan as approved by
31 the commissioner of insurance and the superintendent.

32 The superintendent may furnish to any official of
33 an insurance plan by which the accounts of a credit
34 union are insured as permitted under this section, any
35 information relating to examinations and reports of
36 the status of that credit union for the purpose of
37 availability of insurance to that credit union."

38 6. Page 2, by striking line 10 and inserting the
39 following:

40 "1. An association organized under this chapter as
41 a".

42 7. Page 2, line 14, by inserting after the word
43 "association" the following: "as required by federal
44 law".

45 8. Page 2, by striking lines 18 through 22 and
46 inserting the following:

47 "2. An association organized under this chapter
48 may acquire and maintain insurance to protect each
49 depositor against loss of funds held on account by the
50 association in excess of the amount required under

1 subsection 1, from any insurance plan as approved by
 2 the commissioner of insurance and the superintendent.
 3 3. The superintendent may furnish to an official
 4 of an insurance plan by which the accounts of the
 5 association are insured as permitted under subsection
 6 2, any information relating to examinations and
 7 reports of the status of that association for the
 8 purpose of determining availability of insurance to
 9 that association.

10 Sec. ____ . A financial institution required by this
 11 Act to obtain deposit insurance in an amount required
 12 by federal law and which currently is not insured by
 13 the federal deposit insurance corporation, the
 14 national credit union administrator, or any successor
 15 agency of the federal government, must make
 16 application for such insurance to the appropriate
 17 federal agency no later than January 1, 1992, and must
 18 obtain such insurance no later than July 1, 1993."

19 9. Title page, line 2, by striking the word
 20 "eliminating" and inserting the following:
 21 "limiting".

22 10. Title page, lines 3 and 4, by striking the
 23 words "to satisfy this requirement".

24 11. By renumbering as necessary.

DONALD GETTINGS
 PATRICK DELUHERY

S-3011

1 Amend Senate Resolution 3 as follows:
 2 1. Page 4, by striking lines 18 through 21 and
 3 inserting the following:
 4 "Registration expires upon the commencement of the
 5 next regular session of the general assembly, except
 6 that the secretary of the senate may adopt and
 7 implement a reasonable pre-registration procedure in
 8 advance of each regular session during which persons
 9 may register for that session and the following
 10 legislative interim."

JEAN LLOYD-JONES

S-3012

1 Amend Senate File 91 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 331.651A QUALIFICATIONS
 5 OF SHERIFF.

6 1. A person is not eligible to serve as a county
7 sheriff unless the person meets all of the following
8 qualifications:
9 a. The person is at least twenty-one years of age.
10 b. The person has at least two years' experience
11 as a full-time peace officer.
12 c. The person has earned a certificate of
13 graduation as a law enforcement officer recognized by
14 the Iowa law enforcement academy council or possesses
15 all of the qualifications required by the Iowa law
16 enforcement academy council to be certificated as a
17 law enforcement officer.

18 2. The Iowa law enforcement academy council shall
19 adopt rules, subject to chapter 17A, establishing
20 procedures for determining the eligibility of persons
21 to be candidates for the office or to serve as county
22 sheriff. A potential candidate for the office of
23 county sheriff shall submit an application for the
24 determination of eligibility to the council at least
25 thirty days before the deadline for the filing of
26 nomination petitions under chapter 43 or 44. The
27 application shall be on forms provided by the council
28 and contain the information required by rule of the
29 council. The council shall notify the applicant in
30 writing of its decision on the applicant's eligibility
31 for the office by certified mail at least ten days
32 before the deadline for filing for office. However,
33 in the case of a candidate seeking to fill a ballot
34 vacancy or vacancy in the office of sheriff, the
35 council shall make a determination of eligibility as
36 soon as possible after receipt of the application. An
37 appointment to fill a ballot vacancy or vacancy in
38 office is not final until the candidate is certified
39 as eligible by the council.

40 3. The county commissioner of elections shall not
41 place the name of a candidate for the office of
42 sheriff on a primary or general election ballot as
43 provided under chapter 43, 44, or 45 unless the
44 nomination petition filed by the candidate or
45 certification of nomination is accompanied by a
46 certificate of eligibility issued by the Iowa law
47 enforcement academy council.

48 Sec. 2. APPLICABILITY. This Act does not apply to
49 a person holding the office of county sheriff on the
50 effective date of this Act."

Page 2

1 2. Title page, line 2, by striking the words
2 "filing deadlines" and inserting the following: "for

3 the Act's applicability".

EUGENE FRAISE

S-3013

1 Amend Senate File 124 as follows:

- 2 1. Page 11, by striking line 16, and inserting
- 3 the following: "subsection 1, and subsection 7,
- 4 unnumbered paragraph 1, are amended to read as
- 5 follows:".
- 6 2. Page 17, by striking line 32 and inserting the
- 7 following:
- 8 "At least \$240,000 of the appropriation reduction
- 9 and the FTE reduction".
- 10 3. Page 28, line 30, by inserting before the word
- 11 "go" the following: "shall".
- 12 4. Page 37, by striking line 1 and inserting the
- 13 following: "subsection 1, is amended to read as
- 14 follows:".
- 15 5. Page 37, by striking lines 6 through 17 and
- 16 inserting the following:
- 17 "Sec. ____ . The appropriations made to Iowa state
- 18 university of science and technology and the state
- 19 university of Iowa under 1990 Iowa Acts, chapter 1262,
- 20 section 11, shall be reduced by \$50,000 for each
- 21 university. Each university shall select which of the
- 22 purposes for which it received the appropriation shall
- 23 be reduced so that the reduction in appropriation of
- 24 \$50,000 is reached."
- 25 6. Page 54, line 3, by striking the words and
- 26 figure "and 2 nurses" and inserting the following:
- 27 "and 2 nurses".
- 28 7. Page 71, line 26, by striking the word "in"
- 29 and inserting the following: "in".
- 30 8. Page 71, line 28, by inserting after the word
- 31 "Session" the following: "by".
- 32 9. Page 71, line 29, by striking the words "have
- 33 been deappropriated" and inserting the following:
- 34 "are reduced".
- 35 10. Page 103, by striking lines 7 through 29.
- 36 11. By striking page 103, line 30, through page
- 37 104, line 18.
- 38 12. Page 142, line 15, by striking the words and
- 39 figure "This division, except section 1258 of this
- 40 Act," and inserting the following: "These divisions".
- 41 13. Page 142, line 16, by striking the word "is"
- 42 and inserting the following: "are".
- 43 14. Page 142, by striking lines 17 through 19.
- 44 15. By renumbering, relettering, or redesignating

45 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
LEONARD BOSWELL, Chair

S-3014

- 1 Amend Senate Resolution 4 as follows:
- 2 1. Page 3, line 1, by inserting after the word
- 3 "dollars" the following: "in value".

JEAN LLOYD-JONES

S-3015

- 1 Amend Senate File 104 as follows:
- 2 1. Page 1, by striking line 13 and inserting the
- 3 following: "program. Administrative expenses shall
- 4 not exceed five percent of the contributions pledged
- 5 the previous year. All fees, grants, or specific
- 6 appropriations for".

WILLIAM W. DIELEMAN

S-3016

- 1 Amend Senate File 23 as follows:
- 2 1. Page 1, line 33, by striking the word "or" and
- 3 inserting the following: ", and includes".

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chair

S-3017

- 1 Amend Senate File 124 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 DEPARTMENT OF HUMAN SERVICES
- 6 Section 101. 1990 Iowa Acts, chapter 1248, section
- 7 6, subsection 1, unnumbered paragraph 1, is amended to
- 8 read as follows:
- 9 For grants to public agencies and private nonprofit
- 10 organizations which provide child day care resource
- 11 and referral programs:
- 12 \$ 500,000
- 13 258,931
- 14 Sec. 102. 1990 Iowa Acts, chapter 1258, section 1,
- 15 unnumbered paragraph 1, is amended to read as follows:

16 There is appropriated from the general fund of the
17 state to the department of human services for the
18 fiscal year beginning July 1, 1990, and ending June
19 30, 1991, the following amount, or so much thereof as
20 is necessary, to be used for the purposes designated:

21 \$ 2,480,000
22 1,110,000

23 Sec. 103. 1990 Iowa Acts, chapter 1270, section 1,
24 unnumbered paragraph 2, is amended to read as follows:
25 For aid to families with dependent children:

26 \$ 42,050,000
27 41,550,000

28 Sec. 104. 1990 Iowa Acts, chapter 1270, section 2,
29 unnumbered paragraph 2, is amended to read as follows:
30 For medical assistance, including reimbursement for
31 abortion services, which shall be available under the
32 medical assistance program only for those abortions
33 which are medically necessary:

34 \$224,050,000
35 221,933,060

36 Sec. 105. 1990 Iowa Acts, chapter 1270, section 2,
37 is amended by adding the following new subsection:

38 NEW SUBSECTION. 10. The department shall
39 implement for the period beginning with the effective
40 date of this Act or March 1, 1991, whichever is later,
41 and ending June 30, 1991, the maximum copayments
42 allowed by federal regulations for the following
43 medical assistance services: for each laboratory or
44 X-ray procedure provided by an X-ray and laboratory
45 service provider; for each day of service for services
46 provided by clinics, ambulatory surgical centers,
47 community mental health centers, certified registered
48 nurse anesthetists, rural health clinics, federally
49 qualified health centers, and outpatient hospital
50 services; for each day of service for services

Page 2

1 provided by home health agencies and physicians; and
2 for each day of service in an inpatient hospital.
3 Copayment shall not apply to the following: children
4 under 21 years of age; pregnant women; persons
5 residing in nursing facilities, residential care
6 facilities, or psychiatric institutions; family
7 planning services; federal medicare crossover claims;
8 services provided by a contracting health maintenance
9 organization; and emergency services as defined by
10 federal regulations.

11 Sec. 106. 1990 Iowa Acts, chapter 1270, section 3,
12 unnumbered paragraph 2, is amended to read as follows:

13	For medical contracts:	
14	.....	\$ 3,870,000
15		<u>3,685,300</u>
16	Sec. 107. 1990 Iowa Acts, chapter 1270, section 4,	
17	unnumbered paragraph 2, is amended to read as follows:	
18	For state supplementary assistance:	
19	.....	\$ 18,160,000
20		<u>18,010,000</u>
21	Sec. 108. 1990 Iowa Acts, chapter 1270, section 9,	
22	subsection 1, is amended to read as follows:	
23	1. For the JOBS program:	
24	.....	\$ 3,310,000
25		<u>3,300,000</u>
26	The department may use up to \$10,000 of the funds	
27	appropriated in this section to implement the family	
28	friends program in 2 districts to provide mentors for	
29	persons receiving aid to families with dependent	
30	children under chapter 239.	
31	Sec. 109. 1990 Iowa Acts, chapter 1270, section	
32	10, unnumbered paragraph 2, is amended to read as	
33	follows:	
34	For child support recoveries, including salaries,	
35	support, maintenance, miscellaneous purposes, and for	
36	not more than the following full-time equivalent	
37	positions:	
38	.....	\$ 2,900,000
39		<u>2,868,378</u>
40	..... FTEs	234.5
41	Sec. 110. 1990 Iowa Acts, chapter 1270, section	
42	11, unnumbered paragraph 2, is amended to read as	
43	follows:	
44	For the collection services center, including	
45	salaries, support, maintenance, miscellaneous	
46	purposes, and for not more than the following full-	
47	time equivalent positions:	
48	.....	\$ 260,000
49		<u>251,378</u>
50	..... FTEs	26.00

Page 3

1	Sec. 111. 1990 Iowa Acts, chapter 1270, section	
2	12, subsections 1 and 2, are amended to read as	
3	follows:	
4	1. For the Iowa juvenile home at Toledo:	
5	.....	\$ 4,518,000
6		<u>4,498,000</u>
7	..... FTEs	128.5
8	2. For the state training school at Eldora:	
9	.....	\$ 7,900,000

7 the department amends the allocation to a program
8 funded under this section, then the department shall
9 promptly notify the legislative fiscal bureau of the
10 change:

11 \$ 11,290,000
12 11,189,500

13 Sec. 116. 1990 Iowa Acts, chapter 1270, section
14 19, unnumbered paragraph 2, is amended to read as
15 follows:

16 For operation of the Iowa veterans home, including
17 salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-
19 time equivalent positions:

20 \$ 28,680,000
21 28,023,826
22 FTEs 836.87

23 Sec. 117. 1990 Iowa Acts, chapter 1270, section
24 21, is amended to read as follows:

25 SEC. 21. MENTAL HEALTH INSTITUTES.

26 There is appropriated from the general fund of the
27 state to the department of human services for the
28 fiscal year beginning July 1, 1990, and ending June
29 30, 1991, the following amounts, or so much thereof as
30 is necessary, to be used for the purposes designated:

31 For the state mental health institutes for
32 salaries, support, maintenance, miscellaneous
33 purposes, and for not more than the following full-
34 time equivalent positions:

35 1. State mental health institute at Cherokee:
36 \$ 15,158,000
37 14,186,485
38 FTEs 409.33

39 As a condition, qualification, and limitation of
40 the funds appropriated in this subsection, up to
41 \$850,000 96,942 shall be used to phase in new
42 residential treatment programs for adolescents who are
43 substance abusers and to develop secure beds for
44 juveniles placed at the state mental health institute
45 at Cherokee.

46 2. State mental health institute at Clarinda:
47 \$ 7,442,000
48 7,275,144
49 FTEs 192.06

50 3. State mental health institute at Independence:

Page 5

1 \$ 15,033,000
2 14,890,257
3 FTEs 424.77

4 4. State mental health institute at Mount

5 Pleasant:

6 \$ 8,490,000

7 FTEs 207.5

8 Sec. 118. 1990 Iowa Acts, chapter 1270, section

9 22, subsections 1 and 2, are amended to read as

10 follows:

11 1. State hospital-school at Glenwood:

12 \$ 38,044,000

13 37,894,000

14 FTEs 1,178.00

15 2. State hospital-school at Woodward:

16 \$ 31,383,000

17 30,683,000

18 FTEs 957.3

19 Sec. 119. 1990 Iowa Acts, chapter 1270, section

20 23, unnumbered paragraph 1, is amended to read as

21 follows:

22 There is appropriated from the general fund of the
23 state to the state community mental health and mental
24 retardation services fund established in section
25 225C.7 for the fiscal year beginning July 1, 1990, and
26 ending June 30, 1991, the following amount, or so much
27 thereof as is necessary:

28 \$ 3,255,000

29 3,203,000

30 Sec. 120. 1990 Iowa Acts, chapter 1270, section

31 23, is amended by adding the following new subsection:

32 **NEW SUBSECTION. 3.** Notwithstanding section

33 225C.7, the special allocation portion of the

34 community mental health and mental retardation

35 services fund shall be reduced by \$52,000.

36 Sec. 121. 1990 Iowa Acts, chapter 1270, section

37 24, unnumbered paragraph 2, and subsection 2, are

38 amended to read as follows:

39 For mental health, mental retardation, and

40 developmental disabilities special services:

41 \$ 975,000

42 425,000

43 2. Of the funds appropriated in this section,

44 ~~\$550,000~~ 225,000 is allocated to provide supplemental

45 per diems to community-based residential care

46 facilities. The per diem is restricted to clients

47 placed from the state hospital-schools and persons

48 averted from placement in a state hospital-school who

49 meet the appropriate level of functioning for this

50 type of care.

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1 Sec. 122. 1990 Iowa Acts, chapter 1270, section
2 28, unnumbered paragraph 2, is amended to read as
3 follows:

4 For field operations, including salaries, support,
5 maintenance, miscellaneous purposes, and for not more
6 than the following full-time equivalent positions:

7	.....	\$ 41,963,000
8	.....	<u>40,324,879</u>
9	.....	FTEs 2,318.50

10 Sec. 123. 1990 Iowa Acts, chapter 1270, section
11 29, unnumbered paragraph 2, is amended to read as
12 follows:

13 For general administration, including salaries,
14 support, maintenance, miscellaneous purposes, and for
15 not more than the following full-time equivalent
16 positions:

17	.....	\$ 9,000,000
18	.....	<u>8,271,588</u>
19	.....	FTEs 350.95

20 Sec. 124. 1990 Iowa Acts, chapter 1270, section
21 30, unnumbered paragraph 2, is amended to read as
22 follows:

23 For development and coordination of volunteer
24 services:

25	.....	\$ 95,000
26	.....	<u>88,825</u>

27 Sec. 125. SERVICE PROVIDERS REIMBURSED BY THE
28 DEPARTMENT OF HUMAN SERVICES.

29 1. Notwithstanding 1990 Iowa Acts, chapter 1270,
30 section 31, for the period beginning with the
31 effective date of this Act or March 1, 1991, whichever
32 is later, and ending June 30, 1991, the reimbursement
33 rates for the providers of services listed in this
34 section shall be reduced in accordance with the
35 provisions of this section.

36 2. a. The following providers shall have their
37 medical assistance reimbursement rate established at a
38 level 2 percent above the rates in effect on June 30,
39 1990: psychiatric medical institutions for children,
40 providers of waived services under the home and
41 community-based programs, optometrists for service
42 fees only, opticians for service fees only,
43 podiatrists, dentists, chiropractors, physical
44 therapists, birthing centers, ambulance services,
45 independent laboratories, area education agencies,
46 clinics, audiologists, rehabilitation agencies,
47 community mental health centers, family planning
48 clinics, psychologists, hearing aid dealers,

49 orthopedic shoe dealers, ambulatory surgery centers,
50 and genetic counseling clinics. Reimbursement for

Page 7

1 optometric products, and durable medical products and
2 supplies, shall be established at a level 3.2 percent
3 above the rates in effect on June 30, 1990.

4 b. Reimbursement rates for physicians and
5 certified registered nurse anesthetists shall be
6 established at a level 1.6 percent above the rates in
7 effect on June 30, 1990. Reimbursement rates for
8 screening centers, maternal health centers, obstetric
9 services when provided by physicians or certified
10 nurse midwives, and pediatric services shall be
11 established at a level 3.72 percent above the rates in
12 effect on June 30, 1990.

13 c. Reimbursement for drug product costs shall be
14 fixed at the rates in effect on February 28, 1991.

15 3. The \$2.50 per day additional payment for
16 medical assistance eligible residents of nursing
17 facilities identified by the Iowa foundation for
18 medical care as meeting criteria to receive special
19 care or services shall be discontinued.

20 Sec. 126. GAMBLERS ASSISTANCE FUND.

21 Notwithstanding section 99E.10, subsection 1,
22 paragraph "a", subparagraph (1), for the fiscal year
23 beginning July 1, 1990, \$30,000 of the gamblers
24 assistance fund moneys made available by that
25 subparagraph shall not be used for the purposes
26 specified but shall be transferred to the general fund
27 of the state.

28 Sec. 127. TRANSFERS AUTHORIZED -- FURLOUGHES.

29 1. To the extent that unanticipated federal funds
30 or expenditure savings are available, the director of
31 the department of human services may transfer funds
32 between the appropriations reduced in sections 101
33 through 123 of this Act and use the unanticipated
34 funds or savings to avoid the use of furloughs. The
35 director shall provide prompt notification of a
36 transfer made pursuant to this section to the
37 chairpersons and ranking members of the legislative
38 fiscal committee, the chairpersons and ranking members
39 of the joint human services appropriations
40 subcommittee, and the legislative fiscal bureau.

41 2. It is the intent of the general assembly that
42 if the appropriations reductions made by this Act
43 require payroll reductions in the department of human
44 services, the director of human services shall give
45 preference to the use of voluntary furloughs and that

46 mandatory furloughs shall only be imposed if it
 47 appears that voluntary furloughs will be inadequate to
 48 achieve the reductions.
 49 Sec. 128. RULES. The department of human services
 50 may adopt administrative rules under section 17A.4,

Page 8

1 subsection 2, and section 17A.5, subsection 2,
 2 paragraph "b", to implement sections of this Act
 3 enumerated in this section. Rules adopted pursuant to
 4 section 104, relating to appropriations reductions in
 5 medical assistance, section 105, relating to
 6 copayments for services allowed by federal
 7 regulations, and section 125, relating to service
 8 providers reimbursed by the department of human
 9 services, of this Act shall become effective
 10 immediately upon filing unless a later date is
 11 specified in the rules. The rules shall also be
 12 published as notice of intended action as specified in
 13 section 17A.4.

14 DIVISION II
 15 CIVIL RIGHTS COMMISSION

16 Sec. 201. 1990 Iowa Acts, chapter 1259, section 1,
 17 unnumbered paragraph 2, is amended to read as follows:

18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions:

21	.....	\$ 1,051,000
22	.....	<u>1,010,039</u>
23	..... FTEs	37.00

24 DEPARTMENT OF HUMAN RIGHTS

25 Sec. 202. 1990 Iowa Acts, chapter 1259, section 2,
 26 subsections 2, 3, 4, 5, 6, and 7, are amended to read
 27 as follows:

28 2. ~~SPANISH-SPEAKING PEOPLE~~ LATINO AFFAIRS DIVISION

29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:

32	.....	\$ 127,000
33	.....	<u>53,123</u>
34	..... FTEs	3.50
35	.....	<u>2.50</u>

36 3. PERSONS WITH DISABILITIES DIVISION

37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:

40	.....	\$ 191,000
41	.....	<u>189,000</u>
42	..... FTEs	4.00

43 Of the funds appropriated to the division, there is
44 allocated an amount necessary to fund the central
45 registry for brain injuries established pursuant to
46 section 135.22.

47 4. STATUS OF WOMEN DIVISION

48 a. For salaries, support, maintenance,
49 miscellaneous purposes, and for not more than the
50 following full-time equivalent positions:

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1	\$	211,000
2		<u>197,000</u>
3	FTEs	4.10

4 b. For the displaced homemaker program:

5	\$	140,000
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6 5. CHILDREN, YOUTH AND FAMILIES DIVISION

7 For salaries, support, maintenance, miscellaneous
8 purposes, and for not more than the following full-
9 time equivalent positions:

10	.....	\$	181,000
11	.....		<u>163,121</u>
12	.....	FTEs	8.00

13 Of the funds appropriated in this subsection, no
14 less than \$36,300 shall be spent for expenses relating
15 to the administration of federal funds for juvenile
16 assistance. It is the intent of the general assembly
17 that the department of human rights employ sufficient
18 staff to meet the federal funding match requirements
19 established by the federal office for juvenile justice
20 delinquency prevention. The governor's advisory
21 council on juvenile justice shall determine the
22 staffing level necessary to carry out federal and
23 state mandates for juvenile justice.

24 6. DEAF SERVICES DIVISION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28	.....	\$	307,000
29	.....		<u>285,277</u>
30	.....	FTEs	10.00

31 The fees collected by the division for provision of
32 interpretation services by the division to obligated
33 agencies shall be dispersed pursuant to the provisions
34 of section 8.32, and shall be dedicated and used by
35 the division for the provision of continued and
36 expanded interpretation services.

37 7. STATUS OF BLACKS DIVISION

38 For salaries, support, maintenance, miscellaneous
39 purposes, and for not more than the following full-

40 time equivalent positions:

41	.....	\$	69,000
42	.....		<u>68,735</u>
43	.....	FTEs	1.50

DEPARTMENT FOR THE BLIND

45 Sec. 203. 1990 Iowa Acts, chapter 1259, section 4,
46 unnumbered paragraph 2, is amended to read as follows:

47 For salaries, support, maintenance, miscellaneous
48 purposes, and for not more than the following full-
49 time equivalent positions:

50	\$	1,458,800
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1			1,345,087
2	FTEs	103.50

3 Sec. 204. 1990 Iowa Acts, chapter 1268, section 9,
4 unnumbered paragraph 2, is amended to read as follows:

5 For the division of criminal and juvenile justice
6 planning established pursuant to House File 2468, if
7 enacted by the Seventy-third General Assembly, 1990
8 Session section 601K.1, and for not more than the
9 following full-time equivalent positions:

10	.....	\$	100,000
11	.....		<u>48,063</u>
12	.....	FTEs	4.00
13			<u>2.00</u>

DEPARTMENT OF ELDER AFFAIRS

15 Sec. 205. 1990 Iowa Acts, chapter 1259, section 5,
16 subsection 1, and subsection 7, unnumbered paragraph
17 1, are amended to read as follows:

18 1. For salaries, support, maintenance,
19 miscellaneous purposes, and for not more than the
20 following full-time equivalent positions:

21	.....	\$	506,000
22	.....		<u>464,989</u>
23	.....	FTEs	33.00
24			<u>32.00</u>

25 It is the intent of the general assembly that the
26 department employ an alternative housing coordinator
27 and a long-term care coordinator as 2 of the full-time
28 equivalent positions.

29 Of the funds appropriated under this subsection,
30 \$50,000 shall be allocated to fund the representative
31 payee project established within the department of
32 elder affairs.

33 7. For elderly services programs:

34	.....	\$	1,531,000
35			<u>1,471,000</u>

36 Sec. 206. 1990 Iowa Acts, chapter 1272, section

37 19, is amended to read as follows:

38 SEC. 19. There is appropriated from the general
39 fund of the state to the department of elder affairs
40 for the fiscal year beginning July 1, 1990, and ending
41 June 30, 1991, the following amount, or so much
42 thereof as may be necessary, to conduct the elderlaw
43 education program under section 249D.54:

44 \$ 75,000
45 48,891

46 IOWA DEPARTMENT OF PUBLIC HEALTH

47 Sec. 207. 1990 Iowa Acts, chapter 1259, section 6,
48 subsection 1, is amended to read as follows:

49 1. CENTRAL ADMINISTRATION DIVISION

50 For salaries, support, maintenance, miscellaneous

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1 purposes, and for not more than the following full-
2 time equivalent positions:

3 \$ 829,096
4 775,696
5 FTEs 57.00

6 As a condition, limitation, and qualification of
7 the appropriation made in this subsection, the
8 director of the Iowa department of public health or
9 the director's designee shall participate in an
10 interagency working committee convened by the
11 governor's planning council for developmental
12 disabilities to examine the feasibility of
13 establishing an office of disability prevention within
14 state government.

15 Sec. 208. 1990 Iowa Acts, chapter 1259, section 6,
16 subsection 2, paragraph a, unnumbered paragraph 1, is
17 amended to read as follows:

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21 \$ 1,171,296
22 1,153,766
23 FTEs 15.75

24 Sec. 209. 1990 Iowa Acts, chapter 1259, section 6,
25 subsection 2, paragraph b, unnumbered paragraph 1, and
26 subparagraph (1), are amended to read as follows:

27 For salaries, support, maintenance, miscellaneous
28 purposes, and for not more than the following full-
29 time equivalent positions for the office of rural
30 health:

31 \$ 187,000
32 159,480
33 FTEs 4.00

34 (1) Of the funds appropriated in this paragraph,
 35 ~~\$57,000~~ 29,480 is allocated for the continuation of
 36 the office of rural health.

37 Sec. 210. 1990 Iowa Acts, chapter 1259, section 6,
 38 subsection 3, paragraph a, unnumbered paragraph 1, is
 39 amended to read as follows:

40 For salaries, support, maintenance, miscellaneous
 41 purposes, and for not more than the following full-
 42 time equivalent positions:

43	.....	\$	<u>2,484,709</u>
44			<u>2,401,059</u>
45	.....	FTEs	78.50

46 Sec. 211. 1990 Iowa Acts, chapter 1259, section 6,
 47 subsection 3, paragraph b, unnumbered paragraph 1, is
 48 amended to read as follows:

49 For salaries, support, maintenance, miscellaneous
 50 purposes, and for not more than the following full-

Page 12

1 time equivalent positions:

2	.....	\$	<u>1,014,000</u>
3			<u>975,583</u>
4	.....	FTEs	5.00

5 Sec. 212. 1990 Iowa Acts, chapter 1259, section 6,
 6 subsections 4, 5, 6, 7, 8, and 10, are amended to read
 7 as follows:

8 4. PROFESSIONAL LICENSURE

9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions:

12	.....	\$	<u>689,748</u>
13			<u>575,610</u>
14	.....	FTEs	13.50

15 5. STATE BOARD OF DENTAL EXAMINERS

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-
 18 time equivalent positions:

19	.....	\$	<u>223,428</u>
20			<u>222,328</u>
21	.....	FTEs	4.00

22 6. STATE BOARD OF MEDICAL EXAMINERS

23 For salaries, support, maintenance, miscellaneous
 24 purposes, and for not more than the following full-
 25 time equivalent positions:

26	.....	\$	<u>971,955</u>
27			<u>953,199</u>
28	.....	FTEs	19.00

29 7. STATE BOARD OF NURSING EXAMINERS

30 For salaries, support, maintenance, miscellaneous

31 purposes, and for not more than the following full-
32 time equivalent positions:

33	.....	\$	773,996
34	.....		<u>736,005</u>
35	.....	FTEs	17.00

36 8. STATE BOARD OF PHARMACY EXAMINERS

37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-
39 time equivalent positions:

40	.....	\$	606,268
41	.....		<u>587,013</u>
42	.....	FTEs	12.00

43 10. SUBSTANCE ABUSE DIVISION

44 a. For salaries, support, maintenance,
45 miscellaneous purposes, and for not more than the
46 following full-time equivalent positions:

47	\$	514,012
48		<u>489,571</u>
49	FTEs	15.00

50 b. For program grants:

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1	\$	7,382,000
2	Sec. 213. 1990 Iowa Acts, chapter 1259, section 6,		
3	subsection 11, unnumbered paragraphs 1 of paragraphs		
4	a, c, d, e, and f, are amended to read as follows:		
5	For salaries, support, maintenance, miscellaneous		
6	purposes, and for not more than the following full-		
7	time equivalent positions:		
8	.....	\$	3,945,020
9	.....		<u>3,558,864</u>
10	.....	FTEs	87.60
11	For grants to local boards of health for the public		
12	health nursing program:		
13	.....	\$	2,668,000
14	.....		<u>2,651,000</u>
15	For grants to county boards of supervisors for the		
16	homemaker-home health aide program:		
17	.....	\$	8,699,000
18	.....		<u>8,454,000</u>
19	For the development and maintenance of well-elderly		
20	clinics in the state:		
21	.....	\$	655,000
22	.....		<u>645,000</u>
23	For the physician care for children program:		
24	.....	\$	450,000
25	.....		<u>425,000</u>
26	Sec. 214. 1990 Iowa Acts, chapter 1264, section 4,		
27	subsection 1, unnumbered paragraph 1, is amended to		

28 read as follows:

29 For the division of substance abuse for program
30 grants:

31 \$ 1,162,208
32 1,012,208

33 Sec. 215. 1990 Iowa Acts, chapter 1264, section 4,
34 subsection 2, is amended to read as follows:

35 2. For the division of substance abuse for
36 providing aftercare services for persons completing
37 substance abuse treatment:

38 \$ 250,000
39 200,000

40 Sec. 216. 1990 Iowa Acts, chapter 1272, section
41 20, unnumbered paragraph 1, is amended to read as
42 follows:

43 There is appropriated from the general fund of the
44 state to the Iowa department of public health for the
45 fiscal year beginning July 1, 1990, and ending June
46 30, 1991, the following amount, or so much thereof as
47 may be necessary, to be used for purposes of
48 administering a graduate nursing grant program at
49 accredited private colleges or universities:

50 \$ 225,000

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1 152,500

2 Sec. 217. TRANSFER TO GENERAL FUND.

3 Notwithstanding sections 255A.12 and 255A.14, upon
4 enactment of this Act, moneys which are unencumbered
5 and remaining in the obstetrical and newborn patient
6 care fund shall be transferred to the general fund of
7 the state.

8 DIVISION III

9 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

10 Sec. 301. 1990 Iowa Acts, chapter 1260, section 1,
11 subsection 1, paragraph a, is amended to read as
12 follows:

13 a. From the general fund of the state for
14 salaries, support, maintenance, and miscellaneous
15 purposes:

16 \$ 1,274,018
17 1,272,569

18 Sec. 302. 1990 Iowa Acts, chapter 1260, section 1,
19 subsections 2 and 4, are amended to read as follows:

20 2. FARM COMMODITY DIVISION

21 From the general fund of the state for salaries,
22 support, maintenance, miscellaneous purposes, and for
23 the following full-time equivalent positions:

24 \$ 1,007,748

25 1,086,866

26 FTEs 23.0

27 4. REGULATORY DIVISION

28 a. From the general fund of the state for

29 salaries, support, maintenance, miscellaneous

30 purposes, and for the following full-time equivalent

31 positions:

32 \$ 4,058,440

33 4,051,154

34 FTEs 140.20

35 b. As a condition, limitation, and qualification

36 of the appropriation from the general fund under

37 paragraph "a", \$3,342 shall be used by the regulatory

38 division for purchase of equipment used to detect

39 sulfamethazine contamination.

40 Sec. 303. 1990 Iowa Acts, chapter 1260, section 1,

41 subsection 5, paragraph a, is amended to read as

42 follows:

43 a. From the general fund of the state for

44 salaries, support, maintenance, and miscellaneous

45 purposes:

46 \$ 858,472

47 791,172

48 Sec. 304. 1990 Iowa Acts, chapter 1260, section 1,

49 subsection 6, paragraph a, is amended to read as

50 follows:

Page 15

1 a. From the general fund of the state for

2 salaries, support, maintenance, assistance to soil

3 conservation districts, miscellaneous purposes, and

4 for not more than the following full-time equivalent

5 positions:

6 \$ 5,462,287

7 5,216,522

8 FTEs 193.79

9 186.79

10 At least \$240,000 of the appropriation reduction

11 and the FTE reduction of 7 FTEs in paragraph "a" are

12 due to the failure of the soil conservation division

13 to comply with legislative intent to hire 18

14 additional soil conservation technicians by September

15 1, 1990, in accordance with this Act and the

16 division's failure to notify the general assembly and

17 the legislative fiscal bureau of its actions regarding

18 this matter.

19 Sec. 305. APPROPRIATIONS REDUCTIONS SPECIFIED.

20 The amounts by which appropriations to the department

21 of agriculture and land stewardship are reduced by

22 sections 301 through 304 of this Act includes \$22,105
 23 to be obtained during the portion of the fiscal year
 24 remaining from the effective date of this Act from the
 25 amounts budgeted by the department for out-of-state
 26 travel during the fiscal year ending June 30, 1991.

27 DEPARTMENT OF NATURAL RESOURCES

28 Sec. 306. 1990 Iowa Acts, chapter 1260, section 8,
 29 subsections 2, 3, 4, 5, and 7, are amended to read as
 30 follows:

31 2. ADMINISTRATIVE SERVICES DIVISION

32 From the general fund of the state for salaries,
 33 support, maintenance, miscellaneous purposes, and for
 34 the following full-time equivalent positions:

35	.....	\$	1,903,642
36	.....		<u>1,763,272</u>
37	.....	FTEs	<u>124.15</u>
38	.....		<u>119.15</u>

39 3. COORDINATION AND INFORMATION DIVISION

40 From the general fund of the state for salaries,
 41 support, maintenance, miscellaneous purposes, and for
 42 the following full-time equivalent positions:

43	.....	\$	788,691
44	.....		<u>732,871</u>
45	.....	FTEs	<u>42.08</u>
46	.....		<u>41.08</u>

47 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

48 a. From the general fund of the state for
 49 salaries, support, maintenance, miscellaneous
 50 purposes, and for the following full-time equivalent

Page 16

1 positions:

2	.....	\$	1,260,841
3	.....		<u>1,253,041</u>
4	.....	FTEs	<u>59.62</u>

5 5. ENVIRONMENTAL PROTECTION DIVISION

6 a. From the general fund of the state for
 7 salaries, support, maintenance, miscellaneous
 8 purposes, and for the following full-time equivalent
 9 positions:

10	.....	\$	2,105,780
11	.....		<u>1,983,750</u>
12	.....	FTEs	<u>142.55</u>
13	.....		<u>140.55</u>

14 7. FORESTS AND FORESTRY DIVISION

15 From the general fund of the state for salaries,
 16 support, maintenance, miscellaneous purposes, and for
 17 the following full-time equivalent positions:

18	\$	1,581,069
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19		<u>1,535,269</u>
20 FTEs	<u>55.71</u>
21		<u>54.71</u>

22 Sec. 307. 1990 Iowa Acts, chapter 1260, section 8,
 23 subsection 8, paragraph a, is amended to read as
 24 follows:

25	a. From the general fund of the state for	
26	salaries, support, maintenance, miscellaneous	
27	purposes, and for the following full-time equivalent	
28	positions:	
29	.....	\$ <u>5,415,886</u>
30		<u>5,260,106</u>
31	..... FTEs	<u>208.05</u>
32		<u>206.05</u>

33 Sec. 308. APPROPRIATIONS REDUCTIONS SPECIFIED.

34 The amounts by which appropriations to the department
 35 of natural resources are reduced by sections 306 and
 36 307 of this Act includes \$13,000 to be obtained during
 37 the portion of the fiscal year remaining from the
 38 effective date of this Act from the amounts budgeted
 39 by the department for out-of-state travel during the
 40 fiscal year ending June 30, 1991.

41 Sec. 309. CLEAN FUND -- SOIL CONSERVATION ACCOUNT.

42 Notwithstanding section 99E.34, subsection 2,
 43 paragraph "b", all but \$45,000 of the moneys
 44 appropriated by that paragraph for the fiscal period
 45 beginning July 1, 1990, and ending June 30, 1991,
 46 shall not be allotted to the water protection fund but
 47 shall be transferred to the general fund of the state.
 48 The remaining \$45,000 shall be used to conduct an
 49 economic analysis of filter strips and grass
 50 waterways.

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DIVISION IV
 AUDITOR OF STATE

3 Sec. 401. 1990 Iowa Acts, chapter 1261, section 1,
 4 unnumbered paragraph 2, is amended to read as follows:

5	For salaries, support, maintenance, miscellaneous	
6	purposes, and for not more than the following full-	
7	time equivalent positions:	
8	.....	\$ <u>2,036,602</u>
9		<u>2,003,602</u>
10	..... FTEs	154.50

CAMPAIGN FINANCE DISCLOSURE COMMISSION

12 Sec. 402. 1990 Iowa Acts, chapter 1261, section 2,
 13 unnumbered paragraph 2, is amended to read as follows:

14 For salaries, support, maintenance, miscellaneous
 15 purposes, and for not more than the following full-

16 time equivalent positions:

17	.....	\$	263,118
18			<u>258,533</u>
19	.....	FTEs	6.75

20 DEPARTMENT OF EMPLOYMENT SERVICES

21 Sec. 403. 1990 Iowa Acts, chapter 1261, section 3,
22 subsection 1, unnumbered paragraph 1, is amended to
23 read as follows:

24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-
26 time equivalent positions:

27	.....	\$	2,727,562
28			<u>2,541,046</u>
29	.....	FTEs	104.80

30 Sec. 404. 1990 Iowa Acts, chapter 1261, section 3,
31 subsection 2, unnumbered paragraph 1, is amended to
32 read as follows:

33 For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-
35 time equivalent positions:

36	.....	\$	1,989,820
37			<u>1,859,336</u>
38	.....	FTEs	45.76

39 Sec. 405. SPECIAL EMPLOYMENT SECURITY CONTINGENCY

40 FUND. Notwithstanding the provisions of section
41 96.13, subsection 3, and 1990 Iowa Acts, chapter 1261,
42 section 5, restricting the usage of the moneys in the
43 special employment security contingency fund, up to
44 \$200,000 of the moneys in the fund remaining
45 unencumbered or unexpended on June 30, 1991, shall be
46 transferred to the general fund of the state.

47 Sec. 406. ADMINISTRATIVE CONTRIBUTION SURCHARGE
48 FUND. Up to \$374,000 of the moneys remaining
49 unencumbered or unexpended on June 30, 1991, in the
50 administrative contribution surcharge fund established

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1 in section 96.7, shall be transferred to the general
2 fund of the state.

3 DEPARTMENT OF INSPECTIONS AND APPEALS

4 Sec. 407. 1990 Iowa Acts, chapter 1261, section 8,
5 is amended to read as follows:

6 SEC. 8. There is appropriated from the general
7 fund of the state to the department of inspections and
8 appeals for the fiscal year beginning July 1, 1990,
9 and ending June 30, 1991, the following amounts, or so
10 much thereof as is necessary, for the purposes
11 designated:

12 1. FINANCE AND SERVICES DIVISION

13 For salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-
15 time equivalent positions:

16 \$ 582,796
17 529,796
18 FTEs 26.00

19 Of the amount appropriated, \$13,210, or so much
20 thereof as is necessary, shall be expended for 1 FTE
21 and necessary expenses in connection with the
22 administration of payment claims to court-appointed
23 counsel for adult and juvenile indigent defense costs.

24 2. AUDITS DIVISION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28 \$ 559,809
29 547,809
30 FTEs 18.00

31 3. APPEALS AND FAIR HEARINGS DIVISION

32 For salaries, support, maintenance, miscellaneous
33 purposes, and for not more than the following full-
34 time equivalent positions:

35 \$ 366,991
36 FTEs 15.50

37 4. INVESTIGATIONS DIVISION

38 For salaries, support, maintenance, miscellaneous
39 purposes, and for not more than the following full-
40 time equivalent positions:

41 \$ 467,632
42 447,632
43 FTEs 39.00

44 5. HEALTH FACILITIES DIVISION

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time equivalent positions:

48 \$ 1,627,109
49 1,495,109
50 FTEs 104.00

Page 19

1 6. INSPECTIONS DIVISION

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions:

5 \$ 929,177
6 900,177
7 FTEs 26.50

8 7. EMPLOYMENT APPEAL BOARD

9 For salaries, support, maintenance, miscellaneous

10 purposes, and for not more than the following full-
11 time equivalent positions:

12	.....	\$	42,804
13	.....		<u>39,904</u>
14	.....	FTEs	16.80

15 The employment appeal board shall be reimbursed by
16 the labor services division of the department of
17 employment services for all costs associated with
18 hearings conducted under chapter 91C, related to
19 contractor registration. The board is authorized to
20 expend, in addition to the amount appropriated under
21 this subsection, such amounts as are directly billable
22 to the labor services division under this subsection
23 and to retain such additional FTEs as needed to
24 conduct hearings required pursuant to chapter 91C.

25 8. FOSTER CARE REVIEW BOARD

26 For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-
28 time equivalent positions:

29	.....	\$	467,946
30	.....		<u>375,946</u>
31	.....	FTEs	12.85

32 Of the amount appropriated in this subsection, the
33 following amounts, or so much thereof as is necessary,
34 shall be expended for the purpose designated: for the
35 purchase of 2 laptop computers, associated printers,
36 and other hardware and software, \$6,200; to expand the
37 foster care registry statewide, \$25,828 for 1.00 FTE;
38 for the Polk county foster care coordinator, \$34,342
39 and 1 FTE; and for expansion of the foster care review
40 system into the eighth judicial district, \$74,433 and
41 2.50 FTEs.

42 9. The department of inspections and appeals may
43 charge state departments, agencies, and commissions
44 for services rendered and the payment received shall
45 be considered repayment receipts as defined in section
46 8.2, subsection 5.

47 10. BINGO AUDITORS

48 For salaries, support, maintenance, and
49 miscellaneous purposes in connection with conducting
50 100 percent of the required bingo audits every 2

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1 years, and for not more than the following full-time
2 equivalent positions:

3	.....	\$	87,480
4	.....		<u>430</u>
5	.....	FTEs	2.00

6 Sec. 408. 1990 Iowa Acts, chapter 1261, section 9,

7 subsection 1, unnumbered paragraph 1, is amended to
8 read as follows:

9 For salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:

12	\$ 2,915,141
13	<u>3,875,141</u>
14	FTEs 93.80

15 STATE PUBLIC DEFENDER

16 Sec. 409. 1990 Iowa Acts, chapter 1261, section 9,
17 subsection 2, unnumbered paragraph 1, is amended to
18 read as follows:

19 For indigent court-appointed attorney fees for
20 adults and juveniles, notwithstanding section 232.141
21 and chapter 815:

22	\$ 9,700,000
23	<u>9,625,000</u>

24 RACING AND GAMING COMMISSION

25 Sec. 410. 1990 Iowa Acts, chapter 1261, section
26 21, unnumbered paragraph 1, as item vetoed by the
27 governor, and unnumbered paragraph 2, are amended to
28 read as follows:

29 There is appropriated from the racing commission
30 fund to the racing and gaming commission for the
31 fiscal year beginning July 1, 1990, and ending June
32 30, 1991, the following amount, or so much thereof as
33 is necessary, to be used for the purposes designated:

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37	\$ 1,793,953
38	<u>1,785,553</u>
39	FTEs 35.49

40 DEPARTMENT OF COMMERCE

41 Sec. 411. 1990 Iowa Acts, chapter 1261, section
42 12, unnumbered paragraph 2, is amended to read as
43 follows:

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:

47	\$ 856,600
48	<u>790,600</u>
49	FTEs 11.00

50 Sec. 412. 1990 Iowa Acts, chapter 1261, section

Page 21

1 13, is amended to read as follows:
2 SEC. 13. There is appropriated from the
3 administrative services trust fund to the

4 administrative services division of the department of
5 commerce for the fiscal year beginning July 1, 1990,
6 and ending June 30, 1991, the following amount, or so
7 much thereof as is necessary, to be used for the
8 purposes designated:

9 For salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:
12 \$ 1,528,295
13 1,405,295
14 FTEs 43.50

15 Sec. 413. 1990 Iowa Acts, chapter 1261, section
16 14, is amended to read as follows:

17 SEC. 14. Notwithstanding section 123.53, there is
18 appropriated from the beer and liquor control fund to
19 the alcoholic beverages division of the department of
20 commerce for the fiscal year beginning July 1, 1990,
21 and ending June 30, 1991, the following amount, or so
22 much thereof as is necessary, for the purposes
23 designated:

24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-
26 time equivalent positions:
27 \$ 4,690,167
28 4,405,167
29 FTEs 85.86

30 Sec. 414. 1990 Iowa Acts, chapter 1261, section
31 15, unnumbered paragraph 2, is amended to read as
32 follows:

33 For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-
35 time equivalent positions:

36 \$ 5,650,448
37 5,262,448
38 FTEs 118.50

39 Sec. 415. 1990 Iowa Acts, chapter 1261, section
40 16, unnumbered paragraph 2, is amended to read as
41 follows:

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-
44 time equivalent positions:

45 \$ 1,067,070
46 924,070
47 FTEs 20.00

48 Sec. 416. 1990 Iowa Acts, chapter 1261, section
49 18, unnumbered paragraph 2, is amended to read as
50 follows:

1 For salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-
3 time equivalent positions:

4 \$ 4,282,408
5 4,148,403
6 FTEs 92.33

7 Sec. 417. 1990 Iowa Acts, chapter 1261, section
8 20, unnumbered paragraph 2, is amended to read as
9 follows:

10 For salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-
12 time equivalent positions:

13 \$ 4,650,920
14 4,399,920
15 FTEs 87.50

16 DIVISION V

17 DEPARTMENT OF ECONOMIC DEVELOPMENT

18 Sec. 501. 1990 Iowa Acts, chapter 1231, section 2,
19 is amended to read as follows:

20 SEC. 2. APPROPRIATION.

21 There is appropriated from the general fund of the
22 state to the department of economic development for
23 the fiscal period beginning July 1, 1990, and ending
24 January 15, 1991, the following amount, or so much
25 thereof as is necessary, to be used for the purpose
26 designated:

27 For the entrepreneurship task force for expenses as
28 necessary:

29 \$ 25,000
30 0

31 Sec. 502. 1990 Iowa Acts, chapter 1262, section 1,
32 subsections 2, 3, 4, 5, 6, 7, 10, as item vetoed by
33 the governor, 12, 13, 14, 18, 19, 23, 24, 26, 27, as
34 item vetoed by the governor, 29, 32, 33, and 34, are
35 amended to read as follows:

36 2. TOURISM OPERATIONS

37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-
39 time equivalent positions:

40 \$ 728,835
41 706,835
42 FTEs 15.97

43 As a condition, limitation, and qualification of
44 the appropriation made in this subsection, the
45 appropriation shall not be used for advertising
46 placements for in-state and out-of-state tourism
47 marketing.

48 3. TOURISM ADVERTISING

49 For contracting exclusively for tourism advertising
50 for in-state and out-of-state tourism marketing

Page 23

1 services, tourism promotion programs, electronic
 2 media, print media, and printed materials:
 3 \$ 3,450,000
 4 3,230,500

5 As a condition, limitation, and qualification of
 6 the appropriation made in this subsection, the
 7 department shall develop public-private partnerships
 8 with Iowa businesses in the tourism industry, Iowa
 9 tour groups, Iowa tourism organizations, and political
 10 subdivisions in this state to assist in the
 11 development of advertising efforts. The department
 12 shall, to the fullest extent possible, develop
 13 cooperative efforts for advertising with contributions
 14 from other sources.

15 The department shall cooperate with the state
 16 historical society and department of natural resources
 17 to study, examine, and make recommendations on how
 18 best to develop, promote, and advertise state
 19 historical sites and on how best to utilize state
 20 historical sites in the state's tourism advertising
 21 and promotion. The department of cultural affairs
 22 shall report to the general assembly the findings of
 23 the study by February 1, 1991.

24 Of the amount appropriated in this subsection,
 25 ~~\$100,000~~ 30,500 shall go to the department of cultural
 26 affairs to be used for the promotion of state-owned
 27 and operated cultural and historical sites.

28 4. NATIONAL MARKETING OPERATIONS

29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:

32 \$ 822,535
 33 777,235
 34 FTEs 16.00

35 As a condition, limitation, and qualification of
 36 the appropriation made in this subsection, the
 37 appropriation shall not be used for advertising
 38 placement contracts for out-of-state national
 39 marketing programs.

40 5. NATIONAL MARKETING ADVERTISING

41 For contracting exclusively for marketing and
 42 promotion programs and services and advertising
 43 contracts for out-of-state national marketing
 44 programs, for electronic media, print media, and
 45 printed materials:

46 \$ 3,000,000
 47 2,550,000

48 As a condition, limitation, and qualification of

49 the appropriation made by this subsection, the
50 department shall develop public-private partnerships

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1 with Iowa businesses, Iowa business organizations,
2 Iowa chambers of commerce, and political subdivisions
3 in this state, to assist in the development of the
4 marketing efforts. The department shall, to the
5 fullest extent possible, develop cooperative efforts
6 for advertising with contributions from other sources.

7 6. FILM OFFICE

8 For salaries, support, maintenance, miscellaneous
9 purposes, and for not more than the following full-
10 time equivalent positions:

11	\$	200,000
12	FTEs	2.00

13 7. INTERNATIONAL TRADE OPERATIONS

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17	\$	407,632
18		<u>393,332</u>
19	FTEs	6.00

20 10. EXPORT TRADE ACTIVITIES PROGRAM

21 For export trade activities, including a program to
22 encourage and increase participation in trade shows
23 and trade missions by providing financial assistance
24 to businesses for a percentage of their costs of
25 participating in trade shows and trade missions, by
26 providing for the lease/sublease of showcase space in
27 existing world trade centers, by providing temporary
28 office space for foreign buyers, international
29 prospects, and potential reverse investors, and by
30 providing other promotional and assistance activities,
31 including salaries and support for not more than the
32 following full-time equivalent positions:

33	\$	400,000
34		<u>380,000</u>
35	FTEs	0.25

36 12. DOMESTIC MARKETING PROGRAMS

37 For purposes of programs listed in this subsection,
38 including salaries, support, maintenance, and
39 miscellaneous purposes for not more than the following
40 full-time positions:

41 a. Small business program:

42	\$	151,314
43		<u>142,914</u>
44	FTEs	2.00

45 b. Small business advisory council:

46	.....	\$	5,000
47	c. Targeted small business program:		
48	\$	47,692
49	FTEs	1.00
50	d. Existing industry program:		

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1	\$	125,594
2	FTEs	3.00
3	13. FEDERAL PROCUREMENT OFFICE		
4	For salaries, support, maintenance, miscellaneous		
5	purposes, and for not more than the following full-		
6	time equivalent positions:		
7	.....	\$	140,000
8	.....		<u>120,000</u>
9	.....	FTEs	3.50
10	Notwithstanding section 8.33, moneys appropriated		
11	in this subsection that remain unencumbered or		
12	unobligated on June 30, 1991, shall not revert to the		
13	general fund of the state but shall remain available		
14	for expenditure for the purposes designated during the		
15	fiscal year beginning July 1, 1991.		
16	14. COMMUNITY PROGRESS		
17	For salaries, support, maintenance, miscellaneous		
18	purposes, and for not more than the following full-		
19	time equivalent positions:		
20	.....	\$	642,838
21	.....		<u>632,838</u>
22	.....	FTEs	12.00
23	Of the amount appropriated in this subsection, up		
24	to \$27,000, and 1 FTE shall be used to assist		
25	communities or groups of communities to develop and		
26	implement planning efforts for community, business,		
27	and economic development.		
28	18. COMMUNITY ECONOMIC BETTERMENT PROGRAM		
29	For use of the fund established in this subsection:		
30	.....	\$	4,650,000
31	.....		<u>4,457,000</u>
32	Notwithstanding section 8.33, moneys appropriated		
33	from the community economic betterment account for the		
34	fiscal years beginning July 1, 1985, under section		
35	99E.31, subsection 2, and July 1, 1986, July 1, 1987,		
36	July 1, 1988, and July 1, 1989, under section 99E.32,		
37	subsection 2, that remain unencumbered or unobligated		
38	on June 30, 1990, all unexpended cash balances of		
39	obligated and encumbered funds remaining in the		
40	community economic betterment account on June 30,		
41	1990, and loan repayments or other moneys received		
42	from awards made from the community economic		

43 betterment account shall not revert to any fund but
 44 shall be deposited in a special community economic
 45 betterment program fund to be used by the department
 46 of economic development for the community economic
 47 betterment program and to supplement the funds
 48 appropriated in this subsection for that program. The
 49 conditions, criteria, and limitations referred to or
 50 specified in section 99E.32, subsection 2, paragraph

Page 26

1 "b", apply to the providing of moneys under the
 2 community economic betterment program from the fund
 3 established in this subsection.

4 Notwithstanding section 8.33, moneys in this
 5 special fund at the end of each fiscal year shall not
 6 revert to any other fund but shall remain in this
 7 community economic betterment program fund.

8 19. IOWA PRODUCT DEVELOPMENT CORPORATION

9 To the fund established under section 28.89:

10 \$ 1,500,000
 11 1,286,000

12 23. MAIN STREET/RURAL MAIN STREET PROGRAM:

13 \$ 639,000
 14 368,000

15 Moneys appropriated in this subsection may be used
 16 for salaries and support for not more than the
 17 following full-time equivalent positions:

18 FTEs 3.00

19 Notwithstanding section 8.33, moneys committed to
 20 grantees under contract that remain unexpended on June
 21 30 of any fiscal year shall not revert to any fund but
 22 shall be available for expenditure for purposes of the
 23 contract during the succeeding fiscal year.

24 24. ECONOMIC DEVELOPMENT TRAINING PROGRAM

25 For an economic development training program at the
 26 school of business at the university of northern Iowa
 27 which shall use these funds in consultation with the
 28 department of economic development, the university,
 29 and the professional developers of Iowa:

30 \$ 75,000
 31 0

32 26. WELCOME CENTER PROGRAM:

33 \$ 350,000
 34 347,738

35 Notwithstanding section 8.33, moneys committed to
 36 grantees under contract that remain unexpended on June
 37 30 of any fiscal year shall not revert to any fund but
 38 shall be available for expenditure for purposes of the
 39 contract during the succeeding fiscal year.

40 As a condition, limitation, and qualification of
 41 the appropriations made in this subsection, moneys
 42 appropriated shall be used for implementation of the
 43 recommendations of the statewide long-range plan for
 44 developing and operating welcome centers throughout
 45 the state. In addition, the department shall evaluate
 46 the operation of the pilot project welcome centers
 47 established pursuant to sections 15.271 and 15.272 and
 48 report to the general assembly by January 15, 1991,
 49 its recommendations for long-term operation of the
 50 pilot project welcome centers.

Page 27

1 27. SATELLITE REGIONAL ECONOMIC DEVELOPMENT CENTER
 2 PROGRAM:
 3 \$ 1,495,000
 4 1,484,000
 5 Of the moneys appropriated in this subsection,
 6 \$350,000 shall be for international trade and science
 7 and technology transfer outreach programs conducted by
 8 satellite regional centers. Each satellite regional
 9 center shall be allocated by the department not less
 10 than \$20,000 nor more than \$50,000 for these purposes.
 11 The amount allocated to a satellite regional center is
 12 in addition to other moneys allocated to the satellite
 13 regional center.
 14 ~~If the satellite centers are renamed or replaced by~~
 15 ~~other regional-based centers as a result of~~
 16 ~~legislation enacted by the Seventy-third General~~
 17 ~~Assembly, 1990 Session, the appropriation and~~
 18 ~~reference in this subsection and other provisions of~~
 19 ~~this Act shall mean the renamed or replacement~~
 20 ~~regional-based centers, as applicable.~~
 21 29. JOB RETRAINING PROGRAM
 22 To the Iowa employment retraining fund created in
 23 section 15.298:
 24 \$ 2,000,000
 25 1,913,200
 26 32. YOUTH WORK FORCE PROGRAMS
 27 a. For purposes of the conservation corps,
 28 including salary, support, maintenance, and
 29 miscellaneous purposes for not more than the following
 30 full-time equivalent positions:
 31 \$ 1,242,789
 32 1,142,789
 33 FTEs 2.00
 34 Not more than \$95,000 of the moneys appropriated in
 35 this paragraph shall be used for administration of the
 36 program.

37 b. For purposes of the Iowa corps, including
 38 salary, support, maintenance, and miscellaneous
 39 purposes for not more than the following full-time
 40 equivalent positions:
 41 \$ 109,836
 42 FTEs 1.00
 43 Not more than \$35,000 of the moneys appropriated in
 44 this paragraph shall be used for administration of
 45 this program.
 46 Notwithstanding section 8.33, moneys committed to
 47 grantees under contract that remain unexpended on June
 48 30 of any fiscal year shall not revert to any fund but
 49 shall be available for expenditure for purposes of the
 50 contract during the succeeding fiscal year.

Page 28

1 Notwithstanding section 8.33, moneys appropriated
 2 from the Iowa community development loan fund for the
 3 fiscal year beginning July 1, 1989, under 1989 Iowa
 4 Acts, chapter 308, section 2, subsection 1, that
 5 remain unencumbered or unobligated on June 30, 1990,
 6 or that are encumbered or obligated but remain
 7 unexpended on June 30, 1990, shall not revert to any
 8 fund but shall be available for expenditure for the
 9 purposes designated in this subsection during the
 10 fiscal year beginning July 1, 1990, and shall be in
 11 addition to any other moneys available under this
 12 subsection for those purposes.

13 Notwithstanding section 8.33, moneys appropriated
 14 in this subsection that remain unencumbered or
 15 unobligated on June 30, 1991, shall not revert to the
 16 general fund of the state but shall remain available
 17 for expenditure for the purposes designated during the
 18 fiscal year beginning July 1, 1991.

19 33. SMALL BUSINESS NEW JOBS TRAINING PROGRAM

20 To the revolving loan account of the area school
 21 job training fund established under section 280C.6 for
 22 the Iowa small business new jobs training program:
 23 \$ 1,000,000
 24 800,000

25 34. SMALL BUSINESS INNOVATION RESEARCH:

26 \$ 100,000
 27 80,000

28 Sec. 503. 1990 Iowa Acts, chapter 1262, section
 29 2, unnumbered paragraph 2, is amended to read as
 30 follows:

31 For deposit in the Wallace technology transfer
 32 foundation fund created by the foundation board:
 33 \$ 2,720,880

34

2,669,880

35

INTERNET

36 Sec. 504. 1990 Iowa Acts, chapter 1262, section 4,
37 is amended to read as follows:

38 SEC. 4. INTERNET.

39 There is appropriated from the general fund of the
40 state to INTERNET for the fiscal year beginning July
41 1, 1990, and ending June 30, 1991, the following
42 amount, or so much thereof as is necessary, to be used
43 for the purposes designated:

44 For deposit in the international network on trade
45 fund created by the INTERNET board:

46 \$ 460,000
47 385,000

48

DEPARTMENT OF ECONOMIC DEVELOPMENT

49 Sec. 505. 1990 Iowa Acts, chapter 1262, section 6,
50 subsection 4, is amended to read as follows:

Page 29

1 4. RESEARCH AND DEVELOPMENT CONSORTIUMS

2 For operation of the consortiums established under
3 chapter 262B:

4 \$ 300,000
5 0

6 Sec. 506. Notwithstanding section 28.120,
7 subsections 5 and 6, the amount deappropriated under
8 section 505 of this Act shall be transferred from the
9 Iowa community development loan fund and deposited
10 into the general fund of the state.

11 Sec. 507. 1990 Iowa Acts, chapter 1262, section
12 10, subsections 3 and 5, are amended to read as
13 follows:

14 3. To fund a multistate trade office in Canada:

15 \$ 50,000
16 0

17 5. For a riverfront development and restoration
18 grant program to be used for construction, renovation,
19 or restoration of existing or new structures that
20 enhance the historic, educational, or recreational
21 value of the riverfront area:

22 \$ 150,000
23 0

24 As a condition, limitation, and qualification of
25 the appropriation, the department shall give priority
26 to projects that provide at least a 2-to-1 dollar
27 match from private or other sources.

28 Sec. 508. Notwithstanding section 15.251,
29 subsection 2, the amount deappropriated under section
30 507 of this Act shall be transferred from the jobs now

31 account of the Iowa plan fund for economic development
32 to the general fund of the state.

33 STATE BOARD OF REGENTS AND ITS INSTITUTIONS

34 Sec. 509. 1990 Iowa Acts, chapter 1262, section
35 11, subsection 1, is amended to read as follows:

36 1. To the university of northern Iowa for the
37 decision-making science institute:

38 \$ 750,000
39 575,000

40 Sec. 510. The appropriations made to Iowa state
41 university of science and technology under 1990 Iowa
42 Acts, chapter 1262, section 1, subsection 35, section
43 6, subsection 5, and section 11, shall be reduced by
44 \$100,000. The university shall select which of the
45 purposes which received appropriations under 1990 Iowa
46 Acts, chapter 1262, section 1, subsection 35, section
47 6, subsection 5, and section 11, shall be reduced so
48 that the reduction in appropriations of \$100,000 is
49 reached. If the university chooses to reduce the
50 appropriation to the research parks under section 6,

Page 30

1 subsection 5, the amount of that reduction shall be
2 transferred from the Iowa community development loan
3 fund to the general fund of the state by June 30,
4 1991. Within one day following the enactment of this
5 Act, the university shall notify the department of
6 management and legislative fiscal bureau of which
7 appropriations shall be reduced and by what amount.

8 IOWA FINANCE AUTHORITY

9 Sec. 511. 1990 Iowa Acts, chapter 1262, section 3,
10 subsection 1, paragraph a, is amended to read as
11 follows:

12 1. HOUSING ASSISTANCE PROGRAM

13 a. To provide mortgage and finance assistance to
14 individuals for the purchase or acquisition of homes:

15 \$ 2,000,000
16 500,000

17 DIVISION VI
18 SECRETARY OF STATE

19 Sec. 601. 1990 Iowa Acts, chapter 1266, section 1,
20 as item vetoed by the governor, is amended to read as
21 follows:

22 1. For salaries, support, maintenance,
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:

25 \$ 1,677,000
26 1,626,630
27 FTEs 50.00

28

GOVERNOR

29 Sec. 602. 1990 Iowa Acts, chapter 1266, section 2,
30 is amended to read as follows:

31 SEC. 2. There is appropriated from the general
32 fund of the state to the office of the governor for
33 the fiscal year beginning July 1, 1990, and ending
34 June 30, 1991, the following amounts, or so much
35 thereof as is necessary, to be used for the purposes
36 designated:

37 1. For salaries, support, maintenance, and
38 miscellaneous purposes for the general office of the
39 governor, and for not more than the following full-
40 time equivalent positions:

41	\$	889,000
42		<u>858,000</u>
43	FTEs	17.00

44 2. For the governor's expenses connected with
45 office:

46	\$	4,000
47		<u>3,000</u>

48 3. For salaries, support, maintenance, and
49 miscellaneous purposes for the governor's quarters at
50 Terrace Hill, and for not more than the following

Page 31

1 full-time equivalent positions:

2	\$	95,000
3		<u>93,300</u>
4	FTEs	3.00

5 4. For the payment of expenses of ad hoc
6 committees, councils, and task forces appointed by the
7 governor to research and analyze a particular subject
8 area relevant to the problems and responsibilities of
9 state and local government, including the employment
10 of professional, technical, and administrative staff
11 and the payment of per diem, not exceeding \$40, and
12 actual expenses of committee, council, or task force
13 members and as a condition, limitation, and
14 qualification of this appropriation, the ad hoc
15 committees, councils, and task forces appointed by the
16 governor shall be subject to chapters 21 and 22 and
17 the members shall be so informed:

18	\$	7,000
19		<u>2,000</u>

20 5. For salaries, support, maintenance, and
21 miscellaneous purposes for the office of
22 administrative rules coordinator, and for not more
23 than the following full-time equivalent positions:

24	\$	103,000
----------	----	---------

22	1. ADMINISTRATION DIVISION		
23	For salaries, support, maintenance, miscellaneous		
24	purposes, and for not more than the following full-		
25	time equivalent positions:		
26	.....	\$	492,000
27			<u>480,000</u>
28	.....	FTEs	16.00
29	2. COMMUNICATIONS DIVISION		
30	For salaries, support, maintenance, miscellaneous		
31	purposes, and for not more than the following full-		
32	time equivalent positions:		
33	.....	\$	413,000
34			<u>153,000</u>
35	.....	FTEs	19.00
36	4. MATERIALS MANAGEMENT DIVISION		
37	For salaries, support, maintenance, miscellaneous		
38	purposes, and for not more than the following full-		
39	time equivalent positions:		
40	.....	\$	92,000
41			<u>91,000</u>
42	.....	FTEs	3.30
43	6. PRINTING AND MAIL DIVISION		
44	For salaries, support, maintenance, miscellaneous		
45	purposes, and for not more than the following full-		
46	time equivalent positions:		
47	.....	\$	492,000
48			<u>491,000</u>
49	.....	FTEs	22.00
50	7. RECORDS MANAGEMENT DIVISION		

Page 33

1	For salaries, support, maintenance, miscellaneous		
2	purposes, and for not more than the following full-		
3	time equivalent positions:		
4	.....	\$	422,000
5			<u>421,000</u>
6	.....	FTEs	14.50
7	8. INFORMATION SERVICES DIVISION		
8	For salaries, support, maintenance, miscellaneous		
9	purposes, and for not more than the following full-		
10	time equivalent positions:		
11	.....	\$	7,175,000
12			<u>6,687,804</u>
13	.....	FTEs	158.00
14	Sec. 607. 1990 Iowa Acts, chapter 1266, section		
15	11, is amended to read as follows:		
16	SEC. 11.		
17	There is appropriated from the general fund of the		
18	state to the department of general services for the		

19 fiscal year beginning July 1, 1990, and ending June
20 30, 1991, the following amounts, or so much thereof as
21 is necessary, to be used for the purposes designated:

22 1. CAPITOL PLANNING COMMISSION

23 For expenses of the members in carrying out their
24 duties under chapter 18A:

25 \$ 2,000
26 1,600

27 2. UTILITY COSTS

28 For payment of utility costs:

29 \$ 2,002,000
30 1,902,000

31 The department of general services may use funds
32 appropriated in this subsection for utility costs to
33 fund energy conservation projects in the state capitol
34 complex which will have a 100 percent payback within a
35 24 month period. The department of general services
36 shall report quarterly to the chairpersons and ranking
37 members of the administration appropriations
38 subcommittee concerning the savings generated as a
39 result of implementation of these projects.

40 3. RENTAL SPACE

41 For payment of lease or rental costs of buildings
42 and office space at the seat of government as provided
43 in section 18.12, subsection 9, notwithstanding
44 section 18.16:

45 \$ 608,000
46 544,000

47 4. FIRE SAFETY

48 For payment of costs incurred in providing for
49 additional fire safety measures:

50 \$ 67,000

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1 0
2 The moneys appropriated by this subsection may be
3 used for, but are not limited to, the provision of
4 alarm warning systems and additional means of egress.
5 Moneys provided under this subsection shall not be
6 used to defray the costs of deferred maintenance.
7 Sec. 608. 1990 Iowa Acts, chapter 1266, section
8 27, is amended to read as follows:
9 SEC. 27. There is appropriated from the general
10 fund of the state to the department of general
11 services and the department of revenue and finance for
12 the fiscal year beginning July 1, 1990, and ending
13 June 30, 1991, the following amounts, or so much
14 thereof as is necessary, to be used for the purpose
15 designated:

16 For allocation, upon approval of the department of
 17 management, to avoid layoffs, if, after implementing
 18 efficiencies and other methods to achieve savings as
 19 directed by the department of management, the
 20 governor, and the department directors, funds
 21 appropriated by this Act are insufficient to otherwise
 22 avoid layoffs:

- 23 1. Department of general services:
- 24 \$ 250,000
- 25 0
- 26 2. Department of revenue and finance:
- 27 \$ 250,000

28 DEPARTMENT OF PERSONNEL

29 Sec. 609. 1990 Iowa Acts, chapter 1266, section
 30 15, subsections 1, 2, and 3, are amended to read as
 31 follows:

32 1. ADMINISTRATION

33 For salaries, support, maintenance, and
 34 miscellaneous purposes for the director's staff,
 35 office services, data/word processing, and insurance
 36 cost management, and for not more than the following
 37 full-time equivalent positions:

- 38 \$ 1,331,000
- 39 1,196,035
- 40 FTEs 29.65

41 2. FIELD OPERATIONS

42 For salaries for the personnel services, employment
 43 law/labor relations, and development, and for not more
 44 than the following full-time equivalent positions:

- 45 \$ 1,454,000
- 46 1,328,053
- 47 FTEs 36.60

48 3. PROGRAM MANAGEMENT

49 a. For salaries for employment and compensation
 50 and benefits, and for not more than the following

Page 35

1 full-time equivalent positions:

- 2 \$ 1,118,000
- 3 1,102,877
- 4 FTEs 34.00

5 b. WORKERS' COMPENSATION ADMINISTRATION

6 For salaries for the administration of the workers'
 7 compensation fund and not more than the following
 8 full-time equivalent positions:

- 9 \$ 140,000
- 10 137,635
- 11 FTEs 4.00

12 Any funds received by the department for workers'

13 compensation purposes other than the funds
14 appropriated in paragraph "b" shall be used only for
15 the payment of workers' compensation claims.

16 DEPARTMENT OF REVENUE AND FINANCE

17 Sec. 610. 1990 Iowa Acts, chapter 1266, section
18 17, subsections 1, 2, 3, 4, 5, and 6, are amended to
19 read as follows:

20 1. AUDIT AND COMPLIANCE

21 For salaries, support, maintenance, and
22 miscellaneous purposes:

23 \$ 9,350,844
24 9,269,618

25 2. FINANCIAL MANAGEMENT

26 For salaries, support, maintenance, and
27 miscellaneous purposes:

28 \$ 6,047,156
29 6,028,475

30 3. INFORMATION AND MANAGEMENT SYSTEMS

31 For salaries, support, maintenance, and
32 miscellaneous purposes:

33 \$ 1,654,000
34 1,610,402

35 4. LOCAL GOVERNMENT SERVICES

36 For salaries, support, maintenance, and
37 miscellaneous purposes:

38 \$ 1,260,000
39 1,111,556

40 5. TECHNICAL SERVICES

41 For salaries, support, maintenance, and
42 miscellaneous purposes:

43 \$ 1,814,000
44 1,786,717

45 6. ADMINISTRATION

46 For salaries, support, maintenance, and
47 miscellaneous purposes:

48 \$ 715,000
49 709,232

50 Sec. 611. 1990 Iowa Acts, chapter 1266, section

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1 19, is amended to read as follows:

2 SEC. 19. There is appropriated from the lottery
3 fund to the department of revenue and finance for the
4 fiscal year beginning July 1, 1990, and ending June
5 30, 1991, the following amount, or so much thereof as
6 is necessary, to be used for the purposes designated:

7 a. For salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions:

10 \$ 7,272,163
 11 6,872,163
 12 FTEs 138.55

13 b. For deposit in the general fund:
 14 \$ 400,000

DEPARTMENT OF MANAGEMENT

16 Sec. 612. 1990 Iowa Acts, chapter 1266, section
 17 20, unnumbered paragraph 2, is amended to read as
 18 follows:

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:
 22 \$ 1,566,000
 23 1,495,300
 24 FTEs 33.00

OFFICE OF STATE-FEDERAL RELATIONS

26 Sec. 613. 1990 Iowa Acts, chapter 1266, section
 27 23, unnumbered paragraph 2, is amended to read as
 28 follows:

29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:
 32 \$ 221,000
 33 216,000
 34 FTEs 3.15

35 Sec. 614. It is the intent of the general assembly
 36 that agencies whose appropriations have been reduced
 37 under this division shall only lay off employees if
 38 all other means, including furloughs of employees,
 39 have already been evaluated and either used or not
 40 deemed feasible in order for an agency to continue its
 41 operations within the moneys appropriated to them for
 42 salaries, support, maintenance, and miscellaneous
 43 purposes.

44 Sec. 615. Beginning March 10, 1991, and by the
 45 tenth day of each month thereafter, until June 30,
 46 1991, the department of management shall report to the
 47 chairpersons and ranking members of the senate and
 48 house committees on appropriations, the chairpersons
 49 and ranking members of the joint administration
 50 appropriations subcommittee, the legislative fiscal

1 committee, and the legislative fiscal bureau, the
 2 number of furloughs and the number of layoffs that
 3 have occurred in all agencies, the savings associated
 4 with those furloughs and layoffs, and the effect of
 5 the furloughs and layoffs on services provided by the
 6 agency. The department shall provide a year-end

7 report summarizing the information required in this
8 section on or before August 10, 1991.

9 DIVISION VII

10 LAW ENFORCEMENT ACADEMY

11 Sec. 701. 1990 Iowa Acts, chapter 1267, section 1,
12 subsection 1, is amended to read as follows:

13 1. For salaries, support, maintenance,
14 miscellaneous purposes, including jailer training and
15 technical assistance, and for not more than the
16 following full-time equivalent positions:

17	\$	958,617
18		<u>913,779</u>
19	FTEs	29.7

20 DEPARTMENT OF PUBLIC DEFENSE

21 Sec. 702. 1990 Iowa Acts, chapter 1267, section 2,
22 subsections 1, 2, and 3 are amended to read as
23 follows:

24 1. MILITARY DIVISION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28	\$	3,508,957
29		<u>3,431,957</u>
30	FTEs	151.59

31 ~~As a condition, limitation, and qualification of~~
32 ~~this appropriation, \$60,000 of this appropriation~~
33 ~~shall be used for establishment of a maintenance~~
34 ~~detachment in Clarke county.~~

35 2. DISASTER SERVICES DIVISION

36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:

39	\$	307,271
40		<u>303,702</u>
41	FTEs	12

42 3. VETERANS AFFAIRS DIVISION

43 a. For salaries, support, maintenance,
44 miscellaneous purposes, and for not more than the
45 following full-time equivalent positions:

46	\$	148,934
47		<u>140,934</u>
48	FTEs	4.16

49 As a condition, limitation, and qualification of
50 the appropriation in this paragraph, \$10,000 shall be

1 used for the purchase of POW/MIA flags.

2 DEPARTMENT OF PUBLIC SAFETY

3 Sec. 703. 1990 Iowa Acts, chapter 1267, section 3,

4 as item vetoed by the governor, is amended to read as
5 follows:

6 SEC. 3. There is appropriated from the general
7 fund of the state to the department of public safety
8 for the fiscal year beginning July 1, 1990, and ending
9 June 30, 1991, the following amounts, or so much
10 thereof as is necessary, to be used for the purposes
11 designated:

12 1. For the department's administrative functions
13 including the medical examiner's office and the
14 criminal justice information system, and for not more
15 than the following full-time equivalent positions:

16	.....	\$ 2,510,622
17	.....	<u>2,421,952</u>
18	..... FTEs	51.50

19 2. a. For purposes relating to radio
20 communications, and not more than the following full-
21 time equivalent positions:

22	.....	\$ 3,227,667
23	.....	<u>3,180,992</u>
24	..... FTEs	80

25 b. For purchase of service monitors and radio
26 spare parts:

27	\$ 25,000
----	-------	-----------

28 3. a. For the division of criminal investigation
29 and bureau of identification containing the bureaus of
30 identification and liquor law enforcement, and for
31 river boat gambling enforcement, including the state's
32 contribution to the peace officers' retirement,
33 accident, and disability system provided in chapter
34 97A in the amount of 16 percent of the salaries for
35 which the funds are appropriated, and for not more
36 than the following full-time equivalent positions:

37	.....	\$ 6,534,828
38	.....	<u>6,211,978</u>
39	..... FTEs	136
40	.....	<u>133</u>

41 e b. For the law enforcement intelligence network
42 program, to be used in consultation with the law
43 enforcement intelligence network advisory committee:

44	\$ 10,000
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45 As a condition, limitation, and qualification of
46 this appropriation, the division of criminal
47 investigation shall commit sufficient resources to
48 conduct 4 undercover operations in cooperation with
49 local law enforcement agencies to identify the extent
50 of bootlegging or illegal liquor operations at state

1 border counties and shall report on the undercover
 2 operations to the committee by January 1, 1991.
 3 4. For the division of narcotics:
 4 a. The state's contribution to the peace officers'
 5 retirement, accident, and disability system provided
 6 in chapter 97A in the amount of 16 percent of the
 7 salaries for which the funds are appropriated, and for
 8 not more than the following full-time equivalent
 9 positions:

10	.....	\$	<u>2,248,579</u>
11	.....		<u>2,056,599</u>
12	.....	FTEs	38

13 b. Undercover purchases:

14	.....	\$	<u>200,000</u>
15	.....		<u>150,000</u>

16 5. a. For the fire marshal's office, including
 17 the state's contribution to the peace officers'
 18 retirement, accident, and disability system provided
 19 in chapter 97A in the amount of 16 percent of the
 20 salaries for which the funds are appropriated, and for
 21 not more than the following full-time equivalent
 22 positions:

23	.....	\$	<u>1,560,379</u>
24	.....		<u>1,496,354</u>
25	.....	FTEs	33

26 b. For a regional firefighters' training center in
 27 Black Hawk county:

28	\$	<u>25,000</u>
----	-------	----	---------------

29 6. For the capitol security division, and for not
 30 more than the following full-time equivalent
 31 positions:

32	.....	\$	<u>1,219,281</u>
33	.....		<u>1,190,781</u>
34	.....	FTEs	36

35 Sec. 704. 1990 Iowa Acts, chapter 1267, section 5,
 36 unnumbered paragraph 2, is amended to read as follows:

37 For the continued purchase of the automated
 38 fingerprint information system (AFIS):

39	.....	\$	<u>586,676</u>
40	.....		<u>504,676</u>

41 DIVISION VIII
 42 DEPARTMENT OF JUSTICE

43 Sec. 801. 1990 Iowa Acts, chapter 1268, section 1,
 44 subsections 1, 2, and 3 are amended to read as
 45 follows:

46 1. For the general office of attorney general for
 47 salaries, support, maintenance, miscellaneous
 48 purposes, and for not more than the following full-
 49 time equivalent positions:

50	\$	<u>4,705,738</u>
----	-------	----	------------------

1 4,482,163
 2 FTEs 166.00
 3 2. Prosecuting attorney training program for
 4 salaries, support, maintenance, miscellaneous
 5 purposes, and for not more than the following full-
 6 time equivalent positions:
 7 \$ 188,400
 8 182,400
 9 FTEs 3.00

10 3. Prosecuting intern program; however, counties
 11 participating in the prosecuting intern program shall
 12 match funds appropriated by this subsection:
 13 \$ 44,955
 14 2,400

15 In addition to the funds appropriated in this
 16 section, for the fiscal year beginning July 1, 1990,
 17 and ending June 30, 1991, the attorney general shall
 18 provide up to \$42,555 in state matching funds from
 19 moneys retained by the attorney general from property
 20 forfeited pursuant to section 809.13.

BOARD OF PAROLE

22 Sec. 802. 1990 Iowa Acts, chapter 1268, section 3,
 23 unnumbered paragraphs 2 and 3, are amended to read as
 24 follows:

25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:
 28 \$ 887,536
 29 789,513
 30 FTEs 20.00
 31 19.00

32 As a condition, limitation, and qualification of
 33 this appropriation the board of parole shall create an
 34 automated docket; and shall automate the board's risk
 35 assessment model; and shall employ a victim
 36 registration coordinator.

DEPARTMENT OF CORRECTIONS

38 Sec. 803. 1990 Iowa Acts, chapter 1268, section 4,
 39 subsection 1, as item vetoed by the governor, is
 40 amended to read as follows:

41 1. For the operation of adult correctional
 42 institutions, to be allocated as follows:
 43 a. For the operation of the Fort Madison
 44 correctional facility, including salaries, support,
 45 maintenance, miscellaneous purposes, and for not more
 46 than the following full-time equivalent positions:
 47 \$ 20,398,056
 48 20,391,106

49 FTEs 501.50
 50 As a condition, limitation, and qualification of

Page 41

1 this appropriation, the facility shall employ 310
 2 correctional officers, and an additional counselor.
 3 b. For the operation of the Anamosa correctional
 4 facility, including salaries, support, maintenance,
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:
 7 \$ 15,171,804
 8 15,162,330
 9 FTEs 355.00

10 (1) As a condition, limitation, and qualification
 11 of this appropriation, the facility shall employ 211
 12 correctional officers, a part-time chaplain of a
 13 minority race, and 2 additional nurses.
 14 (2) Of the funds appropriated, the department's
 15 budget for Anamosa shall include funding for 2 full-
 16 time substance abuse counselors for the Luster Heights
 17 facility, for the purpose of certification of a
 18 substance abuse program at that facility.

19 c. For the operation of the Oakdale correctional
 20 facility, including salaries, support, maintenance,
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 10,689,482
 24 10,547,236
 25 FTEs 258.50

26 As a condition, limitation, and qualification of
 27 this appropriation, the facility shall employ 132.40
 28 correctional officers and shall employ 3 additional
 29 staff for the purposes of compliance with the joint
 30 commission on the accreditation of health care
 31 organization standards.

32 d. For the operation of the Newton correctional
 33 facility, including salaries, support, maintenance,
 34 miscellaneous purposes, and for not more than the
 35 following full-time equivalent positions:
 36 \$ 3,114,802
 37 3,107,068
 38 FTEs 71.00

39 As a condition, limitation, and qualification of
 40 this appropriation, the facility shall employ 28
 41 correctional officers and an additional nurse.

42 e. For the operation of the Mt. Pleasant
 43 correctional facility, including salaries, support,
 44 maintenance, miscellaneous purposes, and for not more
 45 than the following full-time equivalent positions:

46 \$ 10,933,204
 47 10,733,046
 48 FTEs 267.15
 49 As a condition, limitation, and qualification of
 50 this appropriation, the facility shall employ 141

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1 correctional officers, and a full-time chaplain to
 2 provide religious counseling at the Oakdale and Mt.
 3 Pleasant correctional facilities, an additional nurse,
 4 and an additional 8.50 full-time equivalent positions
 5 to maintain a licensed substance abuse program.
 6 f. For the operation of the Rockwell City
 7 correctional facility, including salaries, support,
 8 maintenance, miscellaneous purposes, and for not more
 9 than the following full-time equivalent positions:

10 \$ 2,993,389
 11 2,901,277
 12 FTEs 73.00

13 As a condition, limitation, and qualification of
 14 this appropriation, the facility shall employ 39
 15 correctional officers and an additional 4 positions to
 16 establish a substance abuse treatment program and a
 17 sex offender program.

18 g. For the operation of the Clarinda correctional
 19 facility, including salaries, support, maintenance,
 20 miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:

22 \$ 4,451,237
 23 4,387,981
 24 FTEs 118.30

25 As a condition, limitation, and qualification of
 26 this appropriation, the facility shall employ 68
 27 correctional officers and 2 nurses.

28 h. For the operation of the Mitchellville
 29 correctional facility, including salaries, support,
 30 maintenance, miscellaneous purposes, and for not more
 31 than the following full-time equivalent positions:

32 \$ 3,679,450
 33 3,613,061
 34 FTEs 97.00

35 As a condition, limitation, and qualification of
 36 this appropriation, the facility shall employ 54
 37 correctional officers and an additional 5.5 full-time
 38 equivalent positions for a substance abuse treatment
 39 program.

40 Sec. 804. 1990 Iowa Acts, chapter 1268, section 5,
 41 subsection 1, unnumbered paragraph 1, is amended to
 42 read as follows:

43 For general administration, including salaries,
 44 support, maintenance, miscellaneous purposes, and for
 45 not more than the following full-time equivalent
 46 positions:
 47 \$ 2,145,174
 48 2,187,087
 49 FTEs 42.52
 50 Sec. 805. 1990 Iowa Acts, chapter 1268, section 5,

Page 43

1 subsection 4, unnumbered paragraph 1, is amended to
 2 read as follows:

3 4. For salaries, support, maintenance,
 4 miscellaneous purposes, and for not more than the
 5 following full-time equivalent positions at the
 6 correctional training center at Mt. Pleasant:
 7 \$ 366,476
 8 365,876
 9 FTEs 8.22

10 Sec. 806. 1990 Iowa Acts, chapter 1268, section 6,
 11 subsection 1, unnumbered paragraph 1 and paragraph a,
 12 are amended to read as follows:

13 For the first judicial district department of
 14 correctional services, the following amount, or so
 15 much thereof as is necessary:
 16 a. For salaries, support, maintenance, and
 17 miscellaneous purposes:
 18 \$ 4,320,847
 19 3,934,731

20 Sec. 807. 1990 Iowa Acts, chapter 1268, section 6,
 21 subsection 3, unnumbered paragraph 1 and paragraphs b
 22 and d, are amended to read as follows:

23 For the third judicial district department of
 24 correctional services, the following amount, or so
 25 much thereof as is necessary:
 26 b. For staffing 25 additional beds authorized
 27 during the 1989 session of the general assembly and
 28 for not more than the following full-time equivalent
 29 positions:
 30 \$ 18,278
 31 0
 32 FTEs .50

33 d. For funding of the intensive supervision
 34 program and for not more than the following full-time
 35 equivalent positions:
 36 \$ 62,327
 37 48,163
 38 FTEs 1.58

39 Sec. 808. 1990 Iowa Acts, chapter 1268, section 6,

40 subsection 5, unnumbered paragraph 1 and paragraph b,
41 are amended to read as follows:

42 For the fifth judicial district department of
43 correctional services, the following amount, or so
44 much thereof as is necessary:

45 b. For additional funding of the intensive
46 supervision program and for not more than the
47 following full-time equivalent positions:

48	\$	<u>410,348</u>
49		<u>203,409</u>
50	FTEs	6.26

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1 Sec. 809. 1990 Iowa Acts, chapter 1268, section 6,
2 subsection 6, unnumbered paragraph 1, and paragraph d,
3 are amended to read as follows:

4 For the sixth judicial district department of
5 correctional services, the following amount, or so
6 much thereof as is necessary:

7 d. For staffing of additional new beds at the
8 Cedar Rapids residential facility as authorized during
9 the 1989 session of the general assembly and for not
10 more than the following full-time equivalent
11 positions:

12	\$	<u>337,733</u>
13		<u>0</u>
14	FTEs	7.70

15 Sec. 810. 1990 Iowa Acts, chapter 1268, section 6,
16 subsection 7, unnumbered paragraph 1, and paragraph c,
17 are amended to read as follows:

18 For the seventh judicial district department of
19 correctional services, the following amount, or so
20 much thereof as is necessary:

21 c. For additional funding of the intensive
22 supervision program and for not more than the
23 following full-time equivalent positions:

24	\$	<u>57,131</u>
25		<u>48,721</u>
26	FTEs	1.00

27 Sec. 811. 1990 Iowa Acts, chapter 1268, section 6,
28 subsection 8, unnumbered paragraph 1, and paragraph d,
29 are amended to read as follows:

30 For the eighth judicial district department of
31 correctional services, the following amount, or so
32 much thereof as is necessary:

33 d. For staffing of additional new beds at the
34 Ottumwa facility authorized during the 1989 session of
35 the general assembly and for not more than the
36 following full-time equivalent positions:

37	.....	\$	570,085
38	.....		<u>550,035</u>
39	.....	FTEs	13.28
40	Sec. 812. 1990 Iowa Acts, chapter 1268, section 6,		
41	subsection 9, paragraphs a and b, are amended to read		
42	as follows:		
43	a. For the assistance and support of each judicial		
44	district department of correctional services:		
45	.....	\$	201,798
46	.....		<u>191,798</u>
47	b. For additional funding of the intensive		
48	supervision programs in conjunction with electronic		
49	monitoring established within the districts and for		
50	not more than the following full-time equivalent		

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1	positions:		
2	\$	85,272
3		<u>76,972</u>
4	FTEs	1.37

JUDICIAL DEPARTMENT

6	Sec. 813. 1990 Iowa Acts, chapter 1268, section 7,		
7	subsection 1, unnumbered paragraph 1, is amended to		
8	read as follows:		
9	For salaries of supreme court justices, appellate		
10	court judges, district court judges, district		
11	associate judges, judicial magistrates and staff,		
12	state court administrator, clerk of the supreme court,		
13	district court administrators, clerks of the district		
14	court, juvenile court officers, board of law examiners		
15	and board of examiners of shorthand reporters and		
16	judicial qualifications commission, receipt and		
17	disbursement of child support payments, and		
18	maintenance, equipment, and miscellaneous purposes:		
19	.....	\$	70,272,600
20	.....		<u>69,672,600</u>

21	Sec. 814. 1990 Iowa Acts, chapter 1271, section		
22	601, unnumbered paragraph 2, is amended to read as		
23	follows:		
24	For annual payment relating to the financial		
25	arrangement for the construction of expansion in		
26	prison capacity as provided in 1990 Iowa Acts, Senate		
27	File 2212 chapter 1257, section 24:		
28	.....	\$	1,028,000
29	.....		<u>1,026,000</u>

30 Sec. 815. Section 911.2, unnumbered paragraph 1,
 31 Code 1991, is amended to read as follows:
 32 When a court imposes a fine or forfeiture for a
 33 violation of a state law, or of a city or county

34 ordinance except an ordinance regulating the parking
35 of motor vehicles, the court shall assess an
36 additional penalty in the form of a surcharge equal to
37 ~~twenty~~ twenty-five percent of the fine or forfeiture
38 imposed. In the event of multiple offenses, the
39 surcharge shall be based upon the total amount of
40 fines or forfeitures imposed for all offenses. When a
41 fine or forfeiture is suspended in whole or in part,
42 the surcharge shall be reduced in proportion to the
43 amount suspended.

44 Sec. 816. Section 911.3, Code 1991, is amended to
45 read as follows:

46 911.3 DISPOSITION OF SURCHARGE.

47 When a court assesses a surcharge under section
48 911.2, the clerk of the district court shall transmit
49 ~~twenty-five~~ twenty percent of the surcharge collected
50 to the treasurer of state to be deposited pursuant to

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1 section 321J.17. Ninety percent of the remainder of
2 the surcharge collected shall be transmitted to the
3 treasurer of state by the fifteenth day of the
4 following month. The treasurer of state shall deposit
5 that money in the general fund of the state. The
6 clerk of the district court shall transmit ten percent
7 of the remainder of the surcharge to the county
8 treasurer or shall remit ten percent of the remainder
9 of the surcharge to the city that was the plaintiff in
10 any action for deposit in the general fund of the
11 city.

12 Sec. 817. EFFECTIVE DATE. Sections 815 and 816 of
13 this section, relating to court surcharges, take
14 effect April 1, 1991, and apply to penalties incurred
15 for violations committed on or after that date.

16 DIVISION IX

17 DEPARTMENT OF CULTURAL AFFAIRS

18 Sec. 901. 1990 Iowa Acts, chapter 1272, section 1,
19 as item vetoed by the governor, is amended to read as
20 follows:

21 SECTION 1. There is appropriated from the general
22 fund of the state to the department of cultural
23 affairs for the fiscal year beginning July 1, 1990,
24 and ending June 30, 1991, the following amounts, or so
25 much thereof as is necessary, to be used for the
26 purposes designated:

27 1. ADMINISTRATION DIVISION

28 For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-
30 time equivalent positions:

31	.....	\$	468,735
32	.....		<u>426,562</u>
33	.....	FTEs	10
34	2. ARTS DIVISION		
35	For salaries, support, maintenance, miscellaneous		
36	purposes, including funds to match federal grants, and		
37	for not more than the following full-time equivalent		
38	positions:		
39	.....	\$	1,239,125
40	.....		<u>1,166,805</u>
41	.....	FTEs	13
42	As a condition, limitation, and qualification of		
43	the appropriation in this subsection, not more than 10		
44	percent of the difference between the moneys		
45	appropriated in this subsection and the moneys		
46	appropriated in 1989 Iowa Acts, chapter 319, section		
47	1, subsection 2, shall be expended by the arts		
48	division for administrative costs.		
49	3. HISTORICAL DIVISION		
50	For salaries, support, maintenance, miscellaneous		

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1	purposes, and for not more than the following full-		
2	time equivalent positions:		
3	.....	\$	2,775,453
4	.....		<u>2,592,496</u>
5	.....	FTEs	76
6	4. LIBRARY DIVISION		
7	For salaries, support, maintenance, miscellaneous		
8	purposes, and for not more than the following full-		
9	time equivalent positions:		
10	.....	\$	2,326,277
11	.....		<u>2,183,629</u>
12	.....	FTEs	41
13	As a condition, limitation, and qualification of		
14	the funds appropriated in this subsection, the		
15	department of cultural affairs shall adopt, by January		
16	1, 1991, rules relating to the copying of library		
17	material and the defraying of copying expenses,		
18	including, but not limited to, the charging of		
19	reasonable fees for the copying of library material		
20	for nonresident persons.		
21	5. PUBLIC BROADCASTING DIVISION		
22	For salaries, support, maintenance, capital		
23	expenditures, miscellaneous purposes, and for not more		
24	than the following full-time equivalent positions:		
25	.....	\$	6,947,451
26	.....		<u>6,576,287</u>
27	.....	FTEs	104

28	6. TERRACE HILL COMMISSION	
29	For salaries, support, maintenance, miscellaneous	
30	purposes, for the operation of Terrace Hill and for	
31	not more than the following full-time equivalent	
32	positions:	
33	.....	\$ 211,581
34		<u>204,240</u>
35	..... FTEs	5.25
36	7. REGIONAL LIBRARY SYSTEM	
37	a. For state aid:	
38	.....	\$ 1,530,655
39	8. IOWA PEACE INSTITUTE	
40	For allocation to the Iowa peace institute	
41	established in chapter 38:	
42	.....	\$ 286,600
43	9. For planning and programming for the community	
44	cultural grants program established under section	
45	303.89:	
46	\$ 885,000
47		<u>805,000</u>
48	10. For the Iowa town square project:	
49	\$ 150,000
50		<u>70,000</u>

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1	IOWA PEACE INSTITUTE	
2	Sec. 902. 1990 Iowa Acts, chapter 1271, section	
3	1601, is amended to read as follows:	
4	SECTION 1601. FEASIBILITY STUDY. There is	
5	appropriated from the general fund of the state to the	
6	Iowa peace institute established in chapter 38 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 purposes designated:	
10	For a study of the feasibility of establishing an	
11	international museum:	
12	.....	\$ 35,000
13		0
14	COLLEGE STUDENT AID COMMISSION	
15	Sec. 903. 1990 Iowa Acts, chapter 1272, section 3,	
16	subsections 1 and 2, are amended to read as follows:	
17	1. GENERAL ADMINISTRATION	
18	For salaries, support, maintenance, miscellaneous	
19	purposes, and for not more than the following full-	
20	time equivalent positions:	
21	.....	\$ 326,271
22		<u>324,271</u>
23	..... FTEs	8.05
24	As a condition, limitation, and qualification of	
25	the appropriation in this subsection, the college	

26 student aid commission shall conduct a study of the
 27 cosmetology and chiropractic programs available to
 28 Iowans at both private and public postsecondary
 29 institutions. The study shall include the number of
 30 students attending the programs, the type of financial
 31 aid that is available to the students, a description
 32 of the accreditation standards which are required to
 33 be met by each program, a listing of those areas in
 34 which programs have failed to meet accreditation
 35 standards, the number of students placed within 1 year
 36 of graduation in professions for which they have been
 37 trained, and the number of students who have continued
 38 in the professions for which they have been trained 5
 39 years after graduation from a professional program.

40 2. STUDENT AID PROGRAMS

41 For payments to students for student aid programs:

42 \$ 2,570,100
 43 2,008,100

44 As a condition, limitation, and qualification of
 45 the funds appropriated in this subsection, \$1,850,000
 46 shall be expended for an Iowa grant program, with
 47 funds to be allocated to institutions in the following
 48 manner:

49 a. Total allocations to students attending
 50 regents' institutions shall be determined by

Page 49

1 multiplying 72.973 percent of \$1,850,000 by 37.6
 2 percent.

3 b. Total allocations to students attending
 4 community colleges shall be determined by multiplying
 5 72.973 percent of \$1,850,000 by 25.9 percent and by
 6 2.43.

7 c. Total allocations to students attending private
 8 colleges and universities shall be determined by
 9 multiplying 72.973 percent of \$1,850,000 by 36.5
 10 percent.

11 Sec. 904. 1990 Iowa Acts, chapter 1272, section 3,
 12 subsection 4, unnumbered paragraph 1, is amended to
 13 read as follows:

14 For payments to institutions for attendance of
 15 displaced workers:

16 \$ 500,000
 17 \$ 292,732

18 Sec. 905. 1990 Iowa Acts, chapter 1272, section 4,
 19 subsections 1 and 2, are amended to read as follows:

20 UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
 21 SCIENCES

22 1. For grants to sophomores, juniors, and seniors

23 and for forgivable loans to freshmen, who are Iowa
 24 students attending the university of osteopathic
 25 medicine and health sciences, under the grant program
 26 pursuant to section 261.18 and the forgivable loan
 27 program pursuant to section 261.19A:

28 \$ 497,000
 29 422,000

30 2. For the university of osteopathic medicine and
 31 health sciences for the admission and education of
 32 Iowa students in each of the 4 years of classes at the
 33 university of osteopathic medicine and health sciences
 34 pursuant to section 261.19:

35 \$ 497,000
 36 452,000

37 Sec. 906. 1990 Iowa Acts, chapter 1272, section
 38 55, is amended to read as follows:

39 SEC. 55. Of the ~~\$32,912,800~~ 32,608,795
 40 appropriated for tuition grants, for the fiscal year
 41 beginning July 1, 1990, and ending June 30, 1991,
 42 \$400,000 shall be expended by the college aid
 43 commission for the Iowa minority academic grants for
 44 economic success program for grants to independent
 45 colleges and universities under sections 261.101
 46 through 261.105.

47 Sec. 907. From the funds available in the
 48 scholarship and tuition grant reserve fund created by
 49 section 261.20, \$224,000 shall be transferred to and
 50 deposited in the general fund of the state on June 30,

Page 50

1 1991.

2 Sec. 908. Section 261.25, subsections 1, 2, and 3,
 3 Code 1991, are amended to read as follows:

4 1. There is appropriated from the general fund of
 5 the state to the commission for each fiscal year the
 6 sum of thirty-two million ~~nine~~ six hundred ~~twelve~~
 7 eight thousand ~~eight~~ hundred ~~seven~~ hundred ~~ninety-five~~
 8 dollars for tuition grants.

9 2. There is appropriated from the general fund of
 10 the state to the commission for each fiscal year the
 11 sum of ~~one million twenty-three~~ eight hundred thirteen
 12 thousand eight hundred forty dollars for scholarships.

13 3. There is appropriated from the general fund of
 14 the state to the commission for each fiscal year the
 15 sum of one million three hundred ~~thirty~~ fifteen
 16 thousand six hundred forty-seven dollars for
 17 vocational-technical tuition grants.

18 Sec. 909. Section 261.85, unnumbered paragraph 1,
 19 Code 1991, is amended to read as follows:

20 There is appropriated from the general fund of the
21 state to the commission for each fiscal year the sum
22 of three million ~~two hundred ten thousand eighty-five~~
23 thousand six hundred eighty-four dollars for the work-
24 study program.

25 DEPARTMENT OF EDUCATION

26 . Sec. 910. 1990 Iowa Acts, chapter 1264, section 1,
27 unnumbered paragraph 2, is amended to read as follows:

28 For the youth 2000 coordinatng council for
29 awarding community planning grants for collaborative
30 efforts to establish local drug prevention and youth
31 development programs as provided in section 256.42,
32 subsection 5:

33 \$ 80,000
34 5,000

35 Sec. 911. 1990 Iowa Acts, chapter 1272, section 8,
36 subsections 1, 3, 4, 6, 7, 10, and 11, as item vetoed
37 by the governor, are amended to read as follows:

38 1. GENERAL ADMINISTRATION

39 For salaries, support, maintenance, miscellaneous
40 purposes, and for not more than the following full-
41 time equivalent positions:

42 \$ 6,495,098
43 5,805,290
44 FTEs 135.75

45 As a condition, limitation, and qualification of
46 the appropriation in this subsection, the department
47 of education shall expend moneys to contract with
48 institutions of higher education to provide a summer
49 residence program for gifted and talented elementary
50 and secondary school students and to support existing

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1 law-related education centers for training seminars
2 and workshops in law-related education, summer
3 institutes relating to law-related education and
4 methodology and substance, and mock trial competitions
5 for junior and senior high school students. The law-
6 related education program shall include the
7 legislative lawmaking process. Educational materials
8 for the legislative lawmaking process segment of the
9 program shall be developed by the law-related
10 education centers in consultation with the legislative
11 council.

12 As a condition, limitation, and qualification of
13 the appropriation in this subsection, the department
14 of education shall expend moneys to provide funds for
15 the employment resources center administered by the
16 fifth judicial district's department of correctional

17 services to assist clients.

18 As a condition, limitation, and qualification of
 19 the appropriation in this subsection, the bureau of
 20 special education of the department of education shall
 21 study the impact of student weighting on the
 22 appropriateness of student placement in the least
 23 restrictive environment. Depending on the results of
 24 the study, alternatives to the assignment of student
 25 weightings that will encourage the placement of
 26 students in the least restrictive appropriate
 27 placement shall be developed accordingly. The bureau
 28 of special education shall report the findings of the
 29 study and any identified alternatives to the state
 30 special education advisory panel and the school budget
 31 review committee, and the department shall include the
 32 findings in a report to the legislative fiscal bureau
 33 and the general assembly by December 1, 1990.

34 3. BOARD OF EDUCATIONAL EXAMINERS

35 For salaries, support, maintenance, and
 36 miscellaneous purposes and for not more than the
 37 following full-time equivalent positions:

38	\$	150,007
39		<u>138,607</u>
40	FTEs	2

41 4. VOCATIONAL EDUCATION ADMINISTRATION

42 For salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-
 44 time equivalent positions:

45	\$	931,636
46		<u>809,793</u>
47	FTEs	39.6

48 6. PENAL INSTITUTION EDUCATION PROGRAM

49 For educational programs at state penal institutions:

50	\$	<u>2,293,893</u>
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1		<u>2,193,893</u>
2	Funds appropriated by this subsection shall be used	
3	by the department of education, in coordination with	
4	the department of corrections, to provide expanded	
5	educational programs to inmates of the Iowa penal	
6	institutions and develop education program plans for	
7	the offenders and ex-offenders in the community-based	
8	corrections system. Educational programs shall	
9	emphasize assessment, cognition, literacy, and social	
10	skills, and shall provide continuity of instruction as	
11	the inmate progresses through the penal system.	
12	Educational technology learning systems which would	
13	support the continuity of instruction shall be used in	

14 combination with an information management system to
 15 track student progress. The information tracking
 16 system shall be available throughout the state. An
 17 information management system shall be implemented to
 18 transmit education information, including the inmate's
 19 plan, programs provided, and program outcomes to
 20 institutions under whose control the inmate is placed.
 21 Evaluation of the results shall be made annually to
 22 determine needed changes and to assess results. The
 23 department of education, in coordination with the
 24 department of corrections, shall investigate,
 25 evaluate, and analyze educational technology systems
 26 which reflect inmate needs before selection of any
 27 system or systems. Funds appropriated in this
 28 subsection may be used for individualized, personal
 29 development, life management programs established by
 30 the general assembly in 1990 Iowa Acts, ~~Senate File~~
 31 ~~2212~~ chapter 1257, section 23, under the department of
 32 corrections, and to provide the results of the
 33 establishment of the individualized, personal
 34 development, life management programs to the
 35 cochairpersons and ranking members of the joint
 36 education appropriations subcommittee and the
 37 legislative fiscal bureau.

38 7. YOUTH LEADERSHIP GRANT PROGRAM

39 For grants to youth leadership programs:

40	\$ 25,000
41	<u>18,700</u>

42 Funds appropriated by this subsection shall be used
 43 to emphasize and support youth leadership skills for
 44 students participating in Iowa activities and students
 45 representing Iowa in regional and national activities.

46 10. VOCATIONAL REHABILITATION DIVISION

47 a. For salaries, support, maintenance,
 48 miscellaneous purposes, and for not more than the
 49 following full-time equivalent positions:

50	\$ 3,998,258
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1	3,584,746
2	FTEs 319.50

3 b. For matching funds for programs to enable
 4 severely physically or mentally disabled persons to
 5 function more independently, including salaries and
 6 support, for not more than the following full-time
 7 equivalent positions:

8	\$ 19,367
9	FTEs 1.50

10 11. CAREER INFORMATION SYSTEM OF IOWA

11 For the purpose of providing educational
 12 information to students in public and nonpublic
 13 schools:

14	.....	\$ 84,000
15	.....	<u>27,482</u>
16	..... FTEs	5

17 As a condition, limitation, and qualification of
 18 the funds appropriated in this subsection, the
 19 educational information to students shall include, but
 20 is not limited to, information relating to the
 21 likelihood of employment in Iowa in the students'
 22 career choice areas.

23 Sec. 912. 1990 Iowa Acts, chapter 1272, section 8,
 24 subsection 12, unnumbered paragraph 1 and paragraphs a
 25 through o, are amended to read as follows:

26 For general state financial aid to merged areas as
 27 defined in section 280A.2, for vocational education
 28 programs in accordance with chapters 258 and 280A, to
 29 purchase instructional equipment for vocational and
 30 technical courses of instruction in such schools, and
 31 for salary increases, the amount of \$86,816,796
 32 84,679,234 to be allocated as follows:

33	a. Merged Area I	\$ 3,936,168
34		<u>3,861,450</u>
35	b. Merged Area II	\$ 4,909,784
36		<u>4,816,369</u>
37	c. Merged Area III	\$ 4,646,625
38		<u>4,556,783</u>
39	d. Merged Area IV	\$ 2,301,829
40		<u>2,258,078</u>
41	e. Merged Area V	\$ 4,714,422
42		<u>4,620,616</u>
43	f. Merged Area VI	\$ 4,731,678
44		<u>4,644,143</u>
45	g. Merged Area VII	\$ 6,656,574
46		<u>6,531,633</u>
47	h. Merged Area IX	\$ 7,339,996
48		<u>7,198,011</u>
49	i. Merged Area X	\$ 11,444,016
50		<u>11,229,974</u>

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1	j. Merged Area XI	\$ 12,349,593
2		<u>12,121,021</u>
3	k. Merged Area XII	\$ 5,144,554
4		<u>5,044,871</u>
5	l. Merged Area XIII	\$ 5,081,696
6		<u>4,981,908</u>
7	m. Merged Area XIV	\$ 2,252,941
8		<u>2,209,640</u>

9 n. Merged Area XV \$ 6,866,253
 10 6,739,065
 11 o. Merged Area XVI \$ 8,940,668
 12 3,865,672

13 Sec. 913. 1990 Iowa Acts, chapter 1272, section
 14 12, is amended to read as follows:
 15 SEC. 12. Notwithstanding the appropriation
 16 provided in section 294A.25, subsection 1, there is
 17 appropriated from the general fund of the state to the
 18 department of education for the fiscal year beginning
 19 July 1, 1990, and ending June 30, 1991, the following
 20 amount, or so much thereof as may be necessary, to be
 21 used for the purpose designated:

22 For the educational excellence program:
 23 \$ 92,007,985
 24 91,662,500

STATE BOARD OF REGENTS

26 Sec. 914. 1990 Iowa Acts, chapter 1272, section
 27 14, subsection 1, paragraph a, unnumbered paragraph 1,
 28 is amended to read as follows:

29 For salaries, support, maintenance, miscellaneous
 30 purposes, during the fiscal year beginning July 1,
 31 1990, and ending June 30, 1991, and for not more than
 32 the following full-time equivalent positions:

33 \$ 1,196,134
 34 1,055,821
 35 FTEs 19.63

36 Sec. 915. 1990 Iowa Acts, chapter 1272, section
 37 14, subsection 1, paragraph b, is amended to read as
 38 follows:

39 b. For allocation by the state board of regents to
 40 the state university of Iowa, the Iowa state
 41 university of science and technology, and the
 42 university of northern Iowa to reimburse the
 43 institutions for deficiencies in their operating funds
 44 resulting from the pledging of tuitions, student fees
 45 and charges, and institutional income to finance the
 46 cost of providing academic and administrative
 47 buildings and facilities and utility services at the
 48 institutions:

49 \$ 17,338,340
 50 17,238,340

1 Sec. 916. 1990 Iowa Acts, chapter 1272, section
 2 14, subsection 5, as item vetoed by the governor, and
 3 subsection 6, are amended to read as follows:

4 5. STATE SCHOOL FOR THE DEAF
 5 For salaries, support, maintenance, miscellaneous

6 purposes, and for not more than the following full-
 7 time equivalent positions:

8 \$ 5,770,768
 9 5,751,541
 10 FTEs 133.24

11 6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

12 For salaries, support, maintenance, miscellaneous
 13 purposes, and for not more than the following full-
 14 time equivalent positions:

15 \$ 3,197,141
 16 3,186,439
 17 FTEs 92.45

18 Sec. 917. 1989 Iowa Acts, chapter 319, section 11,
 19 subsection 2, paragraph a, unnumbered paragraph 1, is
 20 amended to read as follows:

21 For enhancing the preparation, teaching
 22 experiences, and induction of educators, and for
 23 assisting educators in the use of technology for
 24 instructional and administrative purposes:

25 \$ 500,000
 26 246,038

27 Sec. 918. 1990 Iowa Acts, chapter 1271, section 1701,
 28 subsections 1 and 2, are amended to read as follows:

29 1. For the fiscal year beginning July 1, 1990, and ending
 30 June 30, 1991:

31 \$ 10,925,405
 32 856,124

33 2. For the fiscal year beginning July 1, 1991, and
 34 ending June 30, 1992:

35 \$ 12,530,400
 36 0

37 Sec. 919. APPROPRIATIONS REDUCED -- REGENTS'
 38 INSTITUTIONS.

39 1. The funds appropriated to the state university
 40 of Iowa for the fiscal year beginning July 1, 1990,
 41 and ending June 30, 1991, by 1990 Iowa Acts, chapter
 42 1272, section 14, subsection 2, shall be reduced by
 43 the department of management in the amount of
 44 \$3,523,628. Within one day of the date this Act takes
 45 effect, the state university shall notify the
 46 department of management of the amount of reduction
 47 established by the university for each budget unit in
 48 order to achieve the total reduction amount required
 49 by this subsection.

50 2. The funds appropriated to the Iowa state

3 by 1990 Iowa Acts, chapter 1272, section 14,
4 subsection 3, shall be reduced by the department of
5 management in the amount of \$2,813,456. Within one
6 day of the effective date of this Act, the state
7 university shall notify the department of management
8 of the amount of reduction established by the
9 university for each budget unit in order to achieve
10 the total reduction amount required by this
11 subsection.

12 3. The funds appropriated to the university of
13 northern Iowa for the fiscal year beginning July 1,
14 1990, and ending June 30, 1991, by 1990 Iowa Acts,
15 chapter 1272, section 14, subsection 4, shall be
16 reduced by the department of management in the amount
17 of \$899,425. Within one day of the effective date of
18 this Act, the state university shall notify the
19 department of management of the amount of reduction
20 established by the university for each budget unit in
21 order to achieve the total reduction amount required
22 by this subsection.

23 4. The appropriations reductions required by this
24 section shall not be obtained from amounts budgeted
25 for deferred maintenance.

26 Sec. 920. The general assembly declares that the
27 state board of regents has met the requirements of
28 section 262A.3 regarding the preparation and
29 submission to the general assembly of the proposed
30 ten-year building program for each institution of
31 higher learning under the jurisdiction of the state
32 board of regents, and the general assembly approves
33 that ten-year building program as submitted. For the
34 period beginning on the effective date of this
35 section, and ending on June 30, 1992, the projects
36 authorized by 1989 Iowa Acts, chapter 322, section 3,
37 subsections 3, 4, 6, and 8, and planning for the
38 projects authorized by 1989 Iowa Acts, chapter 322,
39 section 3, subsections 2 and 7, may be funded in the
40 manner provided in 1989 Iowa Acts, chapter 322,
41 section 4, and the authorizations by the general
42 assembly and the governor to the state board of
43 regents in connection with the initial financing of
44 those projects as made under sections 262A.4, 262A.5,
45 and 262A.6 are extended to June 30, 1992, less the
46 amount of appropriations received prior to the
47 effective date of this section pursuant to 1989 Iowa
48 Acts, chapter 322, section 3. However, financing
49 authorized pursuant to this section for the purposes
50 of equipment purchases shall provide for an

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1 accelerated limited repayment structure over no more
2 than a five-year period. Subject to the maximum
3 authorization for bonding in 1989 Iowa Acts, chapter
4 322, section 4, and this section, the authorization
5 made in this section for financing the projects listed
6 includes authorization by the general assembly and
7 approval by the governor for equipment purchases for
8 projects listed in 1989 Iowa Acts, chapter 322,
9 section 3, subsections 3, 4, and 8. The amount of
10 bonds issued for a project listed in 1989 Iowa Acts,
11 chapter 322, subsections 3, 4, and 8, may exceed the
12 amounts listed in 1989 Iowa Acts, chapter 322, section
13 3, subsections 3, 4, and 8 in amounts approved by the
14 state board of regents for equipment purchases not
15 exceeding \$250,000 for the project listed in
16 subsection 3, not exceeding \$250,000 for the project
17 listed in subsection 4, and not exceeding \$500,000 for
18 the project listed in subsection 8. It is the intent
19 of this section that such financing be limited to the
20 completion of the projects authorized by 1989 Iowa
21 Acts, chapter 322, section 3, subsections 3, 4, 6, and
22 8 and this section and planning for the projects
23 authorized by 1989 Iowa Acts, chapter 322, section 3,
24 subsections 2 and 7.

25 DIVISION X
26 LOTTERY

27 Sec. 1001. 1990 Iowa Acts, chapter 1255, section
28 37, subsection 1, is amended to read as follows:
29 1. Notwithstanding the nonreversion provision in
30 section 99E.32, subsection 7, or any other provision,
31 all unencumbered or unobligated moneys remaining on
32 June 30, 1990, and all encumbered or obligated moneys
33 as of June 30, 1990, from appropriations made from the
34 surplus account, jobs now account, education and
35 agricultural research and development account, and the
36 jobs now capitals account to the department of
37 economic development for purposes for which moneys are
38 appropriated for the fiscal year beginning July 1,
39 1990, in Senate File 2327, if enacted by the Seventy-
40 third General Assembly, 1990 Session by 1990 Iowa
41 Acts, chapter 1262, except those amounts which are
42 reduced by a 1991 Act passed by the Seventy-fourth
43 General Assembly, shall be transferred to the
44 corresponding account of the department within the
45 general fund of the state and shall be available for
46 expenditure for those same purposes as provided in
47 Senate File 2327, if enacted 1990 Iowa Acts, chapter
48 1262, and are in addition to moneys appropriated for
49 those same purposes for the fiscal year beginning July
50 1, 1990.

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1 Sec. 1002. 1990 Iowa Acts, chapter 1255, section
2 37, subsection 3, is amended to read as follows:
3 3. The agency, board, commission, or overseer of
4 the funds to which moneys have been appropriated from
5 any of the accounts in the Iowa plan fund for economic
6 development for any of the fiscal years beginning July
7 1, 1985, July 1, 1986, July 1, 1987, July 1, 1988, and
8 July 1, 1989, shall provide by December 15, 1990, to
9 the department of management a status report and any
10 encumbered or obligated moneys remaining unspent on
11 June 30, 1990, from moneys appropriated from the Iowa
12 plan fund for any fiscal year, except the fiscal year
13 beginning July 1, 1989, shall be available for
14 expenditure by the department of economic development
15 for purposes of chapter 15. The status report shall
16 specify the status of the moneys appropriated as of
17 June 30, 1990, or such later date as designated by the
18 department of management, and the amount of loans
19 outstanding, if any, that were made from those moneys
20 appropriated, and other information relating to the
21 status of the moneys appropriated as required by the
22 department of management:

23 Sec. 1003. Section 99E.32, subsection 1, paragraph
24 d, Code 1991, is amended to read as follows:

25 d. Notwithstanding paragraph "c", after the
26 allotments have been made for the fiscal year years
27 beginning July 1, 1988, and July 1, 1989, under
28 paragraphs "a" and "b", the total excess is allotted
29 to the surplus account. Of the amount allotted for
30 the fiscal year beginning July 1, 1989, the sum of
31 five hundred ninety-six thousand dollars shall be
32 transferred prior to July 1, 1991, to the general fund
33 of the state.

34 Sec. 1004. Section 99E.34, subsection 1,
35 paragraphs a and b, Code 1991, are amended to read as
36 follows:

37 a. For each fiscal year, sixty-two and five-tenths
38 percent to the Iowa resources enhancement and
39 protection fund created in section 455A.18 and which
40 amount is appropriated for the purposes of that fund.
41 However, the total amount allotted under this
42 paragraph in any single fiscal year the fiscal year
43 beginning July 1, 1990, shall not exceed twenty
44 million dollars and in each of the following fiscal
45 years shall not exceed twenty-five million dollars.

46 b. For each fiscal year, six percent to the soil
47 conservation account. However, the total amount
48 allotted under this paragraph in the fiscal year

49 beginning July 1, 1990, shall not exceed two million
50 four hundred thousand dollars.

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1 Sec. 1005. Notwithstanding any other provision of
2 law, the treasurer of state shall initiate the
3 transfer to the general fund of the state from the
4 CLEAN fund created in section 99E.10 the amount of
5 revenues considered transferred to the CLEAN fund as
6 provided in section 99E.10 during the fiscal year
7 beginning July 1, 1990, and ending June 30, 1991,
8 which is in excess of the amount needed to make the
9 allotments within the CLEAN fund as provided in
10 section 99E.34, subsection 1. The transfers under
11 this section shall be made during the period beginning
12 April 16, 1991, and ending June 30, 1991.

13 Sec. 1006. Notwithstanding the nonreversion
14 provision in section 99E.32, subsection 7, and the
15 reversion provision in 1990 Iowa Acts, chapter 1255,
16 section 37, subsection 2, all interest and earnings on
17 the deposits and investments credited to the Iowa plan
18 fund that remain unappropriated on June 30, 1991, and
19 all funds in the surplus account of the Iowa plan fund
20 that remain unappropriated on June 30, 1991, shall be
21 transferred to the general fund of the state. The
22 transfers under this section shall be made during the
23 period beginning April 16, 1991, and ending June 30,
24 1991.

25 Sec. 1007. Notwithstanding the provisions in
26 section 99E.10, subsection 1, unnumbered paragraph 3,
27 all interest or earnings paid on the deposits or
28 investments of moneys in the lottery fund or the CLEAN
29 fund during the fiscal year beginning July 1, 1990,
30 shall be transferred to the general fund of the state.

31 Sec. 1008. Notwithstanding the amount of the
32 appropriation under section 99E.31 or 99E.32, the
33 nonreversion provision in section 99E.32, subsection
34 7, or any other provision, from the appropriations
35 made from the designated accounts of the Iowa plan
36 fund for the designated fiscal years for the specified
37 purposes or programs, the following amounts shall be
38 transferred prior to July 1, 1991, from such
39 designated accounts to the general fund of the state:

40 1. From the jobs now account from the
41 appropriations made in section 99E.32, subsection 3,
42 for:

43 a. Regional centers under paragraph "d",
44 subparagraph (1), for the 1990 fiscal year:

45 \$ 730,294

46	b. Iowa main street program under paragraph "d",	
47	subparagraph (3), for the 1990 fiscal year:	
48	.....	\$ 118,221
49	c. Technical assistance for businesses under	
50	paragraph "d", subparagraph (4), for the 1990 fiscal	

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1	year:	
2	\$ 39,632
3	d. Business incubators under paragraph "d",	
4	subparagraph (5), for the 1990 fiscal year:	
5	.....	\$ 183,932
6	e. Rural incubators under paragraph "d",	
7	subparagraph (6), for the 1990 fiscal year:	
8	.....	\$ 233,425
9	f. Rural development programs under paragraph "d",	
10	subparagraph (7), for the 1990 fiscal year:	
11	.....	\$ 45,625
12	h. Welcome centers under paragraph "1" for the	
13	1990 fiscal year:	
14	.....	\$ 27,738
15	i. Preservation, exhibition, or development of	
16	historic resources under paragraph "x" for the 1990	
17	fiscal year:	
18	.....	\$ 80,726
19	j. Rural main street program under paragraph "z"	
20	for the 1990 fiscal year:	
21	.....	\$ 83,957
22	2. From the education and agriculture research and	
23	development account from the appropriations made in	
24	section 99E.32, subsection 4, for:	
25	a. Summer institute program under paragraph "c"	
26	for the 1987 fiscal year and 1988 fiscal year:	
27	.....	\$ 27,621
28	b. Economic development training program under	
29	paragraph "b", subparagraph (4), for the 1990 fiscal	
30	year:	
31	.....	\$ 25,000
32	c. INTERNET for allocation to the Wallace	
33	technology transfer foundation of Iowa under paragraph	
34	"b", subparagraph (4), for the 1990 fiscal year:	
35	.....	\$ 300,000
36	d. Iowa state university water resource research	
37	institute under paragraph "e" for the 1990 fiscal	
38	year:	
39	.....	\$ 25,406
40	e. Technology transfer for the livestock industry	
41	under paragraph "g" for the 1990 fiscal year:	
42	.....	\$ 136,067

43 3. From the jobs now capital account from the
 44 appropriations made in section 99E.31, subsection 5,
 45 for:
 46 The architect, engineering, equipment, and
 47 construction of the armory in Carroll for the 1986
 48 fiscal year:
 49 \$ 1,666
 50 4. From the jobs now capitals account from the

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1 appropriations made in section 99E.32, subsection 5,
 2 for:
 3 a. Allocation to the center for industrial
 4 research and service for the hazardous waste research
 5 program under paragraph "d" for the 1987 fiscal year:
 6 \$ 50,000
 7 b. Construction, equipment, renovation, and other
 8 costs associated with buildings in the capitol complex
 9 and allocation for Terrace Hill under paragraph "j"
 10 for the 1989 fiscal year:
 11 \$ 225,072
 12 5. From the surplus account from the
 13 appropriations made in 1989 Iowa Acts, chapter 314,
 14 section 8, for:
 15 a. Promoting, equipping, and staffing a "Drug Tip
 16 Hotline" under paragraph "f" for the 1989 fiscal year:
 17 \$ 2,751
 18 b. Regulation activities required pursuant to the
 19 excursion boat gambling Act under paragraph "h" for
 20 the 1989 fiscal year:
 21 \$ 25,457
 22 Sec. 1009. Sections 1001 through 1003 of this Act
 23 are retroactive to July 1, 1990.

DIVISION XI
 TRANSFERS

24 Sec. 1101. Notwithstanding any other provision of
 25 law, the unencumbered or unobligated moneys remaining
 26 on June 30, 1991, in the following designated funds
 27 and accounts shall revert or be transferred to the
 28 general fund of the state:
 29 1. Energy research and development fund created in
 30 section 93.14.
 31 2. Pari-mutuel regulation fund created in section
 32 99D.17.
 33 3. Excursion boat gambling revolving fund created
 34 in 1989 Iowa Acts, chapter 321, section 22.
 35 4. Boat registration fee fund pursuant to section
 36 106.52.
 37 5. State fish and game protection fund created in
 38
 39

- 40 section 107.17.
41 6. State conservation fund created in section
42 107.17.
43 7. Administration fund created in section 107.17.
44 8. Public outdoor recreation and resources fund
45 created in section 107.17.
46 9. County conservation board fund created in
47 section 107.17.
48 10. Brucellosis and tuberculosis eradication fund
49 created in section 165.18.
50 11. Milk fund created in section 192.47.

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- 1 12. Dairy trade practices trust fund pursuant to
2 section 192A.3.
3 13. Commercial feed fund created in section 198.9.
4 14. Fertilizer fund created in section 200.9.
5 15. Pesticide fund created in section 206.12.
6 16. Special railroad facility fund created in
7 section 307B.23.
8 17. Motor vehicle fraud account pursuant to
9 section 312.2, subsection 13.
10 18. Salvage vehicle account pursuant to section
11 321.52.
12 19. Snowmobile account pursuant to section 321G.7.
13 20. Marine fuel tax fund created in section
14 324.79.
15 21. Aviation fuel tax fund created in section
16 324.82.
17 22. Railroad assistance fund created in section
18 327H.18.
19 23. Security deposit account pursuant to section
20 422.52.
21 24. GAAP escrow account created in section 422.69.
22 25. Groundwater protection fund, excluding moneys
23 in the oil overcharge account created in section
24 455E.11.
25 26. Utilities trust fund created in section
26 476.10.
27 27. Insurance revolving fund created in section
28 505.7.
29 28. Banking revolving fund created in section
30 524.207.
31 29. Credit union revolving fund created in section
32 533.67.
33 30. Savings and loan revolving fund created in
34 section 534.408.
35 31. Professional licensing revolving fund created
36 in section 546.10.

37 32. Administrative services trust fund created in
 38 section 546.11.
 39 33. Public transit assistance fund created in
 40 section 601J.6.
 41 Cash transfers for financial management purposes
 42 may be made between June 15 and June 30, 1991, if
 43 necessary.
 44 Moneys transferred pursuant to this section from
 45 the funds and accounts designated in this section
 46 shall only be used for the purposes for which the
 47 moneys were collected, unless otherwise provided by
 48 law.
 49 Notwithstanding the provisions relating to the
 50 setting of fees by the utility division under chapter

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1 476, insurance division under chapter 505, banking
 2 division under chapter 524, credit union division
 3 under chapter 533, savings and loan division under
 4 chapter 534, and the professional licensing division
 5 under chapter 546, each division shall maintain
 6 billings for the remainder of the fiscal year so that
 7 the amount of unobligated and unencumbered moneys that
 8 will be transferred to the general fund from each of
 9 the revolving funds designated in subsections 26
 10 through 31 shall equal the sum of the amount of
 11 reduction in the appropriation to the division from
 12 the appropriate revolving fund under section 411, 414,
 13 415, 416, or 417 of this Act plus the amount estimated
 14 to be transferred to the general fund under this
 15 section from each revolving fund as included in the
 16 governor's fiscal year 1991 budget documents.

17 Sec. 1102. Notwithstanding section 18.120,
 18 \$3,800,000 of appropriated moneys which have been
 19 credited or accrued to the depreciation fund of the
 20 state vehicle dispatcher by a state department or
 21 agency and which are unencumbered balances to the
 22 state department or agency through June 30, 1991,
 23 shall revert to the general fund of the state.

24 Sec. 1103. Notwithstanding section 509A.5, the
 25 executive council of the state shall initiate the
 26 transfer to the general fund of the state from the
 27 designated funds under the control of the executive
 28 council of the state under chapter 509A of the
 29 following amounts:

- | | | |
|----|--|--------------|
| 30 | 1. From the life basic operating fund: | |
| 31 | ..... | \$ 1,000,000 |
| 32 | 2. From the life basic reserve fund: | |
| 33 | ..... | \$ 1,000,000 |

34 3. From the long-term disability operating fund:
 35 \$ 10,000,000
 36 4. From the long-term disability reserve fund:
 37 \$ 3,000,000
 38 The transfers under this section shall be made
 39 during the period beginning April 16, 1991, and ending
 40 June 30, 1991.
 41 Sec. 1104. Notwithstanding any other provision of
 42 law, the treasurer of state shall initiate the
 43 transfer to the general fund of the state of all
 44 unobligated or unencumbered funds remaining in the
 45 gamblers assistance fund on June 30, 1991. The
 46 transfers under this section shall be made during the
 47 period beginning April 16, 1991, and ending June 30,
 48 1991.
 49 Sec. 1105. Notwithstanding the provision of
 50 section 509A.5, unnumbered paragraph 2, any interest

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1 earnings from investments or time deposits of the
 2 funds under the control of the state executive council
 3 under chapter 509A during the fiscal year beginning
 4 July 1, 1990, shall be transferred to the general fund
 5 of the state.

6 DIVISION XII
 7 CODE CHANGES

8 Sec. 1201. Section 8.23, Code 1991, is amended by
 9 adding after unnumbered paragraph 1, the following new
 10 unnumbered paragraph:
 11 NEW UNNUMBERED PARAGRAPH. Beginning with the
 12 budget estimates for the fiscal year beginning July 1,
 13 1991, and for each subsequent fiscal year, the
 14 departments and other establishments of governments in
 15 preparing their budget estimates shall start with a
 16 base budget and line item appropriations that have
 17 been reduced to take into account the number of full-
 18 time equivalent positions and the amount of funds for
 19 their salaries and support which represent the prior
 20 fiscal year's vacancies in the department or other
 21 establishment of government.

22 DIVISION XIII
 23 EFFECTIVE DATE

24 Sec. 1301. This Act, being deemed of immediate
 25 importance, takes effect upon enactment."
 26 2. Title page, line 3, by inserting after the
 27 word "purposes," the following: "a supplemental
 28 appropriation, and".
 29 3. Title page, line 5, by striking the words "and
 30 eliminating certain special funds,".

S-3018

1 Amend House File 173, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 37, by inserting after line 17 the
4 following:

5 "Sec. ____ . 1989 Iowa Acts, chapter 308, section 1,
6 subsection 2, unnumbered paragraph 2, as item vetoed
7 by the governor, is amended to read as follows:

8 As a condition, limitation, and qualification of
9 this appropriation, the department shall develop and
10 initiate a program to provide cassette tape-recorded
11 explanations of regional points of interest and
12 tourist attractions to be made available ~~without~~
13 ~~charge~~ at state welcome centers. The department may
14 charge a reasonable deposit and fee to ensure that the
15 tape is returned to a state welcome center or rest
16 stop, or other location as specified by the
17 department.

18 Sec. ____ . 1989 Iowa Acts, chapter 308, section 1,
19 subsection 3, unnumbered paragraph 2, is amended to
20 read as follows:

21 As a condition, limitation, and qualification of
22 this appropriation, the department shall develop and
23 initiate a program to provide cassette tape-recorded
24 explanations of regional points of interest and
25 tourist attractions, to be made available ~~without~~
26 ~~charge~~ at state welcome centers. The department may
27 charge a reasonable deposit and fee to ensure that the
28 tape is returned to a state welcome center or rest
29 stop, or other location as specified by the
30 department."

JIM RIORDAN
BEVERLY A. HANNON

S-3019

1 Amend House File 173, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 81, by striking lines 15 and 16.
4 2. Page 81, by striking lines 22 and 23.

RICHARD F. DRAKE

S-3020

1 Amend House File 173, 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 "DIVISION I

6 DEPARTMENT OF HUMAN SERVICES

7 Section 101. 1990 Iowa Acts, chapter 1248, section
8 6, subsection 1, unnumbered paragraph 1, is amended to
9 read as follows:

10 For grants to public agencies and private nonprofit
11 organizations which provide child day care resource
12 and referral programs:

13 \$ 500,000
14 258,931

15 Sec. 102. 1990 Iowa Acts, chapter 1258, section 1,
16 unnumbered paragraph 1, is amended to read as follows:

17 There is appropriated from the general fund of the
18 state to the department of human services for the
19 fiscal year beginning July 1, 1990, and ending June
20 30, 1991, the following amount, or so much thereof as
21 is necessary, to be used for the purposes designated:

22 \$ 2,480,000
23 1,110,000

24 Sec. 103. 1990 Iowa Acts, chapter 1270, section 1,
25 unnumbered paragraph 2, is amended to read as follows:

26 For aid to families with dependent children:

27 \$ 42,050,000
28 41,550,000

29 Sec. 104. 1990 Iowa Acts, chapter 1270, section 2,
30 unnumbered paragraph 2, is amended to read as follows:

31 For medical assistance, including reimbursement for
32 abortion services, which shall be available under the
33 medical assistance program only for those abortions
34 which are medically necessary:

35 \$224,050,000
36 221,933,060

37 Sec. 105. 1990 Iowa Acts, chapter 1270, section 2,
38 is amended by adding the following new subsection:

39 NEW SUBSECTION. 10. The department shall
40 implement for the period beginning with the effective
41 date of this Act or March 1, 1991, whichever is later,
42 and ending June 30, 1991, the maximum copayments
43 allowed by federal regulations for the following
44 medical assistance services: for each laboratory or
45 X-ray procedure provided by an X-ray and laboratory
46 service provider; for each day of service for services
47 provided by clinics, ambulatory surgical centers,
48 community mental health centers, certified registered
49 nurse anesthetists, rural health clinics, federally
50 qualified health centers, and outpatient hospital

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1 services; for each day of service for services
 2 provided by home health agencies and physicians; and
 3 for each day of service in an inpatient hospital.
 4 Copayment shall not apply to the following: children
 5 under 21 years of age; pregnant women; persons
 6 residing in nursing facilities, residential care
 7 facilities, or psychiatric institutions; family
 8 planning services; federal medicare crossover claims;
 9 services provided by a contracting health maintenance
 10 organization; and emergency services as defined by
 11 federal regulations.

12 Sec. 106. 1990 Iowa Acts, chapter 1270, section 3,
 13 unnumbered paragraph 2, is amended to read as follows:

14 For medical contracts:
 15 \$ 3,870,000
 16 3,685,300

17 Sec. 107. 1990 Iowa Acts, chapter 1270, section 4,
 18 unnumbered paragraph 2, is amended to read as follows:

19 For state supplementary assistance:
 20 \$ 18,160,000
 21 18,010,000

22 Sec. 108. 1990 Iowa Acts, chapter 1270, section 9,
 23 subsection 1, is amended to read as follows:

24 1. For the JOBS program:
 25 \$ 3,310,000
 26 3,300,000

27 The department may use up to \$10,000 of the funds
 28 appropriated in this section to implement the family
 29 friends program in 2 districts to provide mentors for
 30 persons receiving aid to families with dependent
 31 children under chapter 239.

32 Sec. 109. 1990 Iowa Acts, chapter 1270, section
 33 10, unnumbered paragraph 2, is amended to read as
 34 follows:

35 For child support recoveries, including salaries,
 36 support, maintenance, miscellaneous purposes, and for
 37 not more than the following full-time equivalent
 38 positions:
 39 \$ 2,900,000
 40 2,868,378
 41 FTEs 234.5

42 Sec. 110. 1990 Iowa Acts, chapter 1270, section
 43 11, unnumbered paragraph 2, is amended to read as
 44 follows:

45 For the collection services center, including
 46 salaries, support, maintenance, miscellaneous
 47 purposes, and for not more than the following full-
 48 time equivalent positions:

49 \$ 260,000
 50 251,378

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1 FTEs 26.00
 2 Sec. 111. 1990 Iowa Acts, chapter 1270, section
 3 12, subsections 1 and 2, are amended to read as
 4 follows:
 5 1. For the Iowa juvenile home at Toledo:
 6 \$ 4,518,000
 7 4,498,000
 8 FTEs 128.5
 9 2. For the state training school at Eldora:
 10 \$ 7,809,000
 11 7,630,052
 12 FTEs 229.00
 13 Sec. 112. 1990 Iowa Acts, chapter 1270, section
 14 13, unnumbered paragraph 2, and subsection 1, as item
 15 vetoed by the governor, are amended to read as
 16 follows:
 17 For foster care:
 18 \$ 48,467,000
 19 47,409,750
 20 1. As a condition, qualification, and limitation
 21 of the funds appropriated in this section, up to
 22 \$1,000,000 may be used by the department to provide
 23 enhanced funding of services to family foster homes to
 24 avert placement of children in group care facilities
 25 and at least ~~\$2,010,053~~ 2,018,053 shall be used to
 26 provide enhanced funding of services to group care
 27 facilities to avert placement of children in more
 28 expensive, less appropriate, or out-of-state
 29 facilities.
 30 Sec. 113. 1990 Iowa Acts, chapter 1270, section
 31 13, subsection 14, is amended by striking the
 32 subsection.
 33 Sec. 114. 1990 Iowa Acts, chapter 1270, section
 34 14, subsections 1, 2, and 6, are amended to read as
 35 follows:
 36 1. For general administration of the department to
 37 improve staff training efforts:
 38 \$ 420,000
 39 235,500
 40 2. For funding required to oversee termination of
 41 parental rights and permanency planning efforts on a
 42 statewide basis on the condition that regular reports
 43 regarding the statewide program efforts shall be
 44 provided to the legislative fiscal bureau:
 45 \$ 120,000

46 100,000
 47 FTEs 3.00
 48 6. For use by the department in conducting
 49 outcome-oriented evaluations of child protection,
 50 prevention, and treatment programs:

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1 \$ 35,000
 2 0

3 Sec. 115. 1990 Iowa Acts, chapter 1270, section
 4 15, unnumbered paragraph 2, is amended to read as
 5 follows:

6 For home-based services on the condition that
 7 family planning services are funded, provided that if
 8 the department amends the allocation to a program
 9 funded under this section, then the department shall
 10 promptly notify the legislative fiscal bureau of the
 11 change:

12 \$ 11,290,000
 13 11,189,500

14 Sec. 116. 1990 Iowa Acts, chapter 1270, section
 15 19, unnumbered paragraph 2, is amended to read as
 16 follows:

17 For operation of the Iowa veterans home, including
 18 salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions:

21 \$ 28,680,000
 22 28,023,826
 23 FTEs 836.87

24 Sec. 117. 1990 Iowa Acts, chapter 1270, section
 25 21, is amended to read as follows:

26 SEC. 21. MENTAL HEALTH INSTITUTES.

27 There is appropriated from the general fund of the
 28 state to the department of human services for the
 29 fiscal year beginning July 1, 1990, and ending June
 30 30, 1991, the following amounts, or so much thereof as
 31 is necessary, to be used for the purposes designated:

32 For the state mental health institutes for
 33 salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-
 35 time equivalent positions:

36 1. State mental health institute at Cherokee:
 37 \$ 15,158,000
 38 14,186,485
 39 FTEs 409.33

40 As a condition, qualification, and limitation of
 41 the funds appropriated in this subsection, up to
 42 ~~\$850,000~~ 96,942 shall be used to phase in new

43 residential treatment programs for adolescents who are
 44 substance abusers and to develop secure beds for
 45 juveniles placed at the state mental health institute
 46 at Cherokee.

47 2. State mental health institute at Clarinda:

48	\$ 7,442,000
49		<u>7,275,144</u>
50	FTEs 192.06

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1 3. State mental health institute at Independence:

2	\$ 15,033,000
3		<u>14,890,257</u>
4	FTEs 424.77

5 4. State mental health institute at Mount
 6 Pleasant:

7	.....	\$ 8,490,000
8	.....	FTEs 207.5

9 Sec. 118. 1990 Iowa Acts, chapter 1270, section
 10 22, subsections 1 and 2, are amended to read as
 11 follows:

12 1. State hospital-school at Glenwood:

13	.....	\$ 38,044,000
14		<u>37,894,000</u>
15	.....	FTEs 1,178.00

16 2. State hospital-school at Woodward:

17	.....	\$ 31,383,000
18		<u>30,683,000</u>
19	.....	FTEs 957.3

20 Sec. 119. 1990 Iowa Acts, chapter 1270, section
 21 23, unnumbered paragraph 1, is amended to read as
 22 follows:

23 There is appropriated from the general fund of the
 24 state to the state community mental health and mental
 25 retardation services fund established in section
 26 225C.7 for the fiscal year beginning July 1, 1990, and
 27 ending June 30, 1991, the following amount, or so much
 28 thereof as is necessary:

29	.....	\$ 3,255,000
30		<u>3,203,000</u>

31 Sec. 120. 1990 Iowa Acts, chapter 1270, section
 32 23, is amended by adding the following new subsection:

33 NEW SUBSECTION. 3. Notwithstanding section
 34 225C.7, the special allocation portion of the
 35 community mental health and mental retardation
 36 services fund shall be reduced by \$52,000.

37 Sec. 121. 1990 Iowa Acts, chapter 1270, section
 38 24, unnumbered paragraph 2, and subsection 2, are
 39 amended to read as follows:

40 For mental health, mental retardation, and
 41 developmental disabilities special services:
 42 \$ 975,000
 43 425,000
 44 2. Of the funds appropriated in this section,
 45 ~~\$550,000~~ 225,000 is allocated to provide supplemental
 46 per diems to community-based residential care
 47 facilities. The per diem is restricted to clients
 48 placed from the state hospital-schools and persons
 49 averted from placement in a state hospital-school who
 50 meet the appropriate level of functioning for this

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1 type of care.
 2 Sec. 122. 1990 Iowa Acts, chapter 1270, section
 3 28, unnumbered paragraph 2, is amended to read as
 4 follows:
 5 For field operations, including salaries, support,
 6 maintenance, miscellaneous purposes, and for not more
 7 than the following full-time equivalent positions:
 8 \$ 41,963,000
 9 40,324,879
 10 FTEs 2,318.50

11 Sec. 123. 1990 Iowa Acts, chapter 1270, section
 12 29, unnumbered paragraph 2, is amended to read as
 13 follows:
 14 For general administration, including salaries,
 15 support, maintenance, miscellaneous purposes, and for
 16 not more than the following full-time equivalent
 17 positions:
 18 \$ 9,000,000
 19 8,271,588
 20 FTEs 350.95

21 Sec. 124. 1990 Iowa Acts, chapter 1270, section
 22 30, unnumbered paragraph 2, is amended to read as
 23 follows:
 24 For development and coordination of volunteer
 25 services:
 26 \$ 95,000
 27 88,825

28 Sec. 125. SERVICE PROVIDERS REIMBURSED BY THE
 29 DEPARTMENT OF HUMAN SERVICES.

30 1. Notwithstanding 1990 Iowa Acts, chapter 1270,
 31 section 31, for the period beginning with the
 32 effective date of this Act or March 1, 1991, whichever
 33 is later, and ending June 30, 1991, the reimbursement
 34 rates for the providers of services listed in this
 35 section shall be reduced in accordance with the
 36 provisions of this section.

37 2. a. The following providers shall have their
 38 medical assistance reimbursement rate established at a
 39 level 2 percent above the rates in effect on June 30,
 40 1990: psychiatric medical institutions for children,
 41 providers of waived services under the home and
 42 community-based programs, optometrists for service
 43 fees only, opticians for service fees only,
 44 podiatrists, dentists, chiropractors, physical
 45 therapists, birthing centers, ambulance services,
 46 independent laboratories, area education agencies,
 47 clinics, audiologists, rehabilitation agencies,
 48 community mental health centers, family planning
 49 clinics, psychologists, hearing aid dealers,
 50 orthopedic shoe dealers, ambulatory surgery centers,

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1 and genetic counseling clinics. Reimbursement for
 2 optometric products, and durable medical products and
 3 supplies, shall be established at a level 3.2 percent
 4 above the rates in effect on June 30, 1990.

5 b. Reimbursement rates for physicians and
 6 certified registered nurse anesthetists shall be
 7 established at a level 1.6 percent above the rates in
 8 effect on June 30, 1990. Reimbursement rates for
 9 screening centers, maternal health centers, obstetric
 10 services when provided by physicians or certified
 11 nurse midwives, and pediatric services shall be
 12 established at a level 3.72 percent above the rates in
 13 effect on June 30, 1990.

14 c. Reimbursement for drug product costs shall be
 15 fixed at the rates in effect on February 28, 1991.

16 3. The \$2.50 per day additional payment for
 17 medical assistance eligible residents of nursing
 18 facilities identified by the Iowa foundation for
 19 medical care as meeting criteria to receive special
 20 care or services shall be discontinued.

21 Sec. 126. GAMBLERS ASSISTANCE FUND.
 22 Notwithstanding section 99E.10, subsection 1,
 23 paragraph "a", subparagraph (1), for the fiscal year
 24 beginning July 1, 1990, \$30,000 of the gamblers
 25 assistance fund moneys made available by that
 26 subparagraph shall not be used for the purposes
 27 specified but shall be transferred to the general fund
 28 of the state.

29 Sec. 127. TRANSFERS AUTHORIZED -- FURLONGHS.

30 1. To the extent that unanticipated federal funds
 31 or expenditure savings are available, the director of
 32 the department of human services may transfer funds
 33 between the appropriations reduced in sections 101

34 through 129 of this Act and use the unanticipated
35 funds or savings to avoid the use of furloughs. The
36 director shall provide prompt notification of a
37 transfer made pursuant to this section to the
38 chairpersons and ranking members of the legislative
39 fiscal committee, the chairpersons and ranking members
40 of the joint human services appropriations
41 subcommittee, and the legislative fiscal bureau.
42 2. It is the intent of the general assembly that
43 if the appropriations reductions made by this Act
44 require payroll reductions in the department of human
45 services, the director of human services shall give
46 preference to the use of voluntary furloughs and that
47 mandatory furloughs shall only be imposed if it
48 appears that voluntary furloughs will be inadequate to
49 achieve the reductions.
50 Sec. 128. RULES. The department of human services

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1 may adopt administrative rules under section 17A.4,
2 subsection 2, and section 17A.5, subsection 2,
3 paragraph "b", to implement sections of this Act
4 enumerated in this section. Rules adopted pursuant to
5 section 104, relating to appropriations reductions in
6 medical assistance, section 105, relating to
7 copayments for services allowed by federal
8 regulations, and section 125, relating to service
9 providers reimbursed by the department of human
10 services, of this Act shall become effective
11 immediately upon filing unless a later date is
12 specified in the rules. The rules shall also be
13 published as notice of intended action as specified in
14 section 17A.4.

15 Sec. 129. ADDITIONAL APPROPRIATION REDUCTION.

16 After first adjusting each appropriation for the
17 changes made by this Act, the net appropriations made
18 to the department of human services by 1990 Iowa Acts,
19 chapters 1248, 1258, and 1270, for the fiscal year
20 ending June 30, 1991, shall be reduced by an
21 additional \$3,586,662. The director of human services
22 shall, within one day of the date this Act takes
23 effect, notify the chairpersons and ranking members of
24 the human services appropriations subcommittee, the
25 department of management, and the legislative fiscal
26 bureau of the amount of reduction established by the
27 department of human services for each budget unit in
28 order to achieve the total reduction amount required
29 by this section.

30

DIVISION II

31 CIVIL RIGHTS COMMISSION

32 Sec. 201. 1990 Iowa Acts, chapter 1259, section 1,
33 unnumbered paragraph 2, is amended to read as follows:
34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37	\$ 1,051,000
38	<u>1,010,039</u>
39	FTEs 37.00

40 Sec. 202. ADDITIONAL APPROPRIATION REDUCTION.

41 After first adjusting each appropriation for the
42 changes made by this Act, the net appropriations made
43 to the civil rights commission by 1990 Iowa Acts,
44 chapter 1259, for the fiscal year ending June 30,
45 1991, shall be reduced by an additional \$13,717. The
46 civil rights commission shall, within one day of the
47 date this Act takes effect, notify the chairpersons
48 and ranking members of the health and human rights
49 appropriations subcommittee, the department of
50 management, and the legislative fiscal bureau of the

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1 amount of reduction established by the commission for
2 each budget unit in order to achieve the total
3 reduction amount required by this section.

4 DEPARTMENT OF HUMAN RIGHTS

5 Sec. 203. 1990 Iowa Acts, chapter 1259, section 2,
6 subsections 2, 3, 4, 5, 6, and 7, are amended to read
7 as follows:

8 2. SPANISH SPEAKING PEOPLE LATINO AFFAIRS DIVISION

9 For salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:

12	\$ 127,000
13	<u>53,123</u>
14	FTEs 3.60
15	<u>2.50</u>

16 3. PERSONS WITH DISABILITIES DIVISION

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-
19 time equivalent positions:

20	\$ 191,000
21	<u>189,000</u>
22	FTEs 4.00

23 Of the funds appropriated to the division, there is
24 allocated an amount necessary to fund the central
25 registry for brain injuries established pursuant to
26 section 135.22.

27 4. STATUS OF WOMEN DIVISION

28 a. For salaries, support, maintenance,
 29 miscellaneous purposes, and for not more than the
 30 following full-time equivalent positions:
 31 \$ 211,000
 32 197,000
 33 FTEs 4.10
 34 b. For the displaced homemaker program:
 35 \$ 140,000
 36 5. CHILDREN, YOUTH AND FAMILIES DIVISION
 37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:
 40 \$ 181,000
 41 163,121
 42 FTEs 8.00
 43 Of the funds appropriated in this subsection, no
 44 less than \$36,300 shall be spent for expenses relating
 45 to the administration of federal funds for juvenile
 46 assistance. It is the intent of the general assembly
 47 that the department of human rights employ sufficient
 48 staff to meet the federal funding match requirements
 49 established by the federal office for juvenile justice
 50 delinquency prevention. The governor's advisory

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1 council on juvenile justice shall determine the
 2 staffing level necessary to carry out federal and
 3 state mandates for juvenile justice.
 4 6. DEAF SERVICES DIVISION
 5 For salaries, support, maintenance, miscellaneous
 6 purposes, and for not more than the following full-
 7 time equivalent positions:
 8 \$ 307,000
 9 285,277
 10 FTEs 10.00
 11 The fees collected by the division for provision of
 12 interpretation services by the division to obligated
 13 agencies shall be dispersed pursuant to the provisions
 14 of section 8.32, and shall be dedicated and used by
 15 the division for the provision of continued and
 16 expanded interpretation services.
 17 7. STATUS OF BLACKS DIVISION
 18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions:
 21 \$ 69,000
 22 68,735
 23 FTEs 1.50
 24 Sec. 204. ADDITIONAL APPROPRIATION REDUCTION.

25 After first adjusting each appropriation for the
 26 changes made by this Act, the net appropriations made
 27 to the department of human rights by 1990 Iowa Acts,
 28 chapter 1259, for the fiscal year ending June 30,
 29 1991, shall be reduced by an additional \$21,927. The
 30 director of human rights shall, within one day of the
 31 date this Act takes effect, notify the chairpersons
 32 and ranking members of the health and human rights
 33 appropriations subcommittee, the department of
 34 management, and the legislative fiscal bureau of the
 35 amount of reduction established by the division of the
 36 department of human rights for each budget unit in
 37 order to achieve the total reduction amount required
 38 by this section.

39 DEPARTMENT FOR THE BLIND

40 Sec. 205. 1990 Iowa Acts, chapter 1259, section 4,
 41 unnumbered paragraph 2, is amended to read as follows:

42 For salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-
 44 time equivalent positions:

45	\$ 1,458,800
46	<u>1,345,087</u>
47	FTEs 103.50

48 Sec. 206. 1990 Iowa Acts, chapter 1268, section 9,
 49 unnumbered paragraph 2, is amended to read as follows:

50 For the division of criminal and juvenile justice

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1 planning established pursuant to House File 2468, if
 2 enacted by the Seventy-third General Assembly, 1990
 3 Session section 601K.1, and for not more than the
 4 following full-time equivalent positions:

5	\$ 100,000
6	<u>48,063</u>
7	FTEs 4.00
8	<u>2.00</u>

9 DEPARTMENT OF ELDER AFFAIRS

10 Sec. 207. 1990 Iowa Acts, chapter 1259, section 5,
 11 subsection 1, and subsection 7, unnumbered paragraph
 12 1, are amended to read as follows:

13 1. For salaries, support, maintenance,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:

16	\$ 506,000
17	<u>464,989</u>
18	FTEs 33.00
19	<u>32.00</u>

20 It is the intent of the general assembly that the
 21 department employ an alternative housing coordinator

22 and a long-term care coordinator as 2 of the full-time
23 equivalent positions.

24 Of the funds appropriated under this subsection,
25 \$50,000 shall be allocated to fund the representative
26 payee project established within the department of
27 elder affairs.

28 7. For elderly services programs:

29 \$ 1,531,000
30 1,471,000

31 Sec. 208. 1990 Iowa Acts, chapter 1272, section
32 19, is amended to read as follows:

33 SEC. 19. There is appropriated from the general
34 fund of the state to the department of elder affairs
35 for the fiscal year beginning July 1, 1990, and ending
36 June 30, 1991, the following amount, or so much
37 thereof as may be necessary, to conduct the elderlaw
38 education program under section 249D.54:

39 \$ 75,000
40 48,891

41 IOWA DEPARTMENT OF PUBLIC HEALTH

42 Sec. 209. 1990 Iowa Acts, chapter 1259, section 6,
43 subsection 1, is amended to read as follows:

44 1. CENTRAL ADMINISTRATION DIVISION

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time equivalent positions:

48 \$ 829,096
49 775,696
50 FTEs 57.00

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1 As a condition, limitation, and qualification of
2 the appropriation made in this subsection, the
3 director of the Iowa department of public health or
4 the director's designee shall participate in an
5 interagency working committee convened by the
6 governor's planning council for developmental
7 disabilities to examine the feasibility of
8 establishing an office of disability prevention within
9 state government.

10 Sec. 210. 1990 Iowa Acts, chapter 1259, section 6,
11 subsection 2, paragraph a, unnumbered paragraph 1, is
12 amended to read as follows:

13 For salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-
15 time equivalent positions:

16 \$ 1,171,296
17 1,153,766
18 FTEs 15.75

19 Sec. 211. 1990 Iowa Acts, chapter 1259, section 6,
20 subsection 2, paragraph b, unnumbered paragraph 1, and
21 subparagraph (1), are amended to read as follows:

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions for the office of rural
25 health:

26	\$	187,000
27		<u>159,480</u>
28	FTEs	4.00

29 (1) Of the funds appropriated in this paragraph,
30 ~~\$57,000~~ 29,480 is allocated for the continuation of
31 the office of rural health.

32 Sec. 212. 1990 Iowa Acts, chapter 1259, section 6,
33 subsection 3, paragraph a, unnumbered paragraph 1, is
34 amended to read as follows:

35 For salaries, support, maintenance, miscellaneous
36 purposes, and for not more than the following full-
37 time equivalent positions:

38	\$	2,484,700
39		<u>2,401,059</u>
40	FTEs	78.50

41 Sec. 213. 1990 Iowa Acts, chapter 1259, section 6,
42 subsection 3, paragraph b, unnumbered paragraph 1, is
43 amended to read as follows:

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:

47	\$	1,014,000
48		<u>975,583</u>
49	FTEs	5.00

50 Sec. 214. 1990 Iowa Acts, chapter 1259, section 6,

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1 subsections 4, 5, 6, 7, 8, and 10, are amended to read
2 as follows:

3 4. PROFESSIONAL LICENSURE

4 For salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-
6 time equivalent positions:

7	\$	639,748
8		<u>575,610</u>
9	FTEs	13.50

10 5. STATE BOARD OF DENTAL EXAMINERS

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:

14	\$	<u>223,428</u>
15		<u>222,328</u>

16	.....	FTEs	4.00
17	6. STATE BOARD OF MEDICAL EXAMINERS		
18	For salaries, support, maintenance, miscellaneous		
19	purposes, and for not more than the following full-		
20	time equivalent positions:		
21	.....	\$	971,955
22			<u>953,199</u>
23	.....	FTEs	19.00
24	7. STATE BOARD OF NURSING EXAMINERS		
25	For salaries, support, maintenance, miscellaneous		
26	purposes, and for not more than the following full-		
27	time equivalent positions:		
28	.....	\$	773,995
29			<u>736,005</u>
30	.....	FTEs	17.00
31	8. STATE BOARD OF PHARMACY EXAMINERS		
32	For salaries, support, maintenance, miscellaneous		
33	purposes, and for not more than the following full-		
34	time equivalent positions:		
35	.....	\$	606,268
36			<u>587,013</u>
37	.....	FTEs	12.00
38	10. SUBSTANCE ABUSE DIVISION		
39	a. For salaries, support, maintenance,		
40	miscellaneous purposes, and for not more than the		
41	following full-time equivalent positions:		
42	.....	\$	514,012
43			<u>489,571</u>
44	.....	FTEs	15.00
45	b. For program grants:		
46	.....	\$	7,382,000
47	Sec. 215. 1990 Iowa Acts, chapter 1259, section 6,		
48	subsection 11, unnumbered paragraphs 1 of paragraphs		
49	a, c, d, e, and f, are amended to read as follows:		
50	For salaries, support, maintenance, miscellaneous		

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1	purposes, and for not more than the following full-		
2	time equivalent positions:		
3	.....	\$	3,945,020
4			<u>3,558,864</u>
5	.....	FTEs	87.60
6	For grants to local boards of health for the public		
7	health nursing program:		
8	.....	\$	2,668,000
9			<u>2,651,000</u>
10	For grants to county boards of supervisors for the		
11	homemaker-home health aide program:		
12	.....	\$	8,699,000

13		<u>8,454,000</u>
14	For the development and maintenance of well-elderly	
15	clinics in the state:	
16	.....	\$ 655,000
17		<u>645,000</u>
18	For the physician care for children program:	
19	.....	\$ 450,000
20		<u>425,000</u>
21	Sec. 216. 1990 Iowa Acts, chapter 1264, section 4,	
22	subsection 1, unnumbered paragraph 1, is amended to	
23	read as follows:	
24	For the division of substance abuse for program	
25	grants:	
26	.....	\$ 1,162,208
27		<u>1,012,208</u>
28	Sec. 217. 1990 Iowa Acts, chapter 1264, section 4,	
29	subsection 2, is amended to read as follows:	
30	2. For the division of substance abuse for	
31	providing aftercare services for persons completing	
32	substance abuse treatment:	
33	.....	\$ 250,000
34		<u>200,000</u>
35	Sec. 218. 1990 Iowa Acts, chapter 1272, section	
36	20, unnumbered paragraph 1, is amended to read as	
37	follows:	
38	There is appropriated from the general fund of the	
39	state to the Iowa department of public health for the	
40	fiscal year beginning July 1, 1990, and ending June	
41	30, 1991, the following amount, or so much thereof as	
42	may be necessary, to be used for purposes of	
43	administering a graduate nursing grant program at	
44	accredited private colleges or universities:	
45	.....	\$ 225,000
46		<u>152,500</u>
47	Sec. 219. TRANSFER TO GENERAL FUND.	
48	Notwithstanding sections 255A.12 and 255A.14, upon	
49	enactment of this Act, moneys which are unencumbered	
50	and remaining in the obstetrical and newborn patient	

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1 care fund shall be transferred to the general fund of
2 the state.

3 Sec. 220. ADDITIONAL APPROPRIATION REDUCTION.

4 After first adjusting each appropriation for the
5 changes made by this Act, the net appropriations made
6 to the Iowa department of public health by 1990 Iowa
7 Acts, chapters 1259, 1264, and 1272, for the fiscal
8 year ending June 30, 1991, shall be reduced by an
9 additional \$464,888. The director of public health

10 shall, within one day of the date this Act takes
11 effect, notify the chairpersons and ranking members of
12 the health and human rights appropriations
13 subcommittee, the department of management, and the
14 legislative fiscal bureau of the amount of reduction
15 established by the director for each budget unit in
16 order to achieve the total reduction amount required
17 by this section.

18 DIVISION III

19 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

20 Sec. 301. 1990 Iowa Acts, chapter 1260, section 1,
21 subsection 1, paragraph a, is amended to read as
22 follows:

23 a. From the general fund of the state for
24 salaries, support, maintenance, and miscellaneous
25 purposes:

26 \$ 1,274,018
27 1,272,569

28 Sec. 302. 1990 Iowa Acts, chapter 1260, section 1,
29 subsections 2 and 4, are amended to read as follows:

30 2. FARM COMMODITY DIVISION

31 From the general fund of the state for salaries,
32 support, maintenance, miscellaneous purposes, and for
33 the following full-time equivalent positions:

34 \$ 1,097,748
35 1,086,866
36 FTEs 23.0

37 4. REGULATORY DIVISION

38 a. From the general fund of the state for
39 salaries, support, maintenance, miscellaneous
40 purposes, and for the following full-time equivalent
41 positions:

42 \$ 4,053,440
43 4,051,154
44 FTEs 140.20

45 b. As a condition, limitation, and qualification
46 of the appropriation from the general fund under
47 paragraph "a", \$3,342 shall be used by the regulatory
48 division for purchase of equipment used to detect
49 sulfamethazine contamination.

50 Sec. 303. 1990 Iowa Acts, chapter 1260, section 1,

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1 subsection 5, paragraph a, is amended to read as
2 follows:

3 a. From the general fund of the state for
4 salaries, support, maintenance, and miscellaneous
5 purposes:

6 \$ 858,472

7
8 Sec. 304. 1990 Iowa Acts, chapter 1260, section 1,
9 subsection 6, paragraph a, is amended to read as
10 follows:

11 a. From the general fund of the state for
12 salaries, support, maintenance, assistance to soil
13 conservation districts, miscellaneous purposes, and
14 for not more than the following full-time equivalent
15 positions:

16	\$ 5,462,287
17	5,216,522
18	FTEs 198.79
19	186.79

20 At least \$240,000 of the appropriation reduction
21 and the FTE reduction of 7 FTEs in paragraph "a" are
22 due to the failure of the soil conservation division
23 to comply with legislative intent to hire 18
24 additional soil conservation technicians by September
25 1, 1990, in accordance with this Act and the
26 division's failure to notify the general assembly and
27 the legislative fiscal bureau of its actions regarding
28 this matter.

29 Sec. 305. APPROPRIATIONS REDUCTIONS SPECIFIED.

30 The amounts by which appropriations to the department
31 of agriculture and land stewardship are reduced by
32 sections 301 through 304 of this Act includes \$22,105
33 to be obtained during the portion of the fiscal year
34 remaining from the effective date of this Act from the
35 amounts budgeted by the department for out-of-state
36 travel during the fiscal year ending June 30, 1991.

37 Sec. 306. ADDITIONAL APPROPRIATION REDUCTION.

38 After first adjusting each appropriation for the
39 changes made by this Act, the net appropriations made
40 to the department of agriculture and land stewardship
41 by 1990 Iowa Acts, chapter 1260, for the fiscal year
42 ending June 30, 1991, shall be reduced by an
43 additional \$260,087. The secretary of agriculture
44 shall, within one day of the date this Act takes
45 effect, notify the chairpersons and ranking members of
46 the agriculture and natural resources appropriations
47 subcommittee, the department of management, and the
48 legislative fiscal bureau of the amount of reduction
49 established by the secretary for each budget unit in
50 order to achieve the total reduction amount required

1 by this section.
2 DEPARTMENT OF NATURAL RESOURCES
3 Sec. 307. 1990 Iowa Acts, chapter 1260, section 8,

4 subsections 2, 3, 4, 5, and 7, are amended to read as
5 follows:

6 2. ADMINISTRATIVE SERVICES DIVISION

7 From the general fund of the state for salaries,
8 support, maintenance, miscellaneous purposes, and for
9 the following full-time equivalent positions:

10	.....	\$	1,903,642
11			<u>1,763,272</u>
12	.....	FTEs	124.15
13			<u>119.15</u>

14 3. COORDINATION AND INFORMATION DIVISION

15 From the general fund of the state for salaries,
16 support, maintenance, miscellaneous purposes, and for
17 the following full-time equivalent positions:

18	.....	\$	788,691
19			<u>732,871</u>
20	.....	FTEs	42.08
21			<u>41.08</u>

22 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

23 a. From the general fund of the state for
24 salaries, support, maintenance, miscellaneous
25 purposes, and for the following full-time equivalent
26 positions:

27	.....	\$	1,260,841
28			<u>1,253,041</u>
29	.....	FTEs	59.62

30 5. ENVIRONMENTAL PROTECTION DIVISION

31 a. From the general fund of the state for
32 salaries, support, maintenance, miscellaneous
33 purposes, and for the following full-time equivalent
34 positions:

35	.....	\$	2,105,780
36			<u>1,983,750</u>
37	.....	FTEs	142.55
38			<u>140.55</u>

39 7. FORESTS AND FORESTRY DIVISION

40 From the general fund of the state for salaries,
41 support, maintenance, miscellaneous purposes, and for
42 the following full-time equivalent positions:

43	.....	\$	1,581,069
44			<u>1,535,269</u>
45	.....	FTEs	55.71
46			<u>54.71</u>

47 Sec. 308. 1990 Iowa Acts, chapter 1260, section 8,
48 subsection 8, paragraph a, is amended to read as
49 follows:

50 a. From the general fund of the state for

1	salaries, support, maintenance, miscellaneous	
2	purposes, and for the following full-time equivalent	
3	positions:	
4	.....	\$ 5,415,886
5		<u>5,260,106</u>
6	..... FTEs	208.05
7		<u>206.05</u>

8* Sec. 309. APPROPRIATIONS REDUCTIONS SPECIFIED.

9 The amounts by which appropriations to the department
 10 of natural resources are reduced by sections 307 and
 11 308 of this Act includes \$13,000 to be obtained during
 12 the portion of the fiscal year remaining from the
 13 effective date of this Act from the amounts budgeted
 14 by the department for out-of-state travel during the
 15 fiscal year ending June 30, 1991.

16 Sec. 310. CLEAN FUND -- SOIL CONSERVATION ACCOUNT.

17 Notwithstanding section 99E.34, subsection 2,
 18 paragraph "b", all but \$45,000 of the moneys
 19 appropriated by that paragraph for the fiscal period
 20 beginning July 1, 1990, and ending June 30, 1991,
 21 shall not be allotted to the water protection fund but
 22 shall be transferred to the general fund of the state.
 23 The remaining \$45,000 shall be used to conduct an
 24 economic analysis of filter strips and grass
 25 waterways.

26 Sec. 311. ADDITIONAL APPROPRIATION REDUCTION.

27 After first adjusting each appropriation for the
 28 changes made by this Act, the net appropriations made
 29 to the department of natural resources by 1990 Iowa
 30 Acts, chapter 1260, for the fiscal year ending June
 31 30, 1991, shall be reduced by an additional \$113,001.
 32 The director of the department of natural resources
 33 shall, within one day of the date this Act takes
 34 effect, notify the chairpersons and ranking members of
 35 the agriculture and natural resources appropriations
 36 subcommittee, the department of management, and the
 37 legislative fiscal bureau of the amount of reduction
 38 established by the director for each budget unit in
 39 order to achieve the total reduction amount required
 40 by this section.

41 Sec. 312. There is appropriated from the general
 42 fund of the state to the state land management account
 43 of the Iowa resources enhancement and protection fund
 44 for the fiscal year beginning July 1, 1991, and ending
 45 June 30, 1992, the following amount, or so much
 46 thereof as is necessary, to be used for the purpose
 47 designated:

48 For purposes of the state land management account
 49 as provided in section 455A.19, subsection 1,
 50 paragraph "e":

Page 19

1 \$ 435,000
 2 Notwithstanding the formula for the allocation of
 3 moneys under section 455A.19, the amount appropriated
 4 is not subject to allocation and shall not be
 5 considered as part of the allocation to the state land
 6 management account under the allocation formula in
 7 section 455A.19.

8 DIVISION IV
 9 AUDITOR OF STATE

10 Sec. 401. 1990 Iowa Acts, chapter 1261, section 1,
 11 unnumbered paragraph 2, is amended to read as follows:
 12 For salaries, support, maintenance, miscellaneous
 13 purposes, and for not more than the following full-
 14 time equivalent positions:

15 \$ 2,003,602
 16 2,003,602
 17 FTEs 154.50

18 CAMPAIGN FINANCE DISCLOSURE COMMISSION

19 Sec. 402. ADDITIONAL APPROPRIATION REDUCTION.

20 After first adjusting each appropriation for the
 21 changes made by this Act, the net appropriations made
 22 to the auditor of state by 1990 Iowa Acts, chapter
 23 1261, for the fiscal year ending June 30, 1991, shall
 24 be reduced by an additional \$26,359. The auditor of
 25 state shall, within one day of the date this Act takes
 26 effect, notify the chairpersons and ranking members of
 27 the regulation appropriations subcommittee, the
 28 department of management, and the legislative fiscal
 29 bureau of the amount of reduction established by the
 30 auditor of state for each budget unit in order to
 31 achieve the total reduction amount required by this
 32 section.

33 Sec. 403. 1990 Iowa Acts, chapter 1261, section 2,
 34 unnumbered paragraph 2, is amended to read as follows:
 35 For salaries, support, maintenance, miscellaneous
 36 purposes, and for not more than the following full-
 37 time equivalent positions:

38 \$ 262,118
 39 258,533
 40 FTEs 6.75

41 Sec. 404. ADDITIONAL APPROPRIATION REDUCTION.

42 After first adjusting each appropriation for the
 43 changes made by this Act, the net appropriations made
 44 to the campaign finance disclosure commission by 1990
 45 Iowa Acts, chapter 1261, for the fiscal year ending
 46 June 30, 1991, shall be reduced by an additional
 47 \$3,489. The commission shall, within one day of the
 48 date this Act takes effect, notify the chairpersons

49 and ranking members of the regulation appropriations
50 subcommittee, the department of management, and the

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1 legislative fiscal bureau of the amount of reduction
2 established by the commission for each budget unit in
3 order to achieve the total reduction amount required
4 by this section.

5 DEPARTMENT OF EMPLOYMENT SERVICES

6 Sec. 405. 1990 Iowa Acts, chapter 1261, section 3,
7 subsection 1, unnumbered paragraph 1, is amended to
8 read as follows:

9 For salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:

12	.....	\$ 2,727,562
13	.....	<u>2,541,046</u>
14	.....	FTEs 104.80

15 Sec. 406. 1990 Iowa Acts, chapter 1261, section 3,
16 subsection 2, unnumbered paragraph 1, is amended to
17 read as follows:

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21	.....	\$ 1,989,820
22	.....	<u>1,859,336</u>
23	.....	FTEs 45.76

24 Sec. 407. ADDITIONAL APPROPRIATION REDUCTION.

25 After first adjusting each appropriation for the
26 changes made by this Act, the net appropriations made
27 to the department of employment services by 1990 Iowa
28 Acts, chapter 1261, for the fiscal year ending June
29 30, 1991, shall be reduced by an additional \$53,087.

30 The director of the department of employment services
31 shall, within one day of the date this Act takes
32 effect, notify the chairpersons and ranking members of
33 the regulation appropriations subcommittee, the
34 department of management, and the legislative fiscal
35 bureau of the amount of reduction established by the
36 director for each budget unit in order to achieve the
37 total reduction amount required by this section.

38 DEPARTMENT OF INSPECTIONS AND APPEALS

39 Sec. 408. 1990 Iowa Acts, chapter 1261, section 8,
40 is amended to read as follows:

41 SEC. 8. There is appropriated from the general
42 fund of the state to the department of inspections and
43 appeals for the fiscal year beginning July 1, 1990,
44 and ending June 30, 1991, the following amounts, or so
45 much thereof as is necessary, for the purposes

46 designated:

47 1. FINANCE AND SERVICES DIVISION

48 For salaries, support, maintenance, miscellaneous
49 purposes, and for not more than the following full-
50 time equivalent positions:

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1	\$	582,796
2		<u>529,796</u>
3	FTEs	26.00

4 Of the amount appropriated, \$13,210, or so much
5 thereof as is necessary, shall be expended for 1 FTE
6 and necessary expenses in connection with the
7 administration of payment claims to court-appointed
8 counsel for adult and juvenile indigent defense costs.

9 2. AUDITS DIVISION

10 For salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-
12 time equivalent positions:

13	.....	\$	559,809
14	.....		<u>547,809</u>
15	.....	FTEs	18.00

16 3. APPEALS AND FAIR HEARINGS DIVISION

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-
19 time equivalent positions:

20	.....	\$	366,991
21	.....	FTEs	15.50

22 4. INVESTIGATIONS DIVISION

23 For salaries, support, maintenance, miscellaneous
24 purposes, and for not more than the following full-
25 time equivalent positions:

26	.....	\$	467,632
27	.....		<u>447,632</u>
28	.....	FTEs	39.00

29 5. HEALTH FACILITIES DIVISION

30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:

33	.....	\$	1,627,109
34	.....		<u>1,495,109</u>
35	.....	FTEs	104.00

36 6. INSPECTIONS DIVISION

37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-
39 time equivalent positions:

40	.....	\$	929,177
41	.....		<u>900,177</u>
42	.....	FTEs	26.50

43 7. EMPLOYMENT APPEAL BOARD

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:

47	.....	\$	42,804
48			<u>39,904</u>
49	FTEs	16.80

50 The employment appeal board shall be reimbursed by

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1 the labor services division of the department of
2 employment services for all costs associated with
3 hearings conducted under chapter 91C, related to
4 contractor registration. The board is authorized to
5 expend, in addition to the amount appropriated under
6 this subsection, such amounts as are directly billable
7 to the labor services division under this subsection
8 and to retain such additional FTEs as needed to
9 conduct hearings required pursuant to chapter 91C.

10 8. FOSTER CARE REVIEW BOARD

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:

14	.....	\$	467,946
15			<u>375,946</u>
16	.....	FTEs	12.85

17 Of the amount appropriated in this subsection, the
18 following amounts, or so much thereof as is necessary,
19 shall be expended for the purpose designated: for the
20 purchase of 2 laptop computers, associated printers,
21 and other hardware and software, \$6,200; to expand the
22 foster care registry statewide, \$25,828 for 1.00 FTE;
23 for the Polk county foster care coordinator, \$34,342
24 and 1 FTE; and for expansion of the foster care review
25 system into the eighth judicial district, \$74,433 and
26 2.50 FTEs.

27 9. The department of inspections and appeals may
28 charge state departments, agencies, and commissions
29 for services rendered and the payment received shall
30 be considered repayment receipts as defined in section
31 8.2, subsection 5.

32 10. BINGO AUDITORS

33 For salaries, support, maintenance, and
34 miscellaneous purposes in connection with conducting
35 100 percent of the required bingo audits every 2
36 years, and for not more than the following full-time
37 equivalent positions:

38	.....	\$	87,480
39			<u>430</u>

40 FTEs 2.00
 41 Sec. 409. ADDITIONAL APPROPRIATION REDUCTION.
 42 After first adjusting each appropriation for the
 43 changes made by this Act, the net appropriations made
 44 to the department of inspections and appeals by 1990
 45 Iowa Acts, chapter 1261, for the fiscal year ending
 46 June 30, 1991, shall be reduced by an additional
 47 \$244,384. The director of the department of
 48 inspections and appeals shall, within one day of the
 49 date this Act takes effect, notify the chairpersons
 50 and ranking members of the regulation appropriations

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1 subcommittee, the department of management, and the
 2 legislative fiscal bureau of the amount of reduction
 3 established by the director for each budget unit in
 4 order to achieve the total reduction amount required
 5 by this section.

6 Sec. 410. 1990 Iowa Acts, chapter 1261, section 9,
 7 subsection 1, unnumbered paragraph 1, is amended to
 8 read as follows:

9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions:

12 \$ 3,915,141
 13 3,875,141
 14 FTEs 93.80

STATE PUBLIC DEFENDER

16 Sec. 411. 1990 Iowa Acts, chapter 1261, section 9,
 17 subsection 2, unnumbered paragraph 1, is amended to
 18 read as follows:

19 For indigent court-appointed attorney fees for
 20 adults and juveniles, notwithstanding section 232.141
 21 and chapter 815:

22 \$ 9,700,000
 23 9,625,000

RACING AND GAMING COMMISSION

25 Sec. 412. 1990 Iowa Acts, chapter 1261, section
 26 21, unnumbered paragraph 1, as item vetoed by the
 27 governor, and unnumbered paragraph 2, are amended to
 28 read as follows:

29 There is appropriated from the racing commission
 30 fund to the racing and gaming commission for the
 31 fiscal year beginning July 1, 1990, and ending June
 32 30, 1991, the following amount, or so much thereof as
 33 is necessary, to be used for the purposes designated:

34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions:

37	.....	\$	1,798,953
38			<u>1,785,553</u>
39	.....	FTEs	35.49

DEPARTMENT OF COMMERCE

41 Sec. 413. 1990 Iowa Acts, chapter 1261, section
42 12, unnumbered paragraph 2, is amended to read as
43 follows:

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:

47	.....	\$	856,600
48			<u>790,600</u>
49	.....	FTEs	11.00

50 Sec. 414. 1990 Iowa Acts, chapter 1261, section

Page 24

1 13, is amended to read as follows:

2 SEC. 13. There is appropriated from the
3 administrative services trust fund to the
4 administrative services division of the department of
5 commerce for the fiscal year beginning July 1, 1990,
6 and ending June 30, 1991, the following amount, or so
7 much thereof as is necessary, to be used for the
8 purposes designated:

9 For salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:

12	.....	\$	1,528,295
13			<u>1,405,295</u>
14	.....	FTEs	43.50

15 Sec. 415. 1990 Iowa Acts, chapter 1261, section

16 14, is amended to read as follows:

17 SEC. 14. Notwithstanding section 123.53, there is
18 appropriated from the beer and liquor control fund to
19 the alcoholic beverages division of the department of
20 commerce for the fiscal year beginning July 1, 1990,
21 and ending June 30, 1991, the following amount, or so
22 much thereof as is necessary, for the purposes
23 designated:

24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-
26 time equivalent positions:

27	.....	\$	4,690,167
28			<u>4,405,167</u>
29	.....	FTEs	85.86

30 Sec. 416. 1990 Iowa Acts, chapter 1261, section

31 15, unnumbered paragraph 2, is amended to read as
32 follows:

33 For salaries, support, maintenance, miscellaneous

34 purposes, and for not more than the following full-
35 time equivalent positions:

36	.....	\$ 5,650,448
37	.....	<u>5,262,448</u>
38	.....	FTEs 118.50

39 Sec. 417. 1990 Iowa Acts, chapter 1261, section
40 16, unnumbered paragraph 2, is amended to read as
41 follows:

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-
44 time equivalent positions:

45	.....	\$ 1,067,070
46	.....	<u>924,070</u>
47	.....	FTEs 20.00

48 Sec. 418. 1990 Iowa Acts, chapter 1261, section
49 18, unnumbered paragraph 2, is amended to read as
50 follows:

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1 For salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-
3 time equivalent positions:

4	.....	\$ 4,282,403
5	.....	<u>4,148,403</u>
6	.....	FTEs 92.33

7 Sec. 419. 1990 Iowa Acts, chapter 1261, section
8 20, unnumbered paragraph 2, is amended to read as
9 follows:

10 For salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-
12 time equivalent positions:

13	.....	\$ 4,650,920
14	.....	<u>4,399,920</u>
15	.....	FTEs 87.50

DIVISION V

DEPARTMENT OF ECONOMIC DEVELOPMENT

17 Sec. 501. 1990 Iowa Acts, chapter 1231, section 2,
18 is amended to read as follows:

20 SEC. 2. APPROPRIATION.

21 There is appropriated from the general fund of the
22 state to the department of economic development for
23 the fiscal period beginning July 1, 1990, and ending
24 January 15, 1991, the following amount, or so much
25 thereof as is necessary, to be used for the purpose
26 designated:

27 For the entrepreneurship task force for expenses as
28 necessary:

29	.....	\$ 25,000
30	.....	<u>0</u>

31 Sec. 502. 1990 Iowa Acts, chapter 1262, section 1,
 32 subsections 2, 3, 4, 5, 6, 7, 10, as item vetoed by
 33 the governor, 12, 13, 14, 18, 19, 23, 24, 26, 27, as
 34 item vetoed by the governor, 29, 32, 33, and 34, are
 35 amended to read as follows:

36 2. TOURISM OPERATIONS

37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:

40	\$	728,835
41		<u>706,835</u>
42	FTEs	15.97

43 As a condition, limitation, and qualification of
 44 the appropriation made in this subsection, the
 45 appropriation shall not be used for advertising
 46 placements for in-state and out-of-state tourism
 47 marketing.

48 3. TOURISM ADVERTISING

49 For contracting exclusively for tourism advertising
 50 for in-state and out-of-state tourism marketing

Page 26

1 services, tourism promotion programs, electronic		
2 media, print media, and printed materials:		
3	\$	3,450,000
4		<u>3,230,500</u>

5 As a condition, limitation, and qualification of
 6 the appropriation made in this subsection, the
 7 department shall develop public-private partnerships
 8 with Iowa businesses in the tourism industry, Iowa
 9 tour groups, Iowa tourism organizations, and political
 10 subdivisions in this state to assist in the
 11 development of advertising efforts. The department
 12 shall, to the fullest extent possible, develop
 13 cooperative efforts for advertising with contributions
 14 from other sources.

15 The department shall cooperate with the state
 16 historical society and department of natural resources
 17 to study, examine, and make recommendations on how
 18 best to develop, promote, and advertise state
 19 historical sites and on how best to utilize state
 20 historical sites in the state's tourism advertising
 21 and promotion. The department of cultural affairs
 22 shall report to the general assembly the findings of
 23 the study by February 1, 1991.

24 Of the amount appropriated in this subsection,
 25 ~~\$100,000~~ 30,500 shall go to the department of cultural
 26 affairs to be used for the promotion of state-owned
 27 and operated cultural and historical sites.

28 4. NATIONAL MARKETING OPERATIONS

29 For salaries, support, maintenance, miscellaneous
30 purposes, and for not more than the following full-
31 time equivalent positions:

32	.....	\$	822,585
33			<u>777,235</u>
34	.....	FTEs	16.00

35 As a condition, limitation, and qualification of
36 the appropriation made in this subsection, the
37 appropriation shall not be used for advertising
38 placement contracts for out-of-state national
39 marketing programs.

40 5. NATIONAL MARKETING ADVERTISING

41 For contracting exclusively for marketing and
42 promotion programs and services and advertising
43 contracts for out-of-state national marketing
44 programs, for electronic media, print media, and
45 printed materials:

46	.....	\$	3,000,000
47			<u>2,550,000</u>

48 As a condition, limitation, and qualification of
49 the appropriation made by this subsection, the
50 department shall develop public-private partnerships

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1 with Iowa businesses, Iowa business organizations,
2 Iowa chambers of commerce, and political subdivisions
3 in this state, to assist in the development of the
4 marketing efforts. The department shall, to the
5 fullest extent possible, develop cooperative efforts
6 for advertising with contributions from other sources.

7 6. FILM OFFICE

8 For salaries, support, maintenance, miscellaneous
9 purposes, and for not more than the following full-
10 time equivalent positions:

11	.....	\$	200,000
12	.....	FTEs	2.00

13 7. INTERNATIONAL TRADE OPERATIONS

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17	.....	\$	407,632
18			<u>393,332</u>
19	.....	FTEs	6.00

20 10. EXPORT TRADE ACTIVITIES PROGRAM

21 For export trade activities, including a program to
22 encourage and increase participation in trade shows
23 and trade missions by providing financial assistance
24 to businesses for a percentage of their costs of

25 participating in trade shows and trade missions, by
 26 providing for the lease/sublease of showcase space in
 27 existing world trade centers, by providing temporary
 28 office space for foreign buyers, international
 29 prospects, and potential reverse investors, and by
 30 providing other promotional and assistance activities,
 31 including salaries and support for not more than the
 32 following full-time equivalent positions:

33	.....	\$	400,000
34	.....		<u>380,000</u>
35	.....	FTEs	0.25

36 12. DOMESTIC MARKETING PROGRAMS

37 For purposes of programs listed in this subsection,
 38 including salaries, support, maintenance, and
 39 miscellaneous purposes for not more than the following
 40 full-time positions:

41 a. Small business program:

42	\$	151,814
43		<u>142,914</u>
44	FTEs	2.00

45 b. Small business advisory council:

46	\$	5,000
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47 c. Targeted small business program:

48	\$	47,692
49	FTEs	1.00

50 d. Existing industry program:

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1	\$	125,594
2	FTEs	3.00

3 13. FEDERAL PROCUREMENT OFFICE

4 For salaries, support, maintenance, miscellaneous
 5 purposes, and for not more than the following full-
 6 time equivalent positions:

7	.....	\$	140,000
8	.....		<u>120,000</u>
9	.....	FTEs	3.50

10 Notwithstanding section 8.33, moneys appropriated
 11 in this subsection that remain unencumbered or
 12 unobligated on June 30, 1991, shall not revert to the
 13 general fund of the state but shall remain available
 14 for expenditure for the purposes designated during the
 15 fiscal year beginning July 1, 1991.

16 14. COMMUNITY PROGRESS

17 For salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:

20	.....	\$	642,838
21	.....		<u>632,838</u>

22 FTEs 12.00
 23 Of the amount appropriated in this subsection, up
 24 to \$27,000, and 1 FTE shall be used to assist
 25 communities or groups of communities to develop and
 26 implement planning efforts for community, business,
 27 and economic development.
 28 18. COMMUNITY ECONOMIC BETTERMENT PROGRAM
 29 For use of the fund established in this subsection:
 30 \$ 4,650,000
 31 4,457,000
 32 Notwithstanding section 8.33, moneys appropriated
 33 from the community economic betterment account for the
 34 fiscal years beginning July 1, 1985, under section
 35 99E.31, subsection 2, and July 1, 1986, July 1, 1987,
 36 July 1, 1988, and July 1, 1989, under section 99E.32,
 37 subsection 2, that remain unencumbered or unobligated
 38 on June 30, 1990, all unexpended cash balances of
 39 obligated and encumbered funds remaining in the
 40 community economic betterment account on June 30,
 41 1990, and loan repayments or other moneys received
 42 from awards made from the community economic
 43 betterment account shall not revert to any fund but
 44 shall be deposited in a special community economic
 45 betterment program fund to be used by the department
 46 of economic development for the community economic
 47 betterment program and to supplement the funds
 48 appropriated in this subsection for that program. The
 49 conditions, criteria, and limitations referred to or
 50 specified in section 99E.32, subsection 2, paragraph

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1 "b", apply to the providing of moneys under the
 2 community economic betterment program from the fund
 3 established in this subsection.
 4 Notwithstanding section 8.33, moneys in this
 5 special fund at the end of each fiscal year shall not
 6 revert to any other fund but shall remain in this
 7 community economic betterment program fund.
 8 19. IOWA PRODUCT DEVELOPMENT CORPORATION
 9 To the fund established under section 28.89:
 10 \$ 1,500,000
 11 1,286,000
 12 23. MAIN STREET/RURAL MAIN STREET PROGRAM:
 13 \$ 639,000
 14 368,000
 15 Moneys appropriated in this subsection may be used
 16 for salaries and support for not more than the
 17 following full-time equivalent positions:
 18 FTEs 3.00

19 Notwithstanding section 8.33, moneys committed to
 20 grantees under contract that remain unexpended on June
 21 30 of any fiscal year shall not revert to any fund but
 22 shall be available for expenditure for purposes of the
 23 contract during the succeeding fiscal year.

24 **24. ECONOMIC DEVELOPMENT TRAINING PROGRAM**

25 For an economic development training program at the
 26 school of business at the university of northern Iowa
 27 which shall use these funds in consultation with the
 28 department of economic development, the university,
 29 and the professional developers of Iowa:

30 \$ 75,000
 31 0

32 **26. WELCOME CENTER PROGRAM:**

33 \$ 350,000
 34 347,738

35 Notwithstanding section 8.33, moneys committed to
 36 grantees under contract that remain unexpended on June
 37 30 of any fiscal year shall not revert to any fund but
 38 shall be available for expenditure for purposes of the
 39 contract during the succeeding fiscal year.

40 As a condition, limitation, and qualification of
 41 the appropriations made in this subsection, moneys
 42 appropriated shall be used for implementation of the
 43 recommendations of the statewide long-range plan for
 44 developing and operating welcome centers throughout
 45 the state. In addition, the department shall evaluate
 46 the operation of the pilot project welcome centers
 47 established pursuant to sections 15.271 and 15.272 and
 48 report to the general assembly by January 15, 1991,
 49 its recommendations for long-term operation of the
 50 pilot project welcome centers.

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1 **27. SATELLITE REGIONAL ECONOMIC DEVELOPMENT CENTER**
 2 **PROGRAM:**

3 \$ 1,495,000
 4 1,484,000

5 Of the moneys appropriated in this subsection,
 6 \$350,000 shall be for international trade and science
 7 and technology transfer outreach programs conducted by
 8 satellite regional centers. Each satellite regional
 9 center shall be allocated by the department not less
 10 than \$20,000 nor more than \$50,000 for these purposes.
 11 The amount allocated to a satellite regional center is
 12 in addition to other moneys allocated to the satellite
 13 regional center.

14 If the satellite centers are renamed or replaced by
 15 other regional-based centers as a result of

16 legislation enacted by the Seventy-third General
 17 Assembly, 1990 Session, the appropriation and
 18 reference in this subsection and other provisions of
 19 this Act shall mean the renamed or replacement
 20 regional-based centers, as applicable.

21 29. JOB RETRAINING PROGRAM

22 To the Iowa employment retraining fund created in
 23 section 15.298:

24 \$ 2,000,000
 25 1,913,200

26 32. YOUTH WORK FORCE PROGRAMS

27 a. For purposes of the conservation corps,
 28 including salary, support, maintenance, and
 29 miscellaneous purposes for not more than the following
 30 full-time equivalent positions:

31 \$ 1,242,789
 32 1,142,789
 33 FTEs 2.00

34 Not more than \$95,000 of the moneys appropriated in
 35 this paragraph shall be used for administration of the
 36 program.

37 b. For purposes of the Iowa corps, including
 38 salary, support, maintenance, and miscellaneous
 39 purposes for not more than the following full-time
 40 equivalent positions:

41 \$ 109,836
 42 FTEs 1.00

43 Not more than \$35,000 of the moneys appropriated in
 44 this paragraph shall be used for administration of
 45 this program.

46 Notwithstanding section 8.33, moneys committed to
 47 grantees under contract that remain unexpended on June
 48 30 of any fiscal year shall not revert to any fund but
 49 shall be available for expenditure for purposes of the
 50 contract during the succeeding fiscal year.

Page 31

1 Notwithstanding section 8.33, moneys appropriated
 2 from the Iowa community development loan fund for the
 3 fiscal year beginning July 1, 1989, under 1989 Iowa
 4 Acts, chapter 308, section 2, subsection 1, that
 5 remain unencumbered or unobligated on June 30, 1990,
 6 or that are encumbered or obligated but remain
 7 unexpended on June 30, 1990, shall not revert to any
 8 fund but shall be available for expenditure for the
 9 purposes designated in this subsection during the
 10 fiscal year beginning July 1, 1990, and shall be in
 11 addition to any other moneys available under this
 12 subsection for those purposes.

13 Notwithstanding section 8.33, moneys appropriated
 14 in this subsection that remain unencumbered or
 15 unobligated on June 30, 1991, shall not revert to the
 16 general fund of the state but shall remain available
 17 for expenditure for the purposes designated during the
 18 fiscal year beginning July 1, 1991.

19 33. SMALL BUSINESS NEW JOBS TRAINING PROGRAM

20 To the revolving loan account of the area school
 21 job training fund established under section 280C.6 for
 22 the Iowa small business new jobs training program:

23 \$ 1,000,000
 24 800,000

25 34. SMALL BUSINESS INNOVATION RESEARCH:

26 \$ 100,000
 27 80,000

28 Sec. 503. 1990 Iowa Acts, chapter 1262, section
 29 2, unnumbered paragraph 2, is amended to read as
 30 follows:

31 For deposit in the Wallace technology transfer
 32 foundation fund created by the foundation board:

33 \$ 2,729,880
 34 2,669,880

35 INTERNET

36 Sec. 504. 1990 Iowa Acts, chapter 1262, section 4,
 37 is amended to read as follows:

38 SEC. 4. INTERNET.

39 There is appropriated from the general fund of the
 40 state to INTERNET for the fiscal year beginning July
 41 1, 1990, and ending June 30, 1991, the following
 42 amount, or so much thereof as is necessary, to be used
 43 for the purposes designated:

44 For deposit in the international network on trade
 45 fund created by the INTERNET board:

46 \$ 460,000
 47 385,000

48 DEPARTMENT OF ECONOMIC DEVELOPMENT

49 Sec. 505. 1990 Iowa Acts, chapter 1262, section 6,
 50 subsection 4, is amended to read as follows:

1 4. RESEARCH AND DEVELOPMENT CONSORTIUMS

2 For operation of the consortiums established under
 3 chapter 262B:

4 \$ 300,000
 5 0

6 Sec. 506. Notwithstanding section 28.120,
 7 subsections 5 and 6, the amount deappropriated under
 8 section 505 of this Act shall be transferred from the
 9 Iowa community development loan fund and deposited

10 into the general fund of the state.

11 Sec. 507. 1990 Iowa Acts, chapter 1262, section
12 10, subsections 3 and 5, are amended to read as
13 follows:

14 3. To fund a multistate trade office in Canada:

15 \$ 50,000
16 0

17 5. For a riverfront development and restoration
18 grant program to be used for construction, renovation,
19 or restoration of existing or new structures that
20 enhance the historic, educational, or recreational
21 value of the riverfront area:

22 \$ 150,000
23 0

24 As a condition, limitation, and qualification of
25 the appropriation, the department shall give priority
26 to projects that provide at least a 2-to-1 dollar
27 match from private or other sources.

28 Sec. 508. Notwithstanding section 15.251,
29 subsection 2, the amount deappropriated under section
30 507 of this Act shall be transferred from the jobs now
31 account of the Iowa plan fund for economic development
32 to the general fund of the state.

33 Sec. 509. ADDITIONAL APPROPRIATION REDUCTION.

34 After first adjusting each appropriation for the
35 changes made by this Act, the net appropriations
36 relating to the department of economic development by
37 1990 Iowa Acts, chapters 1231 and 1262, for the fiscal
38 year ending June 30, 1991, shall be reduced by an
39 additional \$718,260. The director of the department
40 of economic development shall, within one day of the
41 date this Act takes effect, notify the chairpersons
42 and ranking members of the economic development
43 appropriations subcommittee, the department of
44 management, and the legislative fiscal bureau of the
45 amount of reduction established by the director for
46 each budget unit in order to achieve the total
47 reduction amount required by this section.

48 STATE BOARD OF REGENTS AND ITS INSTITUTIONS

49 Sec. 510. 1990 Iowa Acts, chapter 1262, section
50 11, subsection 1, is amended to read as follows:

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1 1. To the university of northern Iowa for the
2 decision-making science institute:

3 \$ 750,000
4 575,000

5 Sec. 511. The appropriations made to Iowa state
6 university of science and technology under 1990 Iowa

7 Acts, chapter 1262, section 1, subsection 35, section
 8 6, subsection 5, and section 11, shall be reduced by
 9 \$100,000. The university shall select which of the
 10 purposes which received appropriations under 1990 Iowa
 11 Acts, chapter 1262, section 1, subsection 35, section
 12 6, subsection 5, and section 11, shall be reduced so
 13 that the reduction in appropriations of \$100,000 is
 14 reached. If the university chooses to reduce the
 15 appropriation to the research parks under section 6,
 16 subsection 5, the amount of that reduction shall be
 17 transferred from the Iowa community development loan
 18 fund to the general fund of the state by June 30,
 19 1991. Within one day following the enactment of this
 20 Act, the university shall notify the department of
 21 management and legislative fiscal bureau of which
 22 appropriations shall be reduced and by what amount.

23 IOWA FINANCE AUTHORITY

24 Sec. 512. 1990 Iowa Acts, chapter 1262, section 3,
 25 subsection 1, paragraph a, is amended to read as
 26 follows:

27 1. HOUSING ASSISTANCE PROGRAM

28 a. To provide mortgage and finance assistance to
 29 individuals for the purchase or acquisition of homes:

30	\$ 2,000,000
31	<u>500,000</u>

32 DIVISION VI

33 SECRETARY OF STATE

34 Sec. 601. 1990 Iowa Acts, chapter 1266, section 1,
 35 as item vetoed by the governor, is amended to read as
 36 follows:

37 1. For salaries, support, maintenance,
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:

40	\$ 1,677,000
41	<u>1,626,630</u>
42	FTEs 50.00

43 Sec. 602. ADDITIONAL APPROPRIATION REDUCTION.

44 After first adjusting each appropriation for the
 45 changes made by this Act, the net appropriations made
 46 to the secretary of state by 1990 Iowa Acts, chapter
 47 1266, for the fiscal year ending June 30, 1991, shall
 48 be reduced by an additional \$23,356. The secretary of
 49 state shall, within one day of the date this Act takes
 50 effect, notify the chairpersons and ranking members of

1 the administration appropriations subcommittee, the
 2 department of management, and the legislative fiscal
 3 bureau of the amount of reduction established by the

4 secretary of state for each budget unit in order to
 5 achieve the total reduction amount required by this
 6 section.

7 GOVERNOR

8 Sec. 603. 1990 Iowa Acts, chapter 1266, section 2,
 9 is amended to read as follows:

10 SEC. 2. There is appropriated from the general
 11 fund of the state to the office of the governor for
 12 the fiscal year beginning July 1, 1990, and ending
 13 June 30, 1991, the following amounts, or so much
 14 thereof as is necessary, to be used for the purposes
 15 designated:

16 1. For salaries, support, maintenance, and
 17 miscellaneous purposes for the general office of the
 18 governor, and for not more than the following full-
 19 time equivalent positions:

20	\$	889,000
21		<u>858,000</u>
22	FTEs	17.00

23 2. For the governor's expenses connected with
 24 office:

25	\$	4,000
26		<u>3,000</u>

27 3. For salaries, support, maintenance, and
 28 miscellaneous purposes for the governor's quarters at
 29 Terrace Hill, and for not more than the following
 30 full-time equivalent positions:

31	\$	95,000
32		<u>93,300</u>
33	FTEs	3.00

34 4. For the payment of expenses of ad hoc
 35 committees, councils, and task forces appointed by the
 36 governor to research and analyze a particular subject
 37 area relevant to the problems and responsibilities of
 38 state and local government, including the employment
 39 of professional, technical, and administrative staff
 40 and the payment of per diem, not exceeding \$40, and
 41 actual expenses of committee, council, or task force
 42 members and as a condition, limitation, and
 43 qualification of this appropriation, the ad hoc
 44 committees, councils, and task forces appointed by the
 45 governor shall be subject to chapters 21 and 22 and
 46 the members shall be so informed:

47	\$	7,000
48		<u>2,000</u>

49 5. For salaries, support, maintenance, and
 50 miscellaneous purposes for the office of

1 administrative rules coordinator, and for not more
 2 than the following full-time equivalent positions:
 3 \$ 102,000
 4 102,000
 5 FTEs 2.00

6 6. For payment of Iowa's membership in the
 7 national governors' conference:
 8 \$ 75,000

9 Sec. 604. ADDITIONAL APPROPRIATION REDUCTION.

10 After first adjusting each appropriation for the
 11 changes made by this Act, the net appropriations made
 12 to the office of the governor by 1990 Iowa Acts,
 13 chapter 1266, for the fiscal year ending June 30,
 14 1991, shall be reduced by an additional \$15,590. The
 15 office of the governor shall, within one day of the
 16 date this Act takes effect, notify the chairpersons
 17 and ranking members of the administration
 18 appropriations subcommittee, the department of
 19 management, and the legislative fiscal bureau of the
 20 amount of reduction established by the office of the
 21 governor for each budget unit in order to achieve the
 22 total reduction amount required by this section.

23 LIEUTENANT GOVERNOR

24 Sec. 605. 1990 Iowa Acts, chapter 1266, section 5,
 25 unnumbered paragraph 2, is amended to read as follows:

26 For salaries, support, maintenance, and
 27 miscellaneous purposes including the lieutenant
 28 governor's compensation and expenses including service
 29 as a member of the legislative council and per diem
 30 and expenses incurred while performing duties of the
 31 lieutenant governor when the general assembly is not
 32 in session:

33 \$ 34,000
 34 TREASURER OF STATE

35 Sec. 606. 1990 Iowa Acts, chapter 1266, section 7,
 36 is amended to read as follows:

37 SEC. 7. There is appropriated from the general
 38 fund of the state to the office of treasurer of state
 39 for the fiscal year beginning July 1, 1990, and ending
 40 June 30, 1991, the following amount, or so much
 41 thereof as is necessary, to be used for the purposes
 42 designated:

43 For salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions:

46 \$ 762,000
 47 733,880
 48 FTEs 28.00

49 Of the amount appropriated by this section, \$29,839

50 shall be used for salary and support for one full-time

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1 equivalent position designated as a computer
 2 programmer.
 3 Sec. 607. ADDITIONAL APPROPRIATION REDUCTION.
 4 After first adjusting each appropriation for the
 5 changes made by this Act, the net appropriations made
 6 to the treasurer of state by 1990 Iowa Acts, chapter
 7 1266, for the fiscal year ending June 30, 1991, shall
 8 be reduced by an additional \$13,605. The treasurer of
 9 state shall, within one day of the date this Act takes
 10 effect, notify the chairpersons and ranking members of
 11 the administration appropriations subcommittee, the
 12 department of management, and the legislative fiscal
 13 bureau of the amount of reduction established by the
 14 treasurer of state for each budget unit in order to
 15 achieve the total reduction amount required by this
 16 section.

17 DEPARTMENT OF GENERAL SERVICES

18 Sec. 608. 1990 Iowa Acts, chapter 1266, section
 19 10, subsections 1, 2, 4, 6, 7, and 8, are amended to
 20 read as follows:

21 1. ADMINISTRATION DIVISION

22 For salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-
 24 time equivalent positions:

25	\$	492,000
26		<u>480,000</u>
27	FTEs	16.00

28 2. COMMUNICATIONS DIVISION

29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:

32	\$	413,000
33		<u>153,000</u>
34	FTEs	19.00

35 4. MATERIALS MANAGEMENT DIVISION

36 For salaries, support, maintenance, miscellaneous
 37 purposes, and for not more than the following full-
 38 time equivalent positions:

39	\$	92,000
40		<u>91,000</u>
41	FTEs	3.30

42 6. PRINTING AND MAIL DIVISION

43 For salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions:

46	\$	492,000
----------	----	---------

47			<u>491,000</u>
48	.....	FTEs	22.00
49	7. RECORDS MANAGEMENT DIVISION		
50	For salaries, support, maintenance, miscellaneous		

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1 purposes, and for not more than the following full-
 2 time equivalent positions:

3	.....	\$	<u>422,000</u>
4	.....		<u>421,000</u>
5	.....	FTEs	14.50

6 8. INFORMATION SERVICES DIVISION

7 For salaries, support, maintenance, miscellaneous

8 purposes, and for not more than the following full-
 9 time equivalent positions:

10	.....	\$	<u>7,175,000</u>
11	.....		<u>6,687,804</u>
12	.....	FTEs	158.00

13 Sec. 609. 1990 Iowa Acts, chapter 1266, section
 14 11, is amended to read as follows:
 15 SEC. 11. There is appropriated from the general
 16 fund of the state to the department of general
 17 services for the fiscal year beginning July 1, 1990,
 18 and ending June 30, 1991, the following amounts, or so
 19 much thereof as is necessary, to be used for the
 20 purposes designated:

21 1. CAPITOL PLANNING COMMISSION

22 For expenses of the members in carrying out their
 23 duties under chapter 18A:

24	.....	\$	2,000
25	.....		<u>1,600</u>

26 2. UTILITY COSTS

27 For payment of utility costs:

28	.....	\$	<u>2,002,000</u>
29	.....		<u>1,902,000</u>

30 The department of general services may use funds
 31 appropriated in this subsection for utility costs to
 32 fund energy conservation projects in the state capitol
 33 complex which will have a 100 percent payback within a
 34 24 month period. The department of general services
 35 shall report quarterly to the chairpersons and ranking
 36 members of the administration appropriations
 37 subcommittee concerning the savings generated as a
 38 result of implementation of these projects.

39 3. RENTAL SPACE

40 For payment of lease or rental costs of buildings
 41 and office space at the seat of government as provided
 42 in section 18.12, subsection 9, notwithstanding
 43 section 18.16:

44	.....	\$	608,000
45			<u>544,000</u>
46	4. FIRE SAFETY		
47	For payment of costs incurred in providing for		
48	additional fire safety measures:		
49	\$	67,000
50			<u>0</u>

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1 The moneys appropriated by this subsection may be
 2 used for, but are not limited to, the provision of
 3 alarm warning systems and additional means of egress.
 4 Moneys provided under this subsection shall not be

5 used to defray the costs of deferred maintenance.
 6 Sec. 610. 1990 Iowa Acts, chapter 1266, section
 7 27, is amended to read as follows:

8 SEC. 27. There is appropriated from the general
 9 fund of the state to the department of general
 10 services and the department of revenue and finance for
 11 the fiscal year beginning July 1, 1990, and ending
 12 June 30, 1991, the following amounts, or so much
 13 thereof as is necessary, to be used for the purpose
 14 designated:

15 For allocation, upon approval of the department of
 16 management, to avoid layoffs, if, after implementing
 17 efficiencies and other methods to achieve savings as
 18 directed by the department of management, the
 19 governor, and the department directors, funds
 20 appropriated by this Act are insufficient to otherwise
 21 avoid layoffs:

22	1. Department of general services:		
23	.....	\$	250,000
24			<u>0</u>
25	2. Department of revenue and finance:		
26	.....	\$	250,000

27 Sec. 611. ADDITIONAL APPROPRIATION REDUCTION.

28 After first adjusting each appropriation for the
 29 changes made by this Act, the net appropriations made
 30 to the department of general services by 1990 Iowa
 31 Acts, chapter 1266, for the fiscal year ending June
 32 30, 1991, shall be reduced by an additional \$195,388.
 33 The director of the department of general services
 34 shall, within one day of the date this Act takes
 35 effect, notify the chairpersons and ranking members of
 36 the administration appropriations subcommittee, the
 37 department of management, and the legislative fiscal
 38 bureau of the amount of reduction established by the
 39 director for each budget unit in order to achieve the
 40 total reduction amount required by this section.

41 DEPARTMENT OF PERSONNEL

42 Sec. 612. 1990 Iowa Acts, chapter 1266, section
 43 15, subsections 1, 2, and 3, are amended to read as
 44 follows:

45 1. ADMINISTRATION

46 For salaries, support, maintenance, and
 47 miscellaneous purposes for the director's staff,
 48 office services, data/word processing, and insurance
 49 cost management, and for not more than the following
 50 full-time equivalent positions:

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1	\$ 1,331,000
2		<u>1,196,035</u>
3 FTEs	29.65

4 2. FIELD OPERATIONS

5 For salaries for the personnel services, employment
 6 law/labor relations, and development, and for not more
 7 than the following full-time equivalent positions:

8	.....	\$ 1,454,000
9		<u>1,328,053</u>
10	..... FTEs	36.60

11 3. PROGRAM MANAGEMENT

12 a. For salaries for employment and compensation
 13 and benefits, and for not more than the following
 14 full-time equivalent positions:

15	.....	\$ 1,118,000
16		<u>1,102,877</u>
17	..... FTEs	34.00

18 b. WORKERS' COMPENSATION ADMINISTRATION

19 For salaries for the administration of the workers'
 20 compensation fund and not more than the following
 21 full-time equivalent positions:

22	.....	\$ 140,000
23		<u>137,635</u>
24	..... FTEs	4.00

25 Any funds received by the department for workers'
 26 compensation purposes other than the funds
 27 appropriated in paragraph "b" shall be used only for
 28 the payment of workers' compensation claims.

29 Sec. 613. ADDITIONAL APPROPRIATION REDUCTION.

30 After first adjusting each appropriation for the
 31 changes made by this Act, the net appropriations made
 32 to the department of personnel by 1990 Iowa Acts,
 33 chapter 1266, for the fiscal year ending June 30,
 34 1991, shall be reduced by an additional \$51,080. The
 35 director of the department of personnel shall, within
 36 one day of the date this Act takes effect, notify the
 37 chairpersons and ranking members of the administration

38 appropriations subcommittee, the department of
 39 management, and the legislative fiscal bureau of the
 40 amount of reduction established by the director for
 41 each budget unit in order to achieve the total
 42 reduction amount required by this section.

43 DEPARTMENT OF REVENUE AND FINANCE

44 Sec. 614. 1990 Iowa Acts, chapter 1266, section
 45 17, subsections 1, 2, 3, 4, 5, and 6, are amended to
 46 read as follows:

47 1. AUDIT AND COMPLIANCE

48 For salaries, support, maintenance, and
 49 miscellaneous purposes:

50 \$ 9,350,844

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1 9,269,618

2 2. FINANCIAL MANAGEMENT

3 For salaries, support, maintenance, and
 4 miscellaneous purposes:

5 \$ 6,047,156

6 6,028,475

7 3. INFORMATION AND MANAGEMENT SYSTEMS

8 For salaries, support, maintenance, and
 9 miscellaneous purposes:

10 \$ 1,654,000

11 1,610,402

12 4. LOCAL GOVERNMENT SERVICES

13 For salaries, support, maintenance, and
 14 miscellaneous purposes:

15 \$ 1,260,000

16 1,111,556

17 5. TECHNICAL SERVICES

18 For salaries, support, maintenance, and
 19 miscellaneous purposes:

20 \$ 1,814,000

21 1,786,717

22 6. ADMINISTRATION

23 For salaries, support, maintenance, and
 24 miscellaneous purposes:

25 \$ 715,000

26 709,232

27 Sec. 615. 1990 Iowa Acts, chapter 1266, section
 28 19, is amended to read as follows:

29 SEC. 19. There is appropriated from the lottery
 30 fund to the department of revenue and finance for the
 31 fiscal year beginning July 1, 1990, and ending June
 32 30, 1991, the following amount, or so much thereof as
 33 is necessary, to be used for the purposes designated:

34 a. For salaries, support, maintenance,

35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:

37	\$ 7,272,163
38		<u>6,872,163</u>
39 FTEs	138.55

40 b. For deposit in the general fund:

41	\$ 400,000
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42 Sec. 616. ADDITIONAL APPROPRIATION REDUCTION.

43 After first adjusting each appropriation for the
44 changes made by this Act, the net appropriations made
45 to the department of revenue and finance by 1990 Iowa
46 Acts, chapter 1266, for the fiscal year ending June
47 30, 1991, shall be reduced by an additional \$282,352.
48 The director of revenue and finance shall, within one
49 day of the date this Act takes effect, notify the
50 chairpersons and ranking members of the administration

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1 appropriations subcommittee, the department of
2 management, and the legislative fiscal bureau of the
3 amount of reduction established by the director for
4 each budget unit in order to achieve the total
5 reduction amount required by this section.

6 DEPARTMENT OF MANAGEMENT

7 Sec. 617. 1990 Iowa Acts, chapter 1266, section
8 20, unnumbered paragraph 2, is amended to read as
9 follows:

10 For salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-
12 time equivalent positions:

13	.....	\$ 1,566,000
14		<u>1,495,300</u>
15	..... FTEs	33.00

16 Sec. 618. ADDITIONAL APPROPRIATION REDUCTION.

17 After first adjusting each appropriation for the
18 changes made by this Act, the net appropriations made
19 to the department of management by 1990 Iowa Acts,
20 chapter 1266, for the fiscal year ending June 30,
21 1991, shall be reduced by an additional \$27,132. The
22 director of the department of management shall, within
23 one day of the date this Act takes effect, notify the
24 chairpersons and ranking members of the administration
25 appropriations subcommittee, the department of
26 management, and the legislative fiscal bureau of the
27 amount of reduction established by the director for
28 each budget unit in order to achieve the total
29 reduction amount required by this section.

30 OFFICE OF STATE-FEDERAL RELATIONS

31 Sec. 619. 1990 Iowa Acts, chapter 1266, section

32 23, unnumbered paragraph 2, is amended to read as
33 follows:

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37	\$	221,000
38		<u>216,000</u>
39	FTEs	3.15

40 Sec. 620. ADDITIONAL APPROPRIATION REDUCTION.

41 After first adjusting each appropriation for the
42 changes made by this Act, the net appropriations made
43 to the office of state-federal relations by 1990 Iowa
44 Acts, chapter 1266, for the fiscal year ending June
45 30, 1991, shall be reduced by an additional \$2,864.
46 The office of state-federal relations shall, within
47 one day of the date this Act takes effect, notify the
48 chairpersons and ranking members of the administration
49 appropriations subcommittee, the department of
50 management, and the legislative fiscal bureau of the

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1 amount of reduction established by the office for each
2 budget unit in order to achieve the total reduction
3 amount required by this section.

4 Sec. 621. GENERAL ASSEMBLY SPENDING REDUCTIONS.

5 In addition to the \$350,000 spending reductions in
6 legislative budgets implemented by the legislative
7 council and the general assembly for the fiscal year
8 ending June 30, 1991, there shall be a further
9 reduction in the amount of \$250,000.

10 Sec. 622. It is the intent of the general assembly
11 that agencies whose appropriations have been reduced
12 under this division shall only lay off employees if
13 all other means, including furloughs of employees,
14 have already been evaluated and either used or not
15 deemed feasible in order for an agency to continue its
16 operations within the moneys appropriated to them for
17 salaries, support, maintenance, and miscellaneous
18 purposes.

19 Sec: 623. Beginning March 10, 1991, and by the
20 tenth day of each month thereafter, until June 30,
21 1991, the department of management shall report to the
22 chairpersons and ranking members of the senate and
23 house committees on appropriations, the chairpersons
24 and ranking members of the joint administration
25 appropriations subcommittee, the legislative fiscal
26 committee, and the legislative fiscal bureau, the
27 number of furloughs and the number of layoffs that
28 have occurred in all agencies, the savings associated

29 with those furloughs and layoffs, and the effect of
30 the furloughs and layoffs on services provided by the
31 agency. The department shall provide a year-end
32 report summarizing the information required in this
33 section on or before August 10, 1991.

34 DIVISION VII

35 LAW ENFORCEMENT ACADEMY

36 Sec. 701. 1990 Iowa Acts, chapter 1267, section 1,
37 subsection 1, is amended to read as follows:

38 1. For salaries, support, maintenance,
39 miscellaneous purposes, including jailer training and
40 technical assistance, and for not more than the
41 following full-time equivalent positions:

42	\$	958,617
43		<u>913,779</u>
44	FTEs	29.7

45 Sec. 702. ADDITIONAL APPROPRIATION REDUCTION.

46 After first adjusting each appropriation for the
47 changes made by this Act, the net appropriations made
48 to the law enforcement academy by 1990 Iowa Acts,
49 chapter 1267, for the fiscal year ending June 30,
50 1991, shall be reduced by an additional \$12,669. The

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1 law enforcement academy shall, within one day of the
2 date this Act takes effect, notify the chairpersons
3 and ranking members of the transportation and safety
4 appropriations subcommittee, the department of
5 management, and the legislative fiscal bureau of the
6 amount of reduction established by the academy for
7 each budget unit in order to achieve the total
8 reduction amount required by this section.

9 DEPARTMENT OF PUBLIC DEFENSE

10 Sec. 703. 1990 Iowa Acts, chapter 1267, section 2,
11 subsections 1, 2, and 3 are amended to read as
12 follows:

13 1. MILITARY DIVISION

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17	\$	3,508,957
18		<u>3,431,957</u>
19	FTEs	151.59

20 ~~As a condition, limitation, and qualification of~~
21 ~~this appropriation, \$60,000 of this appropriation~~
22 ~~shall be used for establishment of a maintenance~~
23 ~~detachment in Clarke county.~~

24 2. DISASTER SERVICES DIVISION

25 For salaries, support, maintenance, miscellaneous

26 purposes, and for not more than the following full-
 27 time equivalent positions:

28	.....	\$	307,271
29			<u>303,702</u>
30	.....	FTEs	12

31 3. VETERANS AFFAIRS DIVISION

32 a. For salaries, support, maintenance,
 33 miscellaneous purposes, and for not more than the
 34 following full-time equivalent positions:

35	.....	\$	148,934
36			<u>140,934</u>
37	.....	FTEs	4.16

38 As a condition, limitation, and qualification of
 39 the appropriation in this paragraph, \$10,000 shall be
 40 used for the purchase of POW/MIA flags.

41 Sec. 704. ADDITIONAL APPROPRIATION REDUCTION.

42 After first adjusting each appropriation for the
 43 changes made by this Act, the net appropriations made
 44 to the department of public defense by 1990 Iowa Acts,
 45 chapter 1267, for the fiscal year ending June 30,
 46 1991, shall be reduced by an additional \$52,271. The
 47 director of the department of public defense shall,
 48 within one day of the date this Act takes effect,
 49 notify the chairpersons and ranking members of the
 50 transportation and public safety appropriations

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1 subcommittee, the department of management, and the
 2 legislative fiscal bureau of the amount of reduction
 3 established by the director for each budget unit in
 4 order to achieve the total reduction amount required
 5 by this section.

6 DEPARTMENT OF PUBLIC SAFETY

7 Sec. 705. 1990 Iowa Acts, chapter 1267, section 3,
 8 as item vetoed by the governor, is amended to read as
 9 follows:

10 SEC. 3. There is appropriated from the general
 11 fund of the state to the department of public safety
 12 for the fiscal year beginning July 1, 1990, and ending
 13 June 30, 1991, the following amounts, or so much
 14 thereof as is necessary, to be used for the purposes
 15 designated:

16 1. For the department's administrative functions
 17 including the medical examiner's office and the
 18 criminal justice information system, and for not more
 19 than the following full-time equivalent positions:

20	.....	\$	2,510,622
21			<u>2,421,952</u>
22	.....	FTEs	51.50

23 2. a. For purposes relating to radio
 24 communications, and not more than the following full-
 25 time equivalent positions:
 26 \$ 3,227,667
 27 3,180,992
 28 FTEs 80
 29 b. For purchase of service monitors and radio
 30 spare parts:
 31 \$ 25,000
 32 3. a. For the division of criminal investigation
 33 and bureau of identification containing the bureaus of
 34 identification and liquor law enforcement, and for
 35 river boat gambling enforcement, including the state's
 36 contribution to the peace officers' retirement,
 37 accident, and disability system provided in chapter
 38 97A in the amount of 16 percent of the salaries for
 39 which the funds are appropriated, and for not more
 40 than the following full-time equivalent positions:
 41 \$ 6,534,828
 42 6,211,978
 43 FTEs 186
 44 133
 45 e b. For the law enforcement intelligence network
 46 program, to be used in consultation with the law
 47 enforcement intelligence network advisory committee:
 48 \$ 10,000
 49 As a condition, limitation, and qualification of
 50 this appropriation, the division of criminal

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1 investigation shall commit sufficient resources to
 2 conduct 4 undercover operations in cooperation with
 3 local law enforcement agencies to identify the extent
 4 of bootlegging or illegal liquor operations at state
 5 border counties and shall report on the undercover
 6 operations to the committee by January 1, 1991.
 7 4. For the division of narcotics:
 8 a. The state's contribution to the peace officers'
 9 retirement, accident, and disability system provided
 10 in chapter 97A in the amount of 16 percent of the
 11 salaries for which the funds are appropriated, and for
 12 not more than the following full-time equivalent
 13 positions:
 14 \$ 2,243,579
 15 2,056,599
 16 FTEs 38
 17 b. Undercover purchases:
 18 \$ 200,000
 19 150,000

20 5. a. For the fire marshal's office, including
 21 the state's contribution to the peace officers'
 22 retirement, accident, and disability system provided
 23 in chapter 97A in the amount of 16 percent of the
 24 salaries for which the funds are appropriated, and for
 25 not more than the following full-time equivalent
 26 positions:
 27 \$ 1,560,379
 28 1,496,354
 29 FTEs 33
 30 b. For a regional firefighters' training center in
 31 Black Hawk county:
 32 \$ 25,000
 33 6. For the capitol security division, and for not
 34 more than the following full-time equivalent
 35 positions:
 36 \$ 1,219,281
 37 1,190,781
 38 FTEs 36
 39 Sec. 706. 1990 Iowa Acts, chapter 1267, section 5,
 40 unnumbered paragraph 2, is amended to read as follows:
 41 For the continued purchase of the automated
 42 fingerprint information system (AFIS):
 43 \$ 536,676
 44 504,676
 45 Sec. 707. ADDITIONAL APPROPRIATION REDUCTION.
 46 After first adjusting each appropriation for the
 47 changes made by this Act, the net appropriations made
 48 to the department of public safety by 1990 Iowa Acts,
 49 chapter 1267, for the fiscal year ending June 30,
 50 1991, shall be reduced by an additional \$237,829. The

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1 commissioner of public safety shall, within one day of
 2 the date this Act takes effect, notify the
 3 chairpersons and ranking members of the transportation
 4 and public safety appropriations subcommittee, the
 5 department of management, and the legislative fiscal
 6 bureau of the amount of reduction established by the
 7 commissioner for each budget unit in order to achieve
 8 the total reduction amount required by this section.

DIVISION VIII

DEPARTMENT OF JUSTICE

10 Sec. 801. 1990 Iowa Acts, chapter 1268, section 1,
 11 subsections 1, 2, and 3 are amended to read as
 12 follows:
 13 follows:
 14 1. For the general office of attorney general for
 15 salaries, support, maintenance, miscellaneous
 16 purposes, and for not more than the following full-

17 time equivalent positions:

18	.....	\$	4,705,733
19	.....		<u>4,482,163</u>
20	.....	FTEs	166.00

21 2. Prosecuting attorney training program for
 22 salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-
 24 time equivalent positions:

25	.....	\$	188,400
26	.....		<u>182,400</u>
27	.....	FTEs	3.00

28 3. Prosecuting intern program; however, counties
 29 participating in the prosecuting intern program shall
 30 match funds appropriated by this subsection:

31	.....	\$	44,955
32	.....		<u>2,400</u>

33 In addition to the funds appropriated in this
 34 section, for the fiscal year beginning July 1, 1990,
 35 and ending June 30, 1991, the attorney general shall
 36 provide up to \$42,555 in state matching funds from
 37 moneys retained by the attorney general from property
 38 forfeited pursuant to section 809.13.

39 Sec. 802. ADDITIONAL APPROPRIATION REDUCTION.

40 After first adjusting each appropriation for the
 41 changes made by this Act, the net appropriations made
 42 to the department of justice by 1990 Iowa Acts,
 43 chapter 1268, for the fiscal year ending June 30,
 44 1991, shall be reduced by an additional \$800,000. The
 45 attorney general shall, within one day of the date
 46 this Act takes effect, notify the chairpersons and
 47 ranking members of the justice system appropriations
 48 subcommittee, the department of management, and the
 49 legislative fiscal bureau of the amount of reduction
 50 established by the attorney general for each budget

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1 unit in order to achieve the total reduction amount
 2 required by this section.

3 BOARD OF PAROLE

4 Sec. 803. 1990 Iowa Acts, chapter 1268, section 3,
 5 unnumbered paragraphs 2 and 3, are amended to read as
 6 follows:

7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:

10	.....	\$	837,536
11	.....		<u>789,513</u>
12	.....	FTEs	20.00
13	.....		<u>19.00</u>

14 As a condition, limitation, and qualification of
15 this appropriation the board of parole shall create an
16 automated docket; and shall automate the board's risk
17 assessment model; and shall employ a victim
18 registration coordinator.

19 Sec. 804. ADDITIONAL APPROPRIATION REDUCTION.

20 After first adjusting each appropriation for the
21 changes made by this Act, the net appropriations made
22 to the board of parole by 1990 Iowa Acts, chapter
23 1268, for the fiscal year ending June 30, 1991, shall
24 be reduced by an additional \$10,700. The board of
25 parole shall, within one day of the date this Act
26 takes effect, notify the chairpersons and ranking
27 members of the justice system appropriations
28 subcommittee, the department of management, and the
29 legislative fiscal bureau of the amount of reduction
30 established by the board of parole for each budget
31 unit in order to achieve the total reduction amount
32 required by this section.

33 DEPARTMENT OF CORRECTIONS

34 Sec. 805. 1990 Iowa Acts, chapter 1268, section 4,
35 subsection 1, as item vetoed by the governor, is
36 amended to read as follows:

37 1. For the operation of adult correctional
38 institutions, to be allocated as follows:

39 a. For the operation of the Fort Madison
40 correctional facility, including salaries, support,
41 maintenance, miscellaneous purposes, and for not more
42 than the following full-time equivalent positions:

43	.....	\$ 20,398,056
44		<u>20,391,106</u>
45	.....	FTEs 501.50

46 As a condition, limitation, and qualification of
47 this appropriation, the facility shall employ 310
48 correctional officers, and an additional counselor.

49 b. For the operation of the Anamosa correctional
50 facility, including salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the
2 following full-time equivalent positions:

3	.....	\$ 15,171,304
4		<u>15,162,330</u>
5	.....	FTEs 355.00

6 (1) As a condition, limitation, and qualification
7 of this appropriation, the facility shall employ 211
8 correctional officers, a part-time chaplain of a
9 minority race, and 2 additional nurses.

10 (2) Of the funds appropriated, the department's

11 budget for Anamosa shall include funding for 2 full-
12 time substance abuse counselors for the Luster Heights
13 facility, for the purpose of certification of a
14 substance abuse program at that facility.

15 c. For the operation of the Oakdale correctional
16 facility, including salaries, support, maintenance,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:

19 \$ 10,689,482
20 10,547,236
21 FTEs 258.50

22 As a condition, limitation, and qualification of
23 this appropriation, the facility shall employ 132.40
24 correctional officers and shall employ 3 additional
25 staff for the purposes of compliance with the joint
26 commission on the accreditation of health care
27 organization standards.

28 d. For the operation of the Newton correctional
29 facility, including salaries, support, maintenance,
30 miscellaneous purposes, and for not more than the
31 following full-time equivalent positions:

32 \$ 3,114,309
33 3,107,068
34 FTEs 71.00

35 As a condition, limitation, and qualification of
36 this appropriation, the facility shall employ 28
37 correctional officers and an additional nurse.

38 e. For the operation of the Mt. Pleasant
39 correctional facility, including salaries, support,
40 maintenance, miscellaneous purposes, and for not more
41 than the following full-time equivalent positions:

42 \$ 10,933,204
43 10,783,046
44 FTEs 267.15

45 As a condition, limitation, and qualification of
46 this appropriation, the facility shall employ 141
47 correctional officers, and a full-time chaplain to
48 provide religious counseling at the Oakdale and Mt.
49 Pleasant correctional facilities, an additional nurse,
50 and an additional 8.50 full-time equivalent positions

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1 to maintain a licensed substance abuse program.

2 f. For the operation of the Rockwell City
3 correctional facility, including salaries, support,
4 maintenance, miscellaneous purposes, and for not more
5 than the following full-time equivalent positions:

6 \$ 2,993,389
7 2,901,277

8 FTEs 73.00
 9 As a condition, limitation, and qualification of
 10 this appropriation, the facility shall employ 39
 11 correctional officers and an additional 4 positions to
 12 establish a substance abuse treatment program and a
 13 sex offender program.
 14 g. For the operation of the Clarinda correctional
 15 facility, including salaries, support, maintenance,
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:
 18 \$ 4,451,287
 19 4,387,981
 20 FTEs 118.30

21 As a condition, limitation, and qualification of
 22 this appropriation, the facility shall employ 68
 23 correctional officers and 2 nurses.
 24 h. For the operation of the Mitchellville
 25 correctional facility, including salaries, support,
 26 maintenance, miscellaneous purposes, and for not more
 27 than the following full-time equivalent positions:
 28 \$ 3,679,450
 29 3,613,061
 30 FTEs 97.00

31 As a condition, limitation, and qualification of
 32 this appropriation, the facility shall employ 54
 33 correctional officers and an additional 5.5 full-time
 34 equivalent positions for a substance abuse treatment
 35 program.
 36 Sec. 806. 1990 Iowa Acts, chapter 1268, section 5,
 37 subsection 1, unnumbered paragraph 1, is amended to
 38 read as follows:
 39 For general administration, including salaries,
 40 support, maintenance, miscellaneous purposes, and for
 41 not more than the following full-time equivalent
 42 positions:
 43 \$ 2,145,174
 44 2,187,087
 45 FTEs 42.52

46 Sec. 807. 1990 Iowa Acts, chapter 1268, section 5,
 47 subsection 4, unnumbered paragraph 1, is amended to
 48 read as follows:
 49 4. For salaries, support, maintenance,
 50 miscellaneous purposes, and for not more than the

Page 50

1 following full-time equivalent positions at the
 2 correctional training center at Mt. Pleasant:
 3 \$ 366,476
 4 365,876

5 FTEs 8.22

6 Sec. 808. 1990 Iowa Acts, chapter 1268, section 6,
7 subsection 1, unnumbered paragraph 1 and paragraph a,
8 are amended to read as follows:
9 For the first judicial district department of
10 correctional services, the following amount, or so
11 much thereof as is necessary:
12 a. For salaries, support, maintenance, and
13 miscellaneous purposes:
14 \$ 4,320,847
15 3,934,731

16 Sec. 809. 1990 Iowa Acts, chapter 1268, section 6,
17 subsection 3, unnumbered paragraph 1 and paragraphs b
18 and d, are amended to read as follows:
19 For the third judicial district department of
20 correctional services, the following amount, or so
21 much thereof as is necessary:
22 b. For staffing 25 additional beds authorized
23 during the 1989 session of the general assembly and
24 for not more than the following full-time equivalent
25 positions:
26 \$ 18,278
27 0
28 FTEs .50

29 d. For funding of the intensive supervision
30 program and for not more than the following full-time
31 equivalent positions:
32 \$ 62,327
33 48,163
34 FTEs 1.58

35 Sec. 810. 1990 Iowa Acts, chapter 1268, section 6,
36 subsection 5, unnumbered paragraph 1 and paragraph b,
37 are amended to read as follows:
38 For the fifth judicial district department of
39 correctional services, the following amount, or so
40 much thereof as is necessary:
41 b. For additional funding of the intensive
42 supervision program and for not more than the
43 following full-time equivalent positions:
44 \$ 410,348
45 203,409
46 FTEs 6.26

47 Sec. 811. 1990 Iowa Acts, chapter 1268, section 6,
48 subsection 6, unnumbered paragraph 1, and paragraph d,
49 are amended to read as follows:
50 For the sixth judicial district department of

1 correctional services, the following amount, or so

2 much thereof as is necessary:

3 d. For staffing of additional new beds at the
 4 Cedar Rapids residential facility as authorized during
 5 the 1989 session of the general assembly and for not
 6 more than the following full-time equivalent
 7 positions:

8	\$	<u>337,733</u>
9		<u>0</u>
10	FTEs	7.70

11 Sec. 812. 1990 Iowa Acts, chapter 1268, section 6,
 12 subsection 7, unnumbered paragraph 1, and paragraph c,
 13 are amended to read as follows:

14 For the seventh judicial district department of
 15 correctional services, the following amount, or so
 16 much thereof as is necessary:

17 c. For additional funding of the intensive
 18 supervision program and for not more than the
 19 following full-time equivalent positions:

20	\$	<u>57,131</u>
21		<u>48,721</u>
22	FTEs	1.00

23 Sec. 813. 1990 Iowa Acts, chapter 1268, section 6,
 24 subsection 8, unnumbered paragraph 1, and paragraph d,
 25 are amended to read as follows:

26 For the eighth judicial district department of
 27 correctional services, the following amount, or so
 28 much thereof as is necessary:

29 d. For staffing of additional new beds at the
 30 Ottumwa facility authorized during the 1989 session of
 31 the general assembly and for not more than the
 32 following full-time equivalent positions:

33	\$	<u>570,035</u>
34		<u>550,035</u>
35	FTEs	13.28

36 Sec. 814. 1990 Iowa Acts, chapter 1268, section 6,
 37 subsection 9, paragraphs a and b, are amended to read
 38 as follows:

39 a. For the assistance and support of each judicial
 40 district department of correctional services:

41	\$	<u>201,798</u>
42		<u>191,798</u>

43 b. For additional funding of the intensive
 44 supervision programs in conjunction with electronic
 45 monitoring established within the districts and for
 46 not more than the following full-time equivalent
 47 positions:

48	\$	<u>85,272</u>
49		<u>76,972</u>
50	FTEs	1.37

1 Sec. 815. ADDITIONAL APPROPRIATION REDUCTION.

2 After first adjusting each appropriation for the
3 changes made by this Act, the net appropriations made
4 to the department of corrections by 1990 Iowa Acts,
5 chapter 1268, for the fiscal year ending June 30,
6 1991, shall be reduced by an additional \$577,085. The
7 director of the department of corrections shall,
8 within one day of the date this Act takes effect,
9 notify the chairpersons and ranking members of the
10 justice system appropriations subcommittee, the
11 department of management, and the legislative fiscal
12 bureau of the amount of reduction established by the
13 director for each budget unit in order to achieve the
14 total reduction amount required by this section.

15 JUDICIAL DEPARTMENT

16 Sec. 816. 1990 Iowa Acts, chapter 1268, section 7,
17 subsection 1, unnumbered paragraph 1, is amended to
18 read as follows:

19 For salaries of supreme court justices, appellate
20 court judges, district court judges, district
21 associate judges, judicial magistrates and staff,
22 state court administrator, clerk of the supreme court,
23 district court administrators, clerks of the district
24 court, juvenile court officers, board of law examiners
25 and board of examiners of shorthand reporters and
26 judicial qualifications commission, receipt and
27 disbursement of child support payments, and
28 maintenance, equipment, and miscellaneous purposes:

29 \$ 70,272,600
30 69,672,600

31 Sec. 817. ADDITIONAL APPROPRIATION REDUCTION.

32 After first adjusting each appropriation for the
33 changes made by this Act, the net appropriations made
34 to the judicial department by 1990 Iowa Acts, chapter
35 1268, for the fiscal year ending June 30, 1991, shall
36 be reduced by an additional \$1,100,000. The judicial
37 department shall, within one day of the date this Act
38 takes effect, notify the chairpersons and ranking
39 members of the justice system appropriations
40 subcommittee, the department of management, and the
41 legislative fiscal bureau of the amount of reduction
42 established by the judicial department for each budget
43 unit in order to achieve the total reduction amount
44 required by this section.

45 Sec. 818. 1990 Iowa Acts, chapter 1271, section
46 601, unnumbered paragraph 2, is amended to read as
47 follows:

48 For annual payment relating to the financial

49 arrangement for the construction of expansion in
50 prison capacity as provided in 1990 Iowa Acts, Senate

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1 File ~~2212~~ chapter 1257, section 24:

2 \$ 1,028,000
3 1,026,000

4 Sec. 819. Section 911.2, unnumbered paragraph 1,
5 Code 1991, is amended to read as follows:

6 When a court imposes a fine or forfeiture for a
7 violation of a state law, or of a city or county
8 ordinance except an ordinance regulating the parking
9 of motor vehicles, the court shall assess an
10 additional penalty in the form of a surcharge equal to
11 ~~twenty~~ twenty-five percent of the fine or forfeiture
12 imposed. In the event of multiple offenses, the
13 surcharge shall be based upon the total amount of
14 fines or forfeitures imposed for all offenses. When a
15 fine or forfeiture is suspended in whole or in part,
16 the surcharge shall be reduced in proportion to the
17 amount suspended.

18 Sec. 820. Section 911.3, Code 1991, is amended to
19 read as follows:

20 911.3 DISPOSITION OF SURCHARGE.

21 When a court assesses a surcharge under section
22 911.2, the clerk of the district court shall transmit
23 ~~twenty-five~~ twenty percent of the surcharge collected
24 to the treasurer of state to be deposited pursuant to
25 section 321J.17. Ninety percent of the remainder of
26 the surcharge collected shall be transmitted to the
27 treasurer of state by the fifteenth day of the
28 following month. The treasurer of state shall deposit
29 that money in the general fund of the state. The
30 clerk of the district court shall transmit ten percent
31 of the remainder of the surcharge to the county
32 treasurer or shall remit ten percent of the remainder
33 of the surcharge to the city that was the plaintiff in
34 any action for deposit in the general fund of the
35 city.

36 Sec. 821. EFFECTIVE DATE. Sections 819 and 820 of
37 this Section, relating to court surcharges, take
38 effect April 1, 1991, and apply to penalties incurred
39 for violations committed on or after that date.

40 DIVISION IX

41 DEPARTMENT OF CULTURAL AFFAIRS

42 Sec. 901. 1990 Iowa Acts, chapter 1272, section 1,
43 as item vetoed by the governor, is amended to read as
44 follows:

45 SECTION 1. There is appropriated from the general

46 fund of the state to the department of cultural
47 affairs for the fiscal year beginning July 1, 1990,
48 and ending June 30, 1991, the following amounts, or so
49 much thereof as is necessary, to be used for the
50 purposes designated:

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1 1. ADMINISTRATION DIVISION

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions:

5	.....	\$	468,735
6	.....		<u>426,562</u>
7	.....	FTEs	10

8 2. ARTS DIVISION

9 For salaries, support, maintenance, miscellaneous
10 purposes, including funds to match federal grants, and
11 for not more than the following full-time equivalent
12 positions:

13	.....	\$	1,239,125
14	.....		<u>1,166,805</u>
15	.....	FTEs	13

16 As a condition, limitation, and qualification of
17 the appropriation in this subsection, not more than 10
18 percent of the difference between the moneys
19 appropriated in this subsection and the moneys
20 appropriated in 1989 Iowa Acts, chapter 319, section
21 1, subsection 2, shall be expended by the arts
22 division for administrative costs.

23 3. HISTORICAL DIVISION

24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-
26 time equivalent positions:

27	.....	\$	2,775,453
28	.....		<u>2,592,496</u>
29	.....	FTEs	76

30 4. LIBRARY DIVISION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-
33 time equivalent positions:

34	.....	\$	2,326,277
35	.....		<u>2,183,629</u>
36	.....	FTEs	41

37 As a condition, limitation, and qualification of
38 the funds appropriated in this subsection, the
39 department of cultural affairs shall adopt, by January
40 1, 1991, rules relating to the copying of library
41 material and the defraying of copying expenses,
42 including, but not limited to, the charging of

43 reasonable fees for the copying of library material
 44 for nonresident persons.
 45 5. PUBLIC BROADCASTING DIVISION
 46 For salaries, support, maintenance, capital
 47 expenditures, miscellaneous purposes, and for not more
 48 than the following full-time equivalent positions:
 49 \$ 6,947,451
 50 6,576,287

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1 FTEs 104
 2 6. TERRACE HILL COMMISSION
 3 For salaries, support, maintenance, miscellaneous
 4 purposes, for the operation of Terrace Hill and for
 5 not more than the following full-time equivalent
 6 positions:
 7 \$ 211,581
 8 204,240
 9 FTEs 5.25

10 7. REGIONAL LIBRARY SYSTEM
 11 a. For state aid:
 12 \$ 1,530,655

13 8. IOWA PEACE INSTITUTE
 14 For allocation to the Iowa peace institute
 15 established in chapter 38:
 16 \$ 286,600
 17 9. For planning and programming for the community
 18 cultural grants program established under section
 19 303.89:
 20 \$ 885,000
 21 805,000
 22 10. For the Iowa town square project:
 23 \$ 150,000
 24 70,000

25 Sec. 902. ADDITIONAL APPROPRIATION REDUCTION.

26 After first adjusting each appropriation for the
 27 changes made by this Act, the net appropriations made
 28 to the department of cultural affairs by 1990 Iowa
 29 Acts, chapter 1272, for the fiscal year ending June
 30 30, 1991, shall be reduced by an additional \$210,829.
 31 The director of the department of cultural affairs
 32 shall, within one day of the date this Act takes
 33 effect, notify the chairpersons and ranking members of
 34 the education appropriations subcommittee, the
 35 department of management, and the legislative fiscal
 36 bureau of the amount of reduction established by the
 37 director for each budget unit in order to achieve the
 38 total reduction amount required by this section.

39 IOWA PEACE INSTITUTE

40 Sec. 903. 1990 Iowa Acts, chapter 1271, section
41 1601, is amended to read as follows:

42 SECTION 1601. FEASIBILITY STUDY. There is
43 appropriated from the general fund of the state to the
44 Iowa peace institute established in chapter 38 for the
45 fiscal year beginning July 1, 1990, and ending June
46 30, 1991, the following amount, or so much thereof as
47 is necessary, to be used for the purposes designated:

48 For a study of the feasibility of establishing an
49 international museum:
50 \$ 85,000

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1 0

2 COLLEGE STUDENT AID COMMISSION

3 Sec. 904. 1990 Iowa Acts, chapter 1272, section 3,
4 subsections 1 and 2; are amended to read as follows:

5 1. GENERAL ADMINISTRATION

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-
8 time equivalent positions:

9 \$ ~~326,271~~
10 324,271
11 FTEs 8.05

12 As a condition, limitation, and qualification of
13 the appropriation in this subsection, the college
14 student aid commission shall conduct a study of the
15 cosmetology and chiropractic programs available to
16 Iowans at both private and public postsecondary
17 institutions. The study shall include the number of
18 students attending the programs, the type of financial
19 aid that is available to the students, a description
20 of the accreditation standards which are required to
21 be met by each program, a listing of those areas in
22 which programs have failed to meet accreditation
23 standards, the number of students placed within 1 year
24 of graduation in professions for which they have been
25 trained, and the number of students who have continued
26 in the professions for which they have been trained 5
27 years after graduation from a professional program.

28 2. STUDENT AID PROGRAMS

29 For payments to students for student aid programs:
30 \$ ~~2,570,100~~
31 2,008,100

32 As a condition, limitation, and qualification of
33 the funds appropriated in this subsection, \$1,850,000
34 shall be expended for an Iowa grant program, with
35 funds to be allocated to institutions in the following
36 manner:

37 a. Total allocations to students attending
 38 regents' institutions shall be determined by
 39 multiplying 72.973 percent of \$1,850,000 by 37.6
 40 percent.
 41 b. Total allocations to students attending
 42 community colleges shall be determined by multiplying
 43 72.973 percent of \$1,850,000 by 25.9 percent and by
 44 2.43.
 45 c. Total allocations to students attending private
 46 colleges and universities shall be determined by
 47 multiplying 72.973 percent of \$1,850,000 by 36.5
 48 percent.
 49 Sec. 905. 1990 Iowa Acts, chapter 1272, section 3,
 50 subsection 4, unnumbered paragraph 1, is amended to

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1 read as follows:

2 For payments to institutions for attendance of
 3 displaced workers:

4 \$ 500,000
 5 \$ 292,732

6 Sec. 906. 1990 Iowa Acts, chapter 1272, section 4,
 7 subsections 1 and 2, are amended to read as follows:

8 UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
 9 SCIENCES

10 1. For grants to sophomores, juniors, and seniors
 11 and for forgivable loans to freshmen, who are Iowa
 12 students attending the university of osteopathic
 13 medicine and health sciences, under the grant program
 14 pursuant to section 261.18 and the forgivable loan
 15 program pursuant to section 261.19A:

16 \$ 497,000
 17 422,000

18 2. For the university of osteopathic medicine and
 19 health sciences for the admission and education of
 20 Iowa students in each of the 4 years of classes at the
 21 university of osteopathic medicine and health sciences
 22 pursuant to section 261.19:

23 \$ 497,000
 24 452,000

25 Sec. 907. ADDITIONAL APPROPRIATION REDUCTION.

26 After first adjusting each appropriation for the
 27 changes made by this Act, the net appropriations made
 28 to the college student aid commission by 1990 Iowa
 29 Acts, chapter 1272, for the fiscal year ending June
 30 30, 1991, shall be reduced by an additional \$537,334.
 31 The commission shall, within one day of the date this
 32 Act takes effect, notify the chairpersons and ranking
 33 members of the education appropriations subcommittee,

34 the department of management, and the legislative
35 fiscal bureau of the amount of reduction established
36 by the commission for each budget unit in order to
37 achieve the total reduction amount required by this
38 section.

39 Sec. 908. 1990 Iowa Acts, chapter 1272, section
40 55, is amended to read as follows:

41 SEC. 55. Of the ~~\$32,912,800~~ 32,608,795
42 appropriated for tuition grants, for the fiscal year
43 beginning July 1, 1990, and ending June 30, 1991,
44 \$400,000 shall be expended by the college aid
45 commission for the Iowa minority academic grants for
46 economic success program for grants to independent
47 colleges and universities under sections 261.101
48 through 261.105.

49 Sec. 909. From the funds available in the
50 scholarship and tuition grant reserve fund created by

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1 section 261.20, \$224,000 shall be transferred to and
2 deposited in the general fund of the state on June 30,
3 1991.

4 Sec. 910. Section 261.25, subsections 1, 2, and 3,
5 Code 1991, are amended to read as follows:

6 1. There is appropriated from the general fund of
7 the state to the commission for each fiscal year the
8 sum of thirty-two million ~~nine six hundred twelve~~
9 eight thousand eight hundred seven hundred ninety-five
10 dollars for tuition grants.

11 2. There is appropriated from the general fund of
12 the state to the commission for each fiscal year the
13 sum of ~~one million twenty-three~~ eight hundred thirteen
14 thousand eight hundred forty dollars for scholarships.

15 3. There is appropriated from the general fund of
16 the state to the commission for each fiscal year the
17 sum of one million three hundred ~~thirty fifteen~~
18 thousand six hundred forty-seven dollars for
19 vocational-technical tuition grants.

20 Sec. 911. Section 261.85, unnumbered paragraph 1,
21 Code 1991, is amended to read as follows:

22 There is appropriated from the general fund of the
23 state to the commission for each fiscal year the sum
24 of three million ~~two hundred ten thousand eighty-five~~
25 thousand six hundred eighty-four dollars for the work-
26 study program.

27 DEPARTMENT OF EDUCATION

28 Sec. 912. 1990 Iowa Acts, chapter 1264, section 1,
29 unnumbered paragraph 2, is amended to read as follows:
30 For the youth 2000 coordinating council for

31 awarding community planning grants for collaborative
32 efforts to establish local drug prevention and youth
33 development programs as provided in section 256.42,
34 subsection 5:

35 \$ 80,000
36 5,000

37 Sec. 913. 1990 Iowa Acts, chapter 1272, section 8,
38 subsections 1, 3, 4, 6, 7, 10, and 11, as item vetoed
39 by the governor, are amended to read as follows:

40 1. GENERAL ADMINISTRATION

41 For salaries, support, maintenance, miscellaneous
42 purposes, and for not more than the following full-
43 time equivalent positions:

44 \$ 6,495,093
45 5,805,290
46 FTEs 135.75

47 As a condition, limitation, and qualification of
48 the appropriation in this subsection, the department
49 of education shall expend moneys to contract with
50 institutions of higher education to provide a summer

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1 residence program for gifted and talented elementary
2 and secondary school students and to support existing
3 law-related education centers for training seminars
4 and workshops in law-related education, summer
5 institutes relating to law-related education and
6 methodology and substance, and mock trial competitions
7 for junior and senior high school students. The law-
8 related education program shall include the
9 legislative lawmaking process. Educational materials
10 for the legislative lawmaking process segment of the
11 program shall be developed by the law-related
12 education centers in consultation with the legislative
13 council.

14 As a condition, limitation, and qualification of
15 the appropriation in this subsection, the department
16 of education shall expend moneys to provide funds for
17 the employment resources center administered by the
18 fifth judicial district's department of correctional
19 services to assist clients.

20 As a condition, limitation, and qualification of
21 the appropriation in this subsection, the bureau of
22 special education of the department of education shall
23 study the impact of student weighting on the
24 appropriateness of student placement in the least
25 restrictive environment. Depending on the results of
26 the study, alternatives to the assignment of student
27 weightings that will encourage the placement of

28 students in the least restrictive appropriate
 29 placement shall be developed accordingly. The bureau
 30 of special education shall report the findings of the
 31 study and any identified alternatives to the state
 32 special education advisory panel and the school budget
 33 review committee, and the department shall include the
 34 findings in a report to the legislative fiscal bureau
 35 and the general assembly by December 1, 1990.

36 3. BOARD OF EDUCATIONAL EXAMINERS

37 For salaries, support, maintenance, and
 38 miscellaneous purposes and for not more than the
 39 following full-time equivalent positions:

40	.....	\$	150,007
41	.....		<u>138,607</u>
42	.....	FTEs	2

43 4. VOCATIONAL EDUCATION ADMINISTRATION

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47	\$	931,636
48		<u>809,793</u>
49	FTEs	39.6

50 6. PENAL INSTITUTION EDUCATION PROGRAM

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1	For educational programs at state penal institutions:		
2	\$	<u>2,293,893</u>
3			<u>2,193,893</u>

4 Funds appropriated by this subsection shall be used
 5 by the department of education, in coordination with
 6 the department of corrections, to provide expanded
 7 educational programs to inmates of the Iowa penal
 8 institutions and develop education program plans for
 9 the offenders and ex-offenders in the community-based
 10 corrections system. Educational programs shall
 11 emphasize assessment, cognition, literacy, and social
 12 skills, and shall provide continuity of instruction as
 13 the inmate progresses through the penal system.
 14 Educational technology learning systems which would
 15 support the continuity of instruction shall be used in
 16 combination with an information management system to
 17 track student progress. The information tracking
 18 system shall be available throughout the state. An
 19 information management system shall be implemented to
 20 transmit education information, including the inmate's
 21 plan, programs provided, and program outcomes to
 22 institutions under whose control the inmate is placed.
 23 Evaluation of the results shall be made annually to
 24 determine needed changes and to assess results. The

25 department of education, in coordination with the
 26 department of corrections, shall investigate,
 27 evaluate, and analyze educational technology systems
 28 which reflect inmate needs before selection of any
 29 system or systems. Funds appropriated in this
 30 subsection may be used for individualized, personal
 31 development, life management programs established by
 32 the general assembly in 1990 Iowa Acts, ~~Senate File~~
 33 ~~2212~~ chapter 1257, section 23, under the department of
 34 corrections, and to provide the results of the
 35 establishment of the individualized, personal
 36 development, life management programs to the
 37 cochairpersons and ranking members of the joint
 38 education appropriations subcommittee and the
 39 legislative fiscal bureau.

40 7. YOUTH LEADERSHIP GRANT PROGRAM

41 For grants to youth leadership programs:
 42 \$ 25,000
 43 18,700

44 Funds appropriated by this subsection shall be used
 45 to emphasize and support youth leadership skills for
 46 students participating in Iowa activities and students
 47 representing Iowa in regional and national activities.

48 10. VOCATIONAL REHABILITATION DIVISION

49 a. For salaries, support, maintenance,
 50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:
 2 \$ 3,998,358
 3 3,584,746
 4 FTEs 319.50

5 b. For matching funds for programs to enable
 6 severely physically or mentally disabled persons to
 7 function more independently, including salaries and
 8 support, for not more than the following full-time
 9 equivalent positions:

10 \$ 19,367
 11 FTEs 1.50

12 11. CAREER INFORMATION SYSTEM OF IOWA

13 For the purpose of providing educational
 14 information to students in public and nonpublic
 15 schools:

16 \$ 84,000
 17 27,482
 18 FTEs 5

19 As a condition, limitation, and qualification of
 20 the funds appropriated in this subsection, the
 21 educational information to students shall include, but

22 is not limited to, information relating to the
23 likelihood of employment in Iowa in the students'
24 career choice areas.

25 Sec. 914. 1990 Iowa Acts, chapter 1272, section 8,
26 subsection 12, unnumbered paragraph 1 and paragraphs a
27 through o, are amended to read as follows:

28 For general state financial aid to merged areas as
29 defined in section 280A.2, for vocational education
30 programs in accordance with chapters 258 and 280A, to
31 purchase instructional equipment for vocational and
32 technical courses of instruction in such schools, and
33 for salary increases, the amount of \$86,316,796
34 84,679,234 to be allocated as follows:

35	a. Merged Area I	\$ <u>3,936,168</u>
36		<u>3,861,450</u>
37	b. Merged Area II	\$ <u>4,909,784</u>
38		<u>4,816,369</u>
39	c. Merged Area III	\$ <u>4,646,625</u>
40		<u>4,556,783</u>
41	d. Merged Area IV	\$ <u>2,301,829</u>
42		<u>2,258,078</u>
43	e. Merged Area V	\$ <u>4,714,422</u>
44		<u>4,620,616</u>
45	f. Merged Area VI	\$ <u>4,731,678</u>
46		<u>4,644,143</u>
47	g. Merged Area VII	\$ <u>6,656,574</u>
48		<u>6,531,633</u>
49	h. Merged Area IX	\$ <u>7,339,996</u>
50		<u>7,198,011</u>

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1	i. Merged Area X	\$ <u>11,444,016</u>
2		<u>11,229,974</u>
3	j. Merged Area XI	\$ <u>12,349,593</u>
4		<u>12,121,021</u>
5	k. Merged Area XII	\$ <u>5,144,554</u>
6		<u>5,044,871</u>
7	l. Merged Area XIII	\$ <u>5,081,695</u>
8		<u>4,981,908</u>
9	m. Merged Area XIV	\$ <u>2,252,941</u>
10		<u>2,209,640</u>
11	n. Merged Area XV	\$ <u>6,866,253</u>
12		<u>6,739,065</u>
13	o. Merged Area XVI	\$ <u>3,940,668</u>
14		<u>3,865,672</u>

15 Sec. 915. 1990 Iowa Acts, chapter 1272, section
16 12, is amended to read as follows:

17 SEC. 12. Notwithstanding the appropriation
18 provided in section 294A.25, subsection 1, there is

19 appropriated from the general fund of the state to the
20 department of education for the fiscal year beginning
21 July 1, 1990, and ending June 30, 1991, the following
22 amount, or so much thereof as may be necessary, to be
23 used for the purpose designated:

24 For the educational excellence program:

25 \$ 92,007,985
26 91,662,500

27 Sec. 916. ADDITIONAL APPROPRIATION REDUCTION.

28 After first adjusting each appropriation for the
29 changes made by this Act, the net appropriations made
30 to the department of education by 1990 Iowa Acts,
31 chapters 1264 and 1272, for the fiscal year ending
32 June 30, 1991, shall be reduced by an additional
33 \$1,507,715. The director of the department of
34 education shall, within one day of the date this Act
35 takes effect, notify the chairpersons and ranking
36 members of the education appropriations subcommittee,
37 the department of management, and the legislative
38 fiscal bureau of the amount of reduction established
39 by the director for each budget unit in order to
40 achieve the total reduction amount required by this
41 section.

42 STATE BOARD OF REGENTS

43 Sec. 917. 1990 Iowa Acts, chapter 1272, section
44 14, subsection 1, paragraph a, unnumbered paragraph 1,
45 is amended to read as follows:

46 For salaries, support, maintenance, miscellaneous
47 purposes, during the fiscal year beginning July 1,
48 1990, and ending June 30, 1991, and for not more than
49 the following full-time equivalent positions:

50 \$ 1,186,134

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1 1,055,821
2 FTEs 19.63

3 Sec. 918. 1990 Iowa Acts, chapter 1272, section
4 14, subsection 1, paragraph b, is amended to read as
5 follows:

6 b. For allocation by the state board of regents to
7 the state university of Iowa, the Iowa state
8 university of science and technology, and the
9 university of northern Iowa to reimburse the
10 institutions for deficiencies in their operating funds
11 resulting from the pledging of tuitions, student fees
12 and charges, and institutional income to finance the
13 cost of providing academic and administrative
14 buildings and facilities and utility services at the
15 institutions:

16	.....	\$ 17,338,340
17		<u>17,238,340</u>
18	Sec. 919. 1990 Iowa Acts, chapter 1272, section	
19	14, subsection 5, as item vetoed by the governor, and	
20	subsection 6, are amended to read as follows:	
21	5. STATE SCHOOL FOR THE DEAF	
22	For salaries, support, maintenance, miscellaneous	
23	purposes, and for not more than the following full-	
24	time equivalent positions:	
25	.....	\$ 5,770,768
26		<u>5,751,541</u>
27	.....	FTEs 133.24
28	6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL	
29	For salaries, support, maintenance, miscellaneous	
30	purposes, and for not more than the following full-	
31	time equivalent positions:	
32	.....	\$ 3,197,141
33		<u>3,186,439</u>
34	.....	FTEs 92.45
35	Sec. 920. 1989 Iowa Acts, chapter 319, section 11,	
36	subsection 2, paragraph a, unnumbered paragraph 1, is	
37	amended to read as follows:	
38	For enhancing the preparation, teaching	
39	experiences, and induction of educators, and for	
40	assisting educators in the use of technology for	
41	instructional and administrative purposes:	
42	.....	\$ 500,000
43		<u>246,038</u>
44	Sec. 921. 1990 Iowa Acts, chapter 1271, section 1701,	
45	subsections 1 and 2, are amended to read as follows:	
46	1. For the fiscal year beginning July 1, 1990, and ending	
47	June 30, 1991:	
48	\$ 10,925,405
49		<u>856,124</u>
50	2. For the fiscal year beginning July 1, 1991, and	

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1	ending June 30, 1992:	
2	\$ 13,530,400
3		0
4	Sec. 922. APPROPRIATIONS REDUCED -- REGENTS'	
5	INSTITUTIONS.	
6	1. The funds appropriated to the state university	
7	of Iowa for the fiscal year beginning July 1, 1990,	
8	and ending June 30, 1991, by 1990 Iowa Acts, chapter	
9	1272, section 14, subsection 2, shall be reduced by	
10	the department of management in the amount of	
11	\$6,486,821. Within one day of the date this Act takes	
12	effect, the state university shall notify the	
13	department of management of the amount of reduction	

14 established by the university for each budget unit in
15 order to achieve the total reduction amount required
16 by this subsection.

17 2. The funds appropriated to the Iowa state
18 university of science and technology for the fiscal
19 year beginning July 1, 1990, and ending June 30, 1991,
20 by 1990 Iowa Acts, chapter 1272, section 14,
21 subsection 3, shall be reduced by the department of
22 management in the amount of \$5,221,924. Within one
23 day of the effective date of this Act, the state
24 university shall notify the department of management
25 of the amount of reduction established by the
26 university for each budget unit in order to achieve
27 the total reduction amount required by this
28 subsection.

29 3. The funds appropriated to the university of
30 northern Iowa for the fiscal year beginning July 1,
31 1990, and ending June 30, 1991, by 1990 Iowa Acts,
32 chapter 1272, section 14, subsection 4, shall be
33 reduced by the department of management in the amount
34 of \$1,657,481. Within one day of the effective date
35 of this Act, the state university shall notify the
36 department of management of the amount of reduction
37 established by the university for each budget unit in
38 order to achieve the total reduction amount required
39 by this subsection.

40 DIVISION X 41 LOTTERY

42 Sec. 1001. 1990 Iowa Acts, chapter 1255, section
43 37, subsection 1, is amended to read as follows:

44 1. Notwithstanding the nonreversion provision in
45 section 99E.32, subsection 7, or any other provision,
46 all unencumbered or unobligated moneys remaining on
47 June 30, 1990, and all encumbered or obligated moneys
48 as of June 30, 1990, from appropriations made from the
49 surplus account, jobs now account, education and
50 agricultural research and development account, and the

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1 jobs now capitals account to the department of
2 economic development for purposes for which moneys are
3 appropriated for the fiscal year beginning July 1,
4 1990, in Senate File 2327, if enacted by the Seventy-
5 third General Assembly, 1990 Session by 1990 Iowa
6 Acts, chapter 1262, except those amounts which are
7 reduced by a 1991 Act passed by the Seventy-fourth
8 General Assembly, shall be transferred to the
9 corresponding account of the department within the
10 general fund of the state and shall be available for

11 expenditure for those same purposes as provided in
12 Senate File 2327, if enacted 1990 Iowa Acts, chapter
13 1262, and are in addition to moneys appropriated for
14 those same purposes for the fiscal year beginning July
15 1, 1990.

16 Sec. 1002. 1990 Iowa Acts, chapter 1255, section
17 37, subsection 3, is amended to read as follows:

18 3. The agency, board, commission, or overseer of
19 the funds to which moneys have been appropriated from
20 any of the accounts in the Iowa plan fund for economic
21 development for any of the fiscal years beginning July
22 1, 1985, July 1, 1986, July 1, 1987, July 1, 1988, and
23 July 1, 1989, shall provide by December 15, 1990, to
24 the department of management a status report ~~and any~~
25 ~~encumbered or obligated moneys remaining unspent on~~
26 ~~June 30, 1990, from moneys appropriated from the Iowa~~
27 ~~plan fund for any fiscal year, except the fiscal year~~
28 ~~beginning July 1, 1989, shall be available for~~
29 ~~expenditure by the department of economic development~~
30 ~~for purposes of chapter 15.~~ The status report shall
31 specify the status of the moneys appropriated as of
32 June 30, 1990, or such later date as designated by the
33 department of management, and the amount of loans
34 outstanding, if any, that were made from those moneys
35 appropriated, and other information relating to the
36 status of the moneys appropriated as required by the
37 department of management.

38 Sec. 1003. Section 99E.32, subsection 1, paragraph
39 d, Code 1991, is amended to read as follows:

40 d. Notwithstanding paragraph "c", after the
41 allotments have been made for the fiscal year years
42 beginning July 1, 1988, and July 1, 1989, under
43 paragraphs "a" and "b", the total excess is allotted
44 to the surplus account. Of the amount allotted for
45 the fiscal year beginning July 1, 1989, the sum of
46 five hundred ninety-six thousand dollars shall be
47 transferred prior to July 1, 1991, to the general fund
48 of the state.

49 Sec. 1004. Section 99E.34, subsection 1,
50 paragraphs a and b, Code 1991, are amended to read as

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1 follows:

2 a. For each fiscal year, sixty-two and five-tenths
3 percent to the Iowa resources enhancement and
4 protection fund created in section 455A.18 and which
5 amount is appropriated for the purposes of that fund.
6 However, the total amount allotted under this
7 paragraph in any single fiscal year the fiscal year

8 beginning July 1, 1990, shall not exceed twenty
9 million dollars and in each of the following fiscal
10 years shall not exceed twenty-five million dollars.

11 b. For each fiscal year, six percent to the soil
12 conservation account. However, the total amount
13 allotted under this paragraph in the fiscal year
14 beginning July 1, 1990, shall not exceed two million
15 four hundred thousand dollars.

16 Sec. 1005. Notwithstanding any other provision of
17 law, the treasurer of state shall initiate the
18 transfer to the general fund of the state from the
19 CLEAN fund created in section 99E.10 the amount of
20 revenues considered transferred to the CLEAN fund as
21 provided in section 99E.10 during the fiscal year
22 beginning July 1, 1990, and ending June 30, 1991,
23 which is in excess of the amount needed to make the
24 allotments within the CLEAN fund as provided in
25 section 99E.34, subsection 1. The transfers under
26 this section shall be made during the period beginning
27 April 16, 1991, and ending June 30, 1991.

28 Sec. 1006. Notwithstanding the nonreversion
29 provision in section 99E.32, subsection 7, and the
30 reversion provision in 1990 Iowa Acts, chapter 1255,
31 section 37, subsection 2, all interest and earnings on
32 the deposits and investments credited to the Iowa plan
33 fund that remain unappropriated on June 30, 1991, and
34 all funds in the surplus account of the Iowa plan fund
35 that remain unappropriated on June 30, 1991, shall be
36 transferred to the general fund of the state. The
37 transfers under this section shall be made during the
38 period beginning April 16, 1991, and ending June 30,
39 1991.

40 Sec. 1007. Notwithstanding the provisions in
41 section 99E.10, subsection 1, unnumbered paragraph 3,
42 all interest or earnings paid on the deposits or
43 investments of moneys in the lottery fund or the CLEAN
44 fund during the fiscal year beginning July 1, 1990,
45 shall be transferred to the general fund of the state.

46 Sec. 1008. Notwithstanding the amount of the
47 appropriation under section 99E.31 or 99E.32, the
48 nonreversion provision in section 99E.32, subsection
49 7, or any other provision, from the appropriations
50 made from the designated accounts of the Iowa plan

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1 fund for the designated fiscal years for the specified
2 purposes or programs, the following amounts shall be
3 transferred prior to July 1, 1991, from such
4 designated accounts to the general fund of the state:

5	1. From the jobs now account from the	
6	appropriations made in section 99E.32, subsection 3,	
7	for:	
8	a. Regional centers under paragraph "d",	
9	subparagraph (1), for the 1990 fiscal year:	
10	.....	\$ 730,294
11	b. Iowa main street program under paragraph "d",	
12	subparagraph (3), for the 1990 fiscal year:	
13	.....	\$ 118,221
14	c. Technical assistance for businesses under	
15	paragraph "d", subparagraph (4), for the 1990 fiscal	
16	year:	
17	.....	\$ 39,632
18	d. Business incubators under paragraph "d",	
19	subparagraph (5), for the 1990 fiscal year:	
20	.....	\$ 183,932
21	e. Rural incubators under paragraph "d",	
22	subparagraph (6), for the 1990 fiscal year:	
23	.....	\$ 233,425
24	f. Rural development programs under paragraph "d",	
25	subparagraph (7), for the 1990 fiscal year:	
26	.....	\$ 45,625
27	h. Welcome centers under paragraph "l" for the	
28	1990 fiscal year:	
29	.....	\$ 27,738
30	i. Preservation, exhibition, or development of	
31	historic resources under paragraph "x" for the 1990	
32	fiscal year:	
33	.....	\$ 80,726
34	j. Rural main street program under paragraph "z"	
35	for the 1990 fiscal year:	
36	.....	\$ 83,957
37	2. From the education and agriculture research and	
38	development account from the appropriations made in	
39	section 99E.32, subsection 4, for:	
40	a. Summer institute program under paragraph "c"	
41	for the 1987 fiscal year and 1988 fiscal year:	
42	.....	\$ 27,621
43	b. Economic development training program under	
44	paragraph "b", subparagraph (4), for the 1990 fiscal	
45	year:	
46	.....	\$ 25,000
47	c. INTERNET for allocation to the Wallace	
48	technology transfer foundation of Iowa under paragraph	
49	"b", subparagraph (4), for the 1990 fiscal year:	
50	.....	\$ 300,000

2	institute under paragraph "e" for the 1990 fiscal	
3	year:	
4	.....	\$ 25,406
5	e. Technology transfer for the livestock industry	
6	under paragraph "g" for the 1990 fiscal year:	
7	.....	\$ 136,067
8	3. From the jobs now capital account from the	
9	appropriations made in section 99E.31, subsection 5,	
10	for:	
11	The architect, engineering, equipment, and	
12	construction of the armory in Carroll for the 1986	
13	fiscal year:	
14	.....	\$ 1,666
15	4. From the jobs now capitals account from the	
16	appropriations made in section 99E.32, subsection 5,	
17	for:	
18	a. Allocation to the center for industrial	
19	research and service for the hazardous waste research	
20	program under paragraph "d" for the 1987 fiscal year:	
21	.....	\$ 50,000
22	b. Construction, equipment, renovation, and other	
23	costs associated with buildings in the capitol complex	
24	and allocation for Terrace Hill under paragraph "j"	
25	for the 1989 fiscal year:	
26	.....	\$ 225,072
27	5. From the surplus account from the	
28	appropriations made in 1989 Iowa Acts, chapter 314,	
29	section 8, for:	
30	a. Promoting, equipping, and staffing a "Drug Tip	
31	Hotline" under paragraph "f" for the 1989 fiscal year:	
32	.....	\$ 2,751
33	b. Regulation activities required pursuant to the	
34	excursion boat gambling Act under paragraph "h" for	
35	the 1989 fiscal year:	
36	.....	\$ 25,457
37	Sec. 1009. Sections 1001 through 1003 of this Act	
38	are retroactive to July 1, 1990.	

DIVISION XI
TRANSFERS

41 Sec.-1101. Notwithstanding section 18.120,
 42 \$3,800,000 of appropriated moneys which have been
 43 credited or accrued to the depreciation fund of the
 44 state vehicle dispatcher by a state department or
 45 agency and which are unencumbered balances to the
 46 state department or agency through June 30, 1991,
 47 shall revert to the general fund of the state.
 48 Sec. 1102. Notwithstanding section 509A.5, the
 49 executive council of the state shall initiate the
 50 transfer to the general fund of the state from the

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1 designated funds under the control of the executive
 2 council of the state under chapter 509A of the
 3 following amounts:

4	1. From the life basic operating fund:	
5	.....	\$ 1,000,000
6	2. From the life basic reserve fund:	
7	.....	\$ 1,000,000
8	3. From the long-term disability operating fund:	
9	.....	\$ 10,000,000
10	4. From the long-term disability reserve fund:	
11	.....	\$ 3,000,000

12 The transfers under this section shall be made
 13 during the period beginning April 16, 1991, and ending
 14 June 30, 1991.

15 Sec. 1103. Notwithstanding any other provision of
 16 law, the treasurer of state shall initiate the
 17 transfer to the general fund of the state of all
 18 unobligated or unencumbered funds remaining in the
 19 gamblers assistance fund on June 30, 1991. The
 20 transfers under this section shall be made during the
 21 period beginning April 16, 1991, and ending June 30,
 22 1991.

23 Sec. 1104. Notwithstanding the provision of
 24 section 509A.5, unnumbered paragraph 2, any interest
 25 earnings from investments or time deposits of the
 26 funds under the control of the state executive council
 27 under chapter 509A during the fiscal year beginning
 28 July 1, 1990, shall be transferred to the general fund
 29 of the state.

DIVISION XII CODE CHANGES

32 Sec. 1201. Section 8.23, Code 1991, is amended by
 33 adding after unnumbered paragraph 1, the following new
 34 unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Beginning with the
 36 budget estimates for the fiscal year beginning July 1,
 37 1991, and for each subsequent fiscal year, the
 38 departments and other establishments of governments in
 39 preparing their budget estimates shall start with a
 40 base budget and line item appropriations that have
 41 been reduced to take into account the number of full-
 42 time equivalent positions and the amount of funds for
 43 their salaries and support which represent the prior
 44 fiscal year's vacancies in the department or other
 45 establishment of government.

DIVISION XIII EFFECTIVE DATE

48 Sec. 1301. This Act, being deemed of immediate

49 importance, takes effect upon enactment.”

DALE L. TIEDEN
JIM LIND
MARK HAGERLA
JAMES KERSTEN
MARY KRAMER
DERRYL McLAREN
PAUL PATE
WILMER RENSINK
MAGGIE TINSMAN
RICHARD VANDE HOEF
RAY TAYLOR
JOHN JENSEN
LINN FUHRMAN
JOHN SOORHOLTZ
H. KAY HEDGE
SHELDON RITTMER
RICHARD F. DRAKE
HARRY SLIFE
ALLEN BORLAUG

S-3021

1 Amend House File 173, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, line 11, by striking the figure
4 “2,868,378”, and inserting the following:
5 “2,857,178”.
6 2. Page 3, line 19, by striking the figure
7 “251,378”, and inserting the following: “250,078”.
8 3. Page 3, line 25, by striking the figure
9 “4,498,000”, and inserting the following:
10 “4,472,800”.
11 4. Page 3, line 29, by striking the figure
12 “7,630,052”, and inserting the following:
13 “7,587,552”.
14 5. Page 5, line 12, by striking the figure
15 “28,023,826” and inserting the following:
16 “27,873,326”.
17 6. Page 5, line 27, by striking the figure
18 “14,186,485”, and inserting the following:
19 “14,105,485”.
20 7. Page 6, line 2, by striking the figure
21 “7,275,144” and inserting the following: “7,229,944”.
22 8. Page 6, line 6, by striking the figure
23 “14,890,257”, and inserting the following:
24 “14,801,557”.
25 9. Page 6, by striking line 9, and inserting the
26 following:

27 " \$8,490,000
 28 8,452,000".
 29 10. Page 6, line 15, by striking the figure
 30 "37,894,000", and inserting the following:
 31 "37,679,100".
 32 11. Page 6, line 19, by striking the figure
 33 "30,683,000", and inserting the following:
 34 "30,512,000".
 35 12. Page 7, line 20, by striking the figure
 36 "40,324,879", and inserting the following:
 37 "40,076,279".
 38 13. Page 7, line 28, by striking the figure
 39 "8,271,588", and inserting the following:
 40 "8,271,988".
 41 14. Page 28, line 3, by striking the figure
 42 "4,405,167" and inserting the following: "4,455,167".
 43 15. Page 39, by inserting after line 14 the
 44 following:
 45 "Sec. ____ . The appropriations made to the state
 46 university of Iowa under 1990 Iowa Acts, chapter 1262,
 47 section 1, subsection 35, section 6, subsection 5, and
 48 section 11, shall be reduced by \$50,000. The
 49 university shall select which of the purposes which
 50 received appropriations under 1990 Iowa Acts, chapter

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1 1262, section 1, subsection 35, section 6, subsection
 2 5, and section 11, shall be reduced so that the
 3 reduction in appropriations of \$50,000 is reached. If
 4 the university chooses to reduce the appropriation to
 5 the research parks under section 6, subsection 5, the
 6 amount of that reduction shall be transferred from the
 7 Iowa community development loan fund to the general
 8 fund of the state by June 30, 1991. Within one day
 9 following the enactment of this Act, the university
 10 shall notify the department of management and
 11 legislative fiscal bureau of which appropriations
 12 shall be reduced and by what amount."
 13 16. Page 57, line 5, by striking the figure
 14 "3,934,731" and inserting the following: "4,118,014".
 15 17. Page 57, line 16, by striking the figure "0"
 16 and inserting the following: "13,454".
 17 18. Page 58, line 12, by striking the figure "0"
 18 and inserting the following: "166,397".
 19 19. Page 59, line 31, by striking the figure
 20 "69,672,600" and inserting the following:
 21 "69,872,600".
 22 20. Page 73, line 18, by striking the figure
 23 "\$3,523,628" and inserting the following:

24 "\$3,473,628".

25 21. Page 74, by striking lines 9 through 11.

26 22. By striking page 74, line 34 through page 75,

27 line 13 and inserting the following: "than a five-

28 year period. It is the intent of this section that".

29 23. Page 76, by inserting after line 26 the

30 following:

31 "Sec. ____ . Section 99E.10, subsection 1, paragraph

32 a, Code 1991, is amended by striking the paragraph."

33 24. Page 82, by striking lines 7 through 10.

34 25. Page 83, line 25, by striking the following:

35 "DIVISION XII" and inserting the following:

36 "DIVISIONS XII AND XIII".

37 26. Page 84, by inserting after line 4 the

38 following:

39 "Sec. ____ . Section 28.112, Code 1991, is amended

40 to read as follows:

41 28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND

42 PROCESSES FINANCIAL ASSISTANCE FUND.

43 1. The department may establish a value-added

44 agricultural products and processes financial

45 assistance fund. The fund shall be a revolving fund

46 composed of any money appropriated by the general

47 assembly for that purpose, and any other moneys

48 available to and obtained or accepted by the

49 department from the federal government or private

50 sources for placement in the fund; ~~and any earned~~

Page 3

1 interest. Except as otherwise provided in subsection

2 2, the assets of the fund shall be used by the

3 department only for carrying out the purposes of

4 section 28.111.

5 2. The department may use moneys in the fund to do

6 any of the following:

7 a. Contract, sue and be sued, and adopt

8 administrative rules necessary to carry out the

9 provisions of this section and section 28.111, but the

10 department shall not in any manner directly or

11 indirectly pledge the credit of the state.

12 b. Authorize payment from the fund; ~~from any~~

13 ~~income received by investments of moneys in the fund~~

14 for costs, commissions, attorney fees, and other

15 reasonable expenses related to and necessary for

16 insuring or guaranteeing loans under section 28.111,

17 and for the recovery of loan moneys insured or

18 guaranteed or the management of property acquired in

19 connection with such loans.

20 c. Section 8.33 shall not apply to moneys in the

21 fund.

22 Sec. ____ . Section 29C.8A, subsection 1, Code 1991,
23 is amended to read as follows:

24 1. An emergency response fund is created in the
25 state treasury. The first one hundred thousand
26 dollars received annually by the treasurer of state
27 for the civil penalties and fines imposed by the court
28 pursuant to sections 455B.146, 455B.191, 455B.386,
29 455B.417, 455B.454, 455B.466, and 455B.477 shall be
30 deposited in the waste volume reduction and recycling
31 fund created in section 455D.15. The next hundred
32 thousand dollars shall be deposited in the emergency
33 response fund and any additional moneys shall be
34 deposited in the ~~household hazardous waste account~~
35 general fund of the state. All moneys received
36 annually by the treasurer of the state for the fines
37 imposed by sections 716B.2, 716B.3, and 716B.4 shall
38 also be deposited in the emergency response fund.

39 Sec. ____ . Section 93.14, Code 1991, is amended to
40 read as follows:

41 93.14 ENERGY RESEARCH AND DEVELOPMENT FUND
42 APPROPRIATION.

43 ~~An energy research and development fund is created~~
44 ~~in the state treasury. Moneys deposited in the fund~~
45 ~~shall Beginning with the fiscal year beginning July 1,~~
46 ~~1991, there is appropriated annually the sum of one~~
47 ~~hundred fifty thousand dollars to be used for the~~
48 ~~research and development of selected projects to~~
49 ~~improve Iowa's energy situation by developing improved~~
50 ~~methods of energy conservation, by enabling Iowans to~~

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1 better manage available energy resources, or through
2 the increased development and use of Iowa's renewable
3 or nonrenewable energy resources: ~~The moneys credited~~
4 ~~to the fund under section 566.18 shall be used for~~
5 ~~including, but not limited to, energy conservation or~~
6 ~~alternative energy resource projects or for both~~
7 ~~purposes. The projects shall be selected by the~~
8 ~~director. Selection criteria for funded projects~~
9 ~~shall include consideration of indirect restitution to~~
10 ~~those persons in this state in the utility customer~~
11 ~~classes and the utility service territories affected~~
12 ~~by unclaimed utility refunds or deposits. The~~
13 ~~projects funded from the energy research and~~
14 ~~development fund appropriation made in this section~~
15 ~~shall be administered by the department.~~
16 The energy fund disbursement council created in
17 section 93.11, subsection 3, will oversee and approve

18 the expenditure of funds in the energy research and
19 development fund appropriated in this section.

20 Sec. ____ . Section 93.16, Code 1991, is amended to
21 read as follows:

22 93.16 ADDITIONAL FUNDS.

23 The department may accept funds from state and
24 local sources and shall take steps necessary to obtain
25 federal funds allotted and appropriated for the
26 purpose of the above described energy-related
27 programs. ~~Such~~ These funds shall be deposited in the
28 ~~energy research and development fund~~ general fund of
29 the state and are appropriated for the purposes
30 specified in section 93.14. Federal funds received
31 under the provisions of this section are appropriated
32 for the purposes set forth in the federal grants.

33 Sec. ____ . Section 97B.49, subsection 7, paragraph
34 c, Code 1991, is amended to read as follows:

35 c. There is appropriated from the ~~state fish and~~
36 ~~game protection~~ general fund of the state to the
37 department of personnel an actuarially-determined
38 amount determined by the Iowa public employees'
39 retirement system sufficient to pay for the additional
40 benefits to conservation peace officers provided by
41 this section, as a percentage, in paragraph "a" and
42 for the employer portion of the benefits provided in
43 paragraph "b". The amount is in addition to the
44 contribution paid by the employer under section
45 97B.11. The cost of the benefits relating to
46 conservation peace officers ~~within the fish and game~~
47 ~~division~~ of the department of natural resources shall
48 be paid from the ~~state fish and game protection~~ fund
49 ~~and the cost of the benefits relating to the other~~
50 ~~conservation peace officers of the department shall be~~

Page 5

1 ~~paid from the general fund of the state.~~

2 Sec. ____ . Section 97B.49, subsection 16, paragraph
3 f, Code 1991, is amended to read as follows:

4 f. For the fiscal year commencing July 1, 1988
5 1991, and each succeeding fiscal year, there is
6 appropriated from the ~~state fish and game protection~~
7 general fund of the state to the department of
8 personnel the amount necessary to pay the employer
9 share of the cost of the additional benefits provided
10 to employees covered under paragraph "d", subparagraph
11 (1).

12 Sec. ____ . Section 99D.7, subsection 2, Code 1991,
13 is amended to read as follows:

14 2. To identify occupations within the racing

15 industry which require licensing and adopt standards
16 for licensing the occupations including establishing
17 fees for the occupational licenses. The fees shall be
18 paid to the commission and used as required in section
19 99D.17 and section 99D.18.

20 Sec. ____ . Section 99D.17, Code 1991, is amended to
21 read as follows:

22 99D.17 USE OF FUNDS.

23 Funds received pursuant to sections 99D.14 and
24 99D.15 shall be deposited in the ~~pari-mutuel~~
25 ~~regulation fund created in the racing and gaming~~
26 ~~commission. These funds shall first be used to the~~
27 ~~extent appropriated by the general assembly and as~~
28 ~~provided in section 99D.18. The remainder shall be~~
29 ~~transferred to the treasurer of state to be deposited~~
30 ~~in the general fund of the state. The commission is~~
31 subject to the budget requirements of chapter 8 and
32 the applicable auditing requirements and procedures of
33 chapter 11.

34 Sec. ____ . Section 99F.4, subsection 2, Code 1991,
35 is amended to read as follows:

36 2. To license qualified sponsoring organizations,
37 to license the operators of excursion gambling boats,
38 to identify occupations within the excursion gambling
39 boat operations which require licensing, and to adopt
40 standards for licensing the occupations including
41 establishing fees for the occupational licenses and
42 licenses for qualified sponsoring organizations. The
43 fees shall be paid to the commission and deposited in
44 a ~~special account~~ of the general fund of the state.
45 All revenue received by the commission from license
46 fees and admission fees shall be deposited in the
47 ~~special account in the~~ general fund of the state.

48 Sec. ____ . Section 99F.10, subsection 2, unnumbered
49 paragraph 1, Code 1991, is amended to read as follows:

50 An excursion boat licensee shall pay to the

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1 commission an admission fee for each person embarking
2 on an excursion gambling boat with a ticket of
3 admission. The admission fee shall be set by the
4 commission and when collected shall be deposited in
5 the general fund of the state.

6 Sec. ____ . Section 99F.11, subsection 3, Code 1991,
7 is amended by striking the subsection.

8 Sec. ____ . Section 99F.17, subsection 1, Code 1991,
9 is amended to read as follows:

10 1. A manufacturer or distributor of gambling games
11 or implements of gambling shall annually apply for a

12 license upon a form prescribed by the commission
13 before the first day of April in each year and shall
14 submit the appropriate license fee. An applicant
15 shall provide the necessary information as the
16 commission requires. The license fee for a
17 distributor is one thousand dollars, and the license
18 fee for a manufacturer is two hundred fifty dollars.
19 The license fees shall be credited to the ~~special~~
20 ~~account provided for in section 99F.4, subsection 2~~
21 general fund of the state.

22 Sec. ____ . Section 106.21, unnumbered paragraph 8,
23 Code 1991, is amended to read as follows:

24 All fees collected shall be forwarded by the
25 commission to the treasurer of the state, who shall
26 ~~place such money in a conservation fund. The money so~~
27 ~~collected shall be appropriated by the legislature to~~
28 ~~the commission solely for the administration and~~
29 ~~enforcement of navigation laws and water safety~~
30 deposit them in the general fund of the state.

31 Sec. ____ . Section 106.52, Code 1991, is amended to
32 read as follows:

33 106.52 FEES REMITTED TO COMMISSION.

34 Within ten days after the end of each month, a
35 county recorder shall remit to the commission all fees
36 collected by the recorder during the previous month.
37 Before May 10 in odd-numbered years, a county recorder
38 shall remit to the commission all unused license
39 blanks for the previous biennium. All fees collected
40 for the registration of vessels shall be forwarded by
41 the commission to the treasurer of the state, ~~who~~
42 ~~shall place the money in a special conservation fund.~~
43 ~~The money so collected is appropriated to the~~
44 ~~commission solely for the administration and~~
45 ~~enforcement of navigation laws and water safety for~~
46 deposit in the general fund of the state.

47 Sec. ____ . Section 107.16, Code 1991, is amended to
48 read as follows:

49 107.16 INCOME TAX REFUND CHECKOFF FOR FISH AND
50 GAME FUND USE OF DEPARTMENT OF NATURAL RESOURCES.

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1 A person who files an individual or a joint income
2 tax return with the department of revenue and finance
3 under section 422.13 may designate any amount to be
4 paid to the ~~state fish and game protection fund~~
5 department of natural resources for habitat
6 development. If the refund due on the return or the
7 payment remitted with the return is insufficient to
8 pay the additional amount designated by the taxpayer

9 to the state fish and game protection fund, the amount
10 designated shall be reduced to the remaining amount of
11 refund or the remaining amount remitted with the
12 return.

13 The revenues received shall be used within the
14 state of Iowa for habitat development and shall be
15 deposited in the ~~state fish and game protection fund~~
16 general fund of the state. The revenue may be used
17 for the matching of federal funds. The revenues and
18 matched federal funds may be used for acquisition of
19 land, leasing of land or obtaining of easements from
20 willing sellers for use of land as wildlife habitats
21 for game and nongame species. Not less than fifty
22 percent of the funds derived from the checkoff shall
23 be used for the purposes of preserving, protecting,
24 perpetuating and enhancing nongame wildlife in this
25 state. Nongame wildlife includes those animal species
26 which are endangered, threatened or not commonly
27 pursued or killed either for sport or profit.
28 Notwithstanding the exemption in section 427.1, the
29 land acquired with the revenues and matched federal
30 funds is subject to the full consolidated levy of
31 property taxes which shall be paid from those
32 revenues. In addition the revenues may be used for
33 the development and enhancement of wildlife lands and
34 habitat areas and for research and management
35 necessary to qualify for federal funds.

36 The director of revenue and finance shall draft the
37 income tax form to allow the designation of these
38 contributions to the ~~state fish and game protection~~
39 fund on the tax return.

40 The department of revenue and finance on or before
41 January 31 of the year following the preceding
42 calendar year shall certify the total amount
43 designated on the tax return forms due in the
44 preceding calendar year and shall report the amount to
45 the state treasurer. The state treasurer shall credit
46 the amount to the ~~state fish and game protection fund~~
47 general fund of the state.

48 The general assembly shall appropriate annually
49 from the ~~state fish and game protection fund~~ general
50 fund of the state the amount credited to the fund from

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1 the checkoff to the fish and wildlife division of the
2 department for the purposes specified in this section.

3 The action taken by a person for the checkoff is
4 irrevocable.

5 The department shall adopt rules to implement this

6 section. However, before a checkoff pursuant to this
7 section shall be permitted, all liabilities on the
8 books of the department of revenue and finance and
9 accounts identified as owing under section 421.17 and
10 the political contribution allowed under section 56.18
11 shall be satisfied.

12 Notwithstanding section 8.33, unencumbered or
13 unobligated moneys remaining on June 30 of any fiscal
14 year from the appropriation made pursuant to this
15 section shall not revert but are available for
16 expenditure for the purposes of this section for
17 subsequent fiscal years.

18 Sec. ____ . Section 107.24, subsection 1, Code 1991,
19 is amended by striking the subsection.

20 Sec. ____ . Section 107.27, Code 1991, is amended to
21 read as follows:

22 107.27 FEDERAL WILDLIFE ACT -- ASSENT.

23 The state of Iowa assents to the provisions of the
24 Act of Congress entitled "An Act to provide that the
25 United States shall aid the states in wildlife
26 restoration projects, and for other purposes,"
27 approved September 2, 1937, 50 Stat. L. 917, and the
28 department may perform acts as necessary to the
29 conduct and establishment of co-operative wildlife
30 restoration projects, as defined in the Act of
31 Congress, in compliance with the Act and with
32 regulations promulgated by the secretary of
33 agriculture under the Act. ~~No funds~~ Funds accruing to
34 the state of Iowa from license fees paid by hunters
35 shall not be diverted for any other purpose than as
36 set out in ~~sections 107.17 and 107.19~~ the
37 appropriations made to the fish and wildlife division.

38 Sec. ____ . Section 107.28, Code 1991, is amended to
39 read as follows:

40 107.28 FISH RESTORATION PROJECTS.

41 The state of Iowa assents to the provisions of the
42 Act of Congress entitled "An Act to provide that the
43 United States shall aid the states in fish restoration
44 projects, and for other purposes", approved August 9,
45 1950, Pub. L. No. 681, and the department may perform
46 acts as necessary to the conduct and establishment of
47 co-operative fish restoration projects, as defined in
48 the Act of Congress, in compliance with the Act and
49 with regulations promulgated by the secretary of the
50 interior under the Act. ~~No funds~~ Funds accruing to

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1 the state of Iowa from fishing license fees shall not
2 be diverted for any other purposes than as set out in

3 sections 107.17 and 107.19 the appropriations made to
4 the fish and wildlife division.

5 Sec. ____ . Section 108.11, Code 1991, is amended to
6 read as follows:

7 108.11 AGRICULTURAL DRAINAGE WELLS -- WETLANDS --
8 CONSERVATION EASEMENTS.

9 The department shall develop and implement a
10 program for the acquisition of wetlands and
11 conservation easements on and around wetlands that
12 result from the closure or change in use of
13 agricultural drainage wells upon implementation of the
14 programs specified in section 159.29 to eliminate
15 groundwater contamination caused by the use of
16 agricultural drainage wells. The program shall be
17 coordinated with the department of agriculture and
18 land stewardship. ~~The department may use moneys~~
19 ~~appropriated for this purpose from the agriculture~~
20 ~~management account of the groundwater protection fund~~
21 ~~in addition to other moneys available for wetland~~
22 ~~acquisition, protection, development, and management.~~

23 Sec. ____ . Section 109.10, Code 1991, is amended to
24 read as follows:

25 109.10 REPORTS AND ACCOUNTING.

26 At the time provided by law, the director shall
27 make a report to the governor of the director's doings
28 for the preceding biennial period, including therein
29 an itemized statement of all receipts and
30 disbursements; ~~also~~ all contracts for the taking of
31 soft fish from the waters of this state, with the
32 profits accruing from such contracts; ~~also such and~~
33 other information upon the subject of the culture of
34 fish and the protection of game as may be of value.
35 All funds derived under said contracts shall be paid
36 into the state fish and game protection general fund
37 of the state.

38 Sec. ____ . Section 109.131, unnumbered paragraph 1,
39 Code 1991, is amended to read as follows:

40 In each case of conviction of unlawfully taking,
41 catching, killing, injuring, destroying or having in
42 possession any fish, game or fur-bearing animal, the
43 court shall enter a judgment in favor of the state of
44 Iowa for liquidated damages in an amount as provided
45 in section 109.130, and it shall be the duty of the
46 commission and the prosecuting attorney or attorney
47 general, to collect the liquidated damages by
48 execution or otherwise. If two or more persons who
49 have acted together are convicted of the unlawful
50 taking, catching, killing, injuring, destroying or

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1 having possession of any fish, game or fur-bearing
2 animal, the judgment shall be entered against them
3 jointly. Any liquidated damages received under this
4 section and section 109.130 shall be remitted to the
5 treasurer of state who shall credit such damages to
6 the state fish and game protection general fund of the
7 state.

8 Sec. ____ . Section 109B.1, subsection 1, Code 1991,
9 is amended to read as follows:

10 1. Remove or cause to be removed from the waters
11 of the state any aquatic species that in the judgment
12 of the commission is an underused renewable resource
13 or has a detrimental effect on other aquatic
14 populations. All proceeds from a sale of these
15 aquatic organisms shall be credited to the state fish
16 and game protection general fund of the state.

17 Sec. ____ . Section 110.3, subsection 1, Code 1991,
18 is amended to read as follows:

19 1. A resident or nonresident person required to
20 have a hunting, fur harvester or fur, fish and game
21 license shall not hunt or trap unless the person
22 carries a valid wildlife habitat stamp signed in ink
23 with the person's signature across the face of the
24 stamp. This section shall not apply to residents who
25 are permanently disabled or who are younger than
26 sixteen or older than sixty-five years of age.
27 Special wildlife habitat stamps shall be administered
28 in the same manner as hunting and fur harvester
29 licenses except all revenue derived from the sale of
30 the wildlife habitat stamps shall be used within the
31 state of Iowa for habitat development ~~and shall be~~
32 ~~deposited in the state fish and game protection fund,~~
33 except as provided in subsection 2. The revenue may
34 be used for the matching of federal funds. The
35 revenues and any matched federal funds shall be used
36 for acquisition of land, leasing of land or obtaining
37 of easements from willing sellers for use as wildlife
38 habitats. Notwithstanding the exemption provided by
39 section 427.1, any land acquired with the revenues and
40 matched federal funds shall be subject to the full
41 consolidated levy of property taxes which shall be
42 paid from those revenues. In addition such revenue
43 may be used for the development and enhancement of
44 wildlife lands and habitat areas. Not less than fifty
45 percent of all revenue from the sale of wildlife
46 habitat stamps shall be used by the commission to
47 enter into agreements with county conservation boards
48 or other public agencies in order to carry out the
49 purposes of this section. The state share of funding
50 of those agreements provided by the revenue from the

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1 sale of wildlife habitat stamps shall not exceed
2 seventy-five percent.

3 Sec. ____ . Section 110.14, Code 1991, is amended to
4 read as follows:

5 110.14 DUPLICATE LICENSES AND PERMITS.

6 Whenever any license, certificate or permit, for
7 which a fee has been set, has been lost, destroyed or
8 stolen, the director or the county recorder where the
9 license was issued in the first instance, may issue a
10 certificate to replace ~~said the~~ license, if written
11 evidence is filed with either director or recorder, in
12 affidavit form, by the person to whom the original was
13 issued, setting forth the circumstances and
14 accompanied by a fee of one dollar; ~~said fee.~~ The fee
15 is to be kept by the county recorder for the use of
16 the county, if issued by the county recorder, and
17 placed in the fish and game protection general fund of
18 the state if issued by the director. If, on
19 examination of the evidence, the director or the
20 recorder, as the case may be, is satisfied that said
21 license has been lost, destroyed or stolen, the
22 director or recorder shall issue a duplicate license
23 which shall be plainly marked "duplicate" and said
24 duplicate shall serve in lieu of the original license
25 and it shall contain the same information and
26 signature as the original.

27 Sec. ____ . Section 110.34, Code 1991, is amended to
28 read as follows:

29 110.34 ORDER.

30 On ~~said the~~ hearing, ~~said the~~ magistrate may order
31 ~~such the~~ devices, contrivances or materials
32 confiscated and destroyed, or placed at the disposal
33 of the director who may either use or sell the same,
34 depositing the proceeds of such sale in the fish and
35 game protection general fund of the state.

36 Sec. ____ . Section 110B.4, unnumbered paragraph 1,
37 Code 1991, is amended to read as follows:

38 All revenue shall be used for projects approved by
39 the commission for the purpose of protecting and
40 propagating migratory waterfowl and for the
41 acquisition, development, restoration, maintenance or
42 preservation of wetlands, except for that part which
43 is specified by the commission for use in paying
44 administrative expenses as provided in section 107-17.

45 Sec. ____ . Section 111A.6, unnumbered paragraph 3,
46 Code 1991, is amended by striking the paragraph.

47 Sec. ____ . Section 114.12, Code 1991, is amended to
48 read as follows:

49 114.12 DISPOSITION OF FEES.

50 The staff shall collect and account for all fees

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1 provided for by this chapter and pay the fees to the
2 treasurer of state who shall deposit the fees in the
3 ~~professional licensing revolving general fund of the~~
4 ~~state.~~

5 Sec. ____ . Section 116.3, subsection 3, unnumbered
6 paragraph 1, Code 1991, is amended to read as follows:

7 All fees and other moneys received by the board,
8 pursuant to ~~the provisions~~ of this chapter, shall be
9 paid monthly to the treasurer of state for deposit in
10 ~~the professional licensing revolving general fund of~~
11 ~~the state.~~

12 Sec. ____ . Section 117.14, Code 1991, is amended to
13 read as follows:

14 117.14 FEES AND EXPENSES.

15 All fees and charges collected by the real estate
16 commission under this chapter shall be paid into the
17 ~~professional licensing revolving general fund of the~~
18 ~~state~~, except that the equivalent of ten dollars per
19 year of the fees for each real estate salesperson's or
20 broker's license shall be paid into the Iowa real
21 estate education fund created in section 117.54. All
22 expenses incurred by the commission under this
23 chapter, including compensation of staff assigned to
24 the commission, shall be paid out of the ~~professional~~
25 ~~licensing revolving fund funds appropriated to the~~
26 ~~real estate commission~~, except for expenses incurred
27 and compensation paid for the real estate education
28 director, which shall be paid out of the real estate
29 education fund.

30 Sec. ____ . Section 117.54, Code 1991, is amended to
31 read as follows:

32 117.54 REAL ESTATE EDUCATION FUND.

33 The Iowa real estate education fund is created as a
34 financial assurance mechanism to assist in the
35 establishment and maintenance of a real estate
36 education program at the university of northern Iowa
37 and to assist the real estate commission in providing
38 an education director. The fund is created as a
39 separate fund in the state treasury, and any funds
40 remaining in the fund at the end of each fiscal year
41 shall not revert to the general fund, but shall remain
42 in the Iowa real estate education fund. ~~Interest or~~
43 ~~other income earned by the fund shall be deposited in~~
44 ~~the fund~~. Seventy percent of the moneys in the fund
45 shall be distributed and are appropriated to the board
46 of regents for the purpose of establishing and

47 maintaining a real estate education program at the
48 university of northern Iowa. Thirty percent of the
49 moneys in the fund shall be distributed and are
50 appropriated to the professional licensing and

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1 regulation division of the department of commerce for
2 the purpose of hiring and compensating a real estate
3 education director.

4 Sec. ____ . Section 117B.6, subsection 2, Code 1991,
5 is amended to read as follows:

6 2. Fees collected by the board shall be
7 transmitted to the treasurer of state who shall
8 deposit the fees in the professional licensing
9 revolving general fund of the state.

10 Sec. ____ . Section 118.11, unnumbered paragraph 2,
11 Code 1991, is amended to read as follows:

12 All fees shall be paid to the treasurer of state
13 and deposited in the professional licensing revolving
14 general fund of the state.

15 Sec. ____ . Section 118A.14, unnumbered paragraph 2,
16 Code 1991, is amended to read as follows:

17 All fees shall be collected by the secretary, paid
18 to the treasurer of state and deposited in the
19 professional licensing revolving general fund of the
20 state.

21 Sec. ____ . Section 159.28, unnumbered paragraph 3,
22 Code 1991, is amended to read as follows:

23 The program shall be coordinated with the
24 groundwater protection programs of the department of
25 natural resources and other local, state, or federal
26 government agencies which could compensate landowners
27 for resource protection measures. ~~The department~~
28 ~~shall use moneys appropriated for this purpose from~~
29 ~~the agriculture management account of the groundwater~~
30 ~~protection fund.~~

31 Sec. ____ . Section 159.29, subsection 2, paragraph
32 a, Code 1991, is amended to read as follows:

33 a. Financial incentive moneys may be allocated
34 from the financial incentive portion of the
35 agriculture management account of the groundwater
36 protection fund provided by the department of
37 agriculture and land stewardship to implement
38 alternatives to agricultural drainage wells.

39 Sec. ____ . Section 164.6, Code 1991, is amended to
40 read as follows:

41 164.6 EXPENSE OF TEST.

42 If the owner agrees to comply with and carry out
43 the rules made by the department under section 164.4,

44 the expense of the inspection and test shall be borne
45 by the United States department of agriculture, ~~or by~~
46 the department, or by the state general fund
47 appropriation for brucellosis and tuberculosis
48 eradication ~~fund~~, or any combination of these.
49 Sec. ____ . Section 164.21, unnumbered paragraphs 2
50 and 3, Code 1991, are amended to read as follows:

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1 Indemnity shall only be paid if money is available
2 ~~in the from the state general fund appropriation for~~
3 brucellosis and tuberculosis eradication ~~fund~~ and if
4 indemnity payment is also made by the United States
5 department of agriculture. However, if the United
6 States department of agriculture is unable to pay
7 indemnity, the state may still pay indemnity for
8 condemned animals if money is available.

9 In the case of individual payment, all animals
10 shall be individually appraised and the amount of
11 indemnity shall be equal to the difference between the
12 slaughter value and the appraisal price, less the
13 amount of indemnity paid by the United States
14 department of agriculture. The total amount of
15 indemnity paid ~~by the from the state general fund~~
16 appropriation for brucellosis and tuberculosis
17 eradication ~~fund~~ for a grade animal or a purebred
18 animal shall not exceed two hundred dollars. However,
19 if a purebred animal is purchased and owned for at
20 least one year before testing and the owner can verify
21 the actual cost, the secretary of agriculture may
22 award the payment of an additional indemnification not
23 to exceed five hundred fifty dollars or the actual
24 cost of the animal when purchased, whichever is less.

25 Sec. ____ . Section 165.18, Code 1991, is amended to
26 read as follows:

27 165.18 BRUCELLOSIS AND TUBERCULOSIS ERADICATION
28 FUND.

29 1. A Moneys appropriated from the state general
30 fund for brucellosis and tuberculosis eradication ~~fund~~
31 ~~is created in the office of the secretary of~~
32 ~~agriculture, to shall~~ be used together with state and
33 federal funds available to pay:

34 a. The indemnity and other expenses provided in
35 this chapter.

36 b. The indemnity as set out in section 164.21 and
37 other expenses provided in chapter 164.

38 c. The expenses of the inspection and testing
39 program provided in chapter 163A, but only to the
40 extent that the moneys ~~in the fund~~ appropriated are

41 not required for expenses incurred under chapter 164
42 or 165.

43 d. Indemnities as provided in section 159.5,
44 subsection 13, but only to the extent that the moneys
45 in the fund appropriated are not required to pay
46 expenses under chapter 163A, 164, or 165.

47 2. If it appears to the secretary of agriculture
48 that the balance in the fund moneys remaining from the
49 appropriation on January 20 is are insufficient to
50 carry on the work in the state for the following

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1 fiscal year, the secretary shall notify the board of
2 supervisors of each county to levy an amount
3 sufficient to pay the expenses estimated to be
4 incurred under subsection 1 for the following fiscal
5 year, subject to a maximum levy of thirty-three and
6 three-fourths cents per thousand dollars of assessed
7 value of all taxable property in the county.

8 3. Not later than December 15 or June 15 of a year
9 in which the tax is collected, the county treasurer
10 shall transmit the amount of the tax levied and
11 collected to the treasurer of state, who shall credit
12 it to the brucellosis and tuberculosis eradication
13 general fund of the state.

14 Sec. ____ . Section 192.40, Code 1991, is amended to
15 read as follows:

16 192.40 LICENSE TERM -- FEES.

17 A license, unless earlier revoked, is valid until
18 July 1 after the date of its issuance. The maximum
19 fee for a license is twenty-five dollars, which shall
20 be paid before the license is issued, and standard
21 test bottles and pipettes shall be furnished at actual
22 cost. Fees collected under this section shall be
23 deposited in the milk fund established in section
24 192.47 general fund of the state.

25 Sec. ____ . Section 192.47, subsection 3, Code 1991,
26 is amended by striking the subsection and inserting in
27 lieu thereof the following:

28 3. Fees collected under this section shall be
29 deposited in the general fund of the state. All
30 moneys deposited in the general fund under this
31 section shall be appropriated for the costs of
32 inspection, sampling, analysis, and other expenses
33 necessary for the administration of this chapter and
34 chapters 194 and 195.

35 Sec. ____ . Section 192A.30, Code 1991, is amended
36 to read as follows:

37 192A.30 PERMIT FEES.

38 For the purpose of administering and enforcing this
39 chapter, a processor or a person purchasing milk
40 products from a processor for wholesale distribution
41 shall obtain a permit, as provided by departmental
42 rule, before milk products are sold by the person or
43 wholesale purchaser in this state. The processor or
44 wholesale purchaser shall pay to the secretary a
45 permit fee in an amount set by the secretary, not to
46 exceed five mills per hundredweight on milk processed
47 into dairy products as defined in section 192A.1, and
48 sold within the state of Iowa. However, the permit
49 fee for the sale of ice cream or an additive variant
50 of ice cream or nonmilk-fat imitation shall not exceed

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1 three mills per gallon. Products upon which fees have
2 been paid are exempt from further fees in successive
3 transactions. The fees for each month thus computed
4 shall be paid to the secretary on or before the
5 twenty-fifth day of the following month. Fees
6 received by the secretary pursuant to this section
7 shall be deposited in the general fund of the state.

8 Sec. ____ . Section 194.14, Code 1991, is amended to
9 read as follows:

10 194.14 LICENSE TERM -- FEES.

11 A license, unless sooner revoked, is valid until
12 July 1 after date of issuance. The maximum fee for
13 each license is three dollars, which shall be paid
14 before the license is issued. Fees collected under
15 this section shall be deposited in the milk fund
16 established in section 192.47 general fund of the
17 state.

18 Sec. ____ . Section 194.19, unnumbered paragraph 1,
19 Code 1991, is amended to read as follows:

20 A vehicle used for the collection of milk for
21 manufacture of dairy products shall first be licensed
22 by the department. A license, unless earlier revoked,
23 is valid until July 1 after the date of its issuance.
24 The maximum fee for a license is twenty-five dollars,
25 which shall be paid before the license is issued. A
26 fee shall not be imposed under this section if the
27 vehicle or its operator has paid the fee imposed upon
28 milk haulers under section 192.47. Fees collected
29 under this section shall be deposited in the milk fund
30 established in section 192.47 general fund of the
31 state. This section does not apply to individuals
32 transporting their own dairy products.

33 Sec. ____ . Section 194.20, Code 1991, is amended to
34 read as follows:

35 194.20 INSPECTION FEES -- GRADE "B" MILK.
36 A purchaser of milk from a grade "B" milk producer
37 shall pay an inspection fee not greater than one-half
38 cent per hundredweight. The fee is payable monthly to
39 the secretary at a time prescribed by the secretary.
40 A fee imposed by this section shall not be paid on
41 milk subject to inspection by a municipal corporation
42 pursuant to section 192.11. Fees collected under
43 section 192.47, subsection 2 and this section shall be
44 deposited in the ~~milk fund established in section~~
45 ~~192.47~~ general fund of the state.
46 Sec. ____ . Section 195.9, Code 1991, is amended to
47 read as follows:
48 195.9 LICENSE TERM -- FEES.
49 A license, unless sooner revoked, is valid until
50 July 1 after the date of its issuance. The maximum

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1 fee for a license is twenty-five dollars which shall
2 be paid before the license is issued. Fees collected
3 under this section shall be deposited in the ~~milk fund~~
4 ~~established in section 192.47~~ general fund of the
5 state.
6 Sec. ____ . Section 198.9, subsection 3, Code 1991,
7 is amended to read as follows:
8 3. Fees collected shall ~~constitute a fund for the~~
9 ~~payment of the costs of inspection, sampling,~~
10 ~~analysis, supportive research and other expenses~~
11 ~~necessary for the administration of this chapter be~~
12 ~~deposited in the general fund of the state.~~
13 If there is an unencumbered balance of funds in the
14 commercial feed fund on June 30 of any fiscal year
15 equal to or exceeding one hundred thousand dollars,
16 the secretary of agriculture shall reduce the per ton
17 fee provided for in subsection 1 for the next fiscal
18 year in such amount as will result in an ending
19 estimated balance for June 30 of the next fiscal year
20 of one hundred thousand dollars.
21 The secretary shall publish a report not later than
22 September 1 of each year. The report shall provide a
23 detailed accounting of all sources of revenue and all
24 dispositions of funds utilized by the ~~commercial feed~~
25 ~~trust fund under this chapter.~~ The report shall
26 detail full-time equivalent positions used in
27 fulfilling the requirements of this chapter. The
28 report shall also indicate to what extent any full-
29 time equivalent positions are shared with other
30 programs. Copies of the report issued by the
31 secretary pursuant to this subsection shall be

32 delivered each year to the members of the house of
33 representatives and senate standing committees on
34 agriculture.

35 Sec. ____ . Section 200.8, subsection 3, Code 1991,
36 is amended by striking the subsection.

37 Sec. ____ . Section 200.8, subsection 4, Code 1991,
38 is amended to read as follows:

39 4. In addition to the fees imposed under
40 subsection 1, a groundwater protection fee shall be
41 imposed upon nitrogen-based fertilizer. The fee shall
42 be based upon the percentage of actual nitrogen
43 contained in the product. An eighty-two percent
44 nitrogen solution shall be taxed at a rate of seventy-
45 five cents per ton. Other nitrogen-based product
46 formulations shall be taxed on the percentage of
47 actual nitrogen contained in the formulations with the
48 eighty-two percent nitrogen solution serving as the
49 base. The fee shall be paid by each licensee
50 registering to sell fertilizer to the secretary of

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1 agriculture. The fees collected shall be deposited in
2 the ~~agriculture management account of the groundwater~~
3 ~~protection general fund of the state~~. The secretary
4 of agriculture shall adopt rules for the payment,
5 filing, and collection of groundwater protection fees
6 from licensees in conjunction with the collection of
7 registration and inspection fees. The secretary
8 shall, by rule allow an exemption to the payment of
9 this fee for fertilizers which contain trace amounts
10 of nitrogen.

11 Sec. ____ . Section 200.9, Code 1991, is amended to
12 read as follows:

13 200.9 FERTILIZER FUND DEPOSIT OF FEES COLLECTED.

14 Fees collected for licenses and inspection fees
15 under sections 200.4 and 200.8, ~~with the exception of~~
16 ~~those fees collected for deposit in the agriculture~~
17 ~~management account of the groundwater protection fund,~~
18 shall be deposited in the treasury to the credit of
19 the ~~fertilizer general fund to be used only by the~~
20 ~~department for the purpose of inspection, sampling,~~
21 ~~analysis, preparation, and publishing of reports and~~
22 ~~other expenses necessary for administration of this~~
23 ~~chapter of the state~~. The secretary may assign moneys
24 request the appropriation of fees collected under
25 sections 200.4 and 200.8 to the Iowa agricultural
26 experiment station for research, work projects, and
27 investigations as needed for the specific purpose of
28 improving the regulatory functions for enforcement of

29 this chapter.

30 Sec. ____ . Section 201.13, Code 1991, is amended to
31 read as follows:

32 201.13 MONEYS TO ~~FERTILIZER GENERAL FUND~~ --
33 PERIODIC REPORT.

34 The moneys received under this chapter shall be
35 deposited in the ~~fertilizer general fund~~ as
36 established pursuant to chapter 200, of the state.
37 The moneys received under this chapter shall be
38 appropriated to be used by the department of
39 agriculture and land stewardship only for the purpose
40 of inspection, sampling, analyzing, preparing and
41 publishing of reports, and other expenses necessary
42 for the administration of this chapter. The secretary
43 shall issue an annual report showing a statement of
44 moneys received from license and testing fees, and a
45 biennial report which shall be made available to the
46 public showing the certifications of the effective
47 calcium carbonate equivalent for all agricultural
48 lime, limestone, or aglime certified as provided in
49 this chapter. The report shall list the manufacturers
50 and producers and their locations. Copies of all

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1 reports issued by the secretary pursuant to this
2 section shall be sent to the members of the house of
3 representatives and senate standing committees on
4 agriculture.

5 Sec. ____ . Section 206.8, subsection 2, unnumbered
6 paragraph 2, Code 1991, is amended by striking the
7 unnumbered paragraph and inserting in lieu thereof the
8 following:

9 Moneys collected from the annual license fees shall
10 be deposited in the general fund of the state.

11 Sec. ____ . Section 206.12, subsection 3, Code 1991,
12 is amended to read as follows:

13 3. The registrant, before selling or offering for
14 sale any pesticide for use in this state, shall
15 register each brand and grade of such pesticide with
16 the secretary upon forms furnished by the secretary,
17 and the secretary shall set the registration fee
18 annually at one-fifth of one percent of gross sales
19 within this state with a minimum fee of two hundred
20 fifty dollars and a maximum fee of three thousand
21 dollars for each and every brand and grade to be
22 offered for sale in this state except as otherwise
23 provided. The annual registration fee for products
24 with gross annual sales in this state of less than one
25 million five hundred thousand dollars shall be the

26 greater of two hundred fifty dollars or one-fifth of
27 one percent of the gross annual sales as established
28 by affidavit of the registrant. The secretary shall
29 adopt by rule exemptions to the minimum fee. ~~Fifty~~
30 ~~dollars of each fee collected shall be deposited in~~
31 ~~the treasury to the credit of the pesticide fund to be~~
32 ~~used only for the purpose of enforcing the provisions~~
33 ~~of this chapter and the remainder of each fee~~
34 ~~collected shall be placed in the agriculture~~
35 ~~management account of the groundwater protection fund~~
36 Fees collected under this section shall be deposited
37 in the general fund of the state.

38 Sec. ____ . Section 208A.10, Code 1991, is amended
39 to read as follows:

40 208A.10 FEES REMITTED.

41 All fees provided for in this chapter shall be
42 collected by the secretary of agriculture and ~~remitted~~
43 ~~to the state treasury shall be deposited in the~~
44 general fund of the state.

45 Sec. ____ . Section 246.310, Code 1991, is amended
46 to read as follows:

47 246.310 CANTEENS.

48 The director may maintain a canteen at ~~any an~~
49 institution under the director's jurisdiction for the
50 sale to persons confined in the institution of items

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1 such as toilet articles, candy, tobacco products,
2 notions, and other sundries, and may provide the
3 necessary facilities, equipment, personnel, and
4 merchandise for the canteen. The director shall
5 specify the items to be sold in the canteen. The
6 department may establish and maintain a permanent
7 operating fund for each canteen. The fund shall
8 consist of the receipts from the sale of commodities
9 at the canteen ~~and any interest earned on the fund.~~
10 Any money in the fund over the amount needed to do
11 normal business transactions, and to reimburse any
12 accounts which have subsidized the canteen fund, shall
13 be considered profit. This money may remain in the
14 canteen fund and be used for any purchase which the
15 superintendent approves that will directly and
16 collectively benefit the inmates of the institution.

17 Sec. ____ . Section 246.706, unnumbered paragraph 1,
18 Code 1991, is amended to read as follows:

19 A revolving farm fund is created in the state
20 treasury in which the department shall deposit
21 receipts from agricultural products, nursery stock,
22 agricultural land rentals, and the sale of livestock.

23 However, before any agricultural operation is phased
24 out, the department which proposes to discontinue this
25 operation shall notify the governor, chairpersons and
26 ranking members of the house and senate appropriations
27 committees, and cochairpersons and ranking members of
28 the subcommittee in the senate and house of
29 representatives which has handled the appropriation
30 for this department in the past session of the
31 ~~legislature~~ general assembly. Before the department
32 sells farmland under the control of the department,
33 the director shall notify the governor, chairpersons
34 and ranking members of the house and senate
35 appropriations committees, and cochairpersons and
36 ranking members of the joint appropriations
37 subcommittee that handled the appropriation for the
38 department during the past ~~legislative session of the~~
39 general assembly. The department may pay from the
40 fund for the operation, maintenance, and improvement
41 of farms and agricultural or nursery property under
42 the control of the department. A purchase order for
43 five thousand dollars or less payable from the fund is
44 exempt from the general purchasing requirements of
45 chapter 18. Notwithstanding section 8.33,
46 unencumbered or unobligated receipts in the revolving
47 farm fund at the end of a fiscal year shall not revert
48 to the general fund of the state ~~and the investment~~
49 ~~proceeds earned from the balance of the fund shall be~~
50 ~~credited to the fund and used for the purposes~~

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1 ~~provided for in this section.~~
2 Sec. ____ . Section 266.39, subsection 4, Code 1991,
3 is amended to read as follows:
4 4. The Iowa agricultural and home economics
5 experiment station shall employ a director for the
6 center, who shall be appointed by the president of
7 Iowa State University of science and technology. The
8 director of the center shall employ the necessary
9 research and support staff. The director and staff
10 shall be employees of Iowa State University of science
11 and technology. No more than five hundred thousand
12 dollars of the funds received ~~from under the~~
13 ~~agriculture management account program in section~~
14 455E.11 annually shall be expended by the center for
15 the salaries and benefits of the employees of the
16 center, including the salary and benefits of the
17 director. The remainder of the funds received ~~from~~
18 under the agriculture management account program shall
19 be used to sponsor research grants and projects on a

20 competitive basis from Iowa colleges and universities
21 and private nonprofit agencies and foundations. The
22 center may also solicit additional grants and funding
23 from public and private nonprofit agencies and
24 foundations.

25 The director shall prepare an annual report.

26 Sec. ____ . Section 307.37, Code 1991, is amended to
27 read as follows:

28 307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW
29 ENFORCEMENT.

30 The department shall investigate and prosecute
31 violators of the laws concerning motor vehicle fraud
32 including, but not limited to, the state and federal
33 odometer law. The department shall refer available
34 evidence concerning a possible violation of the laws
35 concerning motor vehicle fraud including, but not
36 limited to, section 321.71 or the federal odometer law
37 or a rule or order issued under section 321.71 or the
38 federal odometer law, to the attorney general. The
39 attorney general, with or without the referral, may
40 institute appropriate criminal proceedings or may
41 direct the case to the appropriate county attorney to
42 institute appropriate criminal proceedings. The
43 attorney general may use those funds ~~available~~
44 appropriated from the state general fund to the
45 department of justice for this purpose and law
46 enforcement agencies may be reimbursed for expenses
47 incurred in the enforcement of those laws, rules, or
48 orders with the approval of the attorney general.

49 Sec. ____ . Section 307B.4, subsections 14 and 15,
50 Code 1991, are amended to read as follows:

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1 14. "Pledged receipts" means the revenues and
2 receipts received or to be received by the authority
3 from the lease, operation or sale or disposition of
4 railway facilities; from loan or other agreements
5 relating to financial assistance; from grants, gifts
6 or payments on guarantees made to the authority by any
7 person; from accrued interest received from the sale
8 of obligations; from income from the investment of
9 special funds of the authority; ~~including the special~~
10 ~~railroad facility fund; from the revenues and receipts~~
11 ~~deposited in the special railroad facility fund; and~~
12 from any other moneys which are available for the
13 payment of bond service charges.

14 15. "~~Special railroad facility fund~~" means the
15 ~~fund created in section 307B.23.~~

16 Sec. ____ . Section 307B.7, subsection 14, Code

17 1991, is amended to read as follows:

18 14. Extend financial assistance for the purpose of
19 providing for project costs. Make interest-free loans
20 for rehabilitation of railway tracks, roadbeds, or
21 trestles to persons which have repaid in part the
22 original loan from the authority which was made for
23 the purpose of the acquisition or rehabilitation of
24 railway tracks, roadbeds, or trestles. However, an
25 interest-free loan to a person shall not exceed the
26 amount repaid of the original loan made to that person
27 and one-half of the amount of the interest-free loan
28 repaid to the authority shall be credited to the
29 ~~railroad assistance fund established in section~~
30 ~~327H.18 general fund of the state.~~

31 Sec. ____ . Section 307B.7, subsections 20 and 21,
32 Code 1991, are amended by striking the subsections.

33 Sec. ____ . Section 307B.9, unnumbered paragraph 1,
34 Code 1991, is amended to read as follows:

35 Except as provided in this chapter, all obligations
36 are payable solely out of the pledged receipts as
37 designated in the bond proceedings. Tax funds which
38 the authority receives from a political subdivision of
39 the state shall not be pledged for payment of the
40 obligations. Except for those ~~tax funds deposited in~~
41 ~~the special railroad facility fund as provided in~~
42 ~~section 307B.23, subsection 2, or other tax funds~~
43 available pursuant to section 307B.26, the state shall
44 not appropriate tax funds, directly or indirectly, to
45 the authority for the purpose of payment of
46 obligations of the authority. Obligations shall be
47 authorized by resolution of the board and bond
48 proceedings shall provide for the purpose of the
49 obligations, the principal amount, the principal
50 maturity or maturities, not exceeding twenty-five

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1 years from the date of issuance, the interest rate or
2 rates or the maximum interest rate, the date of the
3 obligations and the dates of payment of interest on
4 them, their denomination, and the establishment within
5 or without the state of a place or places of payment
6 of bond service charges. As much as is practicable
7 within the legal and fiscal limitations inherent in
8 bond issuance, a portion of the bonds shall be issued
9 in denominations of five thousand dollars and smaller,
10 in order to allow smaller investors in the state to
11 purchase the bonds.

12 Sec. ____ . Section 307B.12, Code 1991, is amended
13 to read as follows:

14 307B.12 PAYMENT OF OBLIGATIONS -- NONLIABILITY OF
15 STATE.

16 Obligations issued under this chapter, and
17 judgments based on contract or tort arising from the
18 activities of the authority or persons acting on its
19 behalf, are not a debt or liability of the state or of
20 any political subdivision within the meaning of any
21 constitutional or statutory debt limitation and are
22 not a pledge of the state's credit or taxing power
23 within the meaning of any constitutional or statutory
24 limitation or provision and no appropriation shall be
25 made, directly or indirectly, by the state or any
26 political subdivision of the state for the payment of
27 the obligations or judgments ~~or to fund any deficiency~~
28 ~~in the special railroad facility fund~~, or for the
29 indemnification of a person subject to a judgment
30 arising from that person's actions on the authority's
31 behalf. These obligations and judgments are special
32 obligations of the authority payable solely and only
33 from the sources and special funds provided in this
34 chapter. Funds from the general fund of the state
35 shall not be used to pay interest or principal on
36 obligations of the authority in the event that
37 ~~receipts from the taxes designated for deposit in the~~
38 ~~special railroad facility fund moneys from other~~
39 ~~sources~~ are insufficient.

40 Sec. ____ . Section 307B.23, Code 1991, is amended
41 to read as follows:

42 307B.23 SPECIAL RAILROAD FACILITY FUND USE OF
43 APPROPRIATIONS.

44 1. There is created in the office of the state
45 treasurer a "special railroad facility fund". This
46 fund shall include moneys which by law may be credited
47 to the special railroad facility fund. The moneys in
48 the special railroad facility fund are appropriated to
49 and for the purposes of the authority as provided in
50 this chapter. The funds in the special railroad

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1 facility fund shall not be considered as a part of the
2 general fund of the state; are not subject to
3 appropriation for any other purpose by the general
4 assembly, and in determining a general fund balance
5 shall not be included in the general fund of the state
6 but shall remain in the special railroad facility fund
7 to be used for the purposes set forth in this section:
8 The treasurer of state shall act as custodian of the
9 fund and disburse amounts contained in it as directed
10 by the authority. The treasurer of state is

11 authorized to invest the funds deposited in the
 12 special railroad facility fund at the direction of the
 13 authority and subject to any limitations contained in
 14 the bond proceedings. The income from the investment
 15 shall be credited to and deposited in the special
 16 railroad facility fund. This fund shall be
 17 administered by Funds appropriated from the general
 18 fund to the authority and may be used to purchase or
 19 upgrade railroad right-of-way and trackage facilities
 20 or to purchase general or limited partnership
 21 interests in a partnership formed to purchase,
 22 upgrade, or operate railroad right-of-way and trackage
 23 facilities, to pay or secure obligations issued by the
 24 authority, to pay obligations, judgments, or debts for
 25 which the authority becomes liable in its capacity as
 26 a general partner, or for any other use authorized
 27 under this chapter. The fund funds may also be used
 28 to purchase or upgrade railroad right-of-way and
 29 trackage facilities for the development of railroad
 30 passenger tourism.

31 2. Moneys received from repayment from heartland
 32 rail corporation as provided in 1983 Iowa Acts,
 33 chapter 198, section 32, as amended by 1987 Iowa Acts,
 34 chapter 232, section 28, and 1988 Iowa Acts, chapter
 35 1211, section 6, shall be deposited in a separate
 36 account within the special railroad facility fund the
 37 general fund of the state and are appropriated to the
 38 authority and shall be used by the authority only for
 39 debt service or rehabilitation on branch rail lines
 40 whose total projected traffic is at least fifty
 41 percent agricultural products.

42 Sec. ____ . Section 307B.25, unnumbered paragraph 1,
 43 Code 1991, is amended to read as follows:

44 The authority shall certify to the treasurer of
 45 state amounts of money necessary for payment of
 46 principal and interest by the authority on obligations
 47 issued on or after July 1, 1988, or to make payments
 48 on leases guaranteed by the authority on or after July
 49 1, 1988. However, certification shall only be made
 50 under this section when there are insufficient moneys

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1 available to the authority for the payment from moneys
 2 credited to the special railroad facility fund or
 3 other sources available to the authority.

4 Sec. ____ . Section 312.2, subsections 13 and 15,
 5 Code 1991, are amended to read as follows:

6 13. The treasurer of state, before making the
 7 allotments provided for in this section, shall credit

8 annually to the department of justice general fund of
9 the state from the road use tax fund an amount equal
10 to twenty-five cents on each title issuance for motor
11 vehicle fraud law enforcement and prosecution purposes
12 including, but not limited to, the enforcement of
13 state and federal odometer laws.

14 15. The treasurer of state, before making the
15 allotments provided for in this section, shall credit
16 monthly from the road use tax fund to the ~~public~~
17 ~~transit assistance fund, created under section 601J.6;~~
18 general fund of the state from revenue credited to the
19 road use tax fund under section 423.24, subsection 1,
20 paragraph "b", an amount equal to one-twentieth of the
21 revenue credited to the road use tax fund under
22 section 423.24, subsection 1, paragraph "b". There is
23 appropriated from the general fund of the state for
24 each fiscal year to the state department of
25 transportation the amount of revenues credited to the
26 general fund of the state during the fiscal year under
27 this subsection to be used for purposes of public
28 transit assistance under chapter 601J.

29 Sec. ____ . Section 321.52, subsection 4, paragraph
30 b, unnumbered paragraph 1, Code 1991, is amended to
31 read as follows:

32 When a wrecked or salvage vehicle has been
33 repaired, the owner may apply for a regular
34 certificate of title by paying the appropriate fees
35 and surrendering the salvage certificate of title and
36 a properly executed salvage theft examination
37 certificate. The county treasurer shall issue a
38 regular certificate of title which, commencing
39 September 1, 1988, if the wrecked or salvage vehicle
40 is five model years old or less, shall bear the word
41 "REBUILT" stamped or printed on the face of the title.
42 The rebuilt designation shall be included on every
43 Iowa certificate of title issued thereafter for the
44 vehicle. However, if ownership of a stolen vehicle
45 has been transferred to an insurer organized under the
46 laws of this state or admitted to do business in this
47 state, or if the transfer was the result of a
48 settlement with the owner of the vehicle arising from
49 damage to or the unrecovered theft of the vehicle, and
50 if the insurer certifies to the county treasurer on a

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1 form approved by the department that the cost of
2 repairs to all damage to the vehicle is less than
3 three thousand dollars, the county treasurer shall
4 issue the regular certificate of title without the

5 rebuilt designation. The county treasurer shall issue
6 a regular certificate of title without the "REBUILT"
7 designation if, before repairs are made, a component
8 parts review has been conducted by a peace officer who
9 has been specially certified and recertified when
10 required by the Iowa law enforcement academy to do
11 salvage theft examinations. The Iowa law enforcement
12 academy shall determine standards for training and
13 certification, conduct training, and may approve
14 alternative training programs which satisfy the
15 academy's standards for training and certification.
16 For the purpose of this section, a wrecked or salvage
17 vehicle shall be considered to have component part
18 damage if there is major damage requiring repairs or
19 replacement of more than two of the vehicle's
20 component parts. A "component part" means the rear
21 clip, cowl, frame or inner structure forward of the
22 cowl, body, cab, front end assembly, front clip, or
23 such other parts which are critical to the safety of
24 the vehicle as determined by rules adopted by the
25 department. The owner shall pay a fee of thirty-five
26 dollars upon the completion of the prerepair component
27 parts review. The agency performing the examinations
28 shall retain twenty-five dollars of the fee and shall
29 pay five dollars of the fee to the department and five
30 dollars of the fee to the treasurer of state for
31 deposit in the general fund of the state. The Iowa
32 law enforcement academy ~~to~~ may provide for the special
33 training, certification, and recertification of
34 officers as required by this subsection. The peace
35 officer conducting the review shall maintain a record
36 of the review and shall forward a copy of the review
37 to the department. The department shall maintain a
38 record of all reviews. If a vehicle does not have
39 component damage as determined in this subsection, the
40 officer conducting the review shall issue a
41 certificate to the owner to that effect. The
42 certificate shall be surrendered to the county
43 treasurer at the time of application for a regular
44 certificate of title and the treasurer shall forward
45 the certificate to the department.

46 Sec. ____ . Section 321.52, subsection 4, paragraph
47 c, unnumbered paragraph 1, Code 1991, is amended to
48 read as follows:

49 A salvage theft examination shall be made by a
50 peace officer who has been specially certified and

2 academy to do salvage theft examinations. The Iowa
3 law enforcement academy shall determine standards for
4 training and certification, conduct training, and may
5 approve alternative training programs which satisfy
6 the academy's standards for training and
7 certification. The owner of the salvage vehicle shall
8 make the vehicle available for examination at a time
9 and location designated by the peace officer doing the
10 examination. The owner may obtain a permit to drive
11 the vehicle to and from the examination location by
12 submitting a repair affidavit to the agency performing
13 the examination stating that the vehicle is reasonably
14 safe for operation and listing the repairs which have
15 been made to the vehicle. The owner must be present
16 for the examination and have available for inspection
17 the salvage title, bills of sale for all essential
18 parts changed, and the repair affidavit. The
19 examination shall be for the purposes of determining
20 whether the vehicle or repair components have been
21 stolen. The examination is not a safety inspection
22 and a signed salvage theft examination certificate
23 shall not be construed by any court of law to be a
24 certification that the vehicle is safe to be operated.
25 There shall be no cause of action against the peace
26 officer or the agency conducting the examination or
27 the county treasurer for failure to discover or note
28 safety defects. If the vehicle passes the theft
29 examination, the peace officer shall indicate that the
30 vehicle passed examination on the salvage theft
31 examination certificate and, with regard to a vehicle
32 which is required to bear the word "REBUILT" stamped
33 or printed on the face of the title, shall permanently
34 identify the vehicle as "rebuilt" on the driver's door
35 jamb or other area on the vehicle as designated by the
36 department. A removal or alteration of this rebuilt
37 identification is a violation of section 321.92. The
38 repair affidavit, permit, and salvage theft
39 examination certificate shall be on controlled forms
40 prescribed and furnished by the department. The owner
41 shall pay a fee of thirty dollars upon completion of
42 the examination. The agency performing the
43 examinations shall retain twenty dollars of the fee
44 and shall pay five dollars of the fee to the
45 department and five dollars of the fee to the
46 treasurer of state for deposit in the general fund of
47 the state. The Iowa law enforcement academy to may
48 provide for the special training, certification, and
49 recertification of officers as required by this
50 subsection.

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1 Sec. ____ . Section 321G.7, unnumbered paragraph 2,
2 Code 1991, is amended to read as follows:
3 The department shall remit the fees to the
4 treasurer of state, who shall ~~place deposit~~ the money
5 in a ~~special conservation fund~~ the general fund of the
6 state. The money is appropriated to the department
7 for the all-terrain vehicle and snowmobile programs of
8 the state. All-terrain vehicle fees shall be used
9 only for all-terrain vehicle programs and snowmobile
10 fees shall be used only for snowmobile programs.
11 Joint programs shall be supported from both types of
12 fees on a usage basis. The all-terrain vehicle and
13 snowmobile programs shall include grants, subgrants,
14 contracts, or cost-sharing of all-terrain vehicle and
15 snowmobile programs with political subdivisions or
16 incorporated private organizations or both in
17 accordance with rules adopted by the commission. All
18 all-terrain vehicle programs using cost-sharing,
19 grants, subgrants, or contracts shall establish and
20 implement a safety instruction program either singly
21 or in cooperation with other all-terrain vehicle
22 programs. At least fifty percent of the ~~special fund~~
23 moneys appropriated shall be available for political
24 subdivisions or incorporated private organizations or
25 both. ~~Moneys from the special fund remaining of the~~
26 appropriation not used by the political subdivisions
27 or incorporated private organizations or both ~~shall~~
28 ~~remain in the all-terrain vehicle or snowmobile~~
29 ~~accounts. The department may use funds from these~~
30 accounts may be used for the administration of the
31 all-terrain vehicle and snowmobile programs.
32 Sec. ____ . Section 321G.24, subsection 4, Code
33 1991, is amended to read as follows:
34 4. The permit fees collected under this section
35 shall be credited to the ~~state conservation general~~
36 fund of the state and shall be ~~used appropriated~~ for
37 safety and educational programs.
38 Sec. ____ . Section 324.79, unnumbered paragraph 2,
39 Code 1991, is amended to read as follows:
40 A ~~separate fund is created and designated as the~~
41 ~~"marine fuel tax fund"~~. All moneys derived from the
42 excise tax on the sale of motor fuel used in
43 watercraft shall be deposited in the ~~marine fuel tax~~
44 fund general fund of the state. ~~Moneys in the fund so~~
45 deposited are subject to appropriation by the general
46 assembly to the department of natural resources for
47 use in its recreational boating program, which may
48 include but is not limited to:

49 Sec. ____ . Section 324.82, Code 1991, is amended to
50 read as follows:

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1 324.82 AVIATION FUEL TAX FUND DEPOSITS.

2 The portion of the moneys collected under this
3 chapter received on account of aviation gasoline and
4 special fuel used in aircraft shall be deposited in a
5 separate fund to be maintained by the treasurer the
6 general fund of the state. All moneys remaining in
7 the separate fund after the cost of administering the
8 fund have been paid shall be credited to the state
9 aviation fund:

10 Sec. ____ : Section 324.84, Code 1991, is amended to
11 read as follows:

12 324.84 TRANSFER TO MARINE FUEL TAX GENERAL FUND.

13 The treasurer of state shall transfer from the
14 motor fuel tax fund to the marine fuel tax fund
15 created in section 324.79 general fund of the state
16 that portion of moneys collected under this chapter
17 attributable to motor fuel used in watercraft computed
18 as follows:

19 1. Determine monthly the total amount of motor
20 fuel tax collected under this chapter and multiply the
21 amount by nine-tenths of one percent.

22 2. Subtract from the figure computed pursuant to
23 subsection 1 of this section three percent of the
24 figure for administrative costs and further subtract
25 from the figure the amounts refunded to commercial
26 fishers pursuant to ~~subsection 13~~ of section 324.17,
27 subsection 13. All moneys remaining after claims for
28 refund and the cost of administration have been made
29 shall be transferred to the marine fuel tax fund
30 general fund of the state.

31 Sec. ____ . Section 327H.18, Code 1991, is amended
32 to read as follows:

33 327H.18 STATE RAILROAD ASSISTANCE FUND
34 ESTABLISHED.

35 There is established a railroad assistance fund in
36 the office of the treasurer of state. Moneys in this
37 fund appropriated from the state general fund to
38 provide railroad assistance under this chapter shall
39 be expended for providing assistance for the
40 restoration, conservation, improvement and
41 construction of railroad main lines, branch lines,
42 switching yards and sidings. Any unencumbered funds
43 appropriated by the general assembly for branch line
44 railroad assistance shall be deposited in the railroad
45 assistance fund. However, not more than twenty

46 percent of the funds appropriated to the railroad
47 assistance fund from the general fund of the state in
48 any fiscal year shall be used for restoration,
49 conservation, improvement and construction of railroad
50 main lines, switching yards and sidings. Any moneys

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1 received by the department by agreements, grants,
2 gifts, or other means from individuals, companies,
3 business entities, cities or counties for the purposes
4 of this section shall be credited to the railroad
5 assistance fund general fund of the state and are
6 appropriated for state railroad assistance under this
7 chapter.

8 Sec. ____ . Section 327H.20, Code 1991, is amended
9 to read as follows:

10 327H.20 ASSISTANCE AGREEMENTS.

11 The department may enter into agreements with
12 railroad corporations, the United States government,
13 cities, counties, and other persons for carrying out
14 the purposes of this chapter. Agreements entered into
15 between the department and railroad corporations under
16 this section may require a railroad corporation to
17 reimburse all or part of the costs paid from the
18 railroad assistance fund prior to July 1, 1991, or
19 paid from state general fund appropriations, from
20 revenue derived from all railroad cars and traffic
21 using the main line, branch line, switching yard or
22 sidings defined in the agreement. An agreement which
23 does not require the repayment of railroad assistance
24 such funds used for rehabilitation projects shall
25 require the railroad corporation to establish and
26 maintain a separate corporation account to which an
27 amount equal to all or part of the costs paid from the
28 railroad assistance fund prior to July 1, 1991, or
29 paid from state general fund appropriations shall be
30 credited from revenue derived from all railroad cars
31 and traffic using the main line, branch line,
32 switching yard, or siding defined in the agreement.
33 Credits to the corporation account by the railroad
34 corporation may be used for the restoration,
35 conservation, improvement, and construction of the
36 railroad corporation's main line, branch lines,
37 switching yards and sidings within the state. The
38 agreement shall stipulate the terms and conditions
39 governing the use of credits to the corporation
40 account as well as a penalty for the use of the
41 account in a manner other than as provided in the
42 agreement.

43 With the department's approval, a city may
44 appropriate money from its general fund ~~to the for~~
45 railroad assistance fund ~~to be provided pursuant to~~
46 this chapter. The department may agree to pay partial
47 or total reimbursement to a city or county which
48 appropriates money ~~to the for~~ railroad assistance
49 fund. Money appropriated ~~to the for~~ railroad
50 assistance fund from a city or county shall be used

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1 only as provided in section 327H.18 and within the
2 city or county providing the money.

3 Sec. ____ . Section 327H.25, Code 1991, is amended
4 to read as follows:

5 327H.25 TRANSFER OF DUTIES.

6 The administration of the ~~state~~ railroad assistance
7 fund ~~moneys~~ shall be transferred from the energy
8 policy council to the department not later than July
9 1, 1976. All agreements for railroad assistance
10 entered into by the energy policy council with
11 railroads and other persons shall be carried out by
12 the department.

13 Sec. ____ . Section 331.512, subsection 1, paragraph
14 g, Code 1991, is amended to read as follows:

15 g. The levy for taxes for the county expenses to
16 be incurred for brucellosis and tuberculosis
17 eradication fund as provided in section 165.18.

18 Sec. ____ . Section 331.559, subsection 2, Code
19 1991, is amended to read as follows:

20 2. Collect the tax levied for the county expenses
21 to be incurred for brucellosis and tuberculosis
22 eradication fund as provided in section 165.18.

23 Sec. ____ . Section 422.52, subsection 3, Code 1991,
24 is amended to read as follows:

25 3. The director may, when necessary and advisable
26 in order to secure the collection of the tax levied
27 under this division, require any person subject to
28 such tax to file with the director a bond, issued by a
29 surety company authorized to transact business in this
30 state and approved by the insurance commissioner as to
31 solvency and responsibility, in such amount as the
32 director may fix, to secure the payment of any tax or
33 penalties due or which may become due from such
34 person. In lieu of such bond, securities approved by
35 the director, in such amount as the director may
36 prescribe, may be deposited with the department, which
37 securities shall be kept in the custody of the
38 department deposited to the credit of the general fund
39 of the state and may be sold by the director at public

40 or private sale, without notice to the depositor
41 thereof, if it becomes necessary so to do in order to
42 recover any tax or penalties due. Upon any such sale,
43 the surplus, if any, above the amounts due under this
44 division shall be returned to the person who deposited
45 the securities.

46 Sec. ____ . Section 422.69, subsection 3, Code 1991,
47 is amended by striking the subsection.

48 Sec. ____ . Section 455A.18, subsection 3, Code
49 1991, is amended by striking the subsection.

50 Sec. ____ . Section 455A.18, subsection 4,

Page 32

1 unnumbered paragraph 2, Code 1991, is amended to read
2 as follows:

3 Section 8.33 does not apply to moneys appropriated
4 under this subsection. ~~Notwithstanding section 453.7,~~
5 ~~interest or earnings on moneys appropriated under this~~
6 ~~subsection shall be credited to the Iowa resources~~
7 ~~enhancement and protection fund.~~

8 Sec. ____ . Section 455A.19, subsection 1,
9 unnumbered paragraph 1, Code 1991, is amended to read
10 as follows:

11 Upon receipt of any revenue, the director shall
12 deposit the moneys in the Iowa resources enhancement
13 and protection fund created pursuant to section
14 455A.18. The first three hundred fifty thousand
15 dollars of the funds received for deposit in the fund
16 annually shall be allocated to the conservation
17 education board for the purposes specified in section
18 256.34. One percent of the revenue receipts shall be
19 deducted and transferred to the administration general
20 fund provided for in section 107.17 of the state. All
21 of the remaining receipts shall be allocated to the
22 following accounts:

23 Sec. ____ . Section 455B.172, subsection 5,
24 unnumbered paragraph 3, Code 1991, is amended to read
25 as follows:

26 The commission shall make grants to counties for
27 the purpose of conducting programs for the testing of
28 private, rural water supply wells and for the proper
29 closing of abandoned, rural, private water supply
30 wells within the jurisdiction of the county. Grants
31 shall be funded through allocation of the agriculture
32 management account of the groundwater protection fund
33 appropriations made from the general fund of the
34 state. Grants awarded, continued, or renewed shall be
35 subject to the following conditions:

36 Sec. ____ . Section 455B.190, subsection 6, Code

37 1991, is amended to read as follows:

38 6. A person who fails to properly plug a well on
39 property the person owns, in accordance with the
40 program established by the department, or as reported
41 by a designated agent or a registered well driller, is
42 subject to a civil penalty of up to one hundred
43 dollars per every five calendar days that the well
44 remains unplugged or improperly plugged. However, the
45 total civil penalty shall not exceed one thousand
46 dollars. The penalty shall only be assessed after the
47 one thousand dollar limit is reached. If the owner
48 plugs the well in compliance with this section,
49 including applicable departmental rules, before the
50 date that the one thousand dollar limit is reached,

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1 the civil penalty shall not be assessed. The penalty
2 shall not be imposed upon a person for improperly
3 plugging a well until the department notifies the
4 person of the improper plugging. The moneys collected
5 shall be deposited in the ~~financial incentive portion~~
6 ~~of the agriculture management account~~ general fund of
7 the state. The department of agriculture and land
8 stewardship may provide by rule for financial
9 incentive moneys, through expenditure of the moneys
10 allocated to the financial-incentive-program portion
11 of the agriculture management account, to reduce a
12 person's cost in properly plugging wells abandoned
13 prior to July 1, 1987.

14 Sec. ____ . Section 455B.310, subsection 4, Code
15 1991, is amended to read as follows:

16 4. All tonnage fees received by the department
17 under this section shall be deposited in the ~~solid~~
18 ~~waste account of the groundwater protection fund~~
19 ~~created under section 455E.11~~ general fund of the
20 state.

21 Sec. ____ . Section 455B.473, subsection 5, Code
22 1991, is amended to read as follows:

23 5. The notice of the owner or operator to the
24 department under subsections 1 through 3 shall be
25 accompanied by a fee of ten dollars for each tank
26 included in the notice. All moneys collected shall be
27 deposited in the ~~storage tank management account of~~
28 ~~the groundwater protection fund created in section~~
29 ~~455E.11~~ general fund of the state. All moneys
30 collected pursuant to this section prior to July 1,
31 1987, which have not been expended, shall be deposited
32 in the ~~storage tank management account~~.

33 Sec. ____ . Section 455B.479, Code 1991, is amended

34 to read as follows:

35 455B.479 STORAGE TANK MANAGEMENT FEE.

36 An owner or operator of an underground storage tank
 37 shall pay an annual storage tank management fee of
 38 sixty-five dollars per tank of over one thousand one
 39 hundred gallons capacity. Twenty-three percent of the
 40 fees collected shall be deposited in the ~~storage tank~~
 41 ~~management account of the groundwater protection fund~~
 42 general fund of the state. Seventy-seven percent of
 43 the fees collected shall be deposited in the Iowa
 44 comprehensive petroleum underground storage tank fund
 45 created in chapter 455G.

46 Sec. ____ . Section 455B.484, subsection 13,
 47 paragraph b, Code 1991, is amended to read as follows:

48 b. Moneys appropriated from the oil overcharge
 49 account of the groundwater protection fund created in
 50 section 455E.11 shall be used to develop the

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1 comprehensive plan for the small business assistance
 2 center for the safe and economic management of solid
 3 and hazardous substances.

4 Sec. ____ . Section 455E.11, subsection 1, Code
 5 1991, is amended by striking the subsection.

6 Sec. ____ . Section 455E.11, subsection 2,
 7 unnumbered paragraph 1, Code 1991, is amended to read
 8 as follows:

9 The following ~~accounts programs~~ are created within
 10 under the groundwater protection fund Act:

11 Sec. ____ . Section 455E.11, subsection 2,
 12 paragraphs a, b, c, and d, Code 1991, are amended to
 13 read as follows:

14 a. A solid waste ~~account program~~. Moneys received
 15 from the tonnage fee imposed under section 455B.310
 16 and from other sources designated for environmental
 17 protection purposes in relation to sanitary disposal
 18 projects shall be deposited in the ~~solid waste account~~
 19 which have been deposited in the general fund of the
 20 state shall be appropriated for purposes of the solid
 21 waste program.

22 The department shall use the funds in the account
 23 appropriated for the following purposes:

24 (1) The moneys received from the tonnage fee
 25 imposed under section 455B.310 for the fiscal year
 26 beginning July 1, 1987, and ending June 30, 1988,
 27 shall be used for the following purposes:

28 (a) An amount equal to fifty percent of the moneys
 29 received from the tonnage fee imposed pursuant to
 30 section 455B.310 shall be reserved for the purpose of

31 providing grants to cities and counties required to
32 provide for sanitary disposal projects under section
33 455B.302 for the purpose of developing or updating
34 plans required to be filed under section 455B.306.
35 Grants shall be governed by section 455B.311.
36 (b) An amount equal to twenty-five percent of the
37 moneys received from the tonnage fee imposed under
38 section 455B.310 shall be reserved for the purpose of
39 providing grants to public water supply systems to
40 abate or eliminate threats to public health and safety
41 resulting from contamination of the water supply
42 source. However, a public water supply shall not
43 receive a grant for more than ten percent of the
44 moneys available for those purposes.
45 (c) An amount equal to twenty-five percent of the
46 moneys received from the tonnage fee imposed under
47 section 455B.310 shall be appropriated to the waste
48 management authority.
49 (2) The first fifty cents per ton of funds
50 received from the tonnage fee imposed under section

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1 455B.310 for the fiscal year beginning July 1, 1988
2 and ending June 30, 1989, shall be used for the
3 following:
4 (a) Six cents per ton of the amount allocated
5 under this subparagraph is appropriated to the waste
6 management authority within the department of natural
7 resources.
8 (b) Fourteen cents per ton of the amount allocated
9 under this subparagraph is appropriated to the
10 University of Northern Iowa to develop and maintain
11 the small business assistance center for the safe and
12 economic management of solid waste and hazardous
13 substances established at the University of Northern
14 Iowa.
15 (c) Eight thousand dollars of the amount allocated
16 under this subparagraph is appropriated to the Iowa
17 department of public health for carrying out the
18 departmental duties pursuant to section 135.11,
19 subsections 20 and 21, and section 139.35.
20 (d) The remainder of the amount allocated under
21 this subparagraph is appropriated to the department of
22 natural resources for the following purposes:
23 (i) The development of guidelines for groundwater
24 monitoring at sanitary disposal projects as defined in
25 section 455B.301, subsection 18.
26 (ii) Abatement and cleanup of threats to the
27 public health, safety, and the environment resulting

28 from a sanitary landfill if an owner or operator of
29 the landfill is unable to facilitate the abatement or
30 cleanup. However, not more than ten percent of the
31 total funds allocated under this subparagraph may be
32 used for this purpose without legislative
33 authorization.

34 (3) An additional fifty cents per ton from the
35 fees imposed under section 455B.310 for the fiscal
36 year beginning July 1, 1988 and ending June 30, 1989
37 shall be used by the department to develop and
38 implement demonstration projects for landfill
39 alternatives to solid waste disposal including
40 recycling programs.

41 (4) The additional fifty cents per ton collected
42 from the fee imposed under section 455B.310 for the
43 fiscal year beginning July 1, 1988 and ending June 30,
44 1989 may be retained by the agency making the payments
45 to the state provided that a separate account is
46 established for these funds and that they are used in
47 accordance with the requirements of section 455B.306.

48 (5) The first fifty cents per ton of funds
49 received from the tonnage fee imposed under section
50 455B.310 for the fiscal year beginning July 1, 1989

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1 and ending June 30, 1990, shall be used for the
2 following:

3 (a) Six cents per ton of the amount allocated
4 under this subparagraph is appropriated to the waste
5 management authority within the department of natural
6 resources.

7 (b) Fourteen cents per ton of the amount allocated
8 under this subparagraph is appropriated to the
9 University of Northern Iowa to develop and maintain
10 the small business assistance center for the safe and
11 economic management of solid waste and hazardous
12 substances established at the University of Northern
13 Iowa.

14 (c) Eight thousand dollars of the amount allocated
15 under this subparagraph is appropriated to the Iowa
16 department of public health for carrying out the
17 departmental duties pursuant to section 135.11,
18 subsections 20 and 21, and section 139.35.

19 (d) The remainder of the amount allocated under
20 this subparagraph is appropriated to the department of
21 natural resources for the following purposes:

22 (i) The development of guidelines for groundwater
23 monitoring at sanitary disposal projects as defined in
24 section 455B.301, subsection 18.

25 (ii) Abatement and cleanup of threats to the
26 public health, safety, and the environment resulting
27 from a sanitary landfill if an owner or operator of
28 the landfill is unable to facilitate the abatement or
29 cleanup. However, not more than ten percent of the
30 total funds allocated under this subparagraph may be
31 used for this purpose without legislative
32 authorization.

33 (6) One dollar per ton from the fees imposed under
34 section 455B.310 for the fiscal year beginning July 1,
35 1989 and ending June 30, 1990 shall be used by the
36 department to develop and implement demonstration
37 projects for landfill alternatives to solid waste
38 disposal including recycling programs.

39 (7) The additional fifty cents per ton collected
40 from the fee imposed under section 455B.310 for the
41 fiscal year beginning July 1, 1989 and ending June 30,
42 1990 may be retained by the agency making the payments
43 to the state provided that a separate account is
44 established for these funds and that they are used in
45 accordance with the requirements of section 455B.306.

46 (8) The first Of the funds appropriated for the
47 solid waste program, an amount equal to fifty cents
48 per ton of funds received from the tonnage fee imposed
49 for the fiscal year beginning July 1, 1990, and
50 thereafter shall be used for the following:

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1 (a) Twenty cents per ton of the amount allocated
2 under this subparagraph is appropriated to the
3 university of northern Iowa to develop and maintain
4 the Iowa waste reduction center for the safe and
5 economic management of solid waste and hazardous
6 substances established at the university of northern
7 Iowa.

8 (b) Thirty cents per ton of the amount allocated
9 under this subparagraph is appropriated to the
10 department of natural resources for the following
11 purposes:

12 (i) Eight thousand dollars of the amount allocated
13 under this subparagraph shall be transferred to the
14 Iowa department of public health for carrying out the
15 departmental duties pursuant to section 135.11,
16 subsections 20 and 21, and section 139.35.

17 (ii) The administration and enforcement of a
18 groundwater monitoring program and other required
19 programs which are related to solid waste management.

20 (iii) The development of guidelines for
21 groundwater monitoring at sanitary disposal projects

22 as defined in section 455B.301, subsection 18.

23 (iv) The waste management authority of the
24 department of natural resources.

25 (9) One Of the funds appropriated, an amount equal
26 to one dollar per ton from the fees imposed under
27 section 455B.310 for the fiscal year beginning July 1,
28 1990 and thereafter shall be used by the department to
29 develop and implement demonstration projects for
30 landfill alternatives to solid waste disposal
31 including recycling programs.

32 (10) Fifty Of the funds appropriated, an amount
33 equal to fifty cents per ton per year of funds
34 received from the tonnage fee imposed under section
35 455B.310 for the fiscal year beginning July 1, 1990,
36 and thereafter may be retained by the agency making
37 the payments to the state provided that a separate
38 account is established for these funds and that they
39 are used in accordance with the requirements of
40 section 455B.306.

41 (11) Each additional fifty cents per ton per year
42 of funds received from the tonnage fee for the fiscal
43 period beginning July 1, 1990 and thereafter which is
44 appropriated for the solid waste program is allocated
45 for the following purposes:

46 (a) Thirty-five cents per ton per year shall be
47 allocated to the department of natural resources for
48 the following purposes:

49 (i) Twenty-five cents per ton per year shall be
50 used to develop and implement demonstration projects

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1 for landfill alternatives to solid waste disposal
2 including recycling programs.

3 (ii) No more than ten cents of the thirty-five
4 cents per year may be used for the administration of a
5 groundwater monitoring program and other required
6 programs which are related to solid waste management,
7 if the amount of funds generated for administrative
8 costs in this fiscal period is less than the amount
9 generated for the costs in the fiscal year beginning
10 July 1, 1988.

11 (b) Fifteen cents per ton per year shall be
12 allocated to local agencies for use as provided by
13 law.

14 (12) Cities, counties, and private agencies
15 subject to fees imposed under section 455B.310 may use
16 the funds collected in accordance with the provisions
17 of this section and the conditions of this subsection.
18 The funds used from the account under this program may

19 only be used for any of the following purposes:

20 (a) Development and implementation of an approved
21 comprehensive plan.

22 (b) Development of a closure or postclosure plan.

23 (c) Development of a plan for the control and
24 treatment of leachate which may include a facility
25 plan or detailed plans and specifications.

26 (d) Preparation of a financial plan, but these
27 funds may not be used to actually contribute to any
28 fund created to satisfy financial requirements, or to
29 contribute to the purchase of any instrument to meet
30 this need.

31 On January 1 of the year following the first year
32 in which the funds from the account under this program
33 are used, and annually thereafter, the agency shall
34 report to the department as to the amount of the funds
35 used, the exact nature of the use of the funds, and
36 the projects completed. The report shall include an
37 audit report which states that the funds were, in
38 fact, used entirely for purposes authorized under this
39 subsection.

40 ~~(13) If moneys appropriated to the portion of the~~
41 ~~solid waste account to be used for the administration~~
42 ~~of groundwater monitoring programs and other required~~
43 ~~programs that are related to solid waste management~~
44 ~~remain unused at the end of any fiscal year, the~~
45 ~~moneys remaining shall be allocated to the portion of~~
46 ~~the account used for abatement and cleanup of threats~~
47 ~~to the public health, safety, and the environment,~~
48 ~~resulting from sanitary landfills. If the balance of~~
49 ~~the moneys in the portion of the account used for~~
50 ~~abatement and cleanup exceeds three million dollars,~~

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1 the moneys in excess shall be used to fund the
2 development and implementation of demonstration
3 projects for landfill alternatives to solid waste
4 disposal including recycling.

5 b: An agriculture management account program.
6 Moneys collected from the groundwater protection fee
7 levied pursuant to section 200.8, subsection 4, the
8 portion of the fees collected pursuant to sections
9 206.8, subsection 2, and 206.12, subsection 3, and
10 other moneys designated for the purpose of agriculture
11 management shall be deposited in the agriculture
12 management account. The agriculture management
13 account shall be used for the following purposes which
14 have been deposited in the general fund of the state
15 shall be appropriated for purposes of the agriculture

16 management program as follows:

17 (1) Nine thousand dollars of the account is
18 appropriated to the Iowa department of public health
19 for carrying out the departmental duties under section
20 135.11, subsections 20 and 21, and section 139.35.

21 (2) Two hundred thousand dollars of the moneys
22 deposited in the agriculture management account is
23 appropriated to the department of agriculture and land
24 stewardship for the fiscal year beginning July 1,
25 1987, and ending June 30, 1988, for the demonstration
26 projects regarding agriculture drainage wells and
27 sinkholes. Any remaining balance of the appropriation
28 made for the purpose of funding such demonstration
29 projects for the fiscal year beginning July 1, 1987,
30 and ending June 30, 1988, shall not revert to the
31 account, notwithstanding section 8.33, but shall
32 remain available for the purpose of funding such
33 demonstration projects during the fiscal period
34 beginning July 1, 1988, and ending June 30, 1990.

35 (3) Of the remaining moneys in the account:

36 (a) Thirty-five percent is appropriated annually
37 for the Leopold center for sustainable agriculture at
38 Iowa State University of science and technology.

39 (b) Two percent is appropriated annually to the
40 department of natural resources for the purpose of
41 administering grants to counties and conducting
42 oversight of county-based programs relative to the
43 testing of private water supply wells and the proper
44 closure of private abandoned wells. Not more than
45 seventeen and one-half percent of the moneys is
46 appropriated annually to the department of natural
47 resources for grants to counties for the purpose of
48 conducting programs of private, rural water supply
49 testing, not more than six percent of the moneys is
50 appropriated annually to the state hygienic laboratory

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1 to assist in well testing, and not more than seventeen
2 and one-half percent of the moneys is appropriated
3 annually to the department of natural resources for
4 grants to counties for the purpose of conducting
5 programs for properly closing abandoned, rural water
6 supply wells and cisterns: For purposes of this
7 subparagraph subdivision, "cistern" means an
8 artificial reservoir constructed underground for the
9 purpose of storing rainwater.

10 (c) The department shall allocate a sum not to
11 exceed seventy-nine thousand dollars of the moneys
12 appropriated for the fiscal year beginning July 1,

13 1987, and ending June 30, 1988, for the preparation of
14 a detailed report and plan for the establishment on
15 July 1, 1988, of the center for health effects of
16 environmental contamination. The plan for
17 establishing the center shall be presented to the
18 general assembly on or before January 15, 1988. The
19 report shall include the assemblage of all existing
20 data relating to Iowa drinking water supplies,
21 including characteristics of source, treatment,
22 presence of contaminants, precise location, and usage
23 patterns to facilitate data retrieval and use in
24 research; and detailed organizational plans, research
25 objectives, and budget projections for the anticipated
26 functions of the center in subsequent years. The
27 department may allocate annually a sum not to exceed
28 nine percent of the moneys of the account appropriated
29 for the agriculture management program to the center,
30 beginning July 1, 1988.

31 (d) Thirteen percent of the moneys is appropriated
32 annually to the department of agriculture and land
33 stewardship for financial incentive programs related
34 to agricultural drainage wells and sinkholes, for
35 studies and administrative costs relating to sinkholes
36 and agricultural drainage wells programs. Of the
37 thirteen percent allocated for financial incentive
38 programs, not more than fifty thousand dollars is
39 appropriated for the fiscal year beginning July 1,
40 1987, and ending June 30, 1988, to the department of
41 natural resources for grants to county conservation
42 boards for the development and implementation of
43 projects regarding alternative practices in the
44 remediation of noxious weeds or other vegetation
45 within highway rights-of-way. Any remaining balance
46 of the appropriation made for the purpose of funding
47 of projects regarding alternative practices in the
48 remediation of noxious weeds or other vegetation
49 within highway rights-of-way for the fiscal year
50 beginning July 1, 1987, and ending June 30, 1988,

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1 shall not revert to the account, notwithstanding
2 section 8.33, but shall remain available for the
3 purpose of funding the projects during the fiscal
4 period beginning July 1, 1988, and ending June 30,
5 1990.

6 c. A household hazardous waste account program.
7 The moneys collected pursuant to section 455F.7 and
8 moneys collected pursuant to section 29C.8A which are
9 designated for deposit, shall be deposited in the

10 household hazardous waste account have been deposited
11 in the general fund of the state shall be appropriated
12 for purposes of the household hazardous waste program
13 as provided in this paragraph. Two thousand dollars
14 is appropriated annually to the Iowa department of
15 public health to carry out departmental duties under
16 section 135.11, subsections 20 and 21, and section
17 139.35. The remainder of the ~~account~~ amount
18 appropriated shall be used to fund Toxic Cleanup Days
19 and the efforts of the department to support a
20 collection system for household hazardous materials,
21 including public education programs, training, and
22 consultation of local governments in the establishment
23 and operation of permanent collection systems, and the
24 management of collection sites, education programs,
25 and other activities pursuant to chapter 455F,
26 including the administration of the household
27 hazardous materials permit program by the department
28 of revenue and finance.

29 The department shall submit to the general
30 assembly, annually on or before January 1, an itemized
31 report which includes but is not limited to the total
32 amount of moneys collected and the sources of the
33 moneys collected, the amount of moneys expended for
34 administration of the programs funded ~~within the~~
35 account under the household hazardous waste program,
36 and an itemization of any other expenditures made
37 within the previous fiscal year.

38 d. A storage tank management account program. All
39 fees collected pursuant to section 455B.473,
40 subsection 5, and section 455B.479, ~~shall be deposited~~
41 ~~in the storage tank management account,~~ except those
42 moneys deposited into the Iowa comprehensive petroleum
43 underground storage tank fund pursuant to section
44 455B.479 which have been deposited in the general fund
45 of the state shall be appropriated for the purposes of
46 the storage tank management program. Funds shall be
47 expended for the following purposes:

48 (1) One thousand dollars is appropriated annually
49 to the Iowa department of public health to carry out
50 departmental duties under section 135.11, subsections

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1 20 and 21, and section 139.35.

2 (2) ~~Twenty-three~~ Of the funds appropriated for the
3 storage tank management program, an amount equal to
4 twenty-three percent of the proceeds of the fees
5 imposed pursuant to section 455B.473, subsection 5,
6 and section 455B.479 shall be deposited in the account

7 annually be used for the program, up to a maximum of
8 three hundred fifty thousand dollars. If twenty-three
9 percent of the proceeds exceeds three hundred fifty
10 thousand dollars, the excess shall be deposited into
11 the fund created in section 455G.3. Three hundred
12 fifty thousand dollars is appropriated ~~from the~~
13 ~~storage tank management account~~ to the department of
14 natural resources for the administration of a state
15 storage tank program pursuant to chapter 455B,
16 division IV, part 8, and for programs which reduce the
17 potential for harm to the environment and the public
18 health from storage tanks.

19 (3) The remaining funds ~~in the account~~ are
20 appropriated annually to the Iowa comprehensive
21 petroleum underground storage tank fund.

22 Sec. ____ . Section 455F.7, subsection 1, Code 1991,
23 is amended to read as follows:

24 1. A retailer offering for sale or selling a
25 household hazardous material shall have a valid permit
26 for each place of business owned or operated by the
27 retailer for this activity. All permits provided for
28 in this division shall expire on June 30 of each year.
29 Every retailer shall submit an annual application by
30 July 1 of each year and a fee of twenty-five dollars
31 to the department of revenue and finance for a permit
32 upon a form prescribed by the director of revenue and
33 finance. Permits are nonrefundable, are based upon an
34 annual operating period, and are not prorated. A
35 person in violation of this section shall be subject
36 to permit revocation upon notice and hearing. The
37 department shall remit the fees collected to the
38 ~~household hazardous waste account of the groundwater~~
39 ~~protection fund~~ treasurer of state to be deposited in
40 the general fund of the state. A person distributing
41 general use pesticides labeled for agricultural or
42 lawn and garden use with gross annual pesticide sales
43 of less than ten thousand dollars is subject to the
44 requirements and fee payment prescribed by this
45 section.

46 Sec. ____ . Section 455F.11, Code 1991, is amended
47 to read as follows:

48 455F.11 RECYCLING AND RECLAMATION PROGRAMS.

49 Up to eighty thousand dollars of the moneys
50 ~~deposited in~~ appropriated for the household hazardous

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1 waste ~~account program~~ in section 455E.11 shall be
2 allocated to the department of natural resources for
3 city, county, or service organization projects

4 relative to recycling and reclamation events. A city,
5 county, or service organization shall submit a
6 competitive grant to the department of natural
7 resources by April 1 for approval by the department no
8 later than May 15.

9 Sec. ____ . Section 467A.71, subsection 3, paragraph
10 b, Code 1991, is amended to read as follows:

11 b. Authorize payment from the conservation
12 practices revolving loan fund; and from fees and from
13 any income received by investments of money in the
14 fund for costs, commissions, attorney fees and other
15 reasonable expenses related to and necessary for
16 making and protecting direct loans under this section,
17 and for the recovery of moneys loaned or the
18 management of property acquired in connection with
19 such loans.

20 Sec. ____ . Section 467F.4, subsection 2, Code 1991,
21 is amended to read as follows:

22 2. Authorize payment from the water protection
23 fund; and from fees and from any income received by
24 investments of money in the fund for costs,
25 commissions, and other reasonable expenses.

26 Sec. ____ . Section 476.10, unnumbered paragraph 4,
27 Code 1991, is amended to read as follows:

28 Whenever the board shall deem it necessary in order
29 to carry out the duties imposed upon it in connection
30 with rate regulation under section 476.6,
31 investigations under section 476.3, or review
32 proceedings under section 476.31, the board may employ
33 additional temporary or permanent staff, or may
34 contract with persons who are not state employees for
35 engineering, accounting, or other professional
36 services, or both. The costs of these additional
37 employees and contract services shall be paid by the
38 public utility whose rates are being reviewed in the
39 same manner as other expenses are paid under this
40 section. There is appropriated out of any funds in
41 the state treasury not otherwise appropriated, such
42 sums as may be necessary to enable the board to hire
43 additional staff and contract for services under this
44 section. The board shall increase quarterly
45 assessments specified in unnumbered paragraph two, by
46 amounts necessary to enable the board to hire
47 additional staff and contract for services under this
48 section. The authority to hire additional temporary
49 or permanent staff that is granted to the board by
50 this section shall not be subject to limitation by any

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1 administrative or executive order or decision that
2 restricts the number of state employees or the filling
3 of employee vacancies, and shall not be subject to
4 limitation by any law of this state that restricts the
5 number of state employees or the filling of employee
6 vacancies unless that law is made applicable to this
7 section by express reference to this section. Before
8 the board expends or encumbers an amount in excess of
9 the funds budgeted for rate regulation and before the
10 board increases quarterly assessments pursuant to this
11 paragraph, the director of the department of
12 management shall approve the expenditure or
13 encumbrance. Before approval is given, the director
14 of the department of management shall determine that
15 the expenses exceed the funds budgeted by the general
16 assembly to the board for rate regulation and that the
17 board does not have other funds from which the
18 expenses can be paid. Upon approval of the director
19 of the department of management the board may expend
20 and encumber funds for the excess expenses, and
21 increase quarterly assessments to raise the additional
22 funds. The board and the office of consumer advocate
23 may add additional personnel or contract for
24 additional assistance to review and evaluate energy
25 efficiency plans and the implementation of energy
26 efficiency programs including, but not limited to,
27 professionally trained engineers, accountants,
28 attorneys, skilled examiners and inspectors, and
29 secretaries and clerks. The board and the office of
30 the consumer advocate may expend additional sums
31 beyond those sums appropriated. However, the
32 authority to add additional personnel or contract for
33 additional assistance must first be approved by the
34 department of management. The additional sums shall
35 be provided to the board and the office of the
36 consumer advocate by the utilities subject to the
37 energy efficiency requirements in this chapter. The
38 assessments shall be in addition to and separate from
39 the quarterly assessment.

40 Sec. ____ . Section 476.10, unnumbered paragraph 5,
41 Code 1991, is amended by striking the unnumbered
42 paragraph and inserting in lieu thereof the following:
43 Fees paid to the utilities division shall be
44 deposited in the general fund of the state. Funds to
45 pay salaries and other expenses necessary to carry out
46 the duties of the utilities division or the consumer
47 advocate division shall be from appropriations made by
48 the general assembly from the general fund of the
49 state.

50 Sec. ____ . Section 476.10, unnumbered paragraph 6,

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1 Code 1991, is amended to read as follows:

2 The utilities division shall ~~transfer at the~~
3 ~~beginning of each fiscal quarter from appropriated~~
4 ~~trust funds to the administrative services trust fund~~
5 ~~in determining charges and assessments include an~~
6 amount which represents the division's share of the
7 estimated cost of consolidated administrative services
8 within the department of commerce, such share to be in
9 the same proportion as established by agreement in the
10 fiscal year beginning July 1, 1986, and ending June
11 30, 1987; ~~with the first quarterly transfer to occur~~
12 ~~between July 1 and July 31 annually. At the close of~~
13 ~~the fiscal year, actual versus estimated expenditures~~
14 ~~shall be reconciled and any overpayment shall be~~
15 ~~returned to the division or any underpayment shall be~~
16 ~~paid by the division.~~

17 Sec. ____ . Section 476.51, Code 1991, is amended to
18 read as follows:

19 476.51 CIVIL PENALTY.

20 A public utility which willfully violates a
21 provision of this chapter, a rule adopted by the
22 board, or a provision of an order lawfully issued by
23 the board, is subject to a civil penalty, which may be
24 levied by the board, of not more than one hundred
25 dollars per violation or one thousand dollars per day
26 of a continuing violation, whichever is greater.
27 Civil penalties collected pursuant to this section
28 shall be forwarded by the executive secretary of the
29 board to the treasurer of state to be credited to the
30 energy research and development general fund of the
31 state and to be used only for the low income home
32 energy assistance program and the weatherization
33 assistance program administered by the division of
34 community action agencies of the department of human
35 rights. Penalties paid by a rate-regulated public
36 utility pursuant to this section shall be excluded
37 from the utility's costs when determining the
38 utility's revenue requirement, and shall not be
39 included either directly or indirectly in the
40 utility's rates or charges to customers.

41 Sec. ____ . Section 478.4, Code 1991, is amended to
42 read as follows:

43 478.4 FRANCHISE -- HEARING.

44 The utilities board shall consider ~~said the~~
45 petition and any objections filed ~~thereto to it~~ in the
46 manner hereinafter provided. It shall examine the
47 proposed route or cause any engineer selected by it to
48 do so. If a hearing is held on the petition it may

49 hear such testimony as may aid it in determining the
50 propriety of granting ~~such~~ the franchise. It may

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1 grant ~~such~~ the franchise in whole or in part upon ~~such~~
2 terms, conditions, and restrictions, and with ~~such~~
3 modifications as to location and route as may seem to
4 it just and proper. Before granting such franchise,
5 the utilities board shall make a finding that the
6 proposed line or lines are necessary to serve a public
7 use and represents a reasonable relationship to an
8 overall plan of transmitting electricity in the public
9 interest. No franchise shall become effective until
10 the petitioners shall pay, or file an agreement to
11 pay, all costs and expenses of the franchise
12 proceeding, whether or not objections are filed,
13 including costs of inspections or examinations of the
14 route, hearing, salaries, publishing of notice, and
15 any other expenses reasonably attributable thereto.
16 The funds received ~~for~~ the costs and the expenses of
17 the franchise proceeding shall be remitted to the
18 treasurer of state for deposit in the ~~utilities trust~~
19 general fund of the state.

20 Sec. ____ . Section 479.16, Code 1991, is amended to
21 read as follows:

22 479.16 USE OF FUNDS.

23 All moneys received under ~~the provisions~~ of this
24 chapter shall be remitted monthly to the treasurer of
25 state and credited to the ~~utilities trust~~ general fund
26 of the state.

27 Sec. ____ . Section 479A.9, Code 1991, is amended to
28 read as follows:

29 479A.9 DEPOSIT OF FUNDS.

30 Except as otherwise provided in section 479A.14,
31 subsection 8, moneys received under this chapter shall
32 be credited to the ~~utilities trust fund established in~~
33 section 476.10 general fund of the state.

34 Sec. ____ . Section 505.7, unnumbered paragraph 1,
35 Code 1991, is amended by striking the unnumbered
336 paragraph and inserting in lieu thereof the following:
37 All fees and charges which are required by law to
38 be paid by insurance companies and associations shall
39 be payable to the commissioner of the insurance
40 division of the department of commerce or department
41 of revenue and finance, as provided by law, whose duty
42 it shall be to account for and pay over the same to
43 the treasurer of state at the time and in the manner
44 provided by law for deposit in the general fund of the
45 state.

46 Sec. ____ . Section 505.7, unnumbered paragraph 3,
47 Code 1991, is amended by striking the unnumbered
48 paragraph.
49 Sec. ____ . Section 505.7, unnumbered paragraph 4,
50 Code 1991, is amended to read as follows:

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1 The insurance division shall transfer at the
2 beginning of each fiscal quarter from appropriated
3 trust funds to the administrative services trust fund
4 in determining charges and assessments include an
5 amount which represents the division's share of the
6 estimated cost of consolidated administrative services
7 within the department of commerce, such share to be in
8 the same proportion as established by agreement in the
9 fiscal year beginning July 1, 1986, and ending June
10 30, 1987; with the first quarterly transfer to occur
11 between July 1 and July 31 annually. At the close of
12 the fiscal year, actual versus estimated expenditures
13 shall be reconciled and any overpayment shall be
14 returned to the division or any underpayment shall be
15 paid by the division.

16 Sec. ____ . Section 509A.5, unnumbered paragraph 2,
17 Code 1991, is amended by striking the unnumbered
18 paragraph.

19 Sec. ____ . Section 523A.20, Code 1991, is amended
20 to read as follows:

21 523A.20 INSURANCE DIVISION'S REGULATORY FUND.

22 The insurance division may authorize the creation
23 of a special revenue fund in the state treasury, to be
24 known as the insurance division regulatory fund.
25 Commencing July 1, 1990, and annually thereafter, the
26 commissioner shall allocate from the fees paid
27 pursuant to section 523A.2, one dollar for each
28 agreement reported on an establishment permit holder's
29 annual report for deposit to the regulatory fund. The
30 remainder of the fees collected pursuant to section
31 523A.2 shall be deposited into the insurance revolving
32 fund; provided, however, that general fund of the
33 state. However, if the balance of the regulatory fund
34 on that July 1 exceeds two hundred thousand dollars,
35 the allocation to the regulatory fund shall not be
36 made and the total sum of the fees paid pursuant to
37 section 523A.2 shall be deposited in the insurance
38 revolving general fund of the state. The moneys in
39 the regulatory fund shall be retained in the fund
40 ~~together with any interest or earnings that are earned~~
41 ~~on the balance.~~ The moneys are appropriated and,
42 subject to authorization by the commissioner, may be

43 used to pay investigative expenses and the expenses of
44 receiverships established pursuant to section 523A.19.
45 An annual assessment shall not be imposed if the
46 current balance of the fund exceeds two hundred
47 thousand dollars.

48 Sec. ____ . Section 523E.20, Code 1991, is amended
49 to read as follows:

50 523E.20 INSURANCE DIVISION'S REGULATORY FUND.

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1 The insurance division may authorize the creation
2 of a special revenue fund in the state treasury, to be
3 known as the insurance division regulatory fund.
4 Commencing July 1, 1990, and annually thereafter, the
5 commissioner shall allocate from the fees paid
6 pursuant to section 523E.2, one dollar for each
7 agreement reported on an establishment permit holder's
8 annual report for deposit to the regulatory fund. The
9 remainder of the fees collected pursuant to section
10 523E.2 shall be deposited into the ~~insurance revolving~~
11 ~~fund; provided, however, that general fund of the~~
12 ~~state.~~ However, if the balance of the regulatory fund
13 on that July 1 exceeds two hundred thousand dollars,
14 the allocation to the regulatory fund shall not be
15 made and the total sum of the fees paid pursuant to
16 section 523E.2 shall be deposited in the ~~insurance~~
17 ~~revolving general fund of the state.~~ The moneys in
18 the regulatory fund shall be retained in the fund
19 ~~together with any interest or earnings there earned~~
20 ~~on the balance.~~ The moneys are appropriated and,
21 subject to authorization by the commissioner, may be
22 used to pay investigative expenses and the expenses of
23 receiverships established pursuant to section 523E.19.
24 An annual assessment shall not be imposed if the
25 current balance of the fund exceeds two hundred
26 thousand dollars.

27 Sec. ____ . Section 524.207, unnumbered paragraphs 1
28 and 2, Code 1991, are amended by striking the
29 unnumbered paragraphs and inserting in lieu thereof
30 the following:

31 All expenses required in the discharge of the
32 duties and responsibilities imposed upon the banking
33 division of the department of commerce, the
34 superintendent, and the state banking board by the
35 laws of this state shall be paid from funds
36 appropriated from the general fund of the state. Fees
37 provided by the laws of this state are payable to the
38 superintendent. The superintendent shall pay all the
39 fees and other money received by the superintendent to

40 the treasurer of state within the time required by
41 section 12.10 for deposit in the general fund of the
42 state.

43 Sec. ____ . Section 524.207, unnumbered paragraph 4,
44 Code 1991, is amended to read as follows:

45 The banking division shall ~~transfer at the~~
46 ~~beginning of each fiscal quarter from appropriated~~
47 ~~trust funds to the administrative services trust fund~~
48 ~~in determining charges and assessments include~~ an
49 amount which represents the division's share of the
50 estimated cost of consolidated administrative services

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1 within the department of commerce, such share to be in
2 the same proportion as established by agreement in the
3 fiscal year beginning July 1, 1986, and ending June
4 30, 1987; ~~with the first quarterly transfer to occur~~
5 ~~between July 1 and July 31 annually. At the close of~~
6 ~~the fiscal year, actual versus estimated expenditures~~
7 ~~shall be reconciled and any overpayment shall be~~
8 ~~returned to the division or any underpayment shall be~~
9 ~~paid by the division.~~

10 Sec. ____ . Section 533.67, unnumbered paragraphs 1
11 and 2, Code 1991, are amended by striking the
12 unnumbered paragraphs and inserting in lieu thereof
13 the following:

14 All expenses required in the discharge of the
15 duties and responsibilities imposed upon the credit
16 union division, the superintendent, and the credit
17 union review board by the laws of this state shall be
18 paid from funds appropriated from the general fund of
19 the state. Fees provided by the laws of this state
20 are payable to the superintendent. The superintendent
21 shall pay all the fees and other money received by the
22 superintendent to the treasurer of state within the
23 time required by section 12.10 for deposit in the
24 general fund of the state.

25 Sec. ____ . Section 533.67, unnumbered paragraph 4,
26 Code 1991, is amended to read as follows:

27 The credit union division shall ~~transfer at the~~
28 ~~beginning of each fiscal quarter from appropriated~~
29 ~~trust funds to the administrative services trust fund~~
30 ~~in determining charges and assessments include~~ an
31 amount which represents the division's share of the
32 estimated cost of consolidated administrative services
33 within the department of commerce, such share to be in
34 the same proportion as established by agreement in the
35 fiscal year beginning July 1, 1986, and ending June
36 30, 1987; ~~with the first quarterly transfer to occur~~

37 between July 1 and July 31 annually. At the close of
38 the fiscal year, actual versus estimated expenditures
39 shall be reconciled and any overpayment shall be
40 returned to the division or any underpayment shall be
41 paid by the division.

42 Sec. ____ . Section 534.403, subsection 2, Code
43 1991, is amended to read as follows:

44 2. EXPENSES, PER DIEM, VACATION, AND SICK LEAVE.

45 If the examination is made under section 534.401,
46 subsection 3, each examiner shall file with the
47 superintendent an itemized, certified, and sworn
48 voucher of the examiner's expense for the time the
49 examiner is actually engaged in an examination. On
50 the fifteenth and last days of each month each

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1 examiner shall file in triplicate with the
2 superintendent a certified statement of the actual
3 days engaged in examinations. The salaries shall be
4 included in a two-week payroll period. Upon approval
5 of the superintendent, the director of revenue and
6 finance is authorized to issue warrants for payment of
7 the vouchers and salaries, including a prorated amount
8 for vacation and sick leave, from the savings and loan
9 revolving fund. Repayment to the state shall be made
10 as provided by section 534.408, subsection 4. Savings
11 and loan examiners shall be paid salaries at rates
12 commensurate with, and shall be reimbursed for meals
13 and lodging at the same rate and in the same manner
14 as, that which is received by federal examiners
15 operating under the federal home loan bank board.

16 Sec. ____ . Section 534.408, subsections 1 and 8,
17 Code 1991, are amended to read as follows:

18 1. PAYABLE TO DIVISION. Associations shall pay
19 fees by delivering to the superintendent a check
20 payable to the savings and loan division of the
21 department of commerce. All fees collected under this
22 chapter shall be deposited with the treasurer of state
23 in a separate fund to be known as the savings and loan
24 revolving fund, except eleven thousand dollars each
25 fiscal year shall be transferred to be deposited in
26 the general fund of the state. The amount shall be
27 considered as one of the costs of the savings and loan
28 division. All expenses necessary to carry out this
29 chapter shall be paid from the savings and loan
30 revolving fund and funds appropriated by the general
31 assembly from the general fund.

32 The authority to modify allotments provided in
33 section 8.31 shall not apply to funds appropriated

34 from the savings and loan fund:

35 8. ADMINISTRATIVE SERVICES COST. The savings and
36 loan association division shall transfer at the
37 beginning of each fiscal quarter from appropriated
38 trust funds to the administrative services trust fund
39 in determining charges and assessments include an
40 amount which represents the division's share of the
41 estimated cost of consolidated administrative services
42 within the department of commerce, such share to be in
43 the same proportion as established by agreement in the
44 fiscal year beginning July 1, 1986, and ending June
45 30, 1987; with the first quarterly transfer to occur
46 between July 1 and July 31 annually. At the close of
47 the fiscal year, actual versus estimated expenditures
48 shall be reconciled and any overpayment shall be
49 returned to the division or any underpayment shall be
50 paid by the division.

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1 Sec. ____ . Section 546.9, unnumbered paragraph 2,
2 Code 1991, is amended to read as follows:

3 The alcoholic beverages division shall transfer at
4 the beginning of each fiscal quarter from appropriated
5 trust funds to the administrative services trust fund
6 in determining charges and assessments include an
7 amount which represents the division's share of the
8 estimated cost of consolidated administrative services
9 within the department, such share to be in the same
10 proportion as established by agreement in the fiscal
11 year beginning July 1, 1986, and ending June 30, 1987;
12 with the first quarterly transfer to occur between
13 July 1 and July 31 annually. At the close of the
14 fiscal year, actual versus estimated expenditures
15 shall be reconciled and any overpayment shall be
16 returned to the division or any underpayment shall be
17 paid by the division.

18 Sec. ____ . Section 546.10, subsections 5 and 6,
19 Code 1991, are amended to read as follows:

20 5. The professional licensing and regulation
21 division shall transfer at the beginning of each
22 fiscal quarter from appropriated trust funds to the
23 administrative services trust fund in determining
24 charges and assessments include an amount which
25 represents the division's share of the estimated cost
26 of consolidated administrative services within the
27 department, such share to be in the same proportion as
28 established by agreement in the fiscal year beginning
29 July 1, 1986, and ending June 30, 1987; with the first
30 quarterly transfer to occur between July 1 and July 31

31 annually. At the close of the fiscal year, actual
32 versus estimated expenditures shall be reconciled and
33 any overpayment shall be returned to the division or
34 any underpayment shall be paid by the division.
35 6. There is created in the office of the treasurer
36 of state a professional licensing revolving fund.
37 Fees collected under chapters 114, 116, 117, 117B,
38 118, and 118A shall be paid to the treasurer of state
39 and credited to the professional licensing revolving
40 fund deposited in the general fund of the state. All
41 expenses required in the discharge of the duties and
42 responsibilities imposed upon the professional
43 licensing division of the department of commerce, the
44 administrator, and the licensing boards by the laws of
45 this state shall be paid from the revolving fund and
46 funds appropriated by the general assembly from the
47 general fund. Transfers shall not be made from the
48 general fund of the state or any other fund for the
49 payment of expenses of the division. Fees collected
50 by the division shall not be transferred to the

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1 general fund. The funds held by the treasurer of
2 state for the professional licensing division of the
3 department of commerce shall be invested by the
4 treasurer of state and the income derived from the
5 investments shall be credited to the general fund of
6 the state.

7 Sec. ____ . Section 556.18, subsection 3, Code 1991,
8 is amended to read as follows:

9 3. After July 1, ~~1988~~ 1991, the treasurer of state
10 shall annually credit the first one hundred fifty
11 thousand dollars of all moneys received under section
12 556.4 to the energy research and development general
13 fund created under section ~~93.14~~, of the state and
14 shall credit all additional moneys received under
15 section 556.4 to the energy crisis fund created under
16 section 601K.102.

17 Sec. ____ . Section 601J.6, subsections 1 and 4,
18 Code 1991, are amended to read as follows:

19 1. There is established a public transit
20 assistance fund in the office of the treasurer of
21 state. Moneys in this fund appropriated for public
22 transit assistance shall be expended for providing
23 assistance to public transit for the development,
24 improvement, and maintenance of public transit
25 systems. Unencumbered moneys appropriated by the
26 general assembly for the implementation of a state
27 assistance plan shall be deposited in the public

28 ~~transit assistance fund~~: Moneys received by the
 29 department by agreements, grants, gifts, or other
 30 means from individuals, companies or other business
 31 entities, or cities and counties for the purposes
 32 stated in this section shall be credited to the ~~public~~
 33 ~~transit assistance fund~~ general fund of the state and
 34 are appropriated for use by the department for those
 35 purposes.

36 4. Moneys deposited in the appropriated for public
 37 transit assistance ~~fund~~ are not subject to sections
 38 8.33 and 8.39.

39 Sec. ____ . Sections 99D.18, 107.17, 107.18, 107.19,
 40 111.79, 111.80, 327H.24, and 546.11, Code 1991, are
 41 repealed.

42 Sec. ____ . 1989 Iowa Acts, chapter 321, section 22,
 43 subsections 1 and 4, are repealed.

44 Sec. ____ . These divisions are effective July 1,
 45 1991."

46 27. Title page, line 6, by inserting after the
 47 word "state," the following: "and eliminating certain
 48 funds,".

LEONARD L. BOSWELL

S-3022

1 Amend House File 173, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 71, by inserting after line 24 the
 4 following:

5 "Sec. 2000. Notwithstanding sections 294A.5 and
 6 294A.6, for the school year beginning July 1, 1990,
 7 the minimum annual salary paid to a full-time teacher
 8 as regular compensation shall be \$20,000.

9 Notwithstanding the allocation of moneys specified in
 10 section 294A.25, \$2,700,000 shall be transferred from
 11 phase III moneys to phase I moneys for purposes of
 12 increasing the minimum annual salary of teachers to
 13 the amount specified in this section."

14 - 2. Page 71, by inserting before line 25 the
 15 following:

16 "Sec. 2001. Notwithstanding section 294A.25, after
 17 the transfer of moneys from phase III to phase I has
 18 been completed pursuant to section 2000 of this Act,
 19 unexpended moneys remaining for phase III shall be
 20 transferred to the general fund of the state."

21 3. By numbering and renumbering as necessary.

BERL PRIEBE
 JIM RIORDAN

S-3023

1 Amend Senate File 87 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 524.816, subsection 1, Code
5 1991, is amended to read as follows:

6 1. A bank organized under this chapter, as a
7 condition of maintaining its privilege of organization
8 after July 1, 1984 shall become an insured bank and
9 shall acquire and maintain insurance to protect each
10 depositor against loss of funds held on account by the
11 bank. The insurance shall be obtained from the
12 federal deposit insurance corporation or another
13 insurance plan approved by the superintendent,
14 provided that each bank shall acquire deposit
15 insurance from the appropriate agency of the federal
16 government.

17 Sec. 2. Section 533.64, unnumbered paragraph 1,
18 Code 1991, is amended to read as follows:

19 Except as provided in section 533.12, subsection 2,
20 a credit union organized under this chapter, as a
21 condition of maintaining its privilege of organization
22 after December 31, 1980, shall acquire and maintain
23 insurance to protect each shareholder and each
24 depositor against loss of funds held on account by the
25 credit union. The insurance shall be obtained from
26 the national credit union administrator or from some
27 other share guarantor or insurance plan approved by
28 the Iowa commissioner of insurance and the
29 superintendent, provided that each credit union shall
30 acquire deposit insurance from the appropriate agency
31 of the federal government.

32 Sec. 3. Section 534.506, subsection 1, Code 1991,
33 is amended to read as follows:

34 1. An association organized under this chapter as
35 a condition of maintaining its privilege of
36 organization after July 1, 1984 shall acquire and
37 maintain insurance to protect each depositor against
38 loss of funds held on account by the association. The
39 insurance shall be obtained from the federal savings
40 and loan insurance corporation or another insurance
41 plan approved by the superintendent, provided that
42 each association organized under this chapter shall
43 acquire deposit insurance from the appropriate agency
44 of the federal government.

45 Sec. 4. EFFECTIVE DATE. This Act takes effect
46 July 1, 1992."

47 2. Title page, by striking lines 2 through 4 and

48 inserting the following: "financial institutions, and
49 providing an effective date."

DON E. GETTINGS
PAT DELUHERY
RICHARD F. DRAKE
HARRY SLIFE

S-3024

1 Amend House File 173, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 11, line 12, by striking the figure
4 "197,000" and inserting the following: "210,300".

BEVERLY A. HANNON
FLORENCE BUHR
LEONARD BOSWELL
BILL HUTCHINS
LARRY MURPHY
AL STURGEON

S-3025

1 Amend Senate File 38 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "size," the following: "or".
4 2. Page 1, line 8, by striking the words "or
5 highest cost,".
6 3. Page 1, line 10, by inserting after the word
7 "created," the following: "subject to the
8 requirements of sections 69.16 and 69.16A,".
9 4. Page 1, line 30, by inserting after the word
10 "quorum." the following: "The affirmative vote of a
11 majority of the members is necessary for final action
12 taken by the commission."
13 5. Page 2, line 14, by inserting after the word
14 "funding" the following: "in excess of one hundred
15 thousand dollars".
16 6. Page 2, line 19, by inserting after the word
17 "access" the following: ", pursuant to chapter 22,".
18 7. Page 3, line 1, by inserting after the word
19 "funding" the following: "in excess of one hundred
20 thousand dollars".
21 8. Page 3, by striking lines 6 through 8 and
22 inserting the following: "any supercomputer hardware,
23 computer hardware or computer software primarily
24 intended for access to supercomputer systems, purchase
25 of computing access time".
26 9. Page 3, line 11, by striking the words

- 27 "training in the use of supercomputer systems,"
28 10. Page 3, line 12, by inserting after the word
29 "relating" the following: "primarily".

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chair

S-3026

- 1 Amend the amendment, S-3021, to House File 173, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 32 the
5 following:
6 "___ . Page 80, by striking lines 33 through 35.
7 ___ . Page 81, by striking lines 7 and 8.
8 ___ . Page 81, by striking line 20."
9 2. By striking page 4, line 33 through page 5,
10 line 11.
11 3. By striking page 6, line 22 through page 9,
12 line 4, and inserting the following:
13 "Sec. ___ . Section 107.17, Code 1991, is amended
14 to read as follows:
15 107.17 FUNDS.
16 The following five funds are fund is created in the
17 state treasury:
18 ~~1. A state fish and game protection fund.~~
19 ~~2. A state conservation fund.~~
20 ~~3. An administration fund.~~
21 ~~4. A public outdoor recreation and resources fund.~~
22 ~~5. A county conservation board fund.~~
23 The state fish and game protection fund, except as
24 otherwise provided, consists of all moneys accruing
25 from license fees and all other sources of revenue
26 arising under the fish and wildlife division.
27 Notwithstanding section 453.7, subsection 2, interest
28 or earnings on investments or time deposits of the
29 funds in the state fish and game protection fund ~~and~~
30 ~~the public outdoor recreation and resources fund~~ shall
31 be credited to those funds respectively that fund.
32 ~~The public outdoor recreation and resources fund~~
33 ~~and the county conservation board fund~~ consist of all
34 moneys credited to them by law or appropriated to them
35 by the general assembly.
36 ~~The conservation fund, except as otherwise~~
37 ~~provided, consists of all other funds accruing to the~~
38 ~~department for the purposes embraced by this chapter.~~
39 ~~The administration fund~~ shall consist of an
40 equitable portion of the gross amount of the state
41 fish and game protection fund and the state

42 conservation fund, to be determined by the commission,
 43 sufficient to pay the expense of administration
 44 entailed by this chapter.
 45 All receipts and refunds and reimbursements related
 46 to activities funded by the administration fund are
 47 appropriated to the administration fund. All refunds
 48 and reimbursements relating to activities of the state
 49 fish and game protection fund shall be credited to the
 50 state fish and game protection fund.

Page 2

1 Sec. ____ . Section 107.18, Code 1991, is amended to
 2 read as follows:
 3 107.18 REPORT OF FUNDS.
 4 The director shall, at least monthly, make return
 5 and pay to the treasurer of state all moneys then in
 6 the director's hands belonging to the five funds state
 7 fish and game protection fund.
 8 Sec. ____ . Section 107.19, unnumbered paragraph 1,
 9 Code 1991, is amended to read as follows:
 10 All funds accruing to the fish and game protection
 11 fund; ~~except an equitable portion of the~~
 12 ~~administration fund~~, shall be expended solely in
 13 carrying on the activities embraced in the fish and
 14 wildlife division. Expenditures incurred by the
 15 division in carrying on the activities shall be only
 16 on authorization by the general assembly.
 17 Sec. ____ . Section 107.19, unnumbered paragraphs 4,
 18 5, 7, and 8, Code 1991, are amended by striking the
 19 unnumbered paragraphs."
 20 4. By striking page 9, line 23 through page 11,
 21 line 35.
 22 5. By striking page 13, line 39 through page 15,
 23 line 13.
 24 6. Page 28, by striking lines 1 through 37.
 25 7. Page 31, by striking lines 13 through 22.
 26 8. Page 52, line 39, by striking the following:
 27 "107.17, 107.18, 107.19,""

LEONARD L. BOSWELL
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 JOE J. WELSH
 EMIL J. HUSAK
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 LARRY MURPHY
 BERL E. PRIEBE
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S-3027

- 1 Amend the amendment, S-3020, to House File 173, as
- 2 amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 8, by striking lines 15 through 29.
- 5 2. Page 15, by striking lines 3 through 17.
- 6 3. Page 16, by striking line 37 through page 17,
- 7 line 1.
- 8 4. Page 18, by striking lines 26 through 40.
- 9 5. Page 32, by striking lines 33 through 47.
- 10 6. Page 35, by striking lines 9 through 22.
- 11 7. Page 40, by striking line 42 through page 41,
- 12 line 5.
- 13 8. Page 43, by striking line 41 through page 44,
- 14 line 5.
- 15 9. Page 45, by striking line 45 through page 46,
- 16 line 8.
- 17 10. Page 46, by striking line 39 through page 47,
- 18 line 2.
- 19 11. Page 47, by striking lines 19 through 32.
- 20 12. Page 52, by striking lines 1 through 14.
- 21 13. Page 52, by striking lines 31 through 44.
- 22 14. Page 55, by striking lines 25 through 38.
- 23 15. Page 57, by striking lines 25 through 38.
- 24 16. Page 62, by striking lines 27 through 41.
- 25 17. Page 64, by striking lines 4 through 39.

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S-3028

- 1 Amend the amendment, S-3021, to House File 173, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 40 the
- 5 following:
- 6 "___ . Page 9, line 32, by inserting after the
- 7 word "reductions." the following: "Preference shall
- 8 be given in granting both voluntary and mandatory
- 9 furloughs to those employees making more than \$35,000
- 10 per year."

LEONARD L. BOSWELL

S-3029

- 1 Amend the amendment, S-3021, to House File 173, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 18, by striking the figure
- 5 "166,397" and inserting the following: "171,336".

LEONARD L. BOSWELL

S-3030

- 1 Amend House File 173, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 38, line 4, by striking the word
- 4 "deappropriated" and inserting the following: "of the
- 5 appropriation reduced".
- 6 2. Page 38, line 24, by striking the word
- 7 "deappropriated" and inserting the following: "of the
- 8 appropriation reduced".
- 9 3. Page 60, line 34, by striking the word
- 10 "Section" and inserting the following: "Act".
- 11 4. Page 81, line 11, by striking the figure
- 12 "192A.3" and inserting the following: "192A.30".

LEONARD BOSWELL

S-3031

- 1 Amend the amendment, S-3020, to House File 173 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 20, by striking lines 24 through 37.
- 4 2. Page 22, by striking line 41 through page 23,
- 5 line 5.

RICHARD V. RUNNING

S-3032

1 Amend House File 173 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 23, line 12, by inserting after the word
4 "state." the following: "However, if the federal
5 government provides notification that the transfer of
6 the moneys pursuant to this section is in conflict
7 with federal requirements, the treasurer of state
8 shall either not transfer the moneys or shall transfer
9 the appropriate amount from the general fund of the
10 state back to the administrative contribution
11 surcharge fund."

RICHARD V. RUNNING

S-3033

1 Amend amendment, S-3021, to House File 173 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 9, by striking lines 18 through 22 and
5 inserting the following: "land stewardship. The
6 department may use moneys appropriated for this
7 purpose from the ~~agriculture management account of the~~
8 ~~groundwater protection fund~~ account of the general
9 fund of the state in addition to other moneys
10 available for wetland acquisition, protection,
11 development, and management."
12 2. Page 13, by striking lines 27 through 38 and
13 inserting the following: "for resource protection
14 measures. The department shall use moneys
15 appropriated for this purpose from the ~~agriculture~~
16 ~~management account of the groundwater protection fund~~
17 account of the general fund of the state.
18 Sec. ____ . Section 159.29, subsection 2, paragraph
19 a, Code 1991, is amended to read as follows:
20 a. Financial incentive moneys may be allocated
21 from the financial incentive portion of the
22 ~~agriculture management account of the groundwater~~
23 ~~protection fund~~ account of the general fund of the
24 state to implement alternatives to agricultural
25 drainage wells."
26 3. Page 18, lines 2 and 3, by striking the words
27 "~~groundwater protection~~" and inserting the following:
28 "groundwater protection account of the".
29 4. Page 18, by striking lines 15 through 17 and
30 inserting the following: "under sections 200.4 and
31 200.8, with the exception of those fees collected for

32 deposit in the ~~agriculture management account of the~~
33 ~~groundwater protection fund account of the general~~
34 ~~fund of the state.~~"

35 5. Page 19, by striking lines 5 through 10 and
36 inserting the following:

37 "Sec. ____ . Section 206.8, subsection 2, unnumbered
38 paragraph 2, Code 1991, is amended to read as follows:

39 The initial twenty-five dollars of each annual
40 license fee shall be retained by the department for
41 administration of the program, and the remaining
42 moneys collected shall be deposited in the ~~agriculture~~
43 ~~management account of the groundwater protection fund~~
44 ~~account of the general fund of the state."~~

45 6. Page 19, line 37, by inserting after the word
46 "state" the following: "of which the amount of each
47 fee in excess of fifty dollars shall be credited to
48 the groundwater protection account of the general
49 fund".

50 7. Page 32, line 33, by inserting after the word

Page 2

1 "~~from~~" the following: "the groundwater protection
2 account of".

3 8. Page 33, line 6, by inserting after the word
4 "~~account~~" the following: "groundwater protection
5 account of the".

6 9. Page 33, lines 18 and 19, by striking the
7 words "~~groundwater protection fund created under~~
8 ~~section 455E.11~~" and inserting the following:
9 "groundwater protection fund account created under
10 section 455E.11 in the".

11 10. Page 33, lines 28 and 29, by striking the
12 words "~~groundwater protection fund created in section~~
13 ~~455E.11~~" and inserting the following: "groundwater
14 protection fund account created in section 455E.11 in
15 the".

16 11. Page 33, line 41, by striking the words
17 "~~groundwater protection fund~~" and inserting the
18 following: "groundwater protection fund account of
19 the".

20 12. By striking page 34, line 4, through page 42,
21 line 21, and inserting the following:

22 "Sec. ____ . Section 455E.11, subsection 1, Code
23 1991, is amended to read as follows:

24 1. A groundwater protection ~~fund~~ account is
25 created in the state treasury as a special account in
26 the general fund of the state. Moneys received from
27 sources designated for purposes related to groundwater
28 monitoring and groundwater quality standards shall be

29 deposited in the fund account. Notwithstanding
 30 section 8.33, any unexpended balances in the
 31 groundwater protection fund and in any of the accounts
 32 within the groundwater protection fund account at the
 33 end of each fiscal year shall be retained in the fund
 34 and the respective accounts within the fund account.
 35 Notwithstanding section 453.7, subsection 2, interest
 36 or earnings on investments or time deposits of the
 37 moneys in the groundwater protection fund or in any of
 38 the accounts within the groundwater protection fund
 39 account shall be credited to the groundwater
 40 protection fund or the respective accounts within the
 41 groundwater protection fund account. The fund account
 42 may be used for the purposes established for each
 43 account within the fund account.
 44 The director shall include in the departmental
 45 budget prepared pursuant to section 455A.4, subsection
 46 1, paragraph "c", a proposal for the use of
 47 groundwater protection fund account moneys, and a
 48 report of the uses of the groundwater protection fund
 49 account moneys appropriated in the previous fiscal
 50 year.

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1 The secretary of agriculture shall submit with the
 2 report prepared pursuant to section 17.3 a proposal
 3 for the use of groundwater protection fund account
 4 moneys, and a report of the uses of the groundwater
 5 protection fund account moneys appropriated in the
 6 previous fiscal year.

7 There is annually appropriated all moneys in the
 8 groundwater protection account for purposes of the
 9 programs in subsection 2 and for all other purposes
 10 for which moneys in the account may be used by law.

11 Sec. ____ . Section 455E.11, subsection 2,
 12 unnumbered paragraph 1, Code 1991, is amended to read
 13 as follows:

14 The following accounts programs are created within
 15 under the groundwater protection fund Act:

16 Sec. ____ . Section 455E.11, subsection 2,
 17 paragraphs a, b, c, and d, Code 1991, are amended to
 18 read as follows:

19 a. A solid waste account program. Moneys received
 20 from the tonnage fee imposed under section 455B.310
 21 and from other sources designated for environmental
 22 protection purposes in relation to sanitary disposal
 23 projects shall be deposited in the solid waste
 24 groundwater protection account and shall be allocated
 25 for purposes of the solid waste program.

26 The department shall use the funds in the account
27 for the following purposes:

28 (1) The moneys received from the tonnage fee
29 imposed under section 455B.310 for the fiscal year
30 beginning July 1, 1987, and ending June 30, 1988,
31 shall be used for the following purposes:

32 (a) An amount equal to fifty percent of the moneys
33 received from the tonnage fee imposed pursuant to
34 section 455B.310 shall be reserved for the purpose of
35 providing grants to cities and counties required to
36 provide for sanitary disposal projects under section
37 455B.302 for the purpose of developing or updating
38 plans required to be filed under section 455B.306.
39 Grants shall be governed by section 455B.311.

40 (b) An amount equal to twenty-five percent of the
41 moneys received from the tonnage fee imposed under
42 section 455B.310 shall be reserved for the purpose of
43 providing grants to public water supply systems to
44 abate or eliminate threats to public health and safety
45 resulting from contamination of the water supply
46 source. However, a public water supply shall not
47 receive a grant for more than ten percent of the
48 moneys available for those purposes.

49 (c) An amount equal to twenty-five percent of the
50 moneys received from the tonnage fee imposed under

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1 section 455B.310 shall be appropriated to the waste
2 management authority.

3 (2) The first fifty cents per ton of funds
4 received from the tonnage fee imposed under section
5 455B.310 for the fiscal year beginning July 1, 1988
6 and ending June 30, 1989, shall be used for the
7 following:

8 (a) Six cents per ton of the amount allocated
9 under this subparagraph is appropriated to the waste
10 management authority within the department of natural
11 resources.

12 (b) Fourteen cents per ton of the amount allocated
13 under this subparagraph is appropriated to the
14 University of Northern Iowa to develop and maintain
15 the small business assistance center for the safe and
16 economic management of solid waste and hazardous
17 substances established at the University of Northern
18 Iowa.

19 (c) Eight thousand dollars of the amount allocated
20 under this subparagraph is appropriated to the Iowa
21 department of public health for carrying out the
22 departmental duties pursuant to section 135.11,

23 subsections 20 and 21, and section 139.35.

24 (d) The remainder of the amount allocated under
25 this subparagraph is appropriated to the department of
26 natural resources for the following purposes:

27 (i) The development of guidelines for groundwater
28 monitoring at sanitary disposal projects as defined in
29 section 455B.301, subsection 18.

30 (ii) Abatement and cleanup of threats to the
31 public health, safety, and the environment resulting
32 from a sanitary landfill if an owner or operator of
33 the landfill is unable to facilitate the abatement or
34 cleanup. However, not more than ten percent of the
35 total funds allocated under this subparagraph may be
36 used for this purpose without legislative
37 authorization.

38 (3) An additional fifty cents per ton from the
39 fees imposed under section 455B.310 for the fiscal
40 year beginning July 1, 1988 and ending June 30, 1989
41 shall be used by the department to develop and
42 implement demonstration projects for landfill
43 alternatives to solid waste disposal including
44 recycling programs.

45 (4) The additional fifty cents per ton collected
46 from the fee imposed under section 455B.310 for the
47 fiscal year beginning July 1, 1988 and ending June 30,
48 1989 may be retained by the agency making the payments
49 to the state provided that a separate account is
50 established for these funds and that they are used in

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1 accordance with the requirements of section 455B.306.

2 (5) The first fifty cents per ton of funds
3 received from the tonnage fee imposed under section
4 455B.310 for the fiscal year beginning July 1, 1989
5 and ending June 30, 1990, shall be used for the
6 following:

7 (a) Six cents per ton of the amount allocated
8 under this subparagraph is appropriated to the waste
9 management authority within the department of natural
10 resources.

11 (b) Fourteen cents per ton of the amount allocated
12 under this subparagraph is appropriated to the
13 University of Northern Iowa to develop and maintain
14 the small business assistance center for the safe and
15 economic management of solid waste and hazardous
16 substances established at the University of Northern
17 Iowa.

18 (c) Eight thousand dollars of the amount allocated
19 under this subparagraph is appropriated to the Iowa

20 department of public health for carrying out the
21 departmental duties pursuant to section 135.11,
22 subsections 20 and 21, and section 139.35.

23 (d) The remainder of the amount allocated under
24 this subparagraph is appropriated to the department of
25 natural resources for the following purposes:

26 (i) The development of guidelines for groundwater
27 monitoring at sanitary disposal projects as defined in
28 section 455B.301, subsection 18.

29 (ii) Abatement and cleanup of threats to the
30 public health, safety, and the environment resulting
31 from a sanitary landfill if an owner or operator of
32 the landfill is unable to facilitate the abatement or
33 cleanup. However, not more than ten percent of the
34 total funds allocated under this subparagraph may be
35 used for this purpose without legislative
36 authorization.

37 (6) One dollar per ton from the fees imposed under
38 section 455B.310 for the fiscal year beginning July 1,
39 1989 and ending June 30, 1990 shall be used by the
40 department to develop and implement demonstration
41 projects for landfill alternatives to solid waste
42 disposal including recycling programs.

43 (7) The additional fifty cents per ton collected
44 from the fee imposed under section 455B.310 for the
45 fiscal year beginning July 1, 1989 and ending June 30,
46 1990 may be retained by the agency making the payments
47 to the state provided that a separate account is
48 established for these funds and that they are used in
49 accordance with the requirements of section 455B.306.

50 (8) The first Of the funds allocated for the solid

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1 waste program, an amount equal to fifty cents per ton
2 of funds received from the tonnage fee imposed for the
3 fiscal year beginning July 1, 1990, and thereafter
4 shall be used for the following:

5 (a) Twenty cents per ton of the amount allocated
6 under this subparagraph is appropriated to the
7 university of northern Iowa to develop and maintain
8 the Iowa waste reduction center for the safe and
9 economic management of solid waste and hazardous
10 substances established at the university of northern
11 Iowa.

12 (b) Thirty cents per ton of the amount allocated
13 under this subparagraph is appropriated to the
14 department of natural resources for the following
15 purposes:

16 (i) Eight thousand dollars of the amount allocated

17 under this subparagraph shall be transferred to the
18 Iowa department of public health for carrying out the
19 departmental duties pursuant to section 135.11,
20 subsections 20 and 21, and section 139.35.

21 (ii) The administration and enforcement of a
22 groundwater monitoring program and other required
23 programs which are related to solid waste management.

24 (iii) The development of guidelines for
25 groundwater monitoring at sanitary disposal projects
26 as defined in section 455B.301, subsection 18.

27 (iv) The waste management authority of the
28 department of natural resources.

29 (9) ~~One~~ Of the funds allocated, an amount equal to
30 one dollar per ton from the fees imposed under section
31 455B.310 for the fiscal year beginning July 1, 1990
32 and thereafter shall be used by the department to
33 develop and implement demonstration projects for
34 landfill alternatives to solid waste disposal
35 including recycling programs.

36 (10) ~~Fifty~~ Of the funds allocated, an amount equal
37 to fifty cents per ton per year of funds received from
38 the tonnage fee imposed under section 455B.310 for the
39 fiscal year beginning July 1, 1990, and thereafter may
40 be retained by the agency making the payments to the
41 state provided that a separate account is established
42 for these funds and that they are used in accordance
43 with the requirements of section 455B.306.

44 (11) Each additional fifty cents per ton per year
45 of funds received from the tonnage fee for the fiscal
46 period beginning July 1, 1990 and thereafter which is
47 allocated for the solid waste program is allocated for
48 the following purposes:

49 (a) Thirty-five cents per ton per year shall be
50 allocated to the department of natural resources for

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1 the following purposes:

2 (i) Twenty-five cents per ton per year shall be
3 used to develop and implement demonstration projects
4 for landfill alternatives to solid waste disposal
5 including recycling programs.

6 (ii) No more than ten cents of the thirty-five
7 cents per year may be used for the administration of a
8 groundwater monitoring program and other required
9 programs which are related to solid waste management,
10 if the amount of funds generated for administrative
11 costs in this fiscal period is less than the amount
12 generated for the costs in the fiscal year beginning
13 July 1, 1988.

14 (b) Fifteen cents per ton per year shall be
 15 allocated to local agencies for use as provided by
 16 law.
 17 (12) Cities, counties, and private agencies
 18 subject to fees imposed under section 455B.310 may use
 19 the funds collected in accordance with the provisions
 20 of this section and the conditions of this subsection.
 21 The funds used ~~from the account under this program~~ may
 22 only be used for any of the following purposes:
 23 (a) Development and implementation of an approved
 24 comprehensive plan.
 25 (b) Development of a closure or postclosure plan.
 26 (c) Development of a plan for the control and
 27 treatment of leachate which may include a facility
 28 plan or detailed plans and specifications.
 29 (d) Preparation of a financial plan, but these
 30 funds may not be used to actually contribute to any
 31 fund created to satisfy financial requirements, or to
 32 contribute to the purchase of any instrument to meet
 33 this need.
 34 On January 1 of the year following the first year
 35 in which the funds ~~from the account under this program~~
 36 are used, and annually thereafter, the agency shall
 37 report to the department as to the amount of the funds
 38 used, the exact nature of the use of the funds, and
 39 the projects completed. The report shall include an
 40 audit report which states that the funds were, in
 41 fact, used entirely for purposes authorized under this
 42 subsection.
 43 ~~(13) If moneys appropriated to the portion of the~~
 44 ~~solid waste account to be used for the administration~~
 45 ~~of groundwater monitoring programs and other required~~
 46 ~~programs that are related to solid waste management~~
 47 ~~remain unused at the end of any fiscal year, the~~
 48 ~~moneys remaining shall be allocated to the portion of~~
 49 ~~the account used for abatement and cleanup of threats~~
 50 ~~to the public health, safety, and the environment,~~

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1 resulting from sanitary landfills. If the balance of
 2 the moneys in the portion of the account used for
 3 abatement and cleanup exceeds three million dollars,
 4 the moneys in excess shall be used to fund the
 5 development and implementation of demonstration
 6 projects for landfill alternatives to solid waste
 7 disposal including recycling.
 8 b. An agriculture management account program.
 9 Moneys collected from the groundwater protection fee
 10 levied pursuant to section 200.8, subsection 4, the

11 portion of the fees collected pursuant to sections
12 206.8, subsection 2, and 206.12, subsection 3, and
13 other moneys designated for the purpose of agriculture
14 management shall be deposited in the ~~agriculture~~
15 ~~management groundwater protection~~ account. The
16 ~~agriculture management account shall be used for the~~
17 ~~following purposes and shall be allocated for purposes~~
18 ~~of the agriculture management program as follows:~~

19 (1) Nine thousand dollars of the account is
20 appropriated to the Iowa department of public health
21 for carrying out the departmental duties under section
22 135.11, subsections 20 and 21, and section 139.35.

23 (2) Two hundred thousand dollars of the moneys
24 deposited in the agriculture management account is
25 appropriated to the department of agriculture and land
26 stewardship for the fiscal year beginning July 1,
27 1987, and ending June 30, 1988, for the demonstration
28 projects regarding agriculture drainage wells and
29 sinkholes. Any remaining balance of the appropriation
30 made for the purpose of funding such demonstration
31 projects for the fiscal year beginning July 1, 1987,
32 and ending June 30, 1988, shall not revert to the
33 account, notwithstanding section 8.33, but shall
34 remain available for the purpose of funding such
35 demonstration projects during the fiscal period
36 beginning July 1, 1988, and ending June 30, 1990.

37 (3) Of the remaining moneys in the account:
38 (a) Thirty-five percent is appropriated annually
39 for the Leopold center for sustainable agriculture at
40 Iowa State University of science and technology.

41 (b) Two percent is appropriated annually to the
42 department of natural resources for the purpose of
43 administering grants to counties and conducting
44 oversight of county-based programs relative to the
45 testing of private water supply wells and the proper
46 closure of private abandoned wells. Not more than
47 seventeen and one-half percent of the moneys is
48 appropriated annually to the department of natural
49 resources for grants to counties for the purpose of
50 conducting programs of private, rural water supply

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1 testing, not more than six percent of the moneys is
2 appropriated annually to the state hygienic laboratory
3 to assist in well testing, and not more than seventeen
4 and one-half percent of the moneys is appropriated
5 annually to the department of natural resources for
6 grants to counties for the purpose of conducting
7 programs for properly closing abandoned, rural water

8 supply wells and cisterns. For purposes of this
9 subparagraph subdivision, "cistern" means an
10 artificial reservoir constructed underground for the
11 purpose of storing rainwater.

12 (c) The department shall allocate a sum not to
13 exceed seventy-nine thousand dollars of the moneys
14 appropriated for the fiscal year beginning July 1,
15 1987, and ending June 30, 1988, for the preparation of
16 a detailed report and plan for the establishment on
17 July 1, 1988, of the center for health effects of
18 environmental contamination. The plan for
19 establishing the center shall be presented to the
20 general assembly on or before January 15, 1988. The
21 report shall include the assemblage of all existing
22 data relating to Iowa drinking water supplies,
23 including characteristics of source, treatment,
24 presence of contaminants, precise location, and usage
25 patterns to facilitate data retrieval and use in
26 research; and detailed organizational plans, research
27 objectives, and budget projections for the anticipated
28 functions of the center in subsequent years. The
29 department may allocate annually a sum not to exceed
30 nine percent of the moneys of the account allocated
31 for the agriculture management program to the center,
32 beginning July 1, 1988.

33 (d) Thirteen percent of the moneys is appropriated
34 annually to the department of agriculture and land
35 stewardship for financial incentive programs related
36 to agricultural drainage wells and sinkholes, for
37 studies and administrative costs relating to sinkholes
38 and agricultural drainage wells programs. Of the
39 thirteen percent allocated for financial incentive
40 programs, not more than fifty thousand dollars is
41 appropriated for the fiscal year beginning July 1,
42 1987, and ending June 30, 1988, to the department of
43 natural resources for grants to county conservation
44 boards for the development and implementation of
45 projects regarding alternative practices in the
46 remediation of noxious weeds or other vegetation
47 within highway rights-of-way. Any remaining balance
48 of the appropriation made for the purpose of funding
49 of projects regarding alternative practices in the
50 remediation of noxious weeds or other vegetation

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1 within highway rights-of-way for the fiscal year
2 beginning July 1, 1987, and ending June 30, 1988,
3 shall not revert to the account, notwithstanding
4 section 8.33, but shall remain available for the

5 purpose of funding the projects during the fiscal
6 period beginning July 1, 1988, and ending June 30,
7 1990.

8 c. A household hazardous waste ~~account~~ program.
9 The moneys collected pursuant to section 455F.7 and
10 moneys collected pursuant to section 29C.8A which are
11 designated for deposit, shall be deposited in the
12 ~~household hazardous waste groundwater protection~~
13 account and shall be allocated for purposes of the
14 household hazardous waste program as provided in this
15 paragraph. Two thousand dollars is appropriated
16 annually to the Iowa department of public health to
17 carry out departmental duties under section 135.11,
18 subsections 20 and 21, and section 139.35. The
19 remainder of the ~~account amount allocated~~ shall be
20 used to fund Toxic Cleanup Days and the efforts of the
21 department to support a collection system for
22 household hazardous materials, including public
23 education programs, training, and consultation of
24 local governments in the establishment and operation
25 of permanent collection systems, and the management of
26 collection sites, education programs, and other
27 activities pursuant to chapter 455F, including the
28 administration of the household hazardous materials
29 permit program by the department of revenue and
30 finance.

31 The department shall submit to the general
32 assembly, annually on or before January 1, an itemized
33 report which includes but is not limited to the total
34 amount of moneys collected and the sources of the
35 moneys collected, the amount of moneys expended for
36 administration of the programs funded ~~within the~~
37 account under the household hazardous waste program,
38 and an itemization of any other expenditures made
39 within the previous fiscal year.

40 d. A storage tank management ~~account~~ program. All
41 fees collected pursuant to section 455B.473,
42 subsection 5, and section 455B.479, shall be deposited
43 in the ~~storage tank management groundwater protection~~
44 account, except those moneys deposited into the Iowa
45 comprehensive petroleum underground storage tank fund
46 pursuant to section 455B.479, and shall be allocated
47 for the purposes of the storage tank management
48 program. Funds shall be expended for the following
49 purposes:

50 (1) One thousand dollars is appropriated annually

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1 to the Iowa department of public health to carry out

2 departmental duties under section 135.11, subsections
3 20 and 21, and section 139.35.

4 (2) ~~Twenty-three~~ Of the funds allocated for the
5 storage tank management program, an amount equal to
6 twenty-three percent of the proceeds of the fees
7 imposed pursuant to section 455B.473, subsection 5,
8 and section 455B.479 shall be ~~deposited in the account~~
9 annually be used for the program, up to a maximum of
10 three hundred fifty thousand dollars. If twenty-three
11 percent of the proceeds exceeds three hundred fifty
12 thousand dollars, the excess shall be deposited into
13 the fund created in section 455G.3. Three hundred
14 fifty thousand dollars is ~~appropriated from the~~
15 ~~storage tank management account allocated to the~~
16 department of natural resources for the administration
17 of a state storage tank program pursuant to chapter
18 455B, division IV, part 8, and for programs which
19 reduce the potential for harm to the environment and
20 the public health from storage tanks.

21 (3) The remaining funds in the ~~account~~ are
22 ~~appropriated allocated~~ annually to the Iowa
23 comprehensive petroleum underground storage tank
24 fund."

25 13. Page 42, line 39, by inserting after the
26 words "deposited in" the following: "the groundwater
27 protection account of".

RALPH ROSENBERG
RICHARD J. VARN
JAMES R. RIORDAN

S-3034

1 Amend amendment S-3021 to House File 173, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 52, lines 44 and 45, by striking the
5 following: "July 1, 1991." and inserting the
6 following: "for the period beginning July 1, 1991,
7 and ending June 30, 1993, and the amendments made to
8 Code sections in these divisions are repealed July 1,
9 1993. The Code editor shall editorially amend the
10 Code section in these divisions to reflect this repeal
11 by restoring the language in these Code sections to
12 the language in these Code sections as it appears in
13 the Code of Iowa 1991, except that amendments to these
14 Code sections by other Acts of this and subsequent
15 general assemblies shall not be affected."

16 2. Page 52, line 47, by inserting before the word
17 "eliminating" the following: "temporarily".

AL STURGEON

S-3035

1 Amend the amendment, S-3020, to House File 173, as
2 amended, passed and reprinted by the House, as follows:

3 1. Page 64, by striking lines 4 through 39 and

4 inserting in lieu thereof the following:

5 "Sec. 919. APPROPRIATIONS REDUCED -- REGENTS'
6 INSTITUTIONS.

7 1. The funds appropriated to the state university
8 of Iowa for the fiscal year beginning July 1, 1990,
9 and ending June 30, 1991, by 1990 Iowa Acts, chapter
10 1272, section 14, subsection 2, shall be reduced by
11 the department of management in the amount of
12 \$3,523,628. Within one day of the date this Act takes
13 effect, the state university shall notify the
14 department of management of the amount of reduction
15 established by the university for each budget unit in
16 order to achieve the total reduction amount required
17 by this subsection.

18 2. The funds appropriated to the Iowa state
19 university of science and technology for the fiscal
20 year beginning July 1, 1990, and ending June 30, 1991,
21 by 1990 Iowa Acts, chapter 1272, section 14,
22 subsection 3, shall be reduced by the department of
23 management in the amount of \$2,813,456. Within one
24 day of the effective date of this Act, the state
25 university shall notify the department of management
26 of the amount of reduction established by the
27 university for each budget unit in order to achieve
28 the total reduction amount required by this
29 subsection.

30 3. The funds appropriated to the university of
31 northern Iowa for the fiscal year beginning July 1,
32 1990, and ending June 30, 1991, by 1990 Iowa Acts,
33 chapter 1272, section 14, subsection 4, shall be
34 reduced by the department of management in the amount
35 of \$899,425. Within one day of the effective date of
36 this Act, the state university shall notify the
37 department of management of the amount of reduction
38 established by the university for each budget unit in
39 order to achieve the total reduction amount required
40 by this subsection."

LEONARD L. BOSWELL
RICHARD J. VARN

S-3036

- 1 Amend House File 173, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 11, line 12, by striking the figure
- 4 "197,000" and inserting the following: "207,500".

BEVERLY A. HANNON
FLORENCE BUHR
LEONARD BOSWELL
BILL HUTCHINS

S-3037

- 1 Amend Senate File 118 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 "to agricultural land" and inserting the following:
- 4 "to agricultural land".

JAMES R. RIORDAN
BERL E. PRIEBE

S-3038

- 1 Amend Senate File 19 as follows:
- 2 1. Page 1, by inserting after line 17; the
- 3 following:
- 4 "(4) A personalized collegiate registration plate
- 5 may be issued with no more than a seven digit
- 6 combination of letters or numbers as requested by the
- 7 owner. The plates shall be subject to the
- 8 restrictions under subsection 5 and shall conform to
- 9 the color combinations allowed in subparagraph (1),
- 10 (2), or (3).
- 11 Sec. 2. This Act takes effect upon enactment."
- 12 2. Title page, line 1, by inserting after the
- 13 word "plates" the following: "and providing an
- 14 effective date".

BERL E. PRIEBE

S-3039

- 1 Amend Senate File 141 as follows:
- 2 1. Page 3, by inserting after line 21 the
- 3 following:
- 4 "For the budget year beginning July 1, 1991, and
- 5 each succeeding budget year the department of
- 6 management shall calculate for each district in the
- 7 area, the difference between the revenues generated by
- 8 property tax in the district calculated under this
- 9 section to pay for media and educational services and

10 the revenues generated by property tax in that
11 district for media and educational services for the
12 budget year beginning July 1, 1990, calculated under
13 chapter 442, Code 1989. If the property tax revenues
14 for a district calculated under this section exceed
15 the property tax revenues for that district calculated
16 under chapter 442, Code 1989, the department of
17 management shall reduce the revenues raised by the
18 additional property tax levy in that district under
19 this section by that difference and the department of
20 education shall pay media and educational services
21 adjustment aid to the district equal to that
22 difference from moneys appropriated for media and
23 educational services adjustment aid.
24 There is appropriated from the general fund of the
25 state to the department of education, for each fiscal
26 year, an amount necessary to pay media and educational
27 services adjustment aid to school districts under this
28 section. Media and educational services adjustment aid
29 shall be paid to school districts in the manner
30 provided in section 257.16."

31 2. Title page, line 2, by inserting after the
32 word "agencies" the following: "and making an annual
33 appropriation".

H. KAY HEDGE

S-3040

1 Amend Senate File 151 as follows:
2 1. Page 1, by striking lines 10 through 14 and
3 inserting the following: "other information relating
4 to the professional competence of an applicant in the
5 possession of a peer review team, or information
6 concerning the peer review developed by a peer review
7 team in the possession of an applicant.
8 d. "Peer review team" means persons or
9 organizations participating in the peer review
10 function required by this section, but does not
11 include the board."
12 2. Page 1, by striking lines 17 and 18 and
13 inserting the following: "shall adopt rules
14 specifying standards for peer review teams and
15 providing that each reviewing team".
16 3. Page 1, line 21, by inserting after the word
17 "As" the following: "of January 1, 1994, as".
18 4. Page 1, by striking lines 29 and 30 and
19 inserting the following:
20 "b. An applicant's completion of a peer review
21 program endorsed or supported by the American

22 institute of certified public".

23 5. Page 2, by striking line 27 and inserting the
24 following:

25 "b. A person or organization participating in the
26 peer review process".

27 6. Page 2, line 35, by inserting after the word
28 "with" the following: "actual".

29 7. Page 3, by striking line 4.

30 8. Title, by striking line 2 and inserting the
31 following: "accountants."

RICHARD VANDE HOEF

S-3041

1 Amend Senate File 156 as follows:

2 1. Page 2, by striking line 6 and inserting the
3 following: "of the exposure to a person's blood,
4 blood components or blood containing fluids as defined
5 by rule of the".

6 2. Page 2, by striking lines 11 through 13 and
7 inserting the following: "an individual when in the
8 course of admission, care, or treatment of the
9 individual, the individual is diagnosed as having a
10 contagious or infectious disease."

11 3. Page 2, by striking lines 14 through 28 and
12 inserting the following:

13 "b. In the case of AIDS, HIV infection, or
14 hepatitis, notification of an emergency care provider
15 shall be provided by the hospital only upon the filing
16 with the hospital of a significant exposure report
17 form developed by the department. The significant
18 exposure report form may be incorporated into the Iowa
19 prehospital care report, the Iowa prehospital advanced
20 care report, or a similar report used by an ambulance,
21 rescue, or first responder service."

22 4. Page 2, lines 34 and 35, by striking the words
23 "an individual who has".

RICHARD RUNNING

S-3042

1 Amend Senate File 178 as follows:

2 1. Page 2, by striking lines 22 and 23.

3 2. Page 2, line 28 by striking the word "will."

4 and inserting the following: "will, either expressed
5 by the adult or where the court finds that the adult
6 patient is a member of a religious denomination whose
7 tenets preclude dependence on the practice of medicine

- 8 or surgery and the adult patient desires in good faith
9 to rely upon the practice of the patient's religion
10 for relief from disease or disorder."
11 3. By renumbering as necessary.

LARRY MURPHY

S-3043

- 1 Amend Senate File 23, as follows:
2 1. Page 2, line 1, by inserting after the word
3 "examiners" the following: ", in consultation with an
4 Iowa association of deaf persons which is familiar
5 with and regularly uses American sign language."
6 2. Page 2, line 17, by inserting after the word
7 "language." the following: "In conducting the study
8 and developing recommendations, the state board of
9 regents, the board of educational examiners, and the
10 department of education shall consult with an Iowa
11 association of deaf persons which is familiar with and
12 regularly uses American sign language."

ELAINE SZYMONIAK
MICHAEL E. GRONSTAL

S-3044

- 1 Amend Senate File 166 as follows:
2 1. Page 2, line 2, by inserting after the word
3 "misdemeanor." the following: "A person is not
4 subject to this penalty, if the burning results from
5 the unintentional spread of a fire from private
6 property, and the county engineer or a fire department
7 is promptly notified of the spread of the fire."

RICHARD F. DRAKE

S-3045

- 1 Amend Senate File 184 as follows:
2 1. By striking page 1, line 26, through page 2,
3 line 12, and inserting the following: "amended by
4 striking the subsection and inserting in lieu thereof
5 the following:
6 15. Participation in open enrollment, for purposes
7 of attending a grade in grades ten through twelve in a
8 school district other than the district of residence,
9 shall be treated in the same manner as other transfers
10 from one school to another for purposes of determining
11 a student's eligibility to participate in

12 interscholastic athletic contests and athletic
 13 competitions, except that if a pupil chooses to use
 14 open enrollment to attend school in another school
 15 district because the district in which the student
 16 previously attended school was dissolved and merged
 17 with one or more contiguous school districts under
 18 section 256.11, subsection 12."

WILMER RENSINK
 RAY TAYLOR

S-3046

1 Amend Senate File 181 as follows:
 2 1. Page 22, line 9, by striking the figure
 3 "11B.5" and inserting the following: "11.5B".
 4 2. Page 22, line 26, by striking the figure
 5 "109.22" and inserting the following: "107.22".
 6 3. Page 24, line 22, by inserting after the word
 7 "division" the following: ", waste management
 8 authority division,".

JOHN P. KIBBIE

S-3047

1 Amend Senate File 184 as follows:
 2 1. Page 1, by striking lines 1 through 24.
 3 2. Title, by striking lines 1 and 2 and inserting
 4 the following: "An Act relating to open enrollment,".
 5 3. Title, line 4, by inserting after the word
 6 "districts" the words "to participate in athletics
 7 immediately".

WILLIAM W. DIELEMAN
 PATRICK J. DELUHERY

S-3048

1 Amend Senate File 42 as follows:
 2 1. Page 1, line 3, by striking the words
 3 "~~physician's assistant or~~" and inserting the
 4 following: "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 following: "the supervising physician
 8 when 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 12, and inserting the following:
14 "Sec. 2. NEW SECTION. 147.108 DELEGATION OF
15 PRESCRIBING PRIVILEGE.
16 1. As used in this section, unless the context
17 otherwise requires:
18 a. "Physician assistant" means a physician
19 assistant licensed pursuant to chapter 148C.
20 b. "Physician" means a person licensed to practice
21 medicine and surgery pursuant to chapter 148, a person
22 licensed to practice osteopathy pursuant to chapter
23 150, or a person licensed to practice osteopathic
24 medicine and surgery pursuant to chapter 150A.
25 2. Notwithstanding section 147.107, a physician
26 may delegate the function of prescribing noncontrolled
27 drugs and medical devices to a physician assistant
28 pursuant to protocols and guidelines established by
29 rule of the board of medical examiners after
30 consultation with the board of physician assistant
31 examiners and the board of pharmacy examiners. The
32 rules adopted under this subsection shall address the
33 types of substances which may be prescribed, the level
34 of supervision of a physician assistant required, the
35 education, training, and experience required of a
36 physician assistant; the nature of the practice; and
37 the documentation required for prescriptions written
38 pursuant to protocol. Complementary rules to the
39 rules adopted by the board of medical examiners under
40 this subsection shall be adopted and administered by
41 the board of physician assistant examiners which shall
42 have sole jurisdiction over physician assistant
43 compliance and disciplinary action with respect to the
44 rules. Notice of rulemaking shall be published in the
45 administrative bulletin no later than January 10,
46 1992. Rules adopted under this subsection shall not
47 be construed to limit or restrict the privileges of
48 physician assistants which exist on January 1, 1991."
49 5. Page 2, line 13, by striking the figure "3C"
50 and inserting the following: "3".

Page 2

- 1 6. Page 2, by striking lines 19 through 22.

MICHAEL E. GRONSTAL
MARK R. HAGERLA

S-3049

- 1 Amend Senate File 42 as follows:
2 1. Page 2, line 22, by inserting after the word

3 "assistants" the following: "or to limit the
4 authority of the board of medical examiners over a
5 supervising physician".

RICHARD J. VARN

S-3050

1 Amend Senate File 42 as follows:
2 1. Page 2, line 22, by inserting after the word
3 "assistants." the following: "This Act shall also not
4 be construed to limit the current authority of the
5 board of medical examiners over a supervising
6 physician."

RICHARD J. VARN

S-3051

1 Amend Senate File 91 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 331.651A QUALIFICATIONS
5 OF SHERIFF.
6 A person is not eligible to serve as a county
7 sheriff unless, upon election, the sheriff
8 successfully completes five weeks of training from the
9 Iowa law enforcement academy. A county sheriff is
10 also required to annually complete law enforcement
11 related in-service training from the Iowa law
12 enforcement academy.
13 Sec. 2. APPLICABILITY. This Act does not apply to
14 a person holding the office of county sheriff on the
15 effective date of this Act."
16 2. Title page, line 2, by striking the words
17 "filing deadlines" and inserting the following: "for
18 the Act's applicability".

BERL E. PRIEBE

S-3052

1 Amend the amendment, S-3012, to Senate File 91, as
2 follows:
3 1. Page 1, by striking lines 7 through 47, and
4 inserting the following: "sheriff unless, upon
5 election, the sheriff successfully completes five
6 weeks of training from the Iowa law enforcement
7 academy. A county sheriff is also required to
8 annually complete law enforcement related in-service

9 training from the Iowa law enforcement academy.”
10 2. By renumbering as necessary.

BERL E. PRIEBE

S-3053

1 Amend the amendment, S-3012, to Senate File 91, as
2 follows:

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

5 “1. A person is not eligible to be a candidate for
6 the office of county sheriff unless the person is at
7 least twenty-one years of age and has either two
8 years' experience as a full-time law enforcement
9 officer at the federal, state, or local level, or two
10 years' experience as a reserve peace officer, or has
11 earned an associate arts or baccalaureate degree from
12 an accredited college or university.”

13 2. Page 1, by striking lines 7 through 17, and
14 inserting the following: “sheriff unless the person
15 has earned a certificate of graduation as a law
16 enforcement officer recognized by the Iowa law
17 enforcement academy council, or possesses all of the
18 qualifications required by the Iowa law enforcement
19 academy council to be certificated as a law
20 enforcement officer.”

21 3. Page 1, line 22, by inserting after the word
22 “sheriff” the following: “and providing an appeal
23 process”.

24 4. Page 1, line 31, by striking the word “ten”
25 and inserting the following: “twenty”.

26 5. Page 1, by striking lines 35 and 36, and
27 inserting the following: “council shall make a
28 determination of eligibility within ten days of
29 receipt of the application. An”.

30 6. By renumbering as necessary.

MARK R. HAGERLA

S-3054

1 Amend Senate File 176 as follows:

2 1. Page 1, by striking lines 12 through 15.

ELAINE SZYMONIAK

S-3055

1 Amend Senate File 184, as follows:

- 2 1. Page 1, line 32, by striking the word "for"
 3 and inserting the following: "~~for~~ the pupil may
 4 participate in".
- 5 2. Page 1, line 34, by striking the word "unless"
 6 and inserting the following: "~~unless~~ when".
- 7 3. Page 2, line 1, by striking the word "or".
- 8 4. Page 2, line 5, by inserting after the figure
 9 "12" the following: "or if the pupil participates
 10 in open enrollment because the pupil's district of
 11 residence has entered into a whole grade sharing
 12 agreement with another district for the pupil's
 13 grade".

RICHARD VARN

S-3056

1 Amend Senate File 182 as follows:

- 2 1. Page 1, line 9, by inserting after the word
 3 "costs." the following: "The affected political
 4 subdivision shall cooperate in the preparation of the
 5 fiscal note."

ALVIN V. MILLER

S-3057

1 Amend Senate File 130 as follows:

- 2 1. Page 1, by inserting before line 1 the
 3 following:
- 4 "Section 1. Section 425A.2, subsection 1,
 5 unnumbered paragraph 2, Code 1991, is amended to read
 6 as follows:
- 7 However, a person is not required to work a minimum
 8 number of hours in farming. A person performing
 9 activities in the capacity of a lessor, whether under
 10 a cash or crop share lease, is not actively engaged in
 11 farming on the area of the tract covered by the lease.
- 12 Sec. 2. Section 425A.3, subsection 2, paragraph a,
 13 Code 1991, is amended to read as follows:
- 14 a. The owner, owner's spouse, owner's child or
 15 stepchild, owner's grandchild, or the spouse of the
 16 owner's child ~~or~~ stepchild, or grandchild."
- 17 2. Page 1, by inserting after line 27 the
 18 following:
- 19 "2. A tract of grazing land is eligible for the
 20 grazing land tax credit if the following persons were
 21 actively engaged in farming in the state as defined in
 22 section 425A.2 during the fiscal year preceding the
 23 fiscal year in which the auditor computes the amount

24 of credit under section 426B.4 for the tract, owned
25 the tract on June 30 of that preceding fiscal year,
26 and have filed an application for the credit:

27 a. The owner, owner's spouse, owner's child or
28 stepchild, or the spouse of the owner's child or
29 stepchild.

30 b. If the owner is a partnership, a partner or the
31 partner's spouse.

32 c. If the owner is a family farm corporation, a
33 family member who is a shareholder of the family farm
34 corporation or the shareholder's spouse.

35 d. If the owner is an authorized farm corporation,
36 a shareholder who owns at least fifty-one percent of
37 the stock of the authorized farm corporation or the
38 shareholder's spouse."

39 3. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson

S-3058

1 Amend Senate File 46 as follows:

2 1. Page 1, by inserting after line 9 the
3 following: "Rules adopted by the state fire marshal
4 may exceed criteria adopted by the national fire
5 protection association when dictated by local public
6 safety concerns.

7 In cities with populations under three thousand and
8 in unincorporated areas, the rules may permit the
9 state fire marshal to adopt procedures for
10 installation of aboveground petroleum storage tanks,
11 subject to the approval of the governing body of the
12 local governmental subdivision with jurisdiction over
13 the retail motor vehicle fuel outlet site."

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
RALPH ROSENBERG, Chair

S-3059

1 Amend Senate File 209, as follows:

2 1. Page 7, by inserting after line 16, the
3 following:

4 "3. For the third judicial district department of
5 correctional services for additional funding for the
6 new 50 bed facility as authorized by 1990 Iowa Acts,
7 chapter 1257, section 30:

8 \$ 40,000

9 The project may also include the colocation of
 10 existing administrative office space. Political
 11 subdivisions, private individuals, or organizations
 12 may contribute to the financing, construction, and
 13 operations of the new facility.
 14 Notwithstanding section 8.33, moneys remaining
 15 unencumbered and unobligated on June 30, 1991, from
 16 the appropriation made in this subsection shall not
 17 revert but shall remain available for expenditure for
 18 purposes of this subsection for the fiscal year
 19 beginning July 1, 1991."

MICHAEL E. GRONSTAL
 DONALD V. DOYLE

S-3060

1 Amend Senate File 209 as follows:
 2 1. Page 6, by inserting after line 28 the
 3 following:
 4 "DEPARTMENT OF JUSTICE
 5 Sec. ____ . 1990 Iowa Acts, chapter 1259, section 7,
 6 is amended to read as follows:
 7 SEC. 7. There is appropriated from the separate
 8 fund created under section 321J.17 to the ~~family and~~
 9 ~~community health division of the Iowa department of~~
 10 ~~public health~~ department of justice 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 To pay the costs of medical examinations in crimes
 15 of sexual abuse and of treatments for prevention of
 16 venereal disease as required by section 709.10:
 17 \$ 176,000
 18 211,000".
 19 2. Title page, line 9, by inserting after the
 20 word "defender," the following: "department of
 21 justice,".

MICHAEL GRONSTAL

S-3061

1 Amend Senate File 122 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "name" the following: "and address".

- 4 2. Title page, line 2, by inserting after the
5 word "name" the following: ", address,".

COMMITTEE ON LOCAL GOVERNMENT
ALVIN MILLER, Chair

S-3062

- 1 Amend Senate File 209 as follows:
2 1. Page 3, line 35, by striking the words "for
3 the".
4 2. Page 4, by striking line 1.
5 3. Page 4, by inserting after line 6 the
6 following:
7 "Notwithstanding section 8.33, moneys appropriated
8 in this section shall not revert at the end of any
9 fiscal year, and will remain available until the
10 litigation is completed."

LEONARD L. BOSWELL

S-3063

- 1 Amend Senate File 99 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "reimbursement." the following: "Within thirty days
4 after the employment of a law enforcement officer, the
5 sheriff or chief of police shall notify the department
6 of management of the officer's name and social
7 security number."

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chair

S-3064

- 1 Amend Senate File 210 as follows:
2 1. Page 1, by striking lines 11 through 16, and
3 inserting the following:
4 "Sec: ____ . APPLICABILITY PROVISION. This Act
5 applies to agreements made or entered into on or after
6 the effective date of the Act."
7 2. Title page, line 3, by striking the words
8 "effective date and retroactive".
9 3. By renumbering as necessary.

LINN FUHRMAN

S-3065

- 1 Amend Senate File 211 as follows:
2 1. Page 2, by striking lines 5 and 6, and
3 inserting the following:
4 "(4) Substantial loss of property."
5 2. Page 2, by striking lines 7 and 8, and
6 inserting the following:
7 "(5) Substantial loss of funds."
8 3. Page 2, by striking lines 9 and 10, and
9 inserting the following:
10 "(6) Substantial loss of assets."
11 4. Page 2, line 29, by striking the word "sixty-
12 five" and inserting the following: "sixty-two".

LINN FUHRMAN

S-3066

- 1 Amend Senate File 184 as follows:
2 1. Page 1, line 1, by striking the words and
3 figures "subsection 8, Code 1991, is" and inserting
4 the following: "subsections 8 and 10, Code 1991,
5 are".
6 2. Page 1, by inserting after line 24 the
7 following:
8 "10. If a parent or guardian of a child, who is
9 participating in open enrollment under this section,
10 moves to a different school district during the course
11 of either district's academic year, the child's first
12 district of residence shall be responsible for payment
13 of the cost per pupil plus weightings or special
14 education costs to the receiving school district for
15 the balance of the school year in which the move took
16 place. The new district of residence shall be
17 responsible for the payment of the state aid portion
18 of the payments during the next school year and then
19 the full amount in succeeding years.
20 If a request to transfer is due to a change in
21 family residence, change in the state in which the
22 family residence is located, a change in a child's
23 parents' marital status, a guardianship proceeding,
24 placement in foster care, adoption, participation in a
25 foreign exchange program, or participation in a
26 substance abuse or mental health treatment program,
27 and the child, who is the subject of the request, is
28 not currently using any provision of open enrollment,
29 the parent or guardian of the child shall have the
30 option to have the child remain in the child's
31 original district of residence under open enrollment
32 with no interruption in the child's educational
33 program. If a parent or guardian exercises this

34 option, the child's new district of residence is not
 35 required to shall pay the state aid portion of the
 36 lower of the two district costs per pupil or other
 37 costs to the receiving district until after the start
 38 of the first full year of enrollment of the child and
 39 the full amount of the payments in succeeding years.

40 Quarterly payments shall be made to the receiving
 41 district.

42 If the transfer of a pupil from one district to
 43 another results in a transfer from one area education
 44 agency to another, the sending district shall forward
 45 a copy of the request to the sending district's area
 46 education agency. The receiving district shall
 47 forward a copy of the request to the receiving
 48 district's area education agency. Any moneys received
 49 by the area education agency of the sending district
 50 for the pupil who is the subject of the request shall

Page 2

1 be forwarded to the receiving district's area
 2 education agency.

3 A district of residence may apply to the school
 4 budget review committee if a student who transfers
 5 under this subsection was not included in the resident
 6 district's enrollment count during the fall of the
 7 year preceding the student's transfer under open
 8 enrollment."

JOHN KIBBIE

S-3067

1 Amend Senate File 19 as follows:

2 1. Page 1, by inserting after line 17, the
 3 following:

4 "(4) A personalized collegiate registration plate
 5 may be issued with no more than a seven digit
 6 combination of letters or numbers as requested by the
 7 owner. The plates shall be subject to the
 8 restrictions under subsection 5 and shall conform to
 9 the color combinations allowed in subparagraph (1),
 10 (2), or (3).

11 Sec. ____ . This Act takes effect November 1, 1991."

12 2. Title page, line 1, by inserting after the
 13 word "plates" the following: "and providing an
 14 effective date".

BERL E. PRIEBE

S-3068

- 1 Amend Senate File 174 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 "an agreement" and inserting the following: "a
- 4 written agreement, as defined in this subsection."
- 5 2. Page 1, line 21, by inserting after the word
- 6 "basis." the following: "'Written agreement" means a
- 7 contract executed in writing which contains the
- 8 material terms of the contract and which is signed and
- 9 dated by the parties to the agreement."

JOHN A. PETERSON

S-3069

- 1 Amend Senate File 184 as follows:
- 2 1. By striking page 1, line 26 through page 2,
- 3 line 12, and inserting the following: "amended by
- 4 striking the subsection."
- 5 2. Page 2, line 13, by striking the words and
- 6 figure "Section 1 of this" and inserting the
- 7 following: "This".

RAY TAYLOR
LINN FUHRMAN
LARRY MURPHY

S-3070

- 1 Amend Senate File 181 as follows:
- 2 1. Page 22, line 9, by striking the figure
- 3 "11B.5" and inserting the following: "11.5B".
- 4 2. Page 22, line 26, by striking the figure
- 5 "109.22" and inserting the following: "107.22".
- 6 3. Page 24, line 22, by inserting after the word
- 7 "division" the following: ", waste management
- 8 authority division,".

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chair

S-3071

- 1 Amend Senate File 181 as follows:
- 2 1. Page 4, by striking lines 25 through 30 and
- 3 inserting the following:
- 4 "d. Administration and information services
- 5 division which has the responsibility for legal
- 6 services, governmental liaison, information and

- 7 education, planning, finance, budget and grants
 8 administrative support, data processing, licensing,
 9 and construction services.”
 10 2. Page 17, by inserting after line 32 the
 11 following:
 12 “Sec. ____ . Section 455A.7, subsection 1,
 13 paragraphs f and g, Code 1991, are amended by striking
 14 the paragraphs and inserting in lieu thereof the
 15 following:
 16 f. Administration and information services
 17 division which has the responsibility for legal
 18 services, governmental liaison, information and
 19 education, planning, finance, budget and grants,
 20 administrative support, data processing, licensing,
 21 and construction services.”
 22 3. By renumbering and relettering paragraphs as
 23 required.

COMMITTEE ON STATE GOVERNMENT
 JOHN P. KIBBIE, Chair

S-3072

- 1 Amend Senate Joint Resolution 3 as follows:
 2 1. Page 1, line 30, by deleting the word “one-
 3 half” and inserting the following: “one-third”.
 4 2. Page 1, line 31, by deleting the word “three”
 5 and inserting the word “two”.

COMMITTEE ON STATE GOVERNMENT
 JOHN P. KIBBIE, Chair

S-3073

- 1 Amend Senate File 178 as follows:
 2 1. Page 2, by striking lines 24 through 28.
 3 2. By renumbering as necessary.

LARRY MURPHY

S-3074

- 1 Amend Senate File 119 as follows:
 2 1. Page 1, lines 9 and 10, by striking the words
 3 “cities of one thousand population or less” and
 4 inserting the following: “a city”.

FLORENCE BUHR
 JOHN W. JENSEN

S-3075

- 1 Amend Senate File 178 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "requirement." the following: "However, an infant
4 shall not be screened for metabolic diseases if an
5 affidavit is signed by a parent or legally authorized
6 representative of the infant, stating that the
7 screening conflicts with the tenets and practice of a
8 recognized religious denomination of which the affiant
9 is an adherent or member."
10 2. By striking page 1, line 12 through page 3,
11 line 12.
12 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-3076

- 1 Amend Senate File 193 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 147.1, subsections 2 and 3,
5 Code 1991, are amended to read as follows:
6 2. "Licensed" or "certified" when applied to a
7 physician and surgeon, podiatrist, osteopath,
8 osteopathic physician and surgeon, physician
9 assistant, psychologist or associate psychologist,
10 chiropractor, nurse, dentist, dental hygienist,
11 optometrist, speech pathologist, audiologist,
12 pharmacist, physical therapist, occupational
13 therapist, practitioner of cosmetology, practitioner
14 of barbering, funeral director, dietitian, marital and
15 family therapist, or social worker means a person
16 licensed under this title.
17 3. "Profession" means medicine and surgery,
18 podiatry, osteopathy, osteopathic medicine and
19 surgery, practice as a physician assistant,
20 psychology, chiropractic, nursing, dentistry, dental
21 hygiene, optometry, speech pathology, audiology,
22 pharmacy, physical therapy, occupational therapy,
23 cosmetology, barbering, mortuary science, marital and
24 family therapy, social work, or dietetics.
25 Sec. 2. Section 147.13, Code 1991, is amended by
26 adding the following new subsection after subsection
27 15 and renumbering the subsequent subsection:
28 NEW SUBSECTION. 16. For marital and family
29 therapists, marital and family therapist examiners.
30 Sec. 3. Section 147.14, Code 1991, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 13. For marital and family
33 therapist examiners, three members licensed to
34 practice marital and family therapy, one of whom shall
35 be employed in graduate teaching, training, or
36 research in marital and family therapy and two of whom
37 shall be practicing marital and family therapists; and
38 two members who are not licensed to practice marital
39 and family therapy who shall represent the general
40 public. A majority of the members of the board
41 constitutes a quorum.

42 Sec. 4. Section 147.74, Code 1991, is amended by
43 adding the following new unnumbered paragraph after
44 unnumbered paragraph 11:

45 NEW UNNUMBERED PARAGRAPH. A marital and family
46 therapist licensed under chapter 154D and this chapter
47 may use the words "licensed marital and family
48 therapist" after the person's name or signify the same
49 by the use of the letters "L.M.F.T." after the
50 person's name. A marital and family therapist

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1 licensed under chapter 154D and this chapter who
2 possesses a doctoral degree may use the prefix
3 "Doctor" or "Dr." in conjunction with the person's
4 name, but shall add after the person's name the words
5 "Licensed Marital and Family Therapist".

6 Sec. 5. Section 147.80, Code 1991, is amended by
7 adding the following new subsection after subsection
8 19 and renumbering the subsequent subsections:

9 NEW SUBSECTION. 20. License to practice marital
10 and family therapy issued upon the basis of an
11 examination given by the board of marital and family
12 therapist examiners, license to practice marital and
13 family therapy issued under a reciprocal agreement, or
14 renewal of a license to practice marital and family
15 therapy.

16 Sec. 6. NEW SECTION. 154D.1 DEFINITIONS.

17 As used in this chapter, unless the context
18 otherwise requires:

19 1. "Board" means the board of marital and family
20 therapist examiners, established in section 147.13.

21 2. "Licensed marital and family therapist" means a
22 person licensed to practice marital and family therapy
23 under chapter 147 and this chapter.

24 3. "Licensee" means a licensed marital and family
25 therapist.

26 4. "Marital and family therapy" means the
27 application of therapeutic techniques in the
28 assessment and resolution of emotional conditions in

29 individuals, couples, and families. This includes the
30 alteration and establishment of attitudes and patterns
31 of interaction relative to marriage, family life, and
32 interpersonal relationships.

33 Sec. 7. NEW SECTION. 154D.2 REQUIREMENTS TO
34 OBTAIN LICENSE.

35 An applicant for a license to practice marital and
36 family therapy shall be granted a license by the board
37 when the applicant satisfies all of the following
38 requirements:

39 1. Possesses a master's degree in marital and
40 family therapy or its equivalent from a nationally
41 accredited institution or from a program approved by
42 the board.

43 2. Has at least two years of supervised clinical
44 experience or its equivalent as approved by the board
45 in consultation with the mental health and retardation
46 commission.

47 3. Passes an examination administered by the
48 board.

49 4. Has not failed the examination required in
50 subsection 3 within six months of the date of the

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1 current application.

2 Sec. 8. NEW SECTION. 154D.3 BOARD ORGANIZATION
3 AND AUTHORITY.

4 1. In addition to duties and responsibilities
5 provided in chapters 147 and 258A, the board shall
6 adopt rules relating to:

7 a. Standards required for licensees engaging in
8 the professions covered by this chapter.

9 b. Standards for professional conduct of persons
10 licensed under this chapter.

11 c. The administration of this chapter.

12 d. The status of active and inactive licensure,
13 and guidelines for reentry of inactive licensees.

14 e. Educational activities which fulfill continuing
15 education requirements for license renewals.

16 2. The board shall hold at least two regular
17 meetings each year, and no more than four additional
18 meetings may be held upon the call of the chairperson
19 of the board, or at the written request of at least
20 two members of the board.

21 Sec. 9. NEW SECTION. 154D.4 EXEMPTIONS.

22 This chapter does not prevent qualified members of
23 other professions, including but not limited to
24 nurses, psychologists, social workers, physicians,
25 attorneys-at-law, or members of the clergy from

26 providing or advertising that they provide services of
27 a marital and family therapy nature consistent with
28 the accepted standards of their respective
29 professions, but these persons shall not use a title
30 or description denoting that they are licensed marital
31 and family therapists.

32 Sec. 10. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH
33 CLIENT.

34 The license of a marriage and family therapist
35 shall be revoked if the board finds that the licensee
36 engaged in sexual activity or genital contact with a
37 client while acting or purporting to act within the
38 licensee's scope of practice, whether or not the
39 client consented to the sexual activity or genital
40 contact.

41 The revocation shall be in addition to any other
42 penalties provided by law.

43 Sec. 11. Section 622.10, unnumbered paragraph 1,
44 Code 1991, is amended to read as follows:

45 A practicing attorney, counselor, physician,
46 surgeon, physician's assistant, mental health
47 professional, or the stenographer or confidential
48 clerk of any such person, who obtains information by
49 reason of the person's employment, ~~minister of the~~
50 gospel or priest of any denomination or a member of

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1 the clergy shall not be allowed, in giving testimony,
2 to disclose any confidential communication properly
3 entrusted to the person in the person's professional
4 capacity, and necessary and proper to enable the
5 person to discharge the functions of the person's
6 office according to the usual course of practice or
7 discipline. The prohibition does not apply to cases
8 where the person in whose favor the prohibition is
9 made waives the rights conferred; nor does the
10 prohibition apply to physicians or surgeons,
11 physician's assistants, mental health professionals,
12 or to the stenographer or confidential clerk of any
13 physicians or surgeons, physician's assistants, or
14 mental health professionals, in a civil action in
15 which the condition of the person in whose favor the
16 prohibition is made is an element or factor of the
17 claim or defense of the person or of any party
18 claiming through or under the person. The evidence is
19 admissible upon trial of the action only as it relates
20 to the condition alleged.

21 PARAGRAPH DIVIDED. If an adverse party desires the
22 oral deposition, either discovery or evidentiary, of a

23 physician or surgeon, physician's assistant, or mental
 24 health professional to which the prohibition would
 25 otherwise apply or the stenographer or confidential
 26 clerk of a physician or surgeon, physician's
 27 assistant, or mental health professional or desires to
 28 call a physician or surgeon, physician's assistant, or
 29 mental health professional to which the prohibition
 30 would otherwise apply or the stenographer or
 31 confidential clerk of a physician or surgeon,
 32 physician's assistant, or mental health professional
 33 as a witness at the trial of the action, the adverse
 34 party shall file an application with the court for
 35 permission to do so. The court upon hearing, which
 36 shall not be ex parte, shall grant permission unless
 37 the court finds that the evidence sought does not
 38 relate to the condition alleged and shall fix a
 39 reasonable fee to be paid to the physician or surgeon,
 40 physician's assistant, or mental health professional
 41 by the party taking the deposition or calling the
 42 witness.

43 **PARAGRAPH DIVIDED.** For the purposes of this
 44 section, "mental health professional" means
 45 psychologists certified a psychologist licensed under
 46 chapter 154B, a registered nurses nurse licensed under
 47 chapter 152, a social worker licensed under chapter
 48 154C, a marital and family therapist licensed under
 49 chapter 154D, or individuals an individual holding at
 50 least a master's degree in social work or counseling

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1 and guidance a related field as deemed appropriate by
 2 the board of marital and family therapist examiners.

3 Sec. 12. INITIAL APPOINTMENTS. Notwithstanding
 4 section 147.19, of the initial appointees to the board
 5 of marital and family therapist examiners, one member
 6 who has met the requirements of section 154D.2,
 7 subsections 1 and 2, and one member appointed to
 8 represent the general public shall be appointed for
 9 one-year terms, and two members who have met the
 10 qualifications of section 154D.2, subsections 1 and 2
 11 and one representative of the general public shall be
 12 appointed for two-year terms. The initial appointees'
 13 successors shall be appointed for terms of three years
 14 each, except that a person chosen to fill a vacancy
 15 shall be appointed only for the unexpired term of the
 16 board member replaced."

17 2. Title page, by striking lines 1 through 9, and
 18 inserting the following: "An Act relating to the
 19 licensing of marital and family therapists by

20 establishing the board of marital and family therapist
21 examiners, redefining "mental health professional" for
22 purposes of confidential communications, making
23 penalties applicable, and providing other properly
24 related matters."

MICHAEL E. GRONSTAL

S-3077

1 Amend Senate File 181 as follows:
2 1. Page 4, by inserting after line 32, the
3 following:
4 " ____ . The administration and information services
5 division is under the joint supervision and control of
6 the department and the department of environmental
7 protection and shall provide its services for both
8 departments."
9 2. Page 17, by inserting after line 32, the
10 following:
11 "Sec. ____ . Section 455A.7, Code 1991, is amended
12 by adding the following new subsection after
13 subsection 1:
14 **NEW SUBSECTION. 1A.** The administration and
15 information services division is under the joint
16 supervision and control of the department and the
17 department of natural resources and shall provide its
18 services for both departments."

WILMER RENSINK

S-3078

1 Amend Senate File 181 as follows:
2 1. Page 1, line 17, by striking the word
3 "commission" and inserting the following: "governor".
4 2. Page 1, line 18, by striking the word
5 "commission's" and inserting the following:
6 "governor's".
7 3. Page 1, line 20, by striking the word
8 "commission" and inserting the following: "governor".
9 4. Page 1, line 24, by striking the word
10 "commission" and inserting the following: "governor".
11 5. Page 3, by striking line 31.
12 6. Page 16, line 29, by striking the words
13 "governor commission" and inserting the following:
14 "governor".
15 7. Page 16, line 31, by striking the words
16 "governor commission" and inserting the following:
17 "governor".

- 18 8. Page 17, line 2, by striking the words
 19 "governor commission" and inserting the following:
 20 "governor".
 21 9. Page 17, by striking lines 23 through 26.
 22 10. By renumbering sections and relettering
 23 paragraphs to conform to this amendment.

JAMES B. KERSTEN
 JACK W. HESTER
 ALLEN BORLAUG
 MAGGIE TINSMAN

S-3079

- 1 Amend Senate File 197 as follows:
 2 1. Page 5, line 5, by inserting after the word
 3 "treasury" the following: "under the control of the
 4 Iowa department of public health".
 5 2. Page 6, lines 23 and 24, by striking the words
 6 "treasurer of state" and inserting the following:
 7 "Iowa department of public health".

ELAINE SZYMONIAK

S-3080

- 1 Amend the amendment, S-3058, to Senate File 46 as
 2 follows:
 3 1. Page 1, line 8, by striking the word "may" and
 4 inserting the following: "shall".

JAMES B. KERSTEN
 RAY TAYLOR

S-3081

- 1 Amend Senate File 183 as follows:
 2 1. Page 1, by striking lines 6 through 11 and
 3 inserting the following: "bank may have a
 4 chairperson, additional presidents, additional vice
 5 presidents, assistant vice presidents, assistant
 6 cashiers, and other officers as may be prescribed by
 7 the articles of incorporation or the bylaws. Upon
 8 notice".

BERL E. PRIEBE

S-3082

- 1 Amend Senate File 4 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 368.1, subsection 13, Code
5 1991, is amended to read as follows:

6 13. "Urbanized area" means the land area within
7 three miles of the boundaries of a city of fifteen
8 thousand or more population.

9 Sec. 2. Section 368.7, unnumbered paragraph 2,
10 Code 1991, is amended to read as follows:

11 An application for voluntary annexation of
12 territory ~~not within the urbanized area of a city~~
13 ~~other than the city to which the annexation is~~
14 ~~directed~~ must be approved by resolution of the council
15 which receives the application. In the discretion of
16 a city council, the resolution may include a provision
17 for a transition for the imposition of taxes as
18 provided in section 368.11, subsection 13. Upon
19 receiving approval of the council, the city clerk
20 shall file a copy of the resolution, map, and legal
21 description of the territory involved with the state
22 department of transportation. The city clerk shall
23 also file a copy of the map and resolution with the
24 county recorder, ~~the board~~, and ~~the secretary of~~
25 state. The annexation is completed upon
26 acknowledgment by the secretary of state that the
27 secretary of state has received the map and
28 resolution.

29 Sec. 3. Section 368.7, unnumbered paragraph 3,
30 Code 1991, is amended by striking the paragraph.

31 Sec. 4. Section 368.11, unnumbered paragraphs 1
32 and 2, Code 1991, are amended to read as follows:

33 A petition for incorporation, discontinuance, ~~or~~
34 ~~boundary adjustment~~ severance, consolidation, or
35 involuntary annexation may be filed with the board by
36 a city council, a county board of supervisors, a
37 regional planning authority, or five percent of the
38 qualified electors of a city or territory involved in
39 the proposal. Notice of the filing, including a copy
40 of the petition, must be served upon the council of
41 each city for which a discontinuance ~~or boundary~~
42 ~~adjustment, severance, consolidation, or involuntary~~
43 annexation is proposed, the board of supervisors for
44 each county which contains a portion of a city to be
45 discontinued or territory to be incorporated, annexed,
46 or severed, and any regional planning authority for
47 the area involved.

48 Within ninety days of receipt of a petition, the
49 board shall initiate appropriate proceedings or
50 dismiss the petition. The board may combine for

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1 consideration petitions or plans which concern the
2 same territory or city, provided, however, that if a
3 map and resolution approving an application for
4 voluntary annexation is filed with the board pursuant
5 to section 368.7, prior to final committee action
6 pursuant to section 368.16, the filing of the
7 resolution and map shall be deemed to amend any
8 petition or plan for involuntary annexation by
9 deleting from the petition or plan all of the
10 territory included in the voluntary annexation."

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chair

HOUSE AMENDMENT TO
SENATE FILE 141

S-3083

1 Amend Senate File 141, as passed by the Senate, as
2 follows:
3 1. Page 1, line 32, by inserting after the word
4 "the" the following: "combined".
5 2. By striking page 1, line 34, through page 2,
6 line 19, and inserting the following:
7 "1. For the budget year beginning July 1, 1991,
8 and succeeding budget years, the total amount funded
9 in each area for media services shall be computed as
10 provided in this subsection. For the budget year
11 beginning July 1, 1991, the total amount funded in
12 each area for media services in the base year,
13 including the cost for media resource material which
14 shall only be used for the purchase or replacement of
15 material required in section 273.6, subsection 1,
16 paragraphs "a", "b", and "c", shall be divided by the
17 enrollment served in the base year to provide an area
18 media services cost per pupil in the base year, and
19 the department of management shall compute the state
20 media services cost per pupil in the base year which
21 is equal to the average of the area media services
22 costs per pupil in the base year. For the budget year
23 beginning July 1, 1991, and succeeding budget years,
24 the department of management shall compute the
25 allowable growth for media services in the budget year
26 by multiplying the state media services cost per pupil
27 in the base year times the state percent of growth for
28 the budget year, and the total amount funded in each
29 area for media services cost in the budget year equals

30 the area media services cost per pupil in the base
31 year plus the allowable growth for media services in
32 the budget year times the enrollment served in the
33 budget year. Funds shall be paid to area education
34 agencies as provided in section 257.35.

35 2. For the budget year beginning July 1, 1991, the
36 per pupil amount included in the media services amount
37 per pupil shall be the per pupil amount included in
38 the base year for media resources plus the allowable
39 growth amount per pupil for media resources for the
40 budget year.

41 3. For the budget year beginning July 1, 1991, and
42 succeeding budget years, the total amount funded in
43 each area for educational services shall be computed
44 as provided in this subsection. For the budget year
45 beginning July 1, 1991, the total amount funded in
46 each area for educational services in the base year
47 shall be divided by the enrollment served in the area
48 in the base year to provide an area educational
49 services cost per pupil in the base year, and the
50 department of management shall compute the state

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1 educational services cost per pupil in the base year,
2 which is equal to the average of the area educational
3 services costs per pupil in the base year. For the
4 budget year beginning July 1, 1991, and succeeding
5 budget years, the department of management shall
6 compute the allowable growth for educational services
7 by multiplying the state educational services cost per
8 pupil in the base year times the state percent of
9 growth for the budget year, and the total amount
10 funded in each area for educational services for the
11 budget year equals the area educational services cost
12 per pupil for the base year plus the allowable growth
13 for educational services in the budget year times the
14 enrollment served in the area in the budget year.
15 Funds shall be paid to area education agencies as
16 provided in section 257.35."

17 5. By designating and redesignating as necessary.

S-3084

1 Amend Senate File 231 as follows:

2 1. Page 1, by inserting after line 22 the
3 following:

4 "Sec. ____ . This Act takes effect on December 1,
5 1991."

6 2. Title page, line 2, by inserting after the

7 word "vehicles" the following: "and providing an
8 effective date".

9 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
EUGENE FRAISE, Chair

HOUSE AMENDMENT TO
SENATE FILE 209

S-3085

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 22, the
4 following:

5 "Sec. ____ . Notwithstanding the provisions of 1990
6 Iowa Acts, chapter 1270, section 6, the department of
7 human services may revise the allocation of funds
8 appropriated in that section for protective and state
9 child care assistance as the department deems
10 necessary to prevent a deficit in the appropriation.
11 The revision actions the department may take include
12 but are not limited to transfers of allocated funds
13 between counties within a department of human
14 services' district, transfers between the districts,
15 and limiting the number of new persons who are
16 approved to receive state child care assistance. If a
17 transfer of allocated funds is necessary,
18 consideration shall be given to transferring funds
19 from those counties projecting a surplus in the
20 allocation which have no waiting list for services and
21 from those counties with unencumbered funds in the
22 allocation which have a waiting list."

23 2. Page 3, by inserting after line 13, the
24 following:

25 "Sec. ____ . There is appropriated from the general
26 fund of the state to the department of human services
27 for the fiscal year beginning July 1, 1990, and ending
28 June 30, 1991, the following amount, or so much
29 thereof as is necessary, to be used for the purpose
30 designated:

31 To supplement funds appropriated in 1990 Iowa Acts,
32 chapter 1262, section 17, for emergency assistance to
33 families with dependent children under Title IV-A of
34 the federal Social Security Act to match federal
35 dollars for homeless prevention programs:

36 \$ 500,000".

37 3. Page 7, line 25, by striking the figure
38 "183,283" and inserting the following: "133,000".

39 4. By striking page 7, line 35, through page 8,
40 line 13.

41 5. Page 9, by inserting after line 9 the
42 following:

43 "Sec. ____ . Moneys remaining unencumbered or
44 unobligated from the funds appropriated to the Iowa
45 finance authority for the housing assistance program
46 for the fiscal year beginning July 1, 1989, in section
47 99E.32, subsection 3, paragraph "u", shall be used by
48 the Iowa finance authority for the housing assistance
49 program under the conditions and criteria set out in
50 1990 Iowa Acts, chapter 1262, section 3, as amended by

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1 section 23 of this Act, except that \$500,000 of such
2 money shall be transferred to and deposited in the
3 general fund of the state on the effective date of
4 this Act.

5 Notwithstanding section 8.33, section 99E.32,
6 subsection 7, and 1990 Iowa Acts, chapter 1255;
7 section 37, subsection 2, moneys for the housing
8 assistance program remaining unencumbered or
9 unobligated on June 30, 1991, shall not revert or be
10 transferred to any fund but shall be available for
11 expenditure for purposes of the housing assistance
12 program for the fiscal year beginning July 1, 1991."

13 6. By striking page 9, line 33, through page 10,
14 line 11.

15 7. Page 10, by inserting after line 11 the
16 following:

17 "Sec. 100. Section 8.23, unnumbered paragraph 1,
18 Code 1991, is amended to read as follows:

19 On or before September 1, next prior to each
20 legislative session, all departments and
21 establishments of the government shall transmit to the
22 director, on blanks to be furnished by the director,
23 estimates of their expenditure requirements, including
24 every proposed expenditure, for the ensuing fiscal
25 year, classified so as to distinguish between
26 expenditures estimated for administration, operation,
27 and maintenance, and the cost of each project
28 involving the purchase of land or the making of a
29 public improvement or capital outlay of a permanent
30 character, together with supporting data and
31 explanations as called for by the director. The
32 budget estimates shall include for those agencies
33 which pay for energy directly a line item for energy
34 expenses itemized by type of energy and location. The
35 estimates of expenditure requirements shall be based

36 upon seventy-five percent of the funding provided for
 37 the current fiscal year accounted for by program
 38 reduced by the historical employee vacancy factor in
 39 form specified by the director and the remainder of
 40 the estimate of expenditure requirements prioritized
 41 by program. The estimates shall be accompanied with
 42 performance measures for evaluating the effectiveness
 43 of the program. If a department or establishment
 44 fails to submit estimates within the time specified,
 45 the governor shall cause estimates to be prepared for
 46 that department or establishment as in the governor's
 47 opinion are reasonable and proper. The director shall
 48 furnish standard budget request forms to each
 49 department or agency of state government."
 50 8. Page 10, by inserting before line 12 the

Page 3

1 following:
 2 "Sec. ____ . Section 99F.4, subsection 2, Code 1991,
 3 is amended by adding the following new unnumbered
 4 paragraph:
 5 NEW UNNUMBERED PARAGRAPH. All license fees,
 6 operating fees, admissions fees, and penalties
 7 collected under this chapter after July 1, 1993, shall
 8 be deposited into the excursion boat gambling
 9 revolving fund created in the office of the treasurer
 10 of state.
 11 Sec. ____ . 1991 Iowa Acts, House File 173, section
 12 1241, is amended by striking the section and inserting
 13 in lieu thereof the following:
 14 SEC. 1241. Section 523A.20, Code 1991, is amended
 15 to read as follows:
 16 523A.20 INSURANCE DIVISION'S REGULATORY FUND.
 17 The insurance division may authorize the creation
 18 of a special revenue fund in the state treasury, to be
 19 known as the insurance division regulatory fund.
 20 Commencing July 1, 1990, and annually thereafter, the
 21 commissioner shall allocate from the fees paid
 22 pursuant to section 523A.2, one dollar for each
 23 agreement reported on an establishment permit holder's
 24 annual report for deposit to the regulatory fund. The
 25 remainder of the fees collected pursuant to section
 26 523A.2 shall be deposited into the ~~insurance revolving~~
 27 ~~fund; provided, however, that general fund of the~~
 28 state. However, if the balance of the regulatory fund
 29 on that July 1 exceeds two hundred thousand dollars,
 30 the allocation to the regulatory fund shall not be
 31 made and the total sum of the fees paid pursuant to
 32 section 523A.2 shall be deposited in the ~~insurance~~

33 ~~revolving general fund of the state.~~ The moneys in
34 the regulatory fund shall be retained in the fund
35 together with any interest or earnings that are earned
36 on the balance. However, for the fiscal period
37 beginning July 1, 1991, and ending June 30, 1993, any
38 interest or earnings that are earned on the balance
39 during that period shall be deposited into the general
40 fund of the state. The moneys are appropriated and,
41 subject to authorization by the commissioner, may be
42 used to pay investigative expenses and the expenses of
43 receiverships established pursuant to section 523A.19.
44 An annual assessment shall not be imposed if the
45 current balance of the fund exceeds two hundred
46 thousand dollars.

47 Sec. ____ . 1991 Iowa Acts, House File 173, section
48 1242, is amended by striking the section and inserting
49 in lieu thereof the following:

50 SEC. 1242. Section 523E.20, Code 1991, is amended

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1 to read as follows:

2 523E.20 INSURANCE DIVISION'S REGULATORY FUND.

3 The insurance division may authorize the creation
4 of a special revenue fund in the state treasury, to be
5 known as the insurance division regulatory fund.
6 Commencing July 1, 1990, and annually thereafter, the
7 commissioner shall allocate from the fees paid
8 pursuant to section 523E.2, one dollar for each
9 agreement reported on an establishment permit holder's
10 annual report for deposit to the regulatory fund. The
11 remainder of the fees collected pursuant to section
12 523E.2 shall be deposited into the insurance revolving
13 fund; provided, however, that general fund of the
14 state. However, if the balance of the regulatory fund
15 on that July 1 exceeds two hundred thousand dollars,
16 the allocation to the regulatory fund shall not be
17 made and the total sum of the fees paid pursuant to
18 section 523E.2 shall be deposited in the insurance
19 revolving general fund of the state. The moneys in
20 the regulatory fund shall be retained in the fund
21 together with any interest or earnings that are earned
22 on the balance. However, for the fiscal period
23 beginning July 1, 1991, and ending June 30, 1993, any
24 interest or earnings that are earned on the balance
25 during that period shall be deposited into the general
26 fund of the state. The moneys are appropriated and,
27 subject to authorization by the commissioner, may be
28 used to pay investigative expenses and the expenses of
29 receiverships established pursuant to section 523E.19.

30 An annual assessment shall not be imposed if the
31 current balance of the fund exceeds two hundred
32 thousand dollars."

33 9. Page 10, by striking lines 12 through 24.

34 10. Page 10, by inserting before line 25, the
35 following:

36 "Sec. ____ . NEW SECTION. 29C.22 PARTICIPATION IN
37 FUNDING DISASTER RECOVERY FACILITY.

38 All state government departments and agencies may
39 participate in sharing the cost of the design,
40 construction, and operation of a disaster recovery
41 facility located in the STARC armory at Camp Dodge.
42 State departments and agencies may use funds from any
43 source, including but not limited to, user fees, and
44 appropriations for operational or capital purposes, to
45 participate in the facility."

46 11. Page 10, lines 30 and 31, by striking the
47 words "twenty sixteen and two-thirds" and inserting
48 the following: "twenty".

49 12. Page 10, line 32, by striking the word
50 "Ninety" and inserting the following: "Ninety Ninety-

Page 5

1 two".

2 13. Page 11, line 2, by striking the word "ten"
3 and inserting the following: "ten eight".

4 14. Page 11, line 3, by striking the word "ten"
5 and inserting the following: "ten eight".

6 15. Page 11, by inserting after line 6 the
7 following:

8 "Sec. ____ . Moneys deposited into the general fund
9 of the state during the fiscal period beginning July
10 1, 1991, and ending June 30, 1993, that would have
11 been deposited into other funds or accounts but for
12 the provisions of 1991 Iowa Acts, House File 173,
13 division XII, shall only be used for the purposes for
14 which the moneys were collected.

15 Sec. 200. Notwithstanding any provision relating
16 to or contained in section 28.112, the value-added
17 agricultural products and processes financial
18 assistance fund; section 117.54, the Iowa real estate
19 education fund; section 246.310, the canteen operating
20 fund; section 246.706, the revolving farm fund;
21 section 455A.18, the Iowa resources enhancement and
22 protection fund; section 467A.71, the conservation
23 practices revolving loan fund; and section 467F.4, the
24 water protection fund; any interest earned on or
25 income from investments of moneys in such funds
26 received during the fiscal period beginning July 1,

- 27 1991, and ending June 30, 1993; shall not be deposited
28 into such funds but shall be deposited into the
29 general fund of the state.
- 30 Sec. ____ . 1991 Iowa Acts, House File 173, sections
31 1202, 1205, 1213, 1220, 1221, 1232, 1233, 1234, 1235,
32 and 1250, are repealed.
- 33 Sec. ____ . EFFECTIVE DATE. Section 200 of this Act
34 takes effect July 1, 1991."
- 35 16. Page 11, line 7, by striking the words and
36 figure "Sections 27 and" and inserting the following:
37 "Section".
- 38 17. Page 11, line 8, by striking the word "take"
39 and inserting the following: "takes".
- 40 18. Page 11, line 9, by striking the word "apply"
41 and inserting the following: "applies".
- 42 19. Page 11, line 10, by inserting after the word
43 "date." the following: "Section 100 of this Act
44 relating to departmental estimates takes effect July
45 1, 1991."
- 46 20. Title page, lines 11 and 12, by striking the
47 words "and extending ethanol fuel project, and
48 increasing" and inserting the following: "relating to
49 certain interest, investment income, and funds
50 received, and relating to".

Page 6

- 1 21. Title page, line 13, by inserting after the
2 word "surcharge," the following: "and future budget
3 estimates,".
- 4 22. By renumbering, relettering, or redesignating
5 and correcting internal references as necessary.

S-3086

- 1 Amend Senate File 201 as follows:
- 2 1. Page 1, line 20, by striking the words "Five
3 hundred" and inserting the following: "Four hundred
4 fifty".
- 5 2: Page 1, line 22, by striking the words "Five
6 hundred" and inserting the following: "Four hundred
7 fifty".
- 8 3. Page 1, line 24, by striking the words "Five
9 hundred" and inserting the following: "Four hundred
10 fifty".
- 11 4. Page 1, line 26, by inserting after the word
12 "REVOLVER" the following: "AND HOLSTER".
- 13 5. Page 1, line 28, by inserting after the word
14 "revolver" the following: "and holster".
- 15 6. Page 1, line 31, by inserting after the word

16 "revolvers" the following: "and holsters".
17 7. Page 1, line 35, by inserting after the word
18 "revolvers" the following: "and holsters".

WALLY HORN

S-3087

1 Amend Senate File 221 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 380.2, Code 1991, is amended
5 to read as follows:

6 380.2 AMENDMENT.

7 An amendment to an ordinance or to a code of
8 ordinances must specifically repeal the ordinance or
9 code, or the section, ~~or~~ subsection, paragraph, or
10 subpart to be amended, and must set forth ~~in full~~ the
11 ordinance, code, section, ~~or~~ subsection, paragraph, or
12 subpart as amended.

13 Sec. 2. Section 380.10, Code 1991, is amended by
14 adding the following new unnumbered paragraphs:
15 NEW UNNUMBERED PARAGRAPH. A city may by ordinance
16 adopt by reference any portion of the Code of Iowa in
17 effect at the time of the adoption in the manner
18 provided in section 380.8 for adoption of a proposed
19 code of ordinances containing a proposed new ordinance
20 or amendment, subject to the following limitations:

21 1. The ordinance shall describe the subject matter
22 and identify the portion of the Code of Iowa adopted
23 by chapter, section, and subsection or other subpart,
24 as applicable.

25 2. A portion of the Code of Iowa may be adopted by
26 reference only if the criminal penalty provided by the
27 law adopted does not exceed thirty days' imprisonment
28 or a one hundred dollar fine.

29 3. Amendments or other changes to those portions
30 of the Code of Iowa which have been adopted by
31 reference shall serve as an automatic modification of
32 the applicable ordinance.

33 NEW UNNUMBERED PARAGRAPH. An ordinance which
34 adopts by reference any portion of the Code of Iowa
35 may provide that violations of the ordinance are
36 municipal infractions and subject to the limitations
37 of section 364.22."

38 2. Title page, line 1, by inserting after the
39 word "ordinances" the following: ", and adopting by
40 reference portions of the Code of Iowa".

41 3. By renumbering as necessary.

FLORENCE BUHR

S-3088

1 Amend Senate File 47 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 109.54, Code 1991, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 109.54 SHOOTING FIREARMS OVER WATER, RAILROADS, OR
8 HIGHWAY.

9 1. A person shall not shoot a firearm on or over a
10 public roadway as defined in section 321.1, subsection
11 50, and shall not shoot a rifle on or over the public
12 waters of this state or a railroad right-of-way.
13 However, the department of natural resources shall
14 adopt rules authorizing a handicapped hunter to shoot
15 a shotgun on, but not over, public roadways.

16 2. Subsection 1 does not apply to peace officers
17 or military personnel while on duty."

WILMER RENSINK

S-3089

1 Amend Senate File 178 as follows:

2 1. Page 2, by striking lines 24 through 28 and
3 inserting the following:

4 "Sec. ____ . Section 255.10, Code 1991, is amended
5 to read as follows:

6 255.10 RELIGIOUS BELIEF -- DENIAL OF ORDER.

7 The court in its discretion may refuse to make such
8 order in any case where the court finds ~~the that an~~
9 ~~adult patient or the patient's parent, parents, or~~
10 ~~guardian are members~~ is a member of a religious
11 denomination whose tenets preclude dependence on the
12 practice of medicine or surgery and ~~desire~~ who desires
13 in good faith to rely upon the practice of ~~their the~~
14 ~~patient's~~ religion for relief from disease or
15 disorder."

16 2. Renumber as necessary.

LINN FUHRMAN
LARRY MURPHY

S-3090

1 Amend Senate File 146 as follows:

2 1. Page 1, line 11, by striking the words "1

- 3 fees, or charges" and inserting the following: "or
 4 mandatory fees".
 5 2. Page 1, line 14, by striking the words
 6 "aggregate actual" and inserting the following:
 7 "estimated total".

COMMITTEE ON EDUCATION
 MIKE CONNOLLY, Chair

S-3091

- 1 Amend amendment, S-3076, to Senate File 193 as
 2 follows:
 3 1. Page 2, line 27, by striking the word
 4 "therapeutic" and inserting the following:
 5 "counseling".
 6 2. Page 2, line 28, by inserting after the word
 7 "conditions" the following: " , other than nervous and
 8 mental disorders as defined in the American
 9 psychiatric association's diagnostic and statistical
 10 manual-III-R and its subsequent revisions,".

MICHAEL GRONSTAL

S-3092

- 1 Amend the House amendment, S-3085, to Senate File
 2 209 as follows:
 3 1. Page 1, line 36, by striking the figure
 4 "500,000" and inserting the following: "300,000".
 5 2. Page 1, by striking lines 39 and 40.
 6 3. Page 2, by striking lines 13 and 14.
 7 4. Page 4, by striking line 33.

LEONARD L. BOSWELL

S-3093

- 1 Amend Senate File 101 as follows:
 2 1. Page 1, line 16, by inserting after the word
 3 "absence." the following: "Thirty working days is
 4 equivalent to two hundred forty hours."

COMMITTEE ON BUSINESS
 AND LABOR RELATIONS
 RICHARD V. RUNNING, Chair

S-3094

- 1 Amend Senate File 302 as follows:

2 1. Page 3, by inserting after line 34, the
3 following:
4 "Sec. ____ . Section 91D.1, subsection 1, paragraph
5 c, Code 1991, is amended to read as follows:
6 c. For purposes of determining whether an employee
7 of a restaurant, hotel, motel, inn, or cabin, who
8 customarily and regularly receives more than thirty
9 dollars a month in tips is receiving the minimum
10 hourly wage rate prescribed by this section, the
11 amount paid the employee by the employer shall be
12 deemed to be increased on account of the tips by an
13 amount determined by the employer, not to exceed forty
14 fifty percent of the applicable minimum wage. An
15 employee may file a written appeal with the labor
16 commissioner if the amount of tips received by the
17 employee is less than the amount determined by the
18 employer under this subsection."
19 2. Renumber as necessary.

JIM LIND

S-3095

1 Amend the House amendment, S-3085, to Senate File
2 209, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 36 the
5 following:
6 "____ . Page 7, by inserting after line 11, the
7 following:
8 "Sec. ____ . There is appropriated from the general
9 fund of the state to the judicial department for the
10 fiscal year beginning July 1, 1990, and ending June
11 30, 1991, the following amounts, or so much thereof as
12 is necessary, to be used for the purposes designated:
13 1. To supplement other funds appropriated by the
14 general assembly in 1990 Iowa Acts, chapter 1268,
15 section 7, subsection 1, as amended by 1991 Iowa Acts,
16 House File 173, for salaries of supreme court
17 justices, appellate court judges, district court
18 judges, district associate judges, judicial
19 magistrates and staff, state court administrator,
20 clerk of the supreme court, district court
21 administrators, clerks of the district court, juvenile
22 court officers, board of law examiners and board of
23 examiners of shorthand reporters and judicial
24 qualifications commission, receipt and disbursement of
25 child support payments, and maintenance, equipment,
26 and miscellaneous purposes:
27 \$ 200,000".

LEONARD L. BOSWELL
BILL HUTCHINS

S-3096

- 1 Amend the House amendment, S-3085, to Senate File
 2 209, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 49 the fol-
 5 lowing:
 6 " ____ . Page 10, by inserting before line 12 the
 7 following:
 8 "Sec. ____ . Section 96.7, subsection 12, paragraph
 9 c, Code 1991, is amended to read as follows:
 10 c. Moneys in the fund shall be used by the
 11 division only upon appropriation by the general
 12 assembly and only for personnel and nonpersonnel costs
 13 of rural and satellite job service offices in
 14 population centers of less than twenty thousand or for
 15 the ~~division approved training fund funded in section~~
 16 ~~8, subsection 2, of 1988 Iowa Acts, chapter 1274. The~~
 17 treasurer of state shall not transfer funds for the
 18 administrative costs of collecting the administrative
 19 contribution surcharge."

RICHARD RUNNING

S-3097

- 1 Amend Senate File 142 as follows:
 2 1. Page 1, line 21, by striking the words "and
 3 any other interested person" and inserting the
 4 following: "any other person having a financial or
 5 equitable interest in the account or loan, or a person
 6 who pays to the bank on behalf of the borrower any
 7 payment under the note or to an escrow account".
 8 2. Page 1, lines 30 and 31, by striking the words
 9 "and any other interested person" and inserting the
 10 following: "any other person having a financial or
 11 equitable interest in the account or loan, or a person
 12 who pays to the bank on behalf of the borrower any
 13 payment under the note or to an escrow account".

BERL E. PRIEBE

S-3098

- 1 Amend Senate File 302 as follows:
 2 1. Page 3, by inserting after line 34, the
 3 following:

- 4 "Sec. ____ . Section 91D.1, subsection 1, paragraph
 5 a, Code 1991, is amended to read as follows:
 6 a. The hourly wage stated in the federal minimum
 7 wage law, pursuant to 29 U.S.C. § 206, shall be
 8 increased to ~~\$3.85 on January 1 of 1990~~, \$4.25 on
 9 January 1 of 1991; and ~~\$4.65 on January 1 of 1992.~~"
 10 2. Page 4, by striking lines 2 through 9, and
 11 inserting the following:
 12 "2. The exemptions from the minimum wage
 13 requirements stated in 29 U.S.C. § 213 shall apply;
 14 except that the exemption in 29 U.S.C. § 213(a)(2)
 15 shall only apply to an enterprise which is comprised
 16 of one or more retail or service establishments whose
 17 annual gross volume of sales made or business done is
 18 less than sixty percent of the amount stated in 29
 19 U.S.C. § 203(s)(2), exclusive of excise taxes at the
 20 retail level that are separately stated."
 21 3. By renumbering as necessary.

RAY TAYLOR

S-3099

- 1 Amend House File 109, 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. ____ . NEW SECTION. 109.125 INTENTIONAL
 6 OBSTRUCTION OF LAWFUL ACTIVITIES PROHIBITED --
 7 PENALTY.
 8 1. A person shall not intentionally obstruct the
 9 participation of another person in the lawful activity
 10 of hunting, fishing, or trapping. This subsection
 11 shall not prohibit a landowner or lessee from
 12 exercising the landowner's or lessee's lawful rights.
 13 2. A person violating this section is guilty of a
 14 simple misdemeanor."
 15 2. Title, line 2, by inserting after the word
 16 "highway" the following: ", or the intentional
 17 obstruction of a person who is lawfully hunting,
 18 fishing, or trapping."

JAMES B. KERSTEN
 RAY TAYLOR

S-3100

- 1 Amend Senate File 193 as follows:
 2 1. Page 3, line 31, by striking the word
 3 "therapeutic" and inserting the following:

- 4 "counseling".
 5 2. Page 3, line 32, by inserting after the word
 6 "conditions" the following: "other than nervous and
 7 mental disorders as defined in the American
 8 psychiatric association's diagnostic and statistical
 9 manual-III-R and its subsequent revisions".
 10 3. Page 4, line 3, by striking the word "therapy"
 11 and inserting the following: "counseling".
 12 4. Page 4, line 6, by inserting after the word
 13 "groups" the following: ", other than those
 14 individuals with nervous and mental disorders as
 15 defined by the American psychiatric association's
 16 diagnostic and statistics manual-III-R and subsequent
 17 revisions,".
 18 5. Page 5, by striking lines 1 and 2.

WILLIAM D. PALMER
 MARY E. KRAMER
 JEAN LLOYD-JONES
 MICHAEL E. GRONSTAL
 RICHARD VANDE HOEF
 EUGENE FRAISE

S-3101

- 1 Amend Senate Concurrent Resolution 8 as follows:
 2 1. Page 2, by inserting after line 4 the
 3 following:
 4 "BE IT FURTHER RESOLVED, That the State of Iowa
 5 also petitions the U.S. Navy for the return of the
 6 ship's bell from the battleship USS Iowa, to the State
 7 of Iowa where it will be kept in a place of honor."

JOHN W. JENSEN

S-3102

- 1 Amend Senate File 77 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "experience." the following: "The governor shall
 4 submit the name of the lieutenant governor as a
 5 department or agency director to the senate for
 6 confirmation pursuant to section 2.32."

BERL E. PRIEBE

S-3103

- 1 Amend Senate File 48 as follows:
 2 1. Page 1, by striking lines 18 through 20 and

3 inserting the following:

4 "1. A person shall not use the title "physical
5 therapist assistant" or the letters "PTA", or
6 represent to the public that the person is a physical
7 therapist assistant, unless the person has obtained
8 from the department a license pursuant to this
9 section."

10 2. Page 1, by striking lines 21 through 24 and
11 inserting the following:

12 "2. A licensed physical therapist assistant is
13 required to function under the direction and super-
14 vision of a licensed physical therapist to perform
15 physical therapy procedures delegated and supervised
16 by the licensed physical therapist in a manner con-
17 sistent with the rules adopted by the board of
18 physical and occupational therapy examiners. Selected
19 and delegated tasks of physical therapist assistants
20 may include, but are not limited to, therapeutic
21 procedures and related tasks, routine operational
22 functions, documentation of treatment progress, and
23 the use of selected physical agents. The ability of
24 the licensed physical therapist assistant to perform
25 the selected and delegated tasks shall be assessed on
26 an ongoing basis by the supervising physical
27 therapist. The licensed physical therapist assistant
28 shall not interpret referrals, perform initial
29 evaluation or reevaluations, initiate physical therapy
30 treatment programs, change specified treatment
31 programs, or discharge a patient from physical therapy
32 services."

33 3. Page 2, by inserting after line 2 the follow-
34 ing:

35 "4. This section does not prevent a person not
36 licensed as a physical therapist assistant from per-
37 forming services ordinarily performed by a physical
38 therapy aide, assistant, or technician, provided that
39 the person does not represent to the public that the
40 person is a licensed physical therapist assistant, or
41 use the title "physical therapist assistant" or the
42 letters "PTA", and provided that the person performs
43 services consistent with the supervision requirements
44 of the board of physical and occupational therapy
45 examiners for persons not licensed as physical
46 therapist assistants."

ELAINE SZYMONIAK

S-3104

1 Amend Senate File 30 as follows:

- 2 1. Page 1, line 26, by inserting after the word
3 "the" the following: "substance abuse".
4 2. Page 1, line 32, by inserting after the word
5 "receive" the following: "substance abuse".
6 3. Page 1, line 33, by inserting after the word
7 "deny" the following: "substance abuse".

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chair

S-3105

1 Amend the amendment S-3102 to Senate File 77 as
2 follows:

3 1. Page 1, line 6, by striking the words and
4 figure "pursuant to section 2.32." and inserting the
5 following: " , notwithstanding section 2.32, as part
6 of the message communicating the condition of the
7 state to the general assembly. The senate shall act
8 upon the selection within fourteen days of receipt of
9 the condition of the state message or the lieutenant
10 governor shall be automatically confirmed as the
11 department or agency head. If the senate rejects the
12 governor's initial selection, or any subsequent
13 selection, the governor shall select, and forward to
14 the general assembly within seven days of being
15 notified of the rejection of the initial or subsequent
16 selection, a different department for which the
17 lieutenant governor is to serve as department head."

18 2. Page 1, by inserting after line 6, the
19 following:

20 " — . Page 1, line 18, by inserting after the
21 word "law." the following: "In case of death,
22 impeachment, resignation, removal from office, or
23 other disability of the lieutenant governor, the
24 governor shall provide for the appointment of a
25 successor to the department head position previously
26 held by the lieutenant governor in the manner provided
27 in section 2.32.""

JIM LIND

S-3106

1 Amend the amendment S-3102 to Senate File 77 as
2 follows:

3 1. Page 1, line 6, by striking the words and
4 figure "pursuant to section 2.32." and inserting the
5 following: " , notwithstanding section 2.32, as part
6 of the message communicating the condition of the

7 state to the general assembly. The senate shall act
 8 upon the selection within thirty days of receipt of
 9 the condition of the state message or the lieutenant
 10 governor shall be automatically confirmed as the
 11 department or agency head. If the senate rejects the
 12 governor's initial selection, or any subsequent
 13 selection, the governor shall select, and forward to
 14 the general assembly within thirty days of being
 15 notified of the rejection of the initial or subsequent
 16 selection, a different department for which the
 17 lieutenant governor is to serve as department head."

18 2. Page 1, by inserting after line 6, the
 19 following:

20 "___ . Page 1, line 18, by inserting after the
 21 word "law." the following: "In case of death,
 22 impeachment, resignation, removal from office, or
 23 other disability of the lieutenant governor, the
 24 governor shall provide for the appointment of a
 25 successor to the department head position previously
 26 held by the lieutenant governor in the manner provided
 27 in section 2.32.""

JIM LIND

S-3107

1 Amend House File 220, as passed by the House, as
 2 follows:

3 1. Page 2, by inserting after line 20, the
 4 following:

5 "Sec. ___ . This Act, being deemed of immediate
 6 importance, takes effect upon enactment."

7 2. Title page, line 4, by inserting after the
 8 word "record" the following: ", and providing an
 9 effective date".

COMMITTEE ON TRANSPORTATION
 EUGENE FRAISE, Chair

S-3108

1 Amend Senate File 259 as follows:

2 By striking page 1, line 17, through page 2, line
 3 13.

4 2. Title, by striking lines 3 and 4 and inserting
 5 the following: "survey, amending the real estate".

6 3. By renumbering as necessary.

EUGENE FRAISE

S-3109

- 1 Amend Senate File 284 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "sell" the following: "only".
4 2. Page 2, by striking lines 2 through 10.

WALLY HORN

S-3110

- 1 Amend House File 297, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 321.178, subsection 2,
6 paragraph a, Code 1991, is amended to read as follows:
7 a. Any person between sixteen and eighteen years
8 of age who is not in attendance at school or who is in
9 attendance in a public or private school where an
10 approved driver's education course is not offered or
11 available, may be issued a restricted license only for
12 travel to and from work or to transport dependents to
13 and from temporary care facilities, if necessary for
14 the person to maintain the person's present employment
15 without having completed an approved driver's
16 education course. The restricted license shall be
17 issued by the department only upon confirmation of the
18 person's employment and need for a restricted license
19 to travel to and from work or to transport dependents
20 of temporary care facilities if necessary to maintain
21 the person's employment and upon receipt of a written
22 statement from the public or private school that an
23 approved course in driver's education was not offered
24 or available to the person, if applicable. The
25 employer shall notify the department if the employment
26 of the person is terminated before the person attains
27 the age of eighteen. The person shall not have a
28 restricted license revoked or suspended upon re-
29 entering school prior to age eighteen provided the
30 student enrolls in and completes the classroom portion
31 of an approved driver's education course as soon as a
32 course is available."
33 2. Title page, line 1, by inserting after the
34 word "to" the following: "minor's restricted licenses
35 and".

MIKE CONNOLLY

S-3111

- 1 Amend Senate File 73 as follows:
- 2 1. Page 1, line 1, by striking the figure
- 3 "321.194" and inserting the following: "321.178".

MIKE CONNOLLY

S-3112

- 1 Amend Senate File 264 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "not" the following: "intentionally".
- 4 2. Title, line 1, by inserting after the word
- 5 "the" the following: "intentional".

COMMITTEE ON NATURAL RESOURCES
WILLIAM PALMER, Chair

S-3113

- 1 Amend Senate File 85 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 237A.1, subsection 7, Code
- 5 1991, is amended by adding the following new.
- 6 paragraph:
- 7 NEW PARAGRAPH. e. A program operated by
- 8 volunteers for no charge in a nonprofit facility for
- 9 not more than two hours at any one time."
- 10 2. Title page, lines 1 and 2, by striking the
- 11 words "church-related instructional".

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chair

S-3114

- 1 Amend the amendment, S-3113, to Senate File 85 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the words "at any
- 4 one time" and inserting the following: "during any
- 5 24-hour period".

RAY TAYLOR

S-3115

- 1 Amend Senate File 4 as follows:
- 2 1. Page 1, by inserting after line 12, the
- 3 following:

4 "Sec. ~~---~~. Section 368.19, unnumbered paragraph 1,
5 Code 1991, is amended to read as follows:

6 The committee shall approve or disapprove the
7 petition or plan as amended, within ninety days of the
8 final hearing, and shall file its decision for record
9 and promptly notify the parties to the proceeding of
10 its decision. If a petition or plan is approved, the
11 board shall set a date within ninety days for a
12 special election on the proposal and the county
13 commissioner of elections shall conduct the election.
14 In a case of incorporation or discontinuance,
15 qualified electors of the territory or city may vote,
16 and the proposal is authorized if a majority of those
17 voting approves it. In a case of annexation or
18 severance, qualified electors of the territory and of
19 the city may vote, ~~and the~~. The proposal is
20 authorized only if a majority of the total number of
21 persons electors voting approves in the territory to
22 be annexed and a majority of the electors voting in
23 the annexing city approve it. In a case of
24 consolidation, qualified electors of each city to be
25 consolidated may vote, and the proposal is authorized
26 only if it receives a favorable majority vote in each
27 city. The county commissioner of elections shall
28 publish notice of the election as provided in section
29 49.53 and shall conduct the election in the same
30 manner as other special city elections."

31 2. By renumbering as necessary.

EUGENE FRAISE
JOHN A. PETERSON
JOHN W. JENSEN
LEONARD L. BOSWELL
RICHARD VANDE HOEF
EMIL J. HUSAK
JAMES R. RIORDAN
JAMES B. KERSTEN
ALVIN V. MILLER
JOHN P. KIBBIE
BERL E. PRIEBE

S-3116

1 Amend Senate File 293 as follows:

2 1. Page 2, line 13, by striking the words

3 "cosmetically acceptable" and inserting the following:

4 "inconspicuous".

5 2. Page 2, by striking lines 30 through 32 and

6 inserting the following:

7 "3. The board of dental examiners may adopt rules

8 and establish standards to fulfill the purposes of
9 this section."

LARRY MURPHY

S-3117

- 1 Amend Senate File 341 as follows:
- 2 1. Page 1, by striking lines 1 through 5.
- 3 2. Page 1, line 35, by inserting after the word
- 4 and letter "paragraph "a"." the following: "The
- 5 department, in consultation with representatives of
- 6 multidisciplinary teams, shall adopt rules, pursuant
- 7 to chapter 17A, which limit the number of members of a
- 8 multidisciplinary team, define the roles of the
- 9 members, and provide procedures for the teams."
- 10 3. Page 2, by striking lines 7 through 16.
- 11 4. By renumbering as necessary.

MAGGIE TINSMAN
SHELDON RITTMER
LARRY MURPHY
JIM RIORDAN

S-3118

- 1 Amend Senate File 330 as follows:
- 2 1. Page 1, line 8, by striking the word "driver,"
- 3 and inserting the following: "driver or".
- 4 2. Page 1, by striking lines 9 and 10 and insert-
- 5 ing the following: "left or right of the driver that
- 6 do not meet the requirements of this subsection."

LARRY MURPHY

S-3119

- 1 Amend Senate File 254 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 15.282, Code 1991, is amended
- 5 to read as follows:
- 6 15.282 PURPOSE.
- 7 The purpose of this part is to assist communities
- 8 and rural areas of the state with their development
- 9 and governmental responsibilities by providing low-
- 10 interest and no-interest loans or grants for
- 11 traditional infrastructure, new infrastructure, and
- 12 housing, and their efforts relating to community,
- 13 business, and economic development under the community

14 builder program established in section 15.308.

15 The department may also provide assistance for
16 infrastructure assessment or planning efforts pursuant
17 to rules established by the department.

18 Sec. 2. Section 15.283, subsection 2, Code 1991,
19 is amended to read as follows:

20 2. The program shall provide for ~~three~~ four
21 categories of assistance. These are the traditional
22 infrastructure category, the new infrastructure
23 category, ~~and the housing category, and the planning~~
24 category.

25 Sec. 3. Section 15.283, subsection 3, Code 1991,
26 is amended to read as follows:

27 3. All moneys available for the traditional
28 infrastructure category, ~~and the new infrastructure~~
29 category, and the planning category shall be
30 administered by the department. All moneys available
31 for the housing category shall be administered by the
32 Iowa finance authority. The Iowa finance authority
33 may transfer a portion of the funds appropriated for
34 the housing category to the department for purposes of
35 the planning category to be administered by the
36 department.

37 Sec. 4. Section 15.283, subsection 4, Code 1991,
38 is amended by striking the subsection and inserting in
39 lieu thereof the following:

40 4. Moneys available under this program for the
41 traditional infrastructure category, the new
42 infrastructure category, and the planning category
43 shall be allocated by the director. Moneys available
44 under this program for the housing category shall be
45 allocated by the executive director of the Iowa
46 finance authority who may transfer a portion of the
47 moneys to the department for the planning category.
48 If moneys allocated to the housing category are not
49 used or dedicated by April 1 of the fiscal year, the
50 moneys shall be reallocated to the other categories

Page 2

1 that have the most need as determined by the
2 department. At least one-third of the moneys
3 allocated for the traditional infrastructure category,
4 the new infrastructure category, and the housing
5 category shall be set aside for cities with
6 populations of five thousand or less. For the
7 purposes of this set-aside, a city located in a county
8 with a population in excess of three hundred thousand,
9 if the city is contiguous to another city in the
10 county and that other city is contiguous to the

11 largest city in that county, shall be considered as
12 having a population in excess of five thousand.

13 Sec. 5. Section 15.283, subsection 6, Code 1991,
14 is amended by striking the subsection.

15 Sec. 6. Section 15.284, subsection 4, Code 1991,
16 is amended to read as follows:

17 4. The ~~finance division~~ of the department shall
18 rank the applicants according to financial need, cost-
19 benefit of the project, percent of match, impact,
20 including an increase in fire or public safety because
21 of completion of the project, and ability to
22 administer ~~the~~ project.

23 Sec. 7. Section 15.285, subsection 1, Code 1991,
24 is amended to read as follows:

25 1. The new infrastructure category contains
26 projects described in section 384.24, subsection 4,
27 and projects which ~~are services or processes that do~~
28 ~~not currently meet the guidelines of standard public~~
29 ~~works projects. These include, but are not limited~~
30 to, communication systems, day care, technology
31 transfer adaptation, medical decision-support systems,
32 special transportation services, physical improvements
33 under town square and main street programs, physical
34 improvements to historic, art, and cultural sites and
35 attractions, emergency medical services, and
36 speculative shell buildings built by a local community
37 development organization; and other projects described
38 in section 384.24, subsection 4.

39 Sec. 8. Section 15.285, subsection 4, Code 1991,
40 is amended to read as follows:

41 4. The ~~finance division~~ of the department shall
42 rank the applications according to the applicant's
43 financial need, cost-benefit of the project, current
44 conditions or situations, percent of private
45 investment or contribution, and ability to administer
46 the project.

47 Sec. 9. NEW SECTION. 15.286A PLANNING.

48 1. The planning category contains projects that
49 include but are not limited to planning efforts
50 leading to completion of the community builder program

Page 3

1 established in section 15.308 and for statewide or
2 regional infrastructure assessment or planning.

3 2. A city, cluster of cities, county, group of
4 counties, unincorporated community, group of
5 unincorporated communities, council of governments, or
6 regional planning commission is eligible to apply for
7 loans or grants from this category for planning

8 efforts related to the community builder program.

9 3. The department may issue requests for proposals
10 for applications on a competitive basis or may
11 negotiate with one or more public or private
12 contractors for statewide or regional infrastructure
13 assessment or planning.

14 4. The department shall adopt rules pursuant to
15 chapter 17A for administration of this category.

16 Sec. 10. Section 15.287, Code 1991, is amended to
17 read as follows:

18 15.287 REVOLVING FUND.

19 The Iowa finance authority shall establish a
20 revolving fund for the program and shall transfer to
21 the department moneys to be administered by the
22 department. The moneys in the revolving fund are
23 appropriated for purposes of the program.
24 Notwithstanding section 8.33, moneys in the fund at
25 the end of a fiscal year shall not revert to any other
26 fund but shall remain in the revolving fund. The fund
27 shall consist of all appropriations, grants, or gifts
28 received by the authority or the department
29 specifically for use under this part and all
30 repayments of loans or grants made under this part.
31 However, loan repayments from loans made under section
32 28.120 which are not allocated to another program
33 shall be deposited in the revolving fund and shall be
34 available for allocation by the director for
35 categories administered by the department.

36 Sec. 11. Section 15.308, subsection 4, Code 1991,
37 is amended to read as follows:

38 4. A city, cluster of cities, county, group of
39 counties, unincorporated community or group of
40 unincorporated communities not yet certified under
41 this section but awarded a grant or initiative from
42 the state shall initiate a process to establish a
43 community builder program within six months of the
44 award; to, The community builder program shall be
45 completed within one year, or prior to the completion
46 of the contract period if the contract is longer than
47 one year. However, the program shall be completed
48 within three years of the receipt of the award. The
49 department administering the state financial
50 assistance program may grant an extension if the

Page 4

1 contract period is less than three years.

2 Sec. 12. Section 28.120, Code 1991, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 8. Loan repayments made under

5 this section and unallocated funds in the special
6 account in subsection 5 shall be allocated to the
7 revolving account of the rural community 2000 program
8 created in section 15.287.

9 Sec. 13. 1989 Iowa Acts, chapter 310, section 6,
10 unnumbered paragraphs 2 and 3, are amended to read as
11 follows:

12 The funds appropriated by this subsection shall not
13 be granted after July 1, 1989, to a political
14 subdivision which does not have on file with the
15 department of economic development a multiyear
16 community and economic development strategic plan for
17 the subdivision. The department shall adopt rules
18 which require that the plan shall be completed within
19 one year of the receipt of an award and contain key
20 concepts; however, a valid plan shall not be required
21 to be comprehensive. The department may accept the
22 community builder plan under section 15.308 as
23 compliance with this requirement.

24 Funds appropriated by this subsection are the funds
25 anticipated to be received from the federal government
26 for the designated federal fiscal years under Pub. L.
27 No. 97-35, Title III, Subtitle A, which provides for
28 the community development block grant of which a
29 minimum of four percent shall be set aside and
30 expended half for a grant program for the homeless for
31 the construction, rehabilitation, or expansion of
32 group home shelter for the homeless and half for a
33 home ownership program to help lower income and very
34 low income families achieve single family home
35 ownership. However, after January 1, 1990, the
36 department may allocate the set-aside money between
37 the programs based on the number of applications
38 received. If this allocation for the current federal
39 fiscal year is not fully obligated, the excess shall
40 be allocated to the general competitive program for
41 the following year. The department of economic
42 development shall expend funds appropriated by this
43 section as provided in the federal law making the
44 funds available and in conformance with chapter 17A.

45 Sec. 14. 1990 Iowa Acts, chapter 1263, section 4,
46 unnumbered paragraph 3, is amended to read as follows:

47 Funds appropriated by this subsection are the funds
48 anticipated to be received from the federal government
49 for the designated federal fiscal years under Pub. L.
50 No. 97-35, Title III, subtitle A, which provides for

Page 5

1 the community development block grant of which a

2 minimum of 4 percent shall be set aside and expended
 3 half for a grant program for the homeless for the
 4 construction, rehabilitation, or expansion of group
 5 home shelter for the homeless and half for a home
 6 ownership program to help lower income and very low
 7 income families achieve single family home ownership.
 8 However, after January 1, 1991, the department may
 9 allocate the set-aside money between the programs
 10 based on the number of applications received. If this
 11 allocation for the current federal fiscal year is not
 12 fully obligated, the excess shall be allocated to the
 13 general competitive program for the following year.
 14 The department of economic development shall expend
 15 funds appropriated by this section as provided in the
 16 federal law making the funds available and in
 17 conformance with chapter 17A.

18 Sec. 15. EFFECTIVE DATE. This Act, being deemed
 19 of immediate importance, takes effect upon enactment.”

20 2. Title page, by striking line 4 and inserting
 21 the following: “builder program, establishing a
 22 planning category in the rural community 2000 program,
 23 and providing an effective date.”

JIM RIORDAN
 JOHN P. KIBBIE
 BEVERLY A. HANNON
 PAUL D. PATE
 MARY E. KRAMER
 ALLEN BORLAUG
 RICHARD VANDE HOEF
 SHELDON RITTMER
 ALVIN V. MILLER

S-3120

1 Amend the amendment, S-3082, to Senate File 4 as
 2 follows:
 3 1. Page 2, by inserting after line 10 the
 4 following:
 5 “Sec. ____ . Section 368.19, unnumbered paragraph 1,
 6 Code 1991, is amended to read as follows:
 7 The committee shall approve or disapprove the
 8 petition or plan as amended, within ninety days of the
 9 final hearing, and shall file its decision for record
 10 and promptly notify the parties to the proceeding of
 11 its decision. If a petition or plan is approved, the
 12 board shall set a date within ninety days for a
 13 special election on the proposal and the county
 14 commissioner of elections shall conduct the election.
 15 In a case of incorporation or discontinuance,

16 qualified electors of the territory or city may vote,
 17 and the proposal is authorized if a majority of those
 18 voting approves it. In a case of annexation or
 19 severance, qualified electors of the territory and of
 20 the city may vote, and the proposal is authorized only
 21 if a majority of the total number of persons electors
 22 voting approves it in the territory to be annexed and
 23 a majority of the electors voting in the annexing city
 24 approve the proposal. In a case of consolidation,
 25 qualified electors of each city to be consolidated may
 26 vote, and the proposal is authorized only if it
 27 receives a favorable majority vote in each city. The
 28 county commissioner of elections shall publish notice
 29 of the election as provided in section 49.53 and shall
 30 conduct the election in the same manner as other
 31 special city elections."
 32 2. By renumbering as necessary.

EUGENE FRAISE
 EMIL J. HUSAK
 JOHN P. KIBBIE
 JOHN A. PETERSON
 JOHN W. JENSEN
 WILMER RENSINK
 RICHARD VANDE HOEF
 JAMES B. KERSTEN
 ALVIN V. MILLER
 JAMES R. RIORDAN
 BERL E. PRIEBE
 LEONARD L. BOSWELL

S-3121

- 1 Amend Senate File 341 as follows:
- 2 1. Page 1, by striking lines 1 through 5.
- 3 2. By renumbering as necessary.

WALLY HORN

HOUSE AMENDMENT TO
 SENATE FILE 92

S-3122

- 1 Amend Senate File 92, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 27, by striking the number "473B"
- 4 and inserting the following: "281".
- 5 2. Page 1, by striking lines 33 through 35 and
- 6 inserting the following:

- 7 "3. In making all appointments, consideration
8 shall be given to gender, race or ethnic
9 representation, population and demographic factors,
10 and representation of different geographic regions."
11 3. Page 1, by inserting after line 35, the
12 following: "All appointments shall comply with
13 sections 69.16 and 69.16A."
14 4. By renumbering, relettering, or redesignating
15 and correcting internal references as necessary.

S-3123

- 1 Amend Senate File 369 as follows:
2 1. Page 2, by striking lines 12 through 22.
3 2. Renumber as necessary.

LINN FUHRMAN

S-3124

- 1 Amend Senate File 330 as follows:
2 1. Page 1, by striking lines 22 through 27 and
3 inserting the following:
4 "d. The net light transmittance from a combination
5 of safety glazing materials and sunscreening devices
6 on the side or rear windows shall not be less than
7 fifty percent".
8 2. Page 2, by inserting after line 9 the
9 following:
10 "(4) "Net light transmittance" means the combined
11 effect of any sunscreen device or safety glazing
12 material used on any motor vehicle window."
13 3. Page 2, by striking lines 25 and 26 and
14 inserting the following: "shall not be charged with a
15 violation of subsection 2,".
16 4. Page 2, line 30, by striking the words and
17 figure ", or an optometrist licensed under chapter
18 154".

MIKE CONNOLLY

S-3125

- 1 Amend Senate File 330 as follows:
2 1. Page 1, by striking lines 21 through 24 and
3 inserting the following: "department.
4 d. (1) The light transmittance from the
5 application of a suncreening device to safety glazing
6 materials on a side window or siding to the left or
7 right of the driver shall not be less than seventy

8 percent.

9 (2) A suncreening device which allows fifty
10 percent or more light transmittance may be applied to
11 the safety glazing materials on windows to the rear of
12 the driver, but the light transmittance from a
13 combination of".

14 2. Page 2, line 13, by inserting after the word
15 "with" the following: "side or rear".

16 3. Page 2, by striking lines 25 and 26 and
17 inserting the following: "shall not be charged with a
18 violation of subsection 2,".

19 4. Page 2, line 30, by striking the words and
20 figure ", or an optometrist licensed under chapter
21 154".

MIKE CONNOLLY

S-3126

1 Amend Senate File 330 as follows:

2 1. Page 2, by striking lines 25 and 26 and
3 inserting the following: "shall not be charged with a
4 violation of subsection 2,".

5 2. Page 2, line 30, by striking the words and
6 figure ", or an optometrist licensed under chapter
7 154".

MIKE CONNOLLY

S-3127

1 Amend Senate File 187 as follows:

2 1. Page 1, line 23, by inserting after the word
3 "attended." the following: "A pupil who moves to Iowa
4 and who participates in open enrollment without first
5 attending school in the pupil's Iowa district of
6 residence shall be eligible to participate in inter-
7 scholastic athletic contests and athletic competitions
8 during each year of participation in open enrollment."

9 2. Title page, by striking lines 2 and 3 and
10 inserting the following: "enrollment."

MARK HAGERLA

S-3128

1 Amend Senate File 317 as follows:

2 1. Page 2, line 30, by inserting before the word
3 "where" the following: ", and no other penalty or
4 cause of action under this chapter shall accrue

5 against the media in or by which the advertisement
6 appears or is disseminated.”.

WILLIAM D. PALMER

S-3129

1 Amend Senate File 362 as follows:
2 1. Page 13, line 29, by striking the word
3 “paragraph” and inserting the following:
4 “paragraphs”.
5 2. Page 14, by inserting after line 3 the follow-
6 ing:
7 “NEW UNNUMBERED PARAGRAPH. The costs for
8 consulting fees for site cleanup reports shall not
9 exceed fifteen percent of the total costs of cleanup
10 on a site. If circumstances warrant, the
11 administrator shall allow for a waiver of the
12 consulting cost limitation. For purposes of this
13 paragraph, “consulting” means any professional service
14 relating to design and evaluation of a tank and the
15 commensurate cleanup.”

JIM KERSTEN

S-3130

1 Amend Senate File 269 as follows:
2 1. Page 1, line 7, by striking the word “twelve”
3 and inserting the following: “three”.
4 2. Page 1, line 9, by striking the word and
5 figure “subsection 1” and inserting the following:
6 “subsection 2”.

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chair

S-3131

1 Amend the amendment, S-3090, to Senate File 146, as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 “fees” the following: “charged to all students at an
5 institution”.

RICHARD VARN

S-3132

1 Amend Senate File 280 as follows:

- 2 1. Page 2, line 19, by striking the words
- 3 "treasurer of state" and inserting the following:
- 4 "department of revenue and finance".

ELAINE SZYMONIAK

S-3133

- 1 Amend Senate File 280 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 601K.80, subsection 7, Code
- 5 1991, is amended to read as follows:
- 6 7. The council is assigned to the division for
- 7 administrative purposes. The administrator shall be
- 8 responsible for budgeting, program coordination, and
- 9 related management functions. The operating expenses
- 10 of the central registry for brain injuries under
- 11 section 135.22 and of the council shall be paid from
- 12 moneys in the head and spinal injury trust fund."
- 13 2. Page 1, line 1, by striking the word and
- 14 figure "Section 1." and inserting the following:
- 15 "Sec. 2."
- 16 3. Page 1, line 21, by inserting after the word
- 17 "a" the following: "treatment,".
- 18 4. Page 1, by inserting after line 25 the
- 19 following: "Expenses for administrative, case
- 20 management, and medical consultation services paid
- 21 from the trust fund shall not exceed ten percent of
- 22 the funds deposited in the trust fund each year."
- 23 5. Page 2, line 1, by striking the word
- 24 "evaluation" and inserting the following:
- 25 "evacuation".
- 26 6. Page 2, line 2, by inserting after the word
- 27 "rehabilitation" the following: "center, or post
- 28 acute brain injury treatment".
- 29 7. Page 2, by striking lines 4 through 6 and
- 30 inserting the following:
- 31 "b. Prosthetic or orthotic devices, wheelchairs,
- 32 or other assistive devices determined necessary and
- 33 appropriate by care providers."
- 34 8. Page 2, by striking lines 18 through 20 and
- 35 inserting the following: "for the care listed in
- 36 subsection 2. The".
- 37 9. By renumbering as necessary.
- 38 10. Title page, line 3, by inserting after the
- 39 word "injuries" the following: "and transferring
- 40 funding from the general fund to the trust fund for

41 the advisory council on head injuries and the central
42 registry for brain injuries”.

RAY TAYLOR

S-3134

1 Amend Senate File 27 to read as follows:
2 1. Page 1, lines 4 and 5, by striking the words
3 “children who have reached eighteen years of age.” and
4 inserting the following: “adult children and
5 stepchildren, brothers and sisters.”
6 2. Page 1, line 24, by striking the words “in the
7 manner of original notice” and inserting the
8 following: “by mail postmarked at least fourteen days
9 prior to the date of the hearing”.
10 3. Page 1, by inserting after line 31 the
11 following:
12 “3. A defect in the service of notice, other than
13 personal service upon the proposed ward within the
14 time allowed and the form prescribed under subsections
15 1 and 2, shall not invalidate any guardianship
16 proceedings.”
17 4. Page 1, line 35 through page 2, line 1, by
18 striking the words “children who have reached eighteen
19 years of age.” and inserting the following: “adult
20 children and stepchildren, brothers and sisters.”
21 5. Page 2, line 20, by striking the words “in the
22 manner of original notice” and inserting the
23 following: “by mail postmarked at least fourteen days
24 prior to the date of the hearing”.
25 6. Page 2, by inserting after line 27 the
26 following:
27 “3. A defect in the service of notice, other than
28 personal service upon the proposed ward within the
29 time allowed and the form prescribed under subsections
30 1 and 2, shall not invalidate any conservatorship
31 proceedings.”

COMMITTEE ON JUDICIARY
AL STURGEON, Chair

S-3135

1 Amend Senate File 260 as follows:
2 1. Page 1, line 16, by striking the words “lease
3 or”.
4 2. Page 1, line 27, by striking the words “lease
5 or”.
6 3. Page 1, line 29, by striking the words “lease

- 7 and".
- 8 4. Page 1, line 31, by striking the words "lease
9 or".
- 10 5. Page 2, line 3, by striking the words "lease
11 or".
- 12 6. Page 2, line 4, by inserting after the word
13 "real" the following: "and personal".
- 14 7. Page 2, line 5, by striking the words "lease
15 or".
- 16 8. Page 2, line 7, by striking the word "Two" and
17 inserting the following: "Four".
- 18 9. Page 2, line 9, by striking the words "Two
19 hundred fifty" and inserting the following: "Five
20 hundred".
- 21 10. Page 2, line 12, by striking the word "Three"
22 and inserting the following: "Six".
- 23 11. Page 2, line 15, by striking the word "Four"
24 and inserting the following: "Eight".
- 25 12. Page 2, line 18, by striking the words "Five
26 hundred thousand" and inserting the following: "One
27 million".
- 28 13. Page 2, line 21, by striking the words "lease
29 or".
- 30 14. Page 2, line 21, by inserting after the word
31 "real" the following: "and personal".
- 32 15. Page 2, line 23, by striking the words "lease
33 or".
- 34 16. Page 2, line 26, by striking the words "lease
35 or".
- 36 17. Page 2, line 28, by striking the words "lease
37 or".
- 38 18. Page 2, line 29, by striking the words "lease
39 or".
- 40 19. Page 2, line 33, by striking the words "lease
41 or".
- 42 20. Page 2, line 35, by striking the words "lease
43 or".
- 44 21. Page 3, lines 2 and 3, by striking the words
45 "lease or".
- 46 22. Page 3, line 5, by striking the words "lease
47 or".
- 48 23. Page 3, line 8, by striking the words "lease
49 or".
- 50 24. Page 3, line 15, by striking the words "lease

Page 2

1 or".

- 2 25. Page 3, line 17, by striking the words "lease
3 or".

- 4 26. Page 3, line 18, by striking the words "lease
5 or".
- 6 27. Page 3, line 22, by striking the words "lease
7 or".
- 8 28. Page 5, line 6, by striking the word "Two"
9 and inserting the following: "Four".
- 10 29. Page 5, line 8, by striking the words "Two
11 hundred fifty" and inserting the following: "Five
12 hundred".
- 13 30. Page 5, line 11, by striking the word "Three"
14 and inserting the following: "Six".
- 15 31. Page 5, line 14, by striking the word "Four"
16 and inserting the following: "Eight".
- 17 32. Page 5, line 17, by striking the words "Five
18 hundred thousand" and inserting the following: "One
19 million".
- 20 33. Page 6, by inserting after line 24, the
21 following:
- 22 "Sec. ____ . Section 331.441, subsection 2,
23 paragraph b, subparagraph (5), Code 1991, is amended
24 to read as follows:
- 25 (5) Public buildings, including the site or
26 grounds of, and the erection, equipment, remodeling,
27 or reconstruction of, and additions or extensions to
28 the buildings, and including the provision and
29 maintenance of juvenile detention or shelter care
30 facilities, when the cost does not exceed the
31 following limits:
- 32 (a) ~~Two~~ Four hundred thousand dollars in a county
33 having a population of twenty-five thousand or less.
- 34 (b) ~~Two~~ Five hundred fifty thousand dollars in a
35 county having a population of more than twenty-five
36 thousand but not more than fifty thousand.
- 37 (c) ~~Three~~ Six hundred thousand dollars in a county
38 having a population of more than fifty thousand but
39 not more than one hundred thousand.
- 40 (d) ~~Four~~ Eight hundred thousand dollars in a
41 county having a population of more than one hundred
42 thousand but not more than two hundred thousand.
- 43 (e) ~~Five hundred thousand~~ One million dollars in a
44 county having a population of more than two hundred
45 thousand."
- 46 34. Page 7, line 5, by striking the words "lease
47 or".
- 48 35. Page 7, line 17, by striking the words "lease
49 or".
- 50 36. Page 7, line 19, by striking the words "lease

Page 3

- 1 and".
- 2 37. Page 7, line 21, by striking the words "lease
- 3 or".
- 4 38. Page 7, line 29, by striking the words "lease
- 5 or".
- 6 39. Page 7, line 29, by inserting after the word
- 7 "real" the following: "and personal".
- 8 40. Page 7, line 31, by striking the words "lease
- 9 or".
- 10 41. Page 7, line 33, by striking the word
- 11 "Twenty-five" and inserting the following: "Fifty".
- 12 42. Page 7, line 35, by striking the word
- 13 "Seventy-five" and inserting the following: "One
- 14 hundred fifty".
- 15 43. Page 8, line 3, by striking the words "One
- 16 hundred fifty" and inserting the following: "Three
- 17 hundred".
- 18 44. Page 8, line 6, by striking the words "lease
- 19 or".
- 20 45. Page 8, line 7, by inserting after the word
- 21 "real" the following: "and personal".
- 22 46. Page 8, line 8, by striking the words "lease
- 23 or".
- 24 47. Page 8, line 11, by striking the words "lease
- 25 or".
- 26 48. Page 8, line 13, by striking the words "lease
- 27 or".
- 28 49. Page 8, line 14, by striking the words "lease
- 29 or".
- 30 50. Page 8, line 19, by striking the words "lease
- 31 or".
- 32 51. Page 8, line 21, by striking the words "lease
- 33 or".
- 34 52. Page 8, line 24, by striking the words "lease
- 35 or".
- 36 53. Page 8, line 26, by striking the words "lease
- 37 or".
- 38 54. Page 8, line 29, by striking the words "lease
- 39 or".
- 40 55. Page 9, line 1, by striking the words "lease
- 41 or".
- 42 56. Page 9, line 3, by striking the words "lease
- 43 or".
- 44 57. Page 9, line 5, by striking the words "lease
- 45 or".
- 46 58. Page 9, line 10, by striking the words "lease
- 47 or".
- 48 59. Page 10, line 30, by striking the word
- 49 "Twenty-five" and inserting the following: "Fifty".

50 60. Page 10, line 32, by striking the word

Page 4

1 "Seventy-five" and inserting the following: "One
2 hundred fifty".

3 61. Page 10, line 35, by striking the words "One
4 hundred fifty" and inserting the following: "Three
5 hundred".

6 62. Page 12, by inserting after line 9, the
7 following:

8 "Sec. ____ . Section 384.26, subsection 5, paragraph
9 a, subparagraphs (1), (2), and (3), Code 1991, are
10 amended to read as follows:

11 (1) In cities having a population of five thousand
12 or less, in an amount of not more than ~~twenty-five~~
13 fifty thousand dollars.

14 (2) In cities having a population of more than
15 five thousand and not more than seventy-five thousand,
16 in an amount of not more than ~~seventy-five~~ one hundred
17 fifty thousand dollars.

18 (3) In cities having a population in excess of
19 seventy-five thousand, in an amount of not more than
20 ~~one three~~ hundred ~~fifty~~ thousand dollars."

21 63. Page 12, line 11, by inserting after the
22 words "entered into" the following: "or general or
23 essential purpose bonds issued".

24 64. Title page, line 2, by inserting after the
25 word "agreements," the following: "issue general or
26 essential purpose bonds,".

JOHN W. JENSEN
ALVIN V. MILLER
ALLEN BORLAUG

S-3136

1 Amend Senate File 427 as follows:

2 1. Page 1, lines 19 and 20, by striking the
3 words: "and the national greyhound association".

BERL PRIEBE

S-3137

1 Amend the amendment, S-3113, to Senate File 85 as
2 follows:

3 1. Page 1, line 6, by striking the word
4 "paragraph" and inserting the following:
5 "paragraphs".

6 2. Page 1, by inserting after line 9, the
7 following:
8 "NEW PARAGRAPH. f. A program provided by the
9 state or a political subdivision, which provides
10 recreational classes for a period of less than two
11 hours per day."

JOE WELSH

S-3138

1 Amend Senate File 443 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "due," the following: "and the delay in payment is
4 without reasonable or probable cause or excuse."
5 2. Page 2, line 30, by striking the words "two
6 hundred" and inserting the following: "one hundred
7 eighty-four".
8 3. Page 4, line 7, by striking the word "The".
9 4. Page 4, by striking lines 8 and 9 and
10 inserting the following: "The weekly compensation is
11 payable during the period of the employee's
12 disability."
13 5. By striking page 4, line 10, through page 5,
14 line 7.
15 6. Page 5, by striking lines 26 and 27 and
16 inserting the following: "the additional weekly
17 compensation or medical benefits. The interest on
18 additional weekly compensation shall also be paid to
19 the claimant. The interest on medical benefits shall
20 be paid to the person rendering treatment unless the
21 charges for treatment have previously been paid by the
22 injured employee or by a third party on the employee's
23 behalf. If the charges for treatment have previously
24 been paid by the injured employee or a third party on
25 the employee's behalf, the interest on medical
26 benefits shall be paid to the injured employee or to
27 the third party which made the payment. This section
28 shall not be construed to allow interest on any
29 penalty imposed."
30 7. Title page, line 2, by striking the words
31 "extraterritorial jurisdiction."
32 8. By renumbering as necessary.

COMMITTEE ON BUSINESS
AND LABOR RELATIONS
RICHARD V. RUNNING, Chair

S-3139

- 1 Amend House File 385 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. ____ . Section 1 of this Act applies to the
- 6 map of the state of Iowa published by the state
- 7 department of transportation in 1993, and thereafter."

EUGENE FRAISE

S-3140

- 1 Amend the amendment, S-3103, to Senate File 48 as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "of" the following: "a person licensed to practice
- 5 medicine and surgery, osteopathic medicine and
- 6 surgery, osteopathy, or".
- 7 2. Page 1, line 16, by inserting after the word
- 8 "by" the following: "the person licensed to practice
- 9 medicine and surgery, osteopathic medicine and
- 10 surgery, osteopathy, or by".
- 11 3. Page 1, line 26, by inserting after the word
- 12 "by" the following: "the person licensed to practice
- 13 medicine and surgery, osteopathic medicine and
- 14 surgery, osteopathy, or by".

WILLIAM PALMER
MARY E. KRAMER
MICHAEL E. GRONSTAL
LINN FUHRMAN

S-3141

- 1 Amend the amendment, S-3119, to Senate File 254 as
- 2 follows:
- 3 1. Page 1, line 43, by inserting after the word
- 4 "director." the following: "Annually, not more than
- 5 three hundred thousand dollars of the funds for the
- 6 program shall be allocated for the planning category."
- 7 2. Page 1, line 47, by inserting after the word
- 8 "category." the following: "Annually, at least
- 9 twenty-five percent of the funds for the program shall
- 10 be allocated to the housing category."

JIM RIORDAN

S-3142

- 1 Amend Senate File 273 as follows:

- 2 1. By striking page 3, line 30 through page 4,
3 line 20.
4 2. Title page, lines 3 and 4, by striking the
5 words "and providing for interstate reciprocal wine
6 sales".

COMMITTEE ON STATE GOVERNMENT
JOHN KIBBIE, Chair

S-3143

- 1 Amend Senate File 2 as follows:
2 1. Page 1, by striking lines 17 through 31 and
3 inserting the following:
4 "a. "Counselor or therapist" means a physician,
5 psychologist, nurse, professional counselor, social
6 worker, marriage or family therapist, alcohol or drug
7 counselor, member of the clergy, or any other person,
8 whether or not licensed or registered by the state,
9 who provides or purports to provide mental health
10 services.
11 b. "Mental health service" means the treatment,
12 assessment, or counseling of another person for a
13 cognitive, behavioral, emotional, mental, or social
14 dysfunction, including an intrapersonal or
15 interpersonal dysfunction.
16 c. "Emotionally dependent" means that the nature
17 of the patient's or client's or former patient's or
18 client's emotional condition or the nature of the
19 treatment provided by the counselor or therapist is
20 such that the counselor or therapist knows or has
21 reason to know that the patient or client or former
22 patient or client is significantly impaired in the
23 ability to withhold consent to sexual conduct, as
24 described in paragraph "e", by the counselor or
25 therapist."
26 2. Page 1, by inserting after line 31 the
27 following:
28 "For the purposes of paragraph "e", a former
29 patient or former client is presumed to be dependent
30 for one year following the termination of the
31 provision of mental health services."
32 3. By striking page 1, line 32 through page 2,
33 line 30, and inserting the following:
34 "c. "Former patient or client" means a person who
35 received mental health services from the counselor or
36 therapist.
37 d. "Patient or client" means a person who receives
38 mental health services from the counselor or
39 therapist.

40 e. "Sexual abuse by a counselor or therapist"
41 occurs when either or both of the following are found:
42 (1) A pattern or practice or scheme of conduct to
43 engage in any of the conduct described in subparagraph
44 (2) or (3).
45 (2) Any sexual conduct, occurring more than one
46 year after the termination of the provision of mental
47 health services, with an emotionally dependent former
48 patient or client for the purpose of arousing or
49 satisfying the sexual desires of the counselor or
50 therapist or the former patient or client, which

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1 includes but is not limited to the following:
2 kissing; touching of the clothed or unclothed inner
3 thigh, breast, groin, buttock, anus, pubes, or
4 genitals; or a sex act as defined in section 702.17.
5 (3) Any sexual conduct with a patient or client
6 for the purpose of arousing or satisfying the sexual
7 desires of the counselor or therapist or the patient
8 or client which includes but is not limited to the
9 following: kissing; touching of the clothed or
10 unclothed inner thigh, breast, groin, buttock, anus,
11 pubes, or genitals; or a sex act as defined in section
12 702.17.
13 "Sexual abuse by a counselor or therapist" does not
14 include touching which is part of a necessary
15 examination or treatment provided a patient or client
16 by a counselor or therapist acting within the scope of
17 the practice or employment in which the counselor or
18 therapist is engaged.
19 2. A counselor or therapist who commits sexual
20 abuse in violation of subsection 1, paragraph "e",
21 subparagraph (1), commits a class "D" felony.
22 3. A counselor or therapist who commits sexual
23 abuse in violation of subsection 1, paragraph "e",
24 subparagraph (2), commits an aggravated misdemeanor.
25 4. A counselor or therapist who commits sexual
26 abuse in violation of subsection 1, paragraph "e",
27 subparagraph (3), commits a serious misdemeanor. In
28 lieu of the sentence provided for under section 903.1,
29 subsection 1, paragraph "b", the offender may be
30 required to attend a sexual abuser treatment program.
31 Sec. ____ . Section 614.1, Code 1991, is amended by
32 adding the following new subsection:
33 NEW SUBSECTION. 12. SEXUAL ABUSE BY A COUNSELOR
34 OR THERAPIST. An action for damages for injury
35 suffered as a result of sexual abuse by a counselor or
36 therapist shall be brought within five years of the

37 date the victim was last treated by the counselor or
38 therapist.”

39 4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chair

S-3144

1 Amend Senate File 280 as follows:

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

4 “Section 1. Section 601K.80, subsection 7, Code
5 1991, is amended to read as follows:

6 7. The council is assigned to the division for
7 administrative purposes. The administrator shall be
8 responsible for budgeting, program coordination, and
9 related management functions. The operating expenses
10 of the central registry for brain injuries under
11 section 135.22 and of the council shall be paid from
12 moneys in the head and spinal injury trust fund.”

13 2. Page 1, line 1, by striking the word and
14 figure “Section 1.” and inserting the following:
15 “Sec. 2.”

16 3. Page 1, line 5, by striking the word
17 “evaluation” and inserting the following:
18 “evacuation”.

19 4. Page 1, line 21, by inserting after the word
20 “a” the following: “treatment.”

21 5. Page 1, by inserting after line 25 the
22 following: “Expenses for administrative, case
23 management, and medical consultation services paid
24 from the trust fund shall not exceed ten percent of
25 the funds deposited in the trust fund each year.”

26 6. Page 2, line 1, by striking the word
27 “evaluation” and inserting the following:
28 “evacuation”.

29 7. Page 2, line 2, by inserting after the word
30 “rehabilitation” the following: “center, or post
31 acute brain injury treatment”.

32 8. Page 2, by striking lines 4 through 6 and
33 inserting the following:

34 “b. Prosthetic or orthotic devices, wheelchairs,
35 or other assistive devices determined necessary and
36 appropriate by care providers.”

37 9. Page 2, by striking lines 18 through 20 and
38 inserting the following: “for the care listed in
39 subsection 2. The”.

40 10. Title page, line 3, by inserting after the
41 word “injuries” the following: “and changing funding

42 from the general fund to the trust fund for the
 43 advisory council on head injuries and the central
 44 registry for brain injuries".
 45 11. By renumbering as necessary.

RAY TAYLOR

S-3145

1 Amend Senate File 387 as follows:
 2 1. Page 2, line 20, by striking the word "shall"
 3 and inserting the word "may".
 4 2. Page 2, line 24, by striking the word "shall"
 5 and inserting the word "may".

ELAINE SZYMONIAK

S-3146

1 Amend amendment, S-3134, to Senate File 27 as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "mail" the following: ", addressed to the person's
 5 last known address,".
 6 2. Page 1, line 23, by inserting after the word
 7 "mail" the following: ", addressed to the person's
 8 last known address,".

MARK HAGERLA

S-3147

1 Amend Senate File 143 as follows:
 2 1. Page 2, by striking lines 11 through 25 and
 3 inserting the following:
 4 "566.15 AUTHORITY TO INVEST FUNDS.
 5 The board of supervisors, mayor and council, or
 6 ~~board of trustees~~ other elected governmental body, as
 7 the case may be, ~~shall have~~ has the authority to
 8 receive and invest all moneys and property, so donated
 9 or bequeathed, and that portion of cemetery lot sales
 10 and permanent charges made against cemetery lots which
 11 ~~has~~ have been set aside in a perpetual care fund, in
 12 ~~such authorized investments and in the manner~~
 13 ~~prescribed in section 682.23, or as the same may be~~
 14 ~~hereafter amended. Such money must be invested at the~~
 15 ~~market value of such securities, and they shall use~~
 16 ~~the for which they have exercised the judgment and~~
 17 ~~care, under the circumstances then prevailing, which~~
 18 persons of prudence, discretion, and intelligence

19 exercise in the management of their affairs. The
 20 income from such the investment shall be used in
 21 caring for the property of the donor in any cemetery,
 22 or as shall be provided in the terms of such the gift
 23 or donations or agreement for sale and purchase of a
 24 cemetery lot."

COMMITTEE ON COMMERCE
 PAT DELUHERY, Chair

S-3148

1 Amend Senate File 234 as follows:
 2 1. By striking page 1, line 23, through page 2,
 3 line 16.
 4 2. Page 2, by striking lines 30 and 31 and
 5 inserting the following: "appeal must be filed."
 6 3. By striking page 4, line 30, through page 5,
 7 line 4, and inserting the following:
 8 "Sec. ____ . Section 601G.9, Code 1991, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 6. To the extent funds and
 11 personnel are available, identify state tax forms,
 12 procedures, laws, and regulations which are confusing
 13 and lead to taxpayer error in order to recommend to
 14 the department of revenue and finance or the general
 15 assembly appropriate action to reduce confusion and
 16 errors and may develop taxpayer education programs to
 17 enable taxpayers to better deal with the state tax
 18 forms, procedures, laws, and regulations."

COMMITTEE ON STATE GOVERNMENT
 JOHN KIBBIE, Chair

S-3149

1 \ Amend Senate File 257 as follows:
 2 1. Page 1, by striking line 9 and inserting the
 3 following:
 4 "~~e. Has twenty or fewer full-time equivalent~~
 5 ~~employees."~~
 6 2. Page 1, line 10, by striking the words "~~d-~~
 7 ~~Has has~~" and inserting the following: "~~d e.~~ Has".

BEVERLY HANNON

S-3150

1 Amend Senate File 245 as follows:
 2 1. Page 1, by striking lines 19 and 20, and

3 inserting the following:

- 4 "2. A person who individually provides services
5 for a charitable purpose, as defined in section 122.1,
6 to persons who are physically or mentally disabled or
7 impaired, is not personally liable for a".

COMMITTEE ON JUDICIARY
AL STURGEON, Chair

S-3151

1 Amend Senate File 375 as follows:

2 1. Page 1, by striking lines 1 through 4 and

3 inserting the following:

4 "Sec. ____ . Section 307.21, Code 1991, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 9. Conduct additional testing of
7 asphalt rubber to determine the cost-effectiveness of
8 the use of and the potential for additional use of
9 asphalt rubber.

10 Sec. ____ . NEW SECTION. 331.362A PROCUREMENT OF
11 WASTE TIRE PRODUCTS REQUIRED.

12 A county which receives state funds for the use of
13 construction or maintenance of public facilities,
14 shall utilize, to the greatest extent technically
15 feasible, waste tires and products manufactured from
16 waste tires.

17 Sec. ____ . NEW SECTION. 364.25 PROCUREMENT OF
18 WASTE TIRE PRODUCTS REQUIRED.

19 A city which receives state funds for a city
20 enterprise, an essential corporate purpose, or a
21 general corporate purpose, as defined pursuant to
22 section 384.24, or for any other type of construction
23 or maintenance of a public facility, shall utilize, to
24 the greatest extent technically feasible, waste tires
25 and products manufactured from waste tires.

26 Sec. ____ . Section 455B.305, Code 1991, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 7A. The department shall require
29 as a basis for the issuance of a permit for a new or
30 expanding sanitary landfill that the city, county, or
31 private agency operating or planning to operate the
32 sanitary landfill use shredded waste tires as the
33 drainage layers of the leachate control system. The
34 department shall encourage the use of shredded waste
35 tires as the drainage layers of tire leachate control
36 system in existing sanitary landfills.

37 Sec. ____ . Section 455D.6, Code 1991, is amended by
38 adding the following new subsections:

39 NEW SUBSECTION. 10. Evaluate, in cooperation with

40 the department of general services and the state
41 department of transportation, the use and procurement
42 of asphalt rubber for use in road construction and
43 other paved surface construction. The department
44 shall publish information on recommendations for the
45 procurement of asphalt rubber, shall promote a
46 procurement preference for asphalt rubber, and shall
47 provide information compiled to all state agencies as
48 well as city and county purchasing agencies.
49 NEW SUBSECTION. 11. In cooperation with the
50 department of general services, inventory and

Page 2

1 recommend procurement review and development of
2 products purchased by the state which utilize waste
3 tires. The department shall provide information to
4 state agencies as well as city and county purchasing
5 agencies regarding products available for purchase
6 which utilize waste tires."

7 2. Page 2, line 13, by striking the words
8 "EXEMPTION FROM FEE" and inserting the following: "NO
9 ADDITIONAL TONNAGE FEE CHARGED".

10 3. Page 2, line 25, by inserting after the word
11 "fee" the following: ", in excess of the average
12 tonnage fee,".

13 4. By striking page 3, line 6, through page 4,
14 line 16, and inserting the following:

15 "Sec. ____ . NEW SECTION. 455D.20-WASTE TIRE
16 CLEANUP DAYS.

17 The department shall establish a grant program to
18 provide funding to cities and counties to conduct
19 waste tire cleanup days. The department shall
20 establish the maximum amount of waste tires to be
21 accepted during a waste tire cleanup day and proper
22 storage and use of the waste tires collected.

23 Sec. ____ . NEW SECTION. 455D.21 WASTE TIRE
24 HAULERS -- PERMITS REQUIRED.

25 1. The department shall establish a waste tire
26 hauler permit program. The department shall adopt
27 rules regarding the permit information, the
28 applicability of the permit requirement based upon the
29 number of waste tires hauled, requirements for the
30 safe transport of the waste tires, and the amount of
31 the permit fee.

32 2. Beginning October 1, 1991, a person shall not
33 transport waste tires in this state without first
34 receiving a waste hauler permit from the department
35 and shall not deposit waste tires at a nonpermitted
36 waste tire collection or processing site. A person

37 who transports waste tires without a permit or who has
 38 received a permit but transports waste tires to a
 39 nonpermitted waste tire collection or processing site
 40 is subject to a civil penalty to be established by
 41 rule of the department.

42 3. A person applying for a permit under this
 43 section shall not be issued a permit until the
 44 applicant has filed with the department evidence of
 45 insurance or surety bond issued by an insurance
 46 carrier or bonding company authorized to do business
 47 in this state for motor carriers of property in an
 48 amount which is at a minimum ten thousand dollars and
 49 which is specified by rule of the department."
 50 5. Title page, line 1, by striking the words "and

Page 3

1 imposing a fee".

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 RALPH ROSENBERG, Chair

S-3152

1 Amend Senate File 227 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. **NEW SECTION. 427.1A PLAN FOR**
 5 **TAXATION OF LAND.** The county and city assessors shall
 6 present a plan to the general assembly by January 1,
 7 1992, on how the taxation of the land of tax-exempt
 8 property in section 427.1 may be accomplished."
 9 2. Title page, by striking lines 1 through 5, and
 10 inserting the following: "An Act relating to a plan
 11 for the taxation of the land of previously exempt real
 12 property."

COMMITTEE ON LOCAL GOVERNMENT
 ALVIN MILLER, Chair

S-3153

1 Amend Senate File 225 as follows:
 2 1. Page 1, by striking lines 4 and 5 and
 3 inserting the following: "the production and use of
 4 products containing recycled contents or materials
 5 which would constitute the greatest".
 6 2. Page 1, line 7, by inserting after the word
 7 "landfill." the following: "The department, in ,

8 conjunction with the department of natural resources,
9 shall develop a suggested priority listing of products
10 or markets which would constitute the greatest
11 percentage of the volume of waste if disposed of at a
12 sanitary landfill."

13 3. Page 1, by striking lines 22 through 29.

14 4. By striking page 1, line 30 through page 2,
15 line 6, and inserting the following:

16 "2. a. The department shall develop a system of
17 prioritization for the approval of grants and
18 forgivable loans to applicants who establish new
19 businesses on a regional or consortium basis. The
20 prioritization system shall provide for the awarding
21 of extra points for inclusion in an application of the
22 following components:

23 (1) The project's impact on the state and local
24 economy.

25 (2) A cost-benefit analysis which would compare
26 the amount requested to the number of jobs to be
27 created and the projected increase in state and local
28 tax revenues.

29 (3) The quality of jobs to be created with higher
30 points to be awarded for higher wage rates, lower
31 turnover rates, full-time career positions, and other
32 related factors.

33 (4) The proposed project's effect in offsetting or
34 reducing the need for solid waste disposal facilities
35 in the state.

36 b. The department and the department of natural
37 resources shall adopt rules as necessary for the
38 administration of the financial assistance program,
39 and for determination of the recycled materials which
40 would constitute the greatest percentage of the volume
41 of waste if disposed of at a sanitary landfill."

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
RALPH ROSENBERG, Chair

S-3154

1 Amend Senate File 59 as follows:

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

4 "Sec. ____ . Section 455B.361, subsection 1, Code
5 1991, is amended to read as follows:

6 1. "Litter" means any garbage, rubbish, trash,
7 refuse, waste materials, or debris, including but not
8 limited to waste tires, appliances, and barrels of
9 hazardous substances."

- 10 2. Page 1, line 5, by striking the words "simple
 11 serious" and inserting the following: "simple".
 12 3. Page 1, line 6, by inserting after the word
 13 "misdemeanor." the following: "However, a person who
 14 discards litter which is tires, appliances, or barrels
 15 of hazardous substances shall be guilty of a serious
 16 misdemeanor."

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 RALPH ROSENBERG, Chair

S-3155

- 1 Amend Senate File 324 as follows:
 2 1. By striking page 1, line 18, through page 2,
 3 line 26.

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 RALPH ROSENBERG, Chair

S-3156

- 1 Amend Senate File 452 as follows:
 2 1. Page 1, line 3, by striking the word "six" and
 3 inserting the following: "five".
 4 2. Page 1, by inserting after line 6 the follow-
 5 ing:
 6 "Sec. ____ . Section 173.1, subsection 1, Code 1991,
 7 is amended by striking the subsection and inserting in
 8 lieu thereof the following:
 9 1. The governor of the state or a designee of the
 10 governor."
 11 3. Page 1, line 9, by striking the words "One
 12 director" and inserting the following: "One director
 13 Two directors".
 14 4. Page 1, by striking line 10 and inserting the
 15 following: "district and three directors at large, to
 16 be elected at a".
 17 5. Page 1, line 24, by striking the words "a
 18 board director at large or" and inserting the
 19 following: "a board director at large or".
 20 6. Page 1, lines 26 and 27, by striking the words
 21 "a successor to each of the three directors at large
 22 or" and inserting the following: "a successor to each
 23 of the three directors at large or".
 24 7. By striking page 1, line 29, through page 2,
 25 line 15, and inserting the following:
 26 "Sec. ____ . Section 173.5, Code 1991, is amended by

27 striking the section and inserting in lieu thereof the
28 following:

29 173.5 DUTIES OF THE CONVENTION.

30 1. The convention shall establish five county fair
31 districts which shall be the same as the five
32 congressional districts established by the general
33 assembly pursuant to chapter 42. The convention shall
34 establish staggered terms of office for the directors.
35 Notwithstanding section 173.6, the convention may
36 establish terms of office for initial elected
37 directors for more or less than three years.

38 2. The convention shall elect a successor to each
39 of the two county fair district directors on the board
40 whose term expires at noon on the day following the
41 adjournment of the convention."

42 8. Page 2, line 25, by striking the words "or a
43 director at large".

44 9. By renumbering sections as required.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBLE, Chair

S-3157

1 Amend Senate File 10 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 135K.1 DEFINITIONS.**

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Assessment" means the administration of a
8 standardized tool and the use of other procedures to
9 identify existing impairments, situations, and
10 problems which are barriers to a resident's ability to
11 function and to identify strengths and specific needs.

12 2. "Department" means the department of elder
13 affairs.

14 3. "Elder" means a person sixty years of age or
15 older.

16 4. "Elder family home" means a private household
17 owned by a responsible party offering a social living
18 arrangement for at least two but not more than five
19 persons, the majority of whom are elders, who are not
20 related within the third degree of consanguinity and
21 who are not able or willing to adequately maintain
22 themselves in an independent living arrangement, but
23 who are essentially capable of physical self care.

24 5. "Essentially capable of self care" means the
25 elder is ambulatory or can move from place to place;
26 is of sound mind; can manage the activities of daily

27 living including personal hygiene and grooming,
 28 toileting, dressing and undressing, feeding, and
 29 medicating; and can attend to the care of personal
 30 property adequately with minimal support or occasional
 31 assistance.

32 6. "Not able or willing to adequately maintain
 33 themselves in an independent living arrangement" means
 34 that the elders require some assistance,
 35 encouragement, or social stimulation for adequate self
 36 care or to maintain physical or mental health or
 37 personal safety.

38 7. "Responsible party" means the person providing
 39 room and board in an elder family home who resides in
 40 the home. The responsible party may be but is not
 41 required to be an elder.

42 Sec. 2. NEW SECTION. 135K.2 REGISTRATION OF
 43 ELDER FAMILY HOMES.

44 1. The department shall establish a registration
 45 program for elder family homes. In order to meet the
 46 zoning requirements for classification as an elder
 47 family home under section 358A.31 or 414.29, all of
 48 the following conditions must be met:

49 a. The responsible party shall register the home
 50 as an elder family home with the department.

Page 2

1 b. The responsible party shall comply with
 2 visitation and assessment requirements as determined
 3 by the department.

4 c. The responsible party shall attend annual
 5 training as prescribed by the commission of elder
 6 affairs.

7 2. If, following a visitation, the care review
 8 committee finds that the needs of all of the residents
 9 of an elder family home are not being adequately met,
 10 the care review committee shall notify the appropriate
 11 area agency on aging. The area agency on aging shall
 12 cause to be performed a complete assessment of any of
 13 the residents whose needs are not being met. If,
 14 following the full assessment, the care review
 15 committee determines that any of the residents require
 16 additional services to meet the needs of the resident,
 17 the care review committee shall inform the responsible
 18 party that unless the resident relocates to a facility
 19 which is able to provide necessary services, the elder
 20 family home will no longer be designated as an elder
 21 family home and will no longer be in compliance with
 22 zoning requirements. The department shall notify the
 23 city council or the county board of supervisors if an

24 elder family home is found to no longer be in
25 compliance.

26 3. If the responsible party does not comply with
27 the recommendations of the care review committee
28 pursuant to subsection 2, the elder family home shall
29 lose its designation for the purposes of zoning.

30 4. If the care review committee has probable cause
31 to believe that any elder family home is in fact
32 acting as a health care facility as defined under
33 chapter 135C, upon producing identification that an
34 individual is an inspector, an inspector of the
35 department of inspections and appeals may enter the
36 elder family home to determine if the home is in fact
37 operating as an unlicensed health care facility. If
38 the inspector is denied entrance, the inspector may,
39 with the assistance of the county attorney in the
40 county in which the elder family home is located,
41 apply to the district court for an order requiring the
42 responsible party to permit entry and inspection.

43 5. The department of elder affairs shall maintain
44 a registry of elder family homes and shall act as a
45 resource and referral agency for elder family homes.

46 6. Upon application for registration by a person
47 seeking approval for an elder family home, the
48 department shall notify the city council or county
49 board of supervisors of the city or county in which
50 the proposed elder family home is to be located. The

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1 city council or county board of supervisors shall
2 respond to the application within thirty days of
3 notification.

4 7. The department may delegate any duties under
5 this section to local area agencies on aging.

6 8. The commission shall adopt by rule procedures
7 for appointing members of a care review committee for
8 each elder family home. The rules shall incorporate
9 the provisions, if applicable, for care review com-
10 mittees pursuant to sections 135C.25, 135C.38, and
11 249D.44.

12 9. The commission of elder affairs shall adopt
13 rules as necessary, to implement this section.

14 Sec. 3. NEW SECTION. 358A.31 ELDER FAMILY HOMES.

15 A county board of supervisors or county zoning
16 commission shall consider an elder family home a
17 family home, as defined in section 358A.25, for
18 purposes of zoning, in accordance with section 135K.2,
19 and may identify limitations regarding the proximity
20 of one proposed elder family home to another.

21 Sec. 4. NEW SECTION. 414.29 ELDER FAMILY HOMES.

22 A city council or city zoning commission shall
 23 consider an elder family home a family home, as
 24 defined in section 414.22, for purposes of zoning, in
 25 accordance with section 135K.2, and may identify
 26 limitations regarding the proximity of one proposed
 27 elder family home to another."

28 2. Title page, line 1, by striking the word
 29 "licensure" and inserting the following:
 30 "registration".

COMMITTEE ON STATE GOVERNMENT
 JOHN P. KIBBIE, Chair

S-3158

1 Amend Senate File 159 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. INTENT. The general assembly finds
 5 that substance abuse is a serious problem in the
 6 state, and that there is a need for comprehensive data
 7 collection on substance abuse treatment services
 8 provided in order to evaluate treatment effectiveness
 9 and ensure provision of quality services.

10 Sec. 2. REPORTING SYSTEM DEVELOPMENT. The
 11 commission on substance abuse, created within the Iowa
 12 department of public health in section 125.3, shall
 13 adopt rules for the development of a substance abuse
 14 treatment provider reporting system after consultation
 15 with, but not limited to, all of the following:

16 1. Iowa consortium for substance abuse research
 17 and evaluation.

18 2. Hospital-based treatment providers.

19 3. Community-based treatment providers.

20 4. Iowa department of corrections.

21 5. Iowa chapter of the American society of
 22 addiction medicine.

23 The commission shall spend no more than twenty
 24 thousand dollars in state or federal funds on the
 25 development of the system, or on any other treatment
 26 evaluation process for the period during which the
 27 system is being developed.

28 The commission shall submit a report to the general
 29 assembly on January 15, 1992, regarding the progress
 30 on the rules for the development of the reporting
 31 system.

32 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
 33 immediate importance, takes effect upon enactment."

34 2. Title page, by striking lines 1 through 3, and

35 inserting the following: "An Act requiring the
36 commission on substance abuse to develop a reporting
37 system for substance abuse treatment providers, and
38 providing an effective date."

COMMITTEE ON STATE GOVERNMENT
JOHN KIBBIE, Chair

S-3159

1 Amend the amendment, S-3119, to Senate File 254 as
2 follows:
3 1. Page 3, line 22, by inserting after the word
4 "department." the following: "If, during a fiscal
5 year, moneys are not appropriated for the specific
6 purpose of the housing category, the executive
7 director of the Iowa finance authority may retain up
8 to twenty-five percent of the funds appropriated for
9 the program."

JIM RIORDAN

S-3160

1 Amend Senate File 276 as follows:
2 1. Page 1, line 19, by striking the words "A
3 cooperative" and inserting the following: "An
4 agricultural".
5 2. Page 1, by inserting after line 23 the
6 following:
7 "e. An association or cooperation which qualifies
8 as a farmers cooperative according to 26 U.S.C. § 521
9 or as a corporation operating on a cooperating basis
10 according to 26 U.S.C. § 1381."
11 3. Page 1, line 31, by inserting after the word
12 "association" the following: ", provided the
13 following conditions are satisfied:
14 a. A commission or remuneration must not be paid
15 or provided either directly or indirectly for the
16 sale, except as permitted by the administrator by rule
17 or by order issued upon written application showing
18 good cause for allowance of a commission or other
19 remuneration.
20 b. If the securities to be issued are notes or
21 other evidences of indebtedness, the issuer must file
22 with the administrator within one hundred twenty days
23 of the end of its fiscal year a written notice
24 specifying the name of the issuer, the date of the
25 issuer's organization, the name of a contact person, a
26 copy of the issuer's current audited financial

27 statement, the types of security or securities to be
28 offered, and the class of persons to whom the offer
29 will be made."

COMMITTEE ON COMMERCE
PATRICK DELUHERY, Chair

S-3161

1 Amend Senate File 36 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 507B.4, subsection 9, Code
5 1991, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. o. Failing to comply with section
8 537B.4, subsection 5.

9 Sec. 2. Section 537B.4, Code 1991, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 5. An insurance company, or an
12 independent claims adjuster or damage appraiser acting
13 on behalf of an insurance company, providing to a
14 claimant or an insured an estimate of repairs to a
15 motor vehicle in connection with an automobile
16 liability policy shall disclose in the estimate of
17 repairs whether the estimate is based on the use of
18 aftermarket crash parts. If the estimate is based on
19 the use of any aftermarket crash parts, the written
20 estimate of repairs shall clearly identify each part
21 proposed to be used which is an aftermarket crash
22 part, and the following information shall appear in
23 ten point type, or larger, on or attached to the
24 estimate:

25 "This estimate has been prepared based on the use
26 of aftermarket crash parts supplied by a source other
27 than the manufacturer of your motor vehicle. Any
28 warranties applicable to these replacement parts are
29 provided by the manufacturer or distributor of these
30 parts rather than the manufacturer of your vehicle."

31 A failure to comply with this subsection is subject
32 to the provisions of section 507B.4, subsection 9."

COMMITTEE ON COMMERCE
PATRICK DELUHERY, Chair

S-3162

1 Amend Senate File 411 as follows:

2 1. Page 1, by striking lines 7 and 8 and

3 inserting the following: "board of directors."

COMMITTEE ON COMMERCE
PATRICK DELUHERY, Chair

S-3163

1 Amend Senate File 317 as follows:
2 1. Page 1, by striking lines 2 and 3, and
3 inserting the following: "PROHIBITED."
4 1. A long distance company, local exchange
5 company, or other person shall not furnish telephonic
6 connections or transmit communications related to a
7 pay-per-call service in this state, and shall not bill
8 or collect for any pay-per-call service in this state.
9 2. For purposes of this section, "pay-per-call
10 service" means electronic communications".
11 2. Page 1, by striking line 18, and inserting the
12 following:
13 "3. a. Where the requirements under subsection 2
14 are met."
15 3. By striking page 1, line 30 through page 2,
16 line 32.

MICHAEL E. GRONSTAL

S-3164

1 Amend Senate File 193 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 147.1, subsections 2 and 3,
5 Code 1991, are amended to read as follows:
6 2. "Licensed" or "certified" when applied to a
7 physician and surgeon, podiatrist, osteopath,
8 osteopathic physician and surgeon, physician
9 assistant, psychologist or associate psychologist,
10 chiropractor, nurse, dentist, dental hygienist,
11 optometrist, speech pathologist, audiologist,
12 pharmacist, physical therapist, occupational
13 therapist, practitioner of cosmetology, practitioner
14 of barbering, funeral director, dietitian, marital and
15 family therapist, or social worker means a person
16 licensed under this title.
17 3. "Profession" means medicine and surgery,
18 podiatry, osteopathy, osteopathic medicine and
19 surgery, practice as a physician assistant,
20 psychology, chiropractic, nursing, dentistry, dental
21 hygiene, optometry, speech pathology, audiology,
22 pharmacy, physical therapy, occupational therapy.

23 cosmetology, barbering, mortuary science, marital and
24 family therapy, social work, or dietetics.

25 Sec. 2. Section 147.2, Code 1991, is amended to
26 read as follows:

27 147.2 LICENSE REQUIRED.

28 A person shall not engage in the practice of
29 medicine and surgery, podiatry, osteopathy,
30 osteopathic medicine and surgery, psychology,
31 chiropractic, physical therapy, nursing, dentistry,
32 dental hygiene, optometry, speech pathology,
33 audiology, occupational therapy, pharmacy,
34 cosmetology, barbering, dietetics, or mortuary
35 science, or marital and family therapy, and shall not
36 practice as a physician assistant as defined in the
37 following chapters of this title, unless the person
38 has obtained from the department a license for that
39 purpose.

40 Sec. 3. Section 147.13, Code 1991, is amended by
41 adding the following new subsection after subsection
42 15 and renumbering the subsequent subsection:

43 NEW SUBSECTION. 16. For marital and family
44 therapists, marital and family therapist examiners.

45 Sec. 4. Section 147.14, Code 1991, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 13. For marital and family
48 therapist examiners, three members licensed to
49 practice marital and family therapy, one of whom shall
50 be employed in graduate teaching, training, or

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1 research in marital and family therapy and two of whom
2 shall be practicing marital and family therapists; and
3 two members who are not licensed to practice marital
4 and family therapy who shall represent the general
5 public. A majority of the members of the board
6 constitutes a quorum.

7 Sec. 5. Section 147.74, Code 1991, is amended by
8 adding the following new unnumbered paragraph after
9 unnumbered paragraph 11:

10 NEW UNNUMBERED PARAGRAPH. A marital and family
11 therapist licensed under chapter 154D and this chapter
12 may use the words "licensed marital and family
13 therapist" after the person's name or signify the same
14 by the use of the letters "L.M.F.T." after the
15 person's name. A marital and family therapist
16 licensed under chapter 154D and this chapter who
17 possesses a doctoral degree may use the prefix
18 "Doctor" or "Dr." in conjunction with the person's
19 name, but shall add after the person's name the words

20 "Licensed Marital and Family Therapist".

21 Sec. 6. Section 147.80, Code 1991, is amended by
22 adding the following new subsection after subsection
23 19 and renumbering the subsequent subsections:
24 NEW SUBSECTION. 20. License to practice marital
25 and family therapy issued upon the basis of an
26 examination given by the board of marital and family
27 therapist examiners, license to practice marital and
28 family therapy issued under a reciprocal agreement, or
29 renewal of a license to practice marital and family
30 therapy.

31 Sec. 7. NEW SECTION. 154D.1 DEFINITIONS.

32 As used in this chapter, unless the context
33 otherwise requires:

- 34 1. "Board" means the board of marital and family
35 therapist examiners, established in section 147.13.
- 36 2. "Licensed marital and family therapist" means a
37 person licensed to practice marital and family therapy
38 under chapter 147 and this chapter.
- 39 3. "Licensee" means a licensed marital and family
40 therapist.
- 41 4. "Marital and family therapy" means the
42 application of counseling techniques in the assessment
43 and resolution of emotional conditions, other than
44 nervous and mental disorders as defined in the
45 American psychiatric association's diagnostic and
46 statistical manual-III-R and its subsequent revisions,
47 in individuals, couples, and families. This includes
48 the alteration and establishment of attitudes and
49 patterns of interaction relative to marriage, family
50 life, and interpersonal relationships.

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1 Sec. 8. NEW SECTION. 154D.2 REQUIREMENTS TO
2 OBTAIN LICENSE.

3 An applicant for a license to practice marital and
4 family therapy shall be granted a license by the board
5 when the applicant satisfies all of the following
6 requirements:

- 7 1. Possesses a master's degree in marital and
8 family therapy or its equivalent from a nationally
9 accredited institution or from a program approved by
10 the board.
- 11 2. Has at least two years of supervised clinical
12 experience or its equivalent as approved by the board
13 in consultation with the mental health and retardation
14 commission.
- 15 3. Passes an examination administered by the
16 board.

17 4. Has not failed the examination required in
18 subsection 3 within six months of the date of the
19 current application.

20 Sec. 9. NEW SECTION. 154D.3 BOARD ORGANIZATION
21 AND AUTHORITY.

22 1. In addition to duties and responsibilities
23 provided in chapters 147 and 258A, the board shall
24 adopt rules relating to:

25 a. Standards required for licensees engaging in
26 the professions covered by this chapter.

27 b. Standards for professional conduct of persons
28 licensed under this chapter.

29 c. The administration of this chapter.

30 d. The status of active and inactive licensure,
31 and guidelines for reentry of inactive licensees.

32 e. Educational activities which fulfill continuing
33 education requirements for license renewals.

34 2. The board shall hold at least two regular
35 meetings each year, and no more than four additional
36 meetings may be held upon the call of the chairperson
37 of the board, or at the written request of at least
38 two members of the board.

39 Sec. 10. NEW SECTION. 154D.4 EXEMPTIONS.

40 This chapter does not prevent qualified members of
41 other professions, including but not limited to
42 nurses, psychologists, social workers, physicians,
43 attorneys-at-law, or members of the clergy from
44 providing or advertising that they provide services of
45 a marital and family therapy nature consistent with
46 the accepted standards of their respective
47 professions, but these persons shall not use a title
48 or description denoting that they are licensed marital
49 and family therapists.

50 Sec. 11. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH

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1 CLIENT.

2 The license of a marriage and family therapist
3 shall be revoked if the board finds that the licensee
4 engaged in sexual activity or genital contact with a
5 client while acting or purporting to act within the
6 licensee's scope of practice, whether or not the
7 client consented to the sexual activity or genital
8 contact.

9 The revocation shall be in addition to any other
10 penalties provided by law.

11 Sec. 12. Section 622.10, unnumbered paragraph 1,
12 Code 1991, is amended to read as follows:

13 A practicing attorney, counselor, physician,

14 surgeon, physician's assistant, mental health
15 professional, or the stenographer or confidential
16 clerk of any such person, who obtains information by
17 reason of the person's employment, ~~minister of the~~
18 ~~gospel or priest of any denomination or a member of~~
19 ~~the clergy~~ shall not be allowed, in giving testimony,
20 to disclose any confidential communication properly
21 entrusted to the person in the person's professional
22 capacity, and necessary and proper to enable the
23 person to discharge the functions of the person's
24 office according to the usual course of practice or
25 discipline. The prohibition does not apply to cases
26 where the person in whose favor the prohibition is
27 made waives the rights conferred; nor does the
28 prohibition apply to physicians or surgeons,
29 physician's assistants, mental health professionals,
30 or to the stenographer or confidential clerk of any
31 physicians or surgeons, physician's assistants, or
32 mental health professionals, in a civil action in
33 which the condition of the person in whose favor the
34 prohibition is made is an element or factor of the
35 claim or defense of the person or of any party
36 claiming through or under the person. The evidence is
37 admissible upon trial of the action only as it relates
38 to the condition alleged.

39 PARAGRAPH DIVIDED. If an adverse party desires the
40 oral deposition, either discovery or evidentiary, of a
41 physician or surgeon, physician's assistant, or mental
42 health professional to which the prohibition would
43 otherwise apply or the stenographer or confidential
44 clerk of a physician or surgeon, physician's
45 assistant, or mental health professional or desires to
46 call a physician or surgeon, physician's assistant, or
47 mental health professional to which the prohibition
48 would otherwise apply or the stenographer or
49 confidential clerk of a physician or surgeon,
50 physician's assistant, or mental health professional

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1 as a witness at the trial of the action, the adverse
2 party shall file an application with the court for
3 permission to do so. The court upon hearing, which
4 shall not be ex parte, shall grant permission unless
5 the court finds that the evidence sought does not
6 relate to the condition alleged and shall fix a
7 reasonable fee to be paid to the physician or surgeon,
8 physician's assistant, or mental health professional
9 by the party taking the deposition or calling the
10 witness.

11 PARAGRAPH DIVIDED. For the purposes of this
 12 section, "mental health professional" means
 13 ~~psychologists certified a psychologist licensed~~ under
 14 chapter 154B, ~~a registered nurses nurse~~ licensed under
 15 chapter 152, ~~a social worker licensed under chapter~~
 16 ~~154C, a marital and family therapist licensed under~~
 17 ~~chapter 154D, or individuals an individual~~ holding at
 18 least a master's degree in ~~social work or counseling~~
 19 ~~and guidance a related field as deemed appropriate by~~
 20 ~~the board of marital and family therapist examiners.~~

21 Sec. 13. TEMPORARY WAIVER. Notwithstanding
 22 section 154D.2, subsection 3, an applicant who, within
 23 one year after July 1, 1991, meets the requirements
 24 specified in section 154D.2, subsections 1 and 2,
 25 shall receive a license to practice marital and family
 26 therapy without passing an examination administered by
 27 the board of marital and family therapist examiners if
 28 the application for licensure is filed with the board
 29 before July 1, 1992. A person certified as a clinical
 30 member of the American association for marriage and
 31 family therapy on July 1, 1991, who applies for
 32 licensure before July 1, 1992, shall be licensed.

33 Sec. 14. INITIAL APPOINTMENTS. Notwithstanding
 34 section 147.19, of the initial appointees to the board
 35 of marital and family therapist examiners, one member
 36 who has met the requirements of section 154D.2,
 37 subsections 1 and 2, and one member appointed to
 38 represent the general public shall be appointed for
 39 one-year terms, and two members who have met the
 40 qualifications of section 154D.2, subsections 1 and 2
 41 and one representative of the general public shall be
 42 appointed for two-year terms. The initial appointees'
 43 successors shall be appointed for terms of three years
 44 each, except that a person chosen to fill a vacancy
 45 shall be appointed only for the unexpired term of the
 46 board member replaced."

47 2. Title page., by striking lines 1 through 9, and
 48 inserting the following: "An Act relating to the
 49 requirement of licensure of marital and family
 50 therapists by establishing the board of marital and

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1 family therapist examiners, redefining "mental health
 2 professional" for purposes of confidential
 3 communications, making penalties applicable, and
 4 providing other properly related matters."

MICHAEL E. GRONSTAL

S-3165

- 1 Amend Senate File 337 as follows:
- 2 1. Page 1, line 6, by striking the word "sixty"
- 3 and inserting the following: "fifty".
- 4 2. Page 1, line 14, by striking the word "sixty"
- 5 and inserting the following: "fifty".

DON GETTINGS
EUGENE FRAISE

S-3166

- 1 Amend Senate File 336 as follows:
- 2 1. Page 1, by striking line 10 and inserting the
- 3 following: "tribal societies of recognized resident
- 4 American Indian tribes in Iowa."

JEAN LLOYD-JONES

S-3167

- 1 Amend Senate File 454 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "from" the following: "adequate".
- 4 2. Page 1, line 16, by inserting after the word
- 5 "sector." the following: "The department is
- 6 authorized to accept and use any available federal or
- 7 private funds for conducting the study."
- 8 3. Page 1, by striking lines 17 and 18, and
- 9 inserting the following: "of findings and
- 10 recommendations to the general assembly."

JEAN LLOYD-JONES

S-3168

- 1 Amend Senate File 77 as follows:
- 2 1. Page 1, line 3, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 1, line 5, by striking the word "shall"
- 5 and inserting the following: "may".

PAUL PATE
RAY TAYLOR
JOHN W. JENSEN
WILMER RENSINK
LINN FUHRMAN

S-3169

- 1 Amend Senate File 77 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "experience." the following: "The appointment of the
- 4 lieutenant governor to a position of a department or
- 5 agency director is not subject to senate confirmation
- 6 under section 2.32."

PAUL PATE
RAY TAYLOR
JOHN W. JENSEN
WILMER RENSINK

S-3170

- 1 Amend Senate File 329 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "filing." the following: "In cases of federal-aid
- 4 highway projects on non-primary highways, the local
- 5 authority with jurisdiction over the highway and the
- 6 department shall comply with all federal regulations
- 7 and statutes regarding utility accommodation."
- 8 2. Title, by striking line 3 and inserting the
- 9 following: "utility accommodation policy for certain
- 10 Iowa road systems."

RICHARD F. DRAKE

S-3171

- 1 Amend Senate File 294 as follows:
- 2 1. By striking page 4, line 2 through page 6,
- 3 line 34, and inserting the following:
- 4 "Sec. 3. NEW SECTION. 427B.8 PROPERTY TAX
- 5 EXEMPTION FOR QUALIFIED LIVESTOCK FACILITIES.
- 6 1. As used in this section, unless the context
- 7 otherwise requires:
- 8 a. "Agricultural enterprise zone" means an
- 9 agricultural enterprise zone created pursuant to
- 10 section 358A.31.
- 11 b. "Livestock" means livestock as defined in
- 12 section 267.1.
- 13 c. "Livestock facility" means a building,
- 14 structure, or addition to an existing building or
- 15 structure which is primarily adapted for providing
- 16 shelter to or feeding of livestock.
- 17 2. All real estate within an agricultural
- 18 enterprise zone is eligible to receive a partial
- 19 exemption from taxation on the actual value of a
- 20 structure which is constructed or improved as a

21 livestock facility, if the construction or
22 improvements occur during the period when the
23 agricultural enterprise zone exists. The actual value
24 of the real estate must be increased by at least ten
25 percent by the construction or improvement. The
26 exemption is for a period of ten years, beginning in
27 the year that the construction or improvement is
28 completed. The amount of the partial exemption is
29 equal to a percent of the actual value added by the
30 construction or improvements, which shall be
31 determined as follows:

- 32 a. For the first year, one hundred percent.
- 33 b. For the second year, one hundred percent.
- 34 c. For the third year, one hundred percent.
- 35 d. For the fourth year, ninety percent.
- 36 e. For the fifth year, eighty-five percent.
- 37 f. For the sixth year, eighty-five percent.
- 38 g. For the seventh year, eighty-five percent.
- 39 h. For the eighth year, eighty-five percent.
- 40 i. For the ninth year, eighty-five percent.
- 41 j. For the tenth year, eighty-five percent.

42 3. A person may submit an application to the board
43 of supervisors in the county where the real estate is
44 located. An application shall be filed for each new
45 exemption claimed. The first application for an
46 exemption shall be filed by the owner of the property
47 with the board of supervisors by February 1 of the
48 assessment year for which the exemption is claimed.
49 The application shall contain information relating to
50 the construction or improvement of the livestock

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1 facility, including but not limited to all of the
2 following information:

- 3 a. The nature of the construction or improvement.
- 4 b. The date of completion.
- 5 c. The cost of the construction or improvement.

6 The board shall approve the application, subject to
7 review by the county assessor. A person is not
8 required to obtain approval of a previously approved
9 exemption for succeeding years.

10 4. The county assessor shall review each first-
11 year application by making a physical review of the
12 property, to determine if the construction or
13 improvements made increased the actual value of the
14 real estate by at least ten percent. If the county
15 assessor determines that the actual value of the real
16 estate has increased by at least ten percent, the
17 county assessor shall proceed to determine the actual

18 value of the property and certify the valuation
 19 determined pursuant to subsection 2 to the county
 20 auditor at the time of transmitting the assessment
 21 rolls. The county assessor shall notify the applicant
 22 of the determination, and the assessor's decision may
 23 be appealed to the local board of review as provided
 24 in section 441.37. If an application for an exemption
 25 is denied as a result of a failure to sufficiently
 26 increase the value of the real estate, the owner may
 27 file a first annual application in a subsequent year
 28 when additional improvements are made to satisfy the
 29 requirement. After the tax exemption is granted, the
 30 county assessor shall continue to grant the tax
 31 exemption, with periodic physical review by the
 32 assessor for the remaining period of the scheduled
 33 exemption."

34 2. Title page, line 2, by striking the word
 35 "refunds" and inserting the following: "exemptions".

BERL E. PRIEBE
 JOHN E. SOORHOLTZ
 DERRYL MCLAREN

S-3172

1 Amend Senate File 77 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "experience." the following: "The governor shall
 4 submit the name of the lieutenant governor as a
 5 department or agency director to the senate for
 6 confirmation, notwithstanding section 2.32, as part of
 7 the message communicating the condition of the state
 8 to the general assembly. The senate shall act upon
 9 the selection within thirty days of receipt of the
 10 condition of the state message or the lieutenant
 11 governor shall be automatically confirmed as the
 12 department or agency head. If the senate rejects the
 13 governor's initial selection, or any subsequent
 14 selection, the governor shall select, and forward to
 15 the general assembly within thirty days of being
 16 notified of the rejection of the initial or subsequent
 17 selection, a different department for which the
 18 lieutenant governor is to serve as department head."
 19 2. Page 1, line 18, by inserting after the word
 20 "law." the following: "In case of death, impeachment,
 21 resignation, removal from office, or other disability
 22 of the lieutenant governor, the governor shall provide
 23 for the appointment of a successor to the department
 24 head position previously held by the lieutenant
 25 governor in the manner provided in section 2.32."

JIM LIND

S-3173

- 1 Amend Senate File 193 as follows:
- 2 1. Page 4, line 14, by inserting after the word
- 3 "therapy" the following: "consisting of at least
- 4 forty-five credit hours."
- 5 2. Page 4, line 14, by striking the word
- 6 "equivalent" and inserting the following:
- 7 "equivalent."
- 8 3. Page 4, line 26, by inserting after the word
- 9 "counseling" the following: "consisting of at least
- 10 forty-five credit hours."
- 11 4. Page 4, line 27, by striking the word
- 12 "equivalent" and inserting the following:
- 13 "equivalent."

RICHARD VARN
MICHAEL E. GRONSTAL
LARRY MURPHY

S-3174

- 1 Amend the amendment, S-3169, to Senate File 77 as
- 2 follows:
- 3 1. Page 1, lines 4 and 5 by striking the words
- 4 "or agency".

BERL E. PRIEBE

S-3175

- 1 Amend Senate File 329 as follows:
- 2 1. Page 1, line 3, by striking the word "may"
- 3 and inserting the following: "shall".
- 4 2. Page 1, line 3, by inserting after the word
- 5 "rules" the following: ", pursuant to chapter 17A,".

BERL E. PRIEBE
RICHARD F. DRAKE

S-3176

- 1 Amend the Committee amendment, S-3093, to Senate
- 2 File 101 as follows:
- 3 1. Page 1, by striking line 3, and inserting the
- 4 following: ""absence." the following: "During a
- 5 leave of absence, an employee shall be charged for the
- 6 actual time off rounded to the nearest hour. Thirty

7 working days is.”

RICHARD V. RUNNING

S-3177

- 1 Amend Senate File 494 as follows:
- 2 1. By striking page 10, line 26, through page 11,
- 3 line 1.

GEORGE R. KINLEY

S-3178

- 1 Amend Senate File 223 as follows:
- 2 1. Page 3, line 1, by inserting after the word
- 3 “appoint” the following: “, in accordance with
- 4 chapter 69.”
- 5 2. Page 3, line 4, by inserting after the word
- 6 “compensation.” the following: “The members’ terms of
- 7 office shall be three years and shall be staggered.”
- 8 3. Page 3, by inserting after line 18, the
- 9 following:
- 10 “____. A list of the members of the committee shall
- 11 be submitted with a progress report of the committee
- 12 and the board in the report filed by the department
- 13 pursuant to section 17.3.
- 14 Sec. ____ . INITIAL APPOINTMENTS.
- 15 1. The governor shall make initial appointments to
- 16 the packaging review advisory committee as follows:
- 17 a. Three members to one-year terms.
- 18 b. Two members to two-year terms.
- 19 c. Three members to three-year terms.
- 20 2. Subsequent appointments shall be for three-year
- 21 terms.”
- 22 4. By renumbering and relettering as necessary.

PATRICK DELUHERY
PAUL D. PATE

S-3179

- 1 Amend Senate File 163 as follows:
- 2 1. Page 1, line 5, by striking the word “fifty”
- 3 and inserting the following: “forty”.

RICHARD VANDE HOEF
ALVIN V. MILLER

S-3180

- 1 Amend Senate File 503 as follows:
2 1. Page 3, by inserting after line 34, the
3 following:
4 "Sec. ____ . Section 91D.1, subsection 1, paragraph
5 a, Code 1991, is amended to read as follows:
6 a. The hourly wage stated in the federal minimum
7 wage law, pursuant to 29 U.S.C. § 206, shall be
8 increased to ~~\$3.85 on January 1 of 1990~~, \$4.25 on
9 January 1 of 1991; and ~~\$4.65 on January 1 of 1992.~~"
10 2. Page 3, by inserting before line 35, the
11 following:
12 "Sec. ____ . Section 91D.1, subsection 2, Code 1991,
13 is amended to read as follows:
14 2. The exemptions from the minimum wage
15 requirements stated in 29 U.S.C. § 213 shall apply;
16 except that the exemption in 29 U.S.C. § 213(a)(2)
17 shall only apply to an enterprise which is comprised
18 of one or more retail or service establishments whose
19 annual gross volume of sales made or business done is
20 less than sixty percent of the amount stated in 29
21 U.S.C. § 203(s)(2), exclusive of excise taxes at the
22 retail level that are separately stated."
23 3. Title page, by striking lines 1 through 5, and
24 inserting the following: "An Act relating to this
25 state's labor laws administered by the labor
26 commissioner."
27 4. By renumbering as necessary.

RAY TAYLOR

S-3181

- 1 Amend Senate File 213 as follows:
2 1. Page 2, line 33, by inserting after the word
3 "instrument." the following: "In the absence of an
4 express provision to the contrary in the governing
5 instrument, a fiduciary shall not be deemed to have
6 breached the person's fiduciary duties for continuing
7 to hold property received into an account at the
8 account's inception or subsequently added to the
9 account or acquired pursuant to proper authority if
10 the fiduciary, in good faith and with reasonable
11 prudence, considers that retention is in the best
12 interest of the trust or estate or in furtherance of
13 the goals of the governing instrument."

PAT DELUHERY
LINN FUHRMAN
AL STURGEON

S-3182

1 Amend Senate File 490 as follows:

- 2 1. Page 1, by striking lines 21 through 24 and
3 inserting the following: "the mortgagor, and upon
4 written request to any other person who has a
5 financial or equitable interest in the account or loan
6 or who pays to the bank on behalf of the borrower any
7 payment under the note or to an escrow account, a
8 written annual accounting".
- 9 2. By striking page 1, line 34, through page 2,
10 line 2, and inserting the following: "and upon
11 written request to any other person who has a
12 financial or equitable interest in the account or loan
13 or who pays to the bank on behalf of the borrower any
14 payment under the note or to an escrow account, a
15 written summary of all transactions made with".
- 16 3. Page 3, by striking lines 6 and 7, and
17 inserting the following: "attorney, and upon written
18 request to any other person who has a financial or
19 equitable interest in the title."

AL STURGEON

S-3183

1 Amend Senate File 505 as follows:

- 2 1. Page 1, line 14, by striking the words ", with
3 each signature notarized,".
- 4 2. Page 1, lines 19 and 20, by striking the words
5 ", with each signature notarized,".
- 6 3. Page 1, line 35, by striking the words "six
7 hundred thousand" and inserting the following: "one
8 million".
- 9 4. Page 2, line 1, by striking the words "one
10 million two hundred thousand" and inserting the
11 following: "two million".
- 12 5. Page 2, line 5, by striking the words "one
13 hundred" and inserting the following: "two hundred
14 fifty".
- 15 6. Page 2, line 8, by striking the words "twenty-
16 four" and inserting the following: "fifty".
- 17 7. Page 2, line 11, by striking the word "twelve"
18 and inserting the following: "twenty-five".
- 19 8. Page 2, by striking lines 18 through 21 and
20 inserting the following:
21 "a. Governor, under five thousand dollars, one
22 percent; five thousand to twenty thousand dollars, ten
23 percent; twenty thousand one to fifty thousand

24 dollars, twenty-five percent; over fifty thousand
25 dollars, fifty percent."

26 9. Page 3, by striking lines 3 and 4 and
27 inserting the following: "the campaign finance
28 disclosure commission."

29 10. By striking page 3, line 11 through page 4,
30 line 5.

PAUL PATE
RICHARD VANDE HOEF

S-3184

1 Amend the amendment, S-3143, to Senate File 2, as
2 follows:

3 1. Page 1, by striking lines 45 through 50 and
4 inserting the following:

5 "(2) Any sexual conduct, with a patient or client
6 or emotionally dependent former patient or client for
7 the purpose of arousing or satisfying the sexual
8 desires of the counselor or therapist or the patient
9 or client or emotionally dependent former patient or
10 client, which".

11 2. Page 2, line 5, by inserting after the word
12 "client" the following: "or former patient or client
13 within one year of the termination of the provision of
14 mental health services by the counselor or therapist".

15 3. Page 2, line 8, by inserting after the word
16 "client" the following: "or former patient or
17 client".

RALPH ROSENBERG
RICHARD VARN

S-3185

1 Amend Senate File 457 as follows:

2 1. Page 1, by inserting after line 22 the
3 following:

4 "Sec. ____ . Section 20.17, subsection 3, Code 1991,
5 is amended to read as follows:

6 ~~3. Negotiating sessions, strategy meetings of~~
7 ~~public employers or employee organizations, mediation~~
8 ~~and the deliberative process of arbitrators shall be~~
9 ~~exempt from the provisions of chapter 21. However,~~
10 the The employee organization shall present its
11 initial bargaining position to the public employer at
12 the first bargaining session. The public employer
13 shall present its initial bargaining position to the
14 employee organization at the second bargaining

15 session, which shall be held no later than two weeks
16 following the first bargaining session. Both sessions
17 shall be open to the public and subject to the
18 provisions of chapter 21. Hearings conducted by
19 arbitrators shall be open to the public."
20 2. By renumbering as necessary.

RAY TAYLOR

S-3186

1 Amend Senate File 369 as follows:
2 1. By striking page 3, line 29, through page 4,
3 line 20.

WILMER RENSINK
RICHARD VANDE HOEF

S-3187

1 Amend Senate File 43, as follows:
2 1. Page 2, line 22, by inserting after the word
3 "founded" the following: "child or".
4 2. Page 2, line 24, by inserting after the word
5 "founded" the following: "child or".
6 3. Page 2, line 30, by inserting after the word
7 "founded" the following: "child or".
8 4. Page 3, line 3, by inserting after the word
9 "founded" the following: "child or".
10 5. Page 3, line 5, by inserting after the word
11 "founded" the following: "child or".
12 6. Page 3, line 8, by inserting after the word
13 "founded" the following: "child or".
14 7. Page 3, line 9, by inserting after the word
15 "founded" the following: "child or".
16 8. Page 3, line 15, by inserting after the word
17 "founded" the following: "child or".

JIM LIND

S-3188

1 Amend Senate File 457 as follows:
2 1. Page 1, by striking lines 12 through 20 and
3 inserting the following: "training and other matters
4 mutually agreed upon. Public employers are prohibited
5 from creating any form of dues checkoff for any
6 private labor organization, political action
7 committee, or any other organization which directly
8 benefits an employee association or organization.

9 Such”.

LINN FUHRMAN

S-3189

- 1 Amend the amendment, S-3183, to Senate File 505 as
- 2 follows:
- 3 1. Page 1, lines 7 and 8, by striking the words
- 4 “one million” and inserting the following: “seven
- 5 hundred fifty thousand”.
- 6 2. Page 1, line 11, by striking the words “two
- 7 million” and inserting the following: “one million
- 8 five hundred thousand”.

BILL HUTCHINS

S-3190

- 1 Amend Senate File 457 as follows:
- 2 1. Page 1, by striking lines 12 through 20 and
- 3 inserting the following: “training and other matters
- 4 mutually agreed upon. ~~Negotiations shall also include~~
- 5 ~~terms authorizing dues checkoff for members of the~~
- 6 ~~employee organization and grievance procedures for~~
- 7 ~~resolving any questions arising under the agreement,~~
- 8 ~~which shall be embodied in a written agreement and~~
- 9 ~~signed by the parties. If an agreement provides for~~
- 10 ~~dues checkoff, a member’s dues may be checked off only~~
- 11 ~~upon the member’s written request and the member may~~
- 12 ~~terminate the dues checkoff at any time by giving~~
- 13 ~~thirty days’ written notice. Public employers are~~
- 14 ~~prohibited from creating any form of dues checkoff for~~
- 15 ~~any private labor organization, political action~~
- 16 ~~committee, or any other organization which directly~~
- 17 ~~benefits an employee association or organization.~~
- 18 Such”.

LINN FUHRMAN

S-3191

- 1 Amend Senate File 294 as follows:
- 2 1. By striking page 4, line 2 through page 6,
- 3 line 34, and inserting the following:
- 4 “Sec. 3. NEW SECTION. 427B.8 PROPERTY TAX
- 5 EXEMPTION FOR QUALIFIED LIVESTOCK FACILITIES.
- 6 1. As used in this section, unless the context
- 7 otherwise requires:
- 8 a. “Agricultural enterprise zone” means an

9 agricultural enterprise zone created pursuant to
10 section 358A.31.

11 b. "Livestock" means livestock as defined in
12 section 267.1.

13 c. "Livestock facility" means a building,
14 structure, or addition to an existing building or
15 structure which is primarily adapted for providing
16 shelter to or feeding of livestock.

17 2. The board of supervisors creating an
18 agricultural enterprise zone may, as part of the
19 ordinance creating the zone, establish a partial
20 exemption from taxation on the actual value of a
21 structure which is constructed or improved as a
22 livestock facility within the agricultural enterprise
23 zone, if the construction or improvements occur during
24 the period when the agricultural enterprise zone
25 exists. The actual value of the real estate must be
26 increased by at least ten percent by the construction
27 or improvement. The exemption is for a period of ten
28 years, beginning in the year that the construction or
29 improvement is completed. The amount of the partial
30 exemption is equal to a percent of the actual value
31 added by the construction or improvements, which shall
32 be determined as follows:

33 a. For the first year, one hundred percent.

34 b. For the second year, one hundred percent.

35 c. For the third year, one hundred percent.

36 d. For the fourth year, ninety percent.

37 e. For the fifth year, eighty-five percent.

38 f. For the sixth year, eighty-five percent.

39 g. For the seventh year, eighty-five percent.

40 h. For the eighth year, eighty-five percent.

41 i. For the ninth year, eighty-five percent.

42 j. For the tenth year, eighty-five percent.

43 3. A person may submit an application to the board
44 of supervisors in the county where the real estate is
45 located and the agricultural enterprise zone is
46 created. An application shall be filed for each new
47 exemption claimed. The first application for an
48 exemption shall be filed by the owner of the property
49 with the board of supervisors by February 1 of the
50 assessment year for which the exemption is claimed.

Page 2

1 The application shall contain information relating to
2 the construction or improvement of the livestock
3 facility, including but not limited to all of the
4 following information:

5 a. The nature of the construction or improvement.

- 6 b. The date of completion.
7 c. The cost of the construction or improvement.
8 The board shall approve the application, subject to
9 review by the county assessor. A person is not
10 required to obtain approval of a previously approved
11 exemption for succeeding years.
12 4. The county assessor shall review each first-
13 year application by making a physical review of the
14 property, to determine if the construction or
15 improvements made increased the actual value of the
16 real estate by at least ten percent. If the county
17 assessor determines that the actual value of the real
18 estate has increased by at least ten percent, the
19 county assessor shall proceed to determine the actual
20 value of the property and certify the valuation
21 determined pursuant to subsection 2 to the county
22 auditor at the time of transmitting the assessment
23 rolls. The county assessor shall notify the applicant
24 of the determination, and the assessor's decision may
25 be appealed to the local board of review as provided
26 in section 441.37. If an application for an exemption
27 is denied as a result of a failure to sufficiently
28 increase the value of the real estate, the owner may
29 file a first annual application in a subsequent year
30 when additional improvements are made to satisfy the
31 requirement. After the tax exemption is granted, the
32 county assessor shall continue to grant the tax
33 exemption, with periodic physical review by the
34 assessor for the remaining period of the scheduled
35 exemption."
36 2. Title page, line 2, by striking the word
37 "refunds" and inserting the following: "exemptions".

COMMITTEE ON WAYS AND MEANS
WILLIAM DIELEMAN, Chair

S-3192

- 1 Amend Senate File 377 as follows:
2 1. Page 5, by inserting after line 3 the
3 following:
4 "Sec. ____ . This Act is repealed effective July 1,
5 1993, and the Code editor shall return the language in
6 the Code sections amended in this Act to the language
7 appearing in the 1991 Code."
8 2. By renumbering as necessary.

BILL HUTCHINS

S-3193

- 1 Amend the Taylor amendment, S-3180, to Senate File
- 2 503 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "Sec. ____ . Section 91D.1, subsection 1, paragraph
- 6 c, Code 1991, is amended to read as follows:
- 7 c. For purposes of determining whether an employee
- 8 of a restaurant, hotel, motel, inn, or cabin, who
- 9 customarily and regularly receives more than thirty
- 10 dollars a month in tips is receiving the minimum
- 11 hourly wage rate prescribed by this section, the
- 12 amount paid the employee by the employer shall be
- 13 deemed to be increased on account of the tips by an
- 14 amount determined by the employer, not to exceed ~~forty~~
- 15 fifty percent of the applicable minimum wage. An
- 16 employee may file a written appeal with the labor
- 17 commissioner if the amount of tips received by the
- 18 employee is less than the amount determined by the
- 19 employer under this subsection."
- 20 2. By renumbering as necessary.

JIM LIND

S-3194

- 1 Amend Senate File 413 as follows:
- 2 1. Page 3, by inserting after line 14 the fol-
- 3 lowing:
- 4 "Sec. 100. Section 514C.5, Code 1991, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION. 1A.** A policy or contract
- 7 providing for third-party payment or prepayment for
- 8 prescription drugs shall not do any of the following:
- 9 a. Prohibit or limit a person who is a beneficiary
- 10 of the policy or contract from selecting a pharmacy or
- 11 pharmacist of the person's choice who has agreed to
- 12 participate in the policy or contract according to the
- 13 terms offered by the insurer.
- 14 b. Prohibit a pharmacy or pharmacist from
- 15 participating as a provider under the policy or
- 16 contract if the pharmacy or pharmacist agrees to
- 17 provide pharmacy services, including but not limited
- 18 to providing prescription drugs, which meet the
- 19 requirements set forth by the insurer under the policy
- 20 or contract, and agrees to the terms of reimbursement
- 21 set forth by the insurer.
- 22 c. Impose upon a beneficiary any copayment, fee,
- 23 or condition which is not equally imposed upon all
- 24 beneficiaries in the plan.

25 This subsection does not apply to health
26 maintenance organizations which are both state
27 certified and federally qualified and policies or
28 contracts for self-insured organizations under the
29 federal Employee Retirement Income Security Act of
30 1974.

31 Sec. ____ . Section 100 of this Act applies to a
32 policy or contract for third-party payment or
33 prepayment for prescription drugs delivered, issued
34 for delivery, continued, or renewed in this state on
35 or after July 1, 1991."

36 2. Title page, by striking line 1 and inserting
37 the following: "An Act relating to prescription
38 drugs."

39 3. By renumbering as necessary.

RICHARD VANDE HOEF

S-3195

1 Amend Senate File 465 as follows:

2 1. Page 1, line 25, by inserting before the word
3 "gross" the following: "annual".

4 2. Page 2, line 10, by striking the word "five"
5 and inserting the word "two".

RICHARD RUNNING
RICHARD F. DRAKE

S-3196

1 Amend Senate File 479 as follows:

2 1. Page 1, by striking lines 23 through 27 and
3 inserting the following: "force and the impact of
4 those changes on Iowa families. ~~The department shall~~
5 ~~work with the division of children, youth and families~~
6 ~~of the department of human rights in developing the~~
7 ~~information relating to the family."~~

8 2. Page 2, by striking line 27.

9 3. Page 3, by inserting after line 18 the
10 following:

11 "(4) The administrator of the division of child
12 and family services."

13 4. Page 4, by striking lines 17 through 24.

14 5. Page 5, by striking lines 7 through 11, and
15 inserting the following:

16 "Sec. ____ . Section 256A.2, subsection 1, Code
17 1991, is amended by striking the subsection."

18 6. By renumbering, relettering, and correcting
19 internal references as necessary.

FLORENCE BUHR

S-3197

1 Amend Senate File 297 as follows:

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

4 "Sec. ____ . Section 139.35, Code 1991, is amended
5 by adding the following new subsections:

6 NEW SUBSECTION. 6. The Iowa department of public
7 health shall timely provide copies of all reports of
8 pesticide poisonings or illnesses received pursuant to
9 this section to the secretary of agriculture who shall
10 timely forward these reports and any reports of
11 pesticide poisonings or illnesses received pursuant to
12 section 206.14 to the registrant of a pesticide which
13 is the subject of any reports.

14 NEW SUBSECTION. 7. The Iowa department of public
15 health shall adopt rules specifying the requirements
16 for the operation of an emergency information system
17 operated by a registrant pursuant to section 206.12,
18 subsection 2, paragraph "c", which shall not exceed
19 requirements adopted by a poison control center as
20 defined in section 206.2.

21 Sec. ____ . Section 206.2, Code 1991, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 30. "Poison control center" means
24 an entity existing as part of a hospital licensed
25 under chapter 135B which adheres to the standards of
26 the American association of poison control centers."

27 2. Page 1, by striking lines 4 through 23 and
28 inserting the following:

29 "The From on and after July 1, 1990, to December
30 31, 1991, the identity of a specific an inert
31 ingredient in a specific pesticide shall be treated as
32 a confidential trade secret which is not subject to
33 release under chapter 22.

34 On and after January 1, 1992, the identity of an
35 inert ingredient in a specific pesticide shall be
36 treated as a confidential trade secret if the
37 following two conditions are met: the registrant
38 states, at the time of registration, that the inert
39 ingredient is a confidential trade secret; and three
40 or fewer registrants are using a particular active
41 ingredient in a registered pesticide the registrant
42 certifies one of the following:

43 (1) The registrant has provided any data base
44 system used by a poison control center operating in
45 this state the information required by an attending
46 physician to treat a patient for exposure or adverse

47 reaction to the registrant's product, including the
48 identification of all ingredients which are toxic to
49 humans.
50 (2) The registrant operates an emergency

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1 information system as provided in section 139.35 that
2 is available to poison control centers twenty-four
3 hours a day every day of the year. The emergency
4 information system must provide information to medical
5 professionals required for the sole purpose of
6 treating a specific patient for exposure or adverse
7 reaction to the registrant's product, including the
8 identification of all ingredients which are toxic to
9 humans, and toxicological and medical management
10 information.

11 Poison control centers may share the information
12 provided by the registrant with an attending physician
13 for the purpose of treating a specific patient exposed
14 to the registrant's product. The secretary, the
15 director of the department of natural resources, and
16 the director of the center for health effects of
17 environmental contamination shall treat the presence
18 of any inert ingredient in a particular pesticide that
19 meets the two conditions as a confidential trade
20 secret which is not subject to release under chapter
21 22. This section does not prohibit research or
22 monitoring of any aspect of any inert ingredient.
23 This section does not prohibit the public disclosure
24 of research, monitoring, published or summary data
25 relative to any inert ingredient so long as such
26 disclosure does not link an inert ingredient to a
27 particular brand of pesticide registered in this
28 state."

29 3. Page 1, by striking lines 25 through 27, and
30 inserting the following:

31 "1. Sections 206.2 and 206.12, Code 1991, as
32 amended by this Act, are retroactively applicable to
33 July 1, 1990, and are applicable to inert ingredient
34 information received by state officials on and after
35 that".

36 4. By renumbering as necessary.

MICHAEL E. GRONSTAL
DERRYL McLAREN

S-3198

1 Amend Senate File 524 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. STATE COMMUNICATIONS NETWORK -- LOCAL
5 EXCHANGE TELEPHONE UTILITIES PROPOSAL.

6 1. In order to ensure the availability of the
7 latest electronic technology to state agencies and
8 private and public educational institutions in Iowa,
9 it is the intent of the general assembly to consider a
10 system capable of remaining current with rapidly
11 evolving telecommunications technology by exploring a
12 lease option for establishing a state communications
13 network.

14 2. The general assembly requests that the local
15 exchange telephone utilities in the state form a
16 consortium, utilizing the Iowa telephone association,
17 in order to examine the requirements to develop the
18 state communications network. The consortium is
19 further requested to consider submission of a proposal
20 to procure, operate, or maintain the state
21 communications network or to perform any combination
22 of these functions. Any proposal considered by the
23 consortium must provide for sufficient system capacity
24 to provide the video, data, and voice transmission
25 needs of state agencies and the educational
26 telecommunications system and include sufficient
27 flexibility to permit upgrades to accommodate advances
28 in technology.

29 3. If the local exchange telephone utility
30 consortium determines that the state requirements for
31 the network can be met by the local exchange telephone
32 utilities in Iowa, the consortium must submit a
33 proposal to the legislative council on or before
34 January 31, 1992. However, if the consortium
35 determines that the requirements of the state cannot
36 be met by the utilities, this determination shall be
37 reported to the legislative council as soon as
38 possible but no later than January 31, 1992, in order
39 for procurement of the network from other sources to
40 commence.

41 4. Beginning in June 1991, the consortium shall
42 report monthly to the legislative council in order to
43 apprise the members concerning the status of or
44 progress in developing the proposal.

45 5. Notwithstanding any provisions of sections
46 18.136 and 18.137, a contract for the state
47 communications network shall not be awarded and moneys
48 in the state communications fund shall not be expended
49 to fund such a contract until the consortium has
50 either reported to the legislative council with a

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1 proposal to develop the network or has declined to
2 submit a proposal.
3 6. Agencies of state government are directed and
4 telephone utilities providing interexchange services
5 to local exchange telephone utilities within a local
6 access transport area (LATA) are requested to promptly
7 respond to requests for data and information intended
8 to assist the consortium in making a determination or
9 developing a proposal.
10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
11 immediate importance, takes effect upon enactment.”
12 2. Title page, line 1, by inserting after the
13 word “network” the following: “and providing an
14 effective date”.

EMIL HUSAK

S-3199

1 Amend Senate File 336 as follows:
2 1. Page 2, by inserting after line 1 the
3 following:
4 “Sec. ____ . Section 303.16, subsection 9, paragraph
5 a, Code 1991, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Any applicant, who is
8 otherwise eligible, who receives a direct or indirect
9 appropriation from the general assembly for a project
10 or portion of a project is ineligible for a historical
11 resources development grant for that same project
12 during the fiscal year for which the appropriation is
13 made. For purposes of this paragraph, “project”
14 includes any related activities, including, but not
15 limited to construction, restoration, supplies,
16 equipment, consulting, or other services.”

BERL E. PRIEBE
JOHN P. KIBBIE
JOHN SOORHOLTZ

S-3200

1 Amend Senate File 260 as follows:
2 1. Page 1, line 5, by striking the words “and
3 personal”.
4 2. Page 1, line 7, by striking the words “or
5 personal”.
6 3. Page 6, line 29, by striking the words “and

- 7 personal".
8 4. Page 6, line 31, by striking the words "or
9 personal".
10 5. Title page, line 3, by striking the words "and
11 personal".

RICHARD VANDE HOEF

S-3201

- 1 Amend Senate File 362 as follows:
2 1. Page 5, by inserting after line 1 the
3 following:
4 "Sec. ____ . **NEW SECTION. 455G.5A CLEANUP STAFF TO**
5 **BE EMPLOYED BY BOARD.**
6 The board shall employ cleanup staff who shall be
7 responsible for conducting the remedial action
8 necessary to comply with this chapter. The staff
9 shall consist of engineers and other technical
10 environmental professionals who have experience in
11 soil contamination and groundwater consulting or who
12 have performed remediation and correction action
13 services or tank removals.
14 Payments from the remedial account under section
15 455G.9 shall only be made for corrective action
16 services performed by persons employed under this
17 section and for goods used to perform the corrective
18 action if purchased by persons employed under this
19 section.
20 The board shall adopt rules under chapter 17A to
21 implement this section."
22 2. By striking page 13, line 28, through page 14,
23 line 3.
24 3. Page 16, by inserting after line 26, the
25 following:
26 "Sec. ____ . Section 455G.12A, Code 1991, is
27 repealed."
28 4. By renumbering as necessary.

MIKE CONNOLLY

S-3202

- 1 Amend Senate File 477 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 499A.1, Code 1991, is amended
5 to read as follows:
6 499A.1 ARTICLES.
7 Any two or more persons of full age, a majority of

8 whom ~~shall be~~ are citizens of the state, may organize
9 themselves for the following or similar purposes:
10 Ownership of residential, business property on a ~~co-~~
11 ~~operative~~ cooperative basis. A corporation is a
12 person within the meaning of this chapter. The
13 organizers shall adopt, and sign and acknowledge the
14 articles of ~~co-operation~~ incorporation, stating the
15 name by which the ~~co-operation~~ cooperative shall be
16 known, the location of its principal place of
17 business, its business or objects, the number of
18 ~~trustees; directors; managers or other officers~~ to
19 conduct the ~~same~~ cooperative's business or objects,
20 the names ~~thereof~~ of the directors for the first year,
21 the time of ~~its~~ the cooperative's annual meeting, and
22 ~~the time of the~~ annual meeting of its trustees, or
23 directors, and the manner in which the articles may be
24 amended. ~~Said~~ The articles of ~~co-operation~~
25 incorporation shall be filed with the secretary of
26 state who shall, if the secretary approves the ~~same~~
27 ~~indorse~~ articles, endorse, the secretary of state's
28 approval ~~thereon~~ on the articles, record the ~~same~~
29 articles, and ~~thereafter~~ forward the ~~same~~ articles to
30 the county recorder of the county where the principal
31 place of business is to be located, and there ~~it~~ the
32 articles shall be recorded, and upon recording be
33 returned to the ~~co-operation~~ cooperative. The ~~said~~
34 articles shall not be filed by the secretary of state
35 until a filing fee of five dollars together with a
36 recording fee of fifty cents per page is paid, and
37 upon the payment of ~~said~~ the fees and the approval of
38 the articles by the secretary of state, the secretary
39 shall issue to ~~said~~ co-operation the cooperative a
40 certificate of ~~co-operation~~ incorporation as a ~~co-~~
41 ~~operation~~ cooperative not for pecuniary profit.
42 Amendments to the articles ~~may~~ shall be filed and
43 receive approval as provided ~~herein~~ in this chapter
44 for articles, and the fee ~~therefor~~ for amendments
45 shall be five dollars in each instance; ~~and no.~~ An
46 amendment ~~shall be~~ is not effective until the ~~same~~
47 amendment is approved and the fee ~~therefor~~ is paid.
48 Sec. 2. Section 499A.3, Code 1991, is amended to
49 read as follows:
50 499A.3 MEMBERS.

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1 A ~~co-operation~~ may cooperative shall have ~~only~~ one
2 ~~or more~~ classes class of members. The designation of
3 ~~such~~ that class or ~~classes~~ and the ~~qualifications~~ and
4 rights of the members of ~~each~~ the class shall be set

5 forth in the articles of ~~co-operation~~ incorporation or
6 the bylaws. The ~~co-operation~~ cooperative must issue
7 membership certificates or deeds evidencing membership
8 or the ownership of a particular interest therein of
9 each member of the cooperative.

10 Sec. 3. Section 499A.4, Code 1991, is amended to
11 read as follows:

12 499A.4 DIVIDENDS.

13 ~~No A~~ dividend or distribution of property among the
14 ~~stockholders~~ members shall not be made until
15 dissolution of the ~~co-operation~~ cooperative.

16 Sec. 4. Section 499A.7, Code 1991, is amended to
17 read as follows:

18 499A.7 REORGANIZING PRIOR TO EXPIRATION OF TERM.

19 The ~~trustees, directors, or members of any co-~~
20 ~~operation~~ cooperative organized under this chapter may
21 reorganize the same cooperative, and all the property
22 and rights thereof of the cooperative shall vest in
23 the ~~co-operation~~ cooperative as reorganized.

24 Sec. 5. Section 499A.11, Code 1991, is amended to
25 read as follows:

26 499A.11 CERTIFICATE OF OWNERSHIP.

27 The ~~co-operative association shall have~~ cooperative
28 has the right to purchase real estate for the purpose
29 of erecting, owning, and operating apartment houses or
30 apartment buildings and the members shall be the
31 owners thereof. The interest of each individual
32 member in the cooperative shall be evidenced by the
33 issuance of a certificate of ownership or deed to a
34 particular apartment or room therein. Such
35 membership. The certificate of membership is coupled
36 with a possessory interest in the real and personal
37 property of the cooperative, entitling each member to
38 a proprietary lease with the cooperative under which
39 each member has an exclusive possessory interest in an
40 apartment unit and a possessory interest in common
41 with all other members in that portion of the
42 cooperative's real and personal property not
43 constituting apartment units, and which creates a
44 legal relationship of landlord and tenant between the
45 cooperative and member. The certificate of ownership
46 or deed membership shall be executed by the president
47 of the ~~co-operation~~ cooperative and attested by its
48 secretary in the name and in the behalf of the ~~co-~~
49 ~~operation~~ cooperative.

50 Sec. 6. Section 499A.14, Code 1991, is amended to

Page 3

1 read as follows:

2 499A.14 TAXATION.

3 The real estate shall be taxed in the name of the
4 ~~co-operation cooperative~~, and each ~~person owning an~~
5 ~~apartment or room member of the cooperative~~ shall pay
6 that ~~person's member's~~ proportionate share of such the
7 tax in accordance with the ~~proration formula set forth~~
8 ~~in the bylaws~~, and each ~~person owning member occupying~~
9 an apartment as a residence and under the
10 qualifications of the laws of the state of Iowa as
11 such shall receive that ~~person's member's~~
12 proportionate homestead tax credit and each veteran of
13 the military services of the United States identified
14 as such under the laws of the state of Iowa or the
15 United States shall receive as a credit that ~~person's~~
16 ~~member's~~ veterans tax benefit as prescribed by the
17 laws of the state of Iowa.

18 Sec. 7. NEW SECTION. 499A.17A BYLAWS.

19 The initial bylaws of the cooperative shall be
20 adopted by the cooperative's board of directors.
21 Prior to the admission of members to the cooperative,
22 the power to alter, amend, or repeal the bylaws or
23 adopt new bylaws is vested in the board of directors.
24 Following the admission of members to the cooperative,
25 the power to alter, amend, or repeal the bylaws or
26 adopt new bylaws is vested in the members in
27 accordance with the method set forth in the bylaws.

28 The bylaws may contain any provisions for the
29 regulation and management of the affairs of the
30 cooperative not inconsistent with law or the articles
31 of incorporation. However, the bylaws must provide
32 for:

33 1. The number of members of the board of directors
34 and the term of the members.

35 2. The election of a president, vice president,
36 treasurer, and secretary by the board of directors.

37 3. The qualifications, powers and duties, terms of
38 office, and manner of electing and removing board
39 members and officers and filling vacancies of such
40 members.

41 4. The method of amending the bylaws.

42 Sec. 8. NEW SECTION. 499A.17B MEETINGS OF
43 MEMBERS.

44 Meetings of members may be held at such places as
45 may be provided in the articles of incorporation or
46 the bylaws, or as may be fixed from time to time in
47 accordance with the provisions of the articles or the
48 bylaws. In the absence of any such provision, all
49 meetings shall be held at the registered office of the
50 cooperative.

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1 An annual meeting of the members shall be held at
2 such time as may be provided in the articles of
3 incorporation or the bylaws. Failure to hold the
4 annual meeting at the designated time shall not work a
5 forfeiture or dissolution of the cooperative.

6 Special meetings of the members may be called by
7 the president or by the board of directors. Special
8 meetings of the members may also be called by such
9 officers or persons, or by a number or proportion of
10 members as may be provided in the articles of
11 incorporation or the bylaws. In the absence of a
12 provision fixing the number or proportion of members
13 entitled to call a meeting, a special meeting of
14 members may be called by members having one-twentieth
15 of the votes entitled to be cast at the meeting.

16 Sec. 9. NEW SECTION. 499A.17C NOTICE OF MEMBERS
17 MEETINGS.

18 Unless the articles of incorporation or the bylaws
19 otherwise provide, written notice stating the place,
20 day, and hour of the meeting and, in the case of a
21 special meeting, the purpose or purposes for which the
22 meeting is called, shall be delivered no less than ten
23 nor more than fifty days before the date of the
24 meeting, either personally or by mail, by or at the
25 direction of the president, the secretary, or the
26 officer or persons calling the meeting, to each member
27 entitled to vote at the meeting. If mailed, notice is
28 deemed to be delivered when deposited in the United
29 States mail addressed to the member at the member's
30 address as it appears on the records of the
31 cooperative, with postage prepaid.

32 Sec. 10. NEW SECTION. 499A.17D VOTING.

33 Each member is entitled to one vote on each matter
34 submitted to a vote of the members. A membership
35 interest in the cooperative jointly owned by two or
36 more persons is nevertheless entitled to one vote.

37 A member entitled to vote may vote in person or by
38 proxy in the manner prescribed in the bylaws.

39 Sec. 11. NEW SECTION. 499A.17E UPKEEP OF THE CO-
40 OPERATIVE.

41 It is the duty of the cooperative to maintain
42 generally all portions of the cooperative's real
43 property other than the apartment units. The
44 maintenance, repair, and replacement costs of the
45 cooperative's real property shall be contributed to by
46 each of the members in accordance with the proration
47 formula set forth in the bylaws. Each member is
48 responsible for maintenance and repair of the person's

49 apartment unit in the manner provided for in the
50 bylaws and as prescribed by each member's proprietary

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1 lease.

2 Sec. 12. NEW SECTION. 499A.17F LIEN FOR
3 ASSESSMENTS.

4 1. The cooperative has a lien on a member's
5 interest in the cooperative for all operating charges
6 or other assessments payable by the member pursuant to
7 the member's proprietary lease from the time the
8 operating charge or other assessment becomes due. If
9 carrying charges and assessments are payable in
10 installments, the full amount of the charge or
11 assessment is a lien from the first time the first
12 installment becomes due. Upon nonpayment of a
13 carrying charge or assessment, the member may be
14 evicted from the member's apartment unit in the same
15 manner as provided by law in the case of an unlawful
16 holdover by a tenant and the lien may be foreclosed by
17 judicial sale in like manner as a mortgage on real
18 estate, or may be foreclosed by the power of sale
19 provided in this section.

20 A lien under this section is prior to all other
21 liens and encumbrances on a member's cooperative
22 interest except liens and encumbrances on the
23 cooperative's real property which the cooperative
24 creates, assumes, or takes subject to, and liens for
25 real estate taxes and other governmental assessments
26 or charges against the cooperative or the member's
27 cooperative interest.

28 2. The cooperative, upon a member's nonpayment of
29 carrying charges and assessments and the cooperative's
30 compliance with this section, may sell the defaulting
31 member's cooperative interest. Sale may be at a
32 public sale or by private negotiation, and at any time
33 and place, but every aspect of the sale, including the
34 method, advertising, time, place, and terms must be
35 reasonable. The cooperative shall give to the member
36 and any sublessees of the member reasonable written
37 notice of the time and place of a public sale or, if a
38 private sale is intended, of the intention of entering
39 into a contract to sell and of the time after which a
40 private disposition may be made. The same notice
41 shall also be sent to any other person who has a
42 recorded interest in the defaulting members
43 cooperative interest which would be extinguished by
44 the sale. The notices required by this paragraph may
45 be sent to any address reasonable under the

46 circumstances. Sale may not be held until five weeks
47 after the sending of the notice. The cooperative may
48 buy at a public sale, and, if the sale is conducted by
49 a fiduciary or other person not related to the
50 cooperative, at a private sale.

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1 3. The proceeds of a sale under the preceding
2 paragraph shall be applied in the following order:
3 a. The reasonable expenses of sale.
4 b. The reasonable expenses of securing possession
5 before sale, and the reasonable expenses of holding,
6 maintaining, and preparing the cooperative interest
7 for sale. These expenses include, but are not limited
8 to the payment of taxes and other governmental
9 charges, premiums on liability insurance, and to the
10 extent provided for by agreement between the
11 cooperative and the member, reasonable attorneys' fees
12 and other legal expenses incurred by the cooperative.
13 c. Satisfaction of the cooperative's lien.
14 d. Satisfaction in the order of priority of any
15 subordinate claim of record.
16 e. Remittance of any excess to the member.
17 Unless otherwise agreed, the member is liable for
18 any deficiency.
19 4. If a cooperative interest is sold pursuant to
20 this section, a good faith purchaser for value
21 acquires the member's interest in the cooperative free
22 of the debt that gave rise to the lien under which the
23 sale occurred, and free of any subordinate interest.
24 5. At any time before the cooperative has disposed
25 of the cooperative interest or entered into a contract
26 for its disposition under the power of sale, the
27 member or the holder of any subordinate security
28 interest may cure the member's default and prevent
29 sale or other disposition by tendering the performance
30 due, including any amounts due arising from the
31 exercise of the rights under this section, plus the
32 reasonable expenses of proceeding to foreclosure
33 incurred to the time of tender, including reasonable
34 attorneys' fees of the creditor.
35 6. The property of a member other than the
36 member's membership interest in the cooperative is not
37 subject to claims of the cooperative's creditors,
38 whether or not the member's membership interest is
39 subject to those claims.
40 Sec. 13. Section 499A.18, Code 1991, is amended to
41 read as follows:
42 499A.18 HOMESTEAD.

43 The ownership of an ~~Each~~ individual apartment shall
44 ~~constitute~~ constitutes a homestead and be ~~is~~ exempt
45 from execution, provided the owner member otherwise
46 qualifies within the laws of the state of Iowa for
47 such exemption.

48 Sec. 14. Section 499A.19, Code 1991, is amended to
49 read as follows:

50 499A.19 ELECTION OF DIRECTORS.

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1 The directors ~~authorized under this chapter~~ shall
2 be elected by the members of the ~~co-operation~~
3 cooperative. ~~If one member owns more than one~~
4 ~~apartment that member may nevertheless have but one~~
5 ~~vote at such election. If any apartment or room is~~
6 ~~owned by more than one member they may, nevertheless,~~
7 ~~have but one vote at such election. The election of~~
8 ~~officers shall be made by the board of directors. The~~
9 ~~officers and board of directors may hire a custodian~~
10 ~~or janitor for reasonable compensation to generally~~
11 ~~serve and oversee the apartment building. The annual~~
12 election of the directors shall be held during the
13 month of January of each year, and they shall serve
14 until their successors are elected and qualified.

15 The board of directors shall elect as officers, a
16 president ~~and, a vice president,~~ a secretary, ~~and a~~
17 treasurer.

18 It ~~shall be is~~ the duty of the secretary to keep
19 the records of the ~~co-operation~~ cooperative, ~~and a~~
20 correct list of the ~~owners and lessees of each~~
21 ~~apartment members,~~ and all such records shall be
22 submitted to any ~~apartment or room owner~~ member upon
23 demand at any reasonable time.

24 Sec. 15. Section 499A.20, Code 1991, is amended to
25 read as follows:

26 499A.20 TITLE OF ACT.

27 This ~~chapter~~ subchapter shall be known and cited as
28 "The ~~Multiple Cooperative~~ Housing Act of 1947."

29 Sec. 16. The Code editor shall editorially change
30 references to "co-operation" in chapter 499A, not
31 amended in this Act, to "cooperative", as appropriate.

32 Sec. 17. Sections 499A.5, 499A.6, 499A.12,
33 499A.13, 499A.15, 499A.16, 499A.17, and 499A.21 are
34 repealed.

35 Sec. 18. This Act applies to any cooperative
36 organized pursuant to chapter 499A on or after
37 December 1, 1990.

38 Sec. 19. This Act, being deemed of immediate
39 importance, is effective upon enactment."

40 2. Title page, by striking lines 1 through 2 and
41 inserting the following: "An Act relating to
42 cooperative ownership of residential, business
43 property, providing an applicability date, and
44 providing an effective date."

ELAINE SZYMONIAK

S-3203

1 Amend Senate File 412 as follows:
2 1. Page 6, by inserting after line 2 the fol-
3 lowing:
4 "Sec. ____ . Section 249A.2, Code 1991, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 7A. "Provider" means an
7 individual, firm, corporation, association, or
8 institution which is providing or has been approved to
9 provide medical assistance to recipients under this
10 chapter.
11 Sec. ____ . NEW SECTION. 249A.8 FRAUDULENT
12 PRACTICE.
13 A person who knowingly makes or causes to be made
14 false statements or misrepresentations of material
15 facts in application for payment of services or
16 merchandise rendered or purportedly rendered by a
17 provider participating in the medical assistance
18 program under this chapter is guilty of a fraudulent
19 practice."
20 2. Title page, line 8, by inserting after the
21 word "date" the following: "and a penalty".

JIM RIORDAN

S-3204

1 Amend Senate File 501 as follows:
2 1. Page 1, by inserting after line 26, the
3 following:
4 "Sec. ____ . Section 20.15, Code 1991, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 7. A petition for certification
7 as an exclusive bargaining representative, if the
8 public employees are teachers licensed under chapter
9 260 whose public employer is a school district,
10 community college, or area education agency, shall not
11 be considered by the board for a period of one year
12 from the date of the certification or noncertification
13 of an exclusive bargaining representative or during
14 the duration of a collective bargaining agreement

15 which shall be two years. A collective bargaining
16 agreement under this subsection shall be for two years
17 and the provisions of a collective bargaining
18 agreement or arbitrators' award affecting the public
19 employees under this subsection shall not provide for
20 renegotiations which would require the refinancing of
21 salary and fringe benefits for the second year of the
22 term of the agreement, except as provided in section
23 20.17, subsection 6, and the effective date of any
24 such agreement shall be in even-numbered years,
25 provided that if an exclusive bargaining
26 representative is certified on a date which will
27 prevent the negotiation of a collective bargaining
28 agreement prior to the date of the agreement in even-
29 numbered years for a period of two years, the
30 certified collective bargaining representative may
31 negotiate a one-year contract with a public employer
32 which shall be effective from a date in the odd-
33 numbered year to the same date in the succeeding even-
34 numbered year when new contracts shall become
35 effective. However, if a petition for decertification
36 is filed during the duration of a collective
37 bargaining agreement, the board shall award an
38 election under this section not more than one hundred
39 eighty days nor less than one hundred fifty days prior
40 to the expiration of the collective bargaining
41 agreement. If an employee organization is
42 decertified, the board may receive petitions under
43 section 20.14, provided that no such petition and no
44 election conducted pursuant to such petition within
45 one year from decertification shall include as a party
46 the decertified employee organization.
47 Sec. —. Section 20.17, Code 1991, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 11. If the public employees in a
50 certified employee organization are teachers licensed

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1 under chapter 260, and the public employer is a school
2 district, community college, or area education agency,
3 the negotiation of a proposed collective bargaining
4 agreement shall be complete not later than June 1 of
5 the year when the agreement is to become effective.
6 The board shall provide, by rule, a date on which any
7 impasse item must be submitted to binding arbitration
8 and for such other procedures as deemed necessary to
9 provide for the completion of negotiations of proposed
10 state collective bargaining agreements not later than
11 June 1. The date selected for the mandatory

12 submission of impasse items to binding arbitration
 13 shall be sufficiently in advance of June 1 to insure
 14 that the arbitrators' decision can be reasonably made
 15 before June 1.

16 Sec. ____ . Section 20.19, Code 1991, is amended to
 17 read as follows:

18 20.19 IMPASSE PROCEDURES -- AGREEMENT OF PARTIES.

19 As the first step in the performance of their duty
 20 to bargain, the public employer and the employee
 21 organization shall endeavor to agree upon impasse
 22 procedures. Such agreement shall provide for
 23 implementation of these impasse procedures not later
 24 than one hundred twenty days prior to the certified
 25 budget submission date of the public employer.
 26 However, if the public employees in the employee
 27 organization are teachers licensed under chapter 260,
 28 and the public employer is a school district,
 29 community college, or area education agency, the
 30 agreement shall provide for implementation of impasse
 31 procedures not later than ninety days prior to the
 32 certified budget submission date of the public
 33 employer. If the parties fail to agree upon impasse
 34 procedures under the provisions of this section, the
 35 impasse procedures provided in sections 20.20 to 20.22
 36 shall apply.

37 Sec. ____ . Section 20.20, Code 1991, is amended to
 38 read as follows:

39 20.20 MEDIATION.

40 In the absence of an impasse agreement between the
 41 parties or the failure of either party to utilize its
 42 procedures, one hundred twenty days prior to the
 43 certified budget submission date, or ninety days prior
 44 to the certified budget submission date if the public
 45 employees in the employee organization are teachers
 46 licensed under chapter 260 and the public employer is
 47 a school district, community college, or area
 48 education agency, the board shall, upon the request of
 49 either party, appoint an impartial and disinterested
 50 person to act as mediator. It shall be the function

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1 of the mediator to bring the parties together to
 2 effectuate a settlement of the dispute, but the
 3 mediator may not compel the parties to agree."

4 2. Title page, by striking line 3, and inserting
 5 the following: "modifying certain collective
 6 bargaining procedures for".

7 3. By renumbering as necessary.

RICHARD VARN

S-3205

- 1 Amend Senate File 341 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. ____ . Section 235A.15, subsection 2,
- 5 paragraph c, Code 1991, is amended by adding the
- 6 following new subparagraph:
- 7 NEW SUBPARAGRAPH. (10) To an administrator of a
- 8 community mental health center accredited under
- 9 chapter 230A if the information concerns a person
- 10 employed or being considered for employment by the
- 11 center."
- 12 2. By renumbering as necessary.

BEVERLY A. HANNON

S-3206

- 1 Amend amendment, S-3198, to Senate File 524 as
- 2 follows:
- 3 1. Page 1, line 33, by inserting after the word
- 4 "council" the following: "and the general assembly".
- 5 2. Page 1, line 34, by striking the word and
- 6 figures "January 31, 1992" and inserting the
- 7 following: "April 30, 1991".
- 8 3. Page 1, line 37, by inserting after the word
- 9 "council" the following: "and the general assembly".
- 10 4. Page 1, line 38, by striking the word and
- 11 figures "January 31, 1992" and inserting the
- 12 following: "April 30, 1991".
- 13 5. Page 1, by striking lines 41 through 44.
- 14 6. By renumbering as necessary.

MARK HAGERLA

S-3207

- 1 Amend Senate File 362 as follows:
- 2 1. Page 3, by inserting after line 24 the
- 3 following:
- 4 "(5A) Remediation or monitoring shall not be
- 5 required on no risk sites."
- 6 2. Page 4, by inserting after line 10, the
- 7 following:
- 8 "Sec. ____ . Section 455G.1, subsection 2,
- 9 unnumbered paragraph 1, Code 1991, is amended to read
- 10 as follows:

11 This chapter applies to a petroleum underground
12 storage tank ~~tanks for which an owner or operator is~~
13 required to maintain proof of financial responsibility
14 under federal or state law, from the effective date of
15 the regulation of the federal environmental protection
16 agency governing that tank, and not from the effective
17 compliance date, unless the effective compliance date
18 of the regulation is the effective date of the
19 regulation. An owner or operator of a petroleum
20 underground storage tank required by federal or state
21 law to maintain proof of financial responsibility for
22 that underground storage tank, ~~or who will be required~~
23 ~~on a date definite~~, is subject to this chapter and
24 chapter 424.

25 Sec. ____ . Section 455G.1, subsection 2, paragraph
26 b, subparagraph (1), Code 1991, is amended by striking
27 the subparagraph and inserting in lieu thereof the
28 following:

29 (1) Underground storage tank systems not in
30 operation on or after the applicable compliance date.

31 Sec. ____ . Section 455G.2, Code 1991, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 3A. "Claimant" means an owner or
34 operator who has received assistance under the
35 remedial account or who has coverage under the
36 insurance account with respect to a release, or an
37 installer who has coverage under the insurance
38 account.

39 3. Page 4, line 29, is amended by striking the
40 word "subsection" and inserting the following:
41 "subsections".

42 4. Page 4, by inserting after line 31 the
43 following:

44 "NEW SUBSECTION. 11A. "Potentially responsible
45 party" means a person who may be responsible or liable
46 for a release for which the fund has made payments for
47 corrective action or third-party liability.

48 NEW SUBSECTION. 12A. "Release" means any
49 spilling, leaking, emitting, discharging, escaping,
50 leaching, or dispersing from an underground storage

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1 tank into groundwater, surface water, or subsurface
2 soils."

3 5. Page 5, line 20, by striking the word
4 "fifteen" and inserting the following: "ten".

5 6. Page 5, line 35, by inserting after the word
6 "costs" the following: "up to twenty thousand
7 dollars".

8 7. Page 6, line 2, by inserting after the word
9 "reports." the following: "Costs of a site cleanup
10 report which exceed twenty thousand dollars shall be
11 considered a cost of corrective action and the amount
12 shall be included in the calculations for corrective
13 action cost copayments under section 455G.9,
14 subsection 4. The board shall have the discretion to
15 authorize a site cleanup report payment in excess of
16 twenty thousand dollars if the site is participating
17 in community remediation."

18 8. Page 6, by striking lines 12 through 15 and
19 inserting the following: "reserved for more than, or
20 actual expenses do not exceed eighty thousand dollars,
21 the owner or operator shall pay the greater of five
22 thousand dollars or twenty percent of the total costs
23 of corrective action for that release."

24 9. Page 6, line 17, by striking the words "one
25 hundred" and inserting the following: "eighty".

26 10. Page 6, by striking lines 18 and 19, and
27 inserting the following: "dollars, the owner or
28 operator shall pay the amount as designated in
29 subparagraph (1) plus".

30 11. Page 6, line 21, by striking the words "one
31 hundred" and inserting the following: "eighty".

32 12. Page 8, by inserting after line 8 the
33 following:

34 "Sec. ____ . Section 455G.9, Code 1991, is amended
35 by adding the following new subsection:

36 "NEW SUBSECTION. 9. OWNER OR OPERATOR DEFINED.

37 For purposes of receiving benefits under this section,
38 "owner or operator" means the then current tank owner
39 or operator or the owner of the land for which a
40 covered release was reported or application for
41 benefits was submitted on or before the relevant
42 application deadlines of this section."

43 13. Page 10, line 16, by striking the following:
44 ", within such limits and".

45 14. Page 11, line 12, by inserting after the word
46 "premium." the following: "An installer obtaining
47 insurance coverage pursuant to this paragraph, may
48 purchase coverage of up to one million dollars per
49 occurrence and two million dollars aggregate and may
50 purchase excess coverage of up to five million

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1 dollars, subject to the terms and conditions as
2 determined by the board."

3 15. Page 14, by inserting after line 3 the
4 following:

5 "Sec. ____ . Section 455G.13, subsections 1 and 6,
6 and subsection 10, unnumbered paragraph 1, Code 1991,
7 are amended to read as follows:

8 1. FULL RECOVERY SOUGHT FROM OWNER. The board
9 shall seek full recovery from the owner, ~~or operator~~
10 ~~of the tank which, or other party liable for the~~
11 ~~released the petroleum and~~ which is the subject of a
12 corrective action, for which the fund expends moneys
13 for corrective action or third-party liability, and
14 for all other costs or moneys expended by the fund in
15 connection with the release. When federal cleanup
16 funds are recovered, the funds are to be deposited to
17 the remedial account of the fund and used solely for
18 the purpose of future cleanup activities.

19 6. JOINDER OF PARTIES. The department of natural
20 resources has standing in any case or contested action
21 related to the fund or a tank to assert any claim that
22 the department may have regarding the tank at issue in
23 the case or contested action, and upon motion and
24 sufficient showing by a party to a cost recovery or
25 subrogation action provided for under this section,
26 the court or the administrative law judge shall join
27 to the action any person who may be liable for costs
28 and expenditures of the type recoverable pursuant to
29 this section.

30 Payment of a claim by the fund for corrective
31 action or third-party liability pursuant to this
32 chapter shall be conditioned upon the board's
33 acquiring by subrogation the rights of the claimant to
34 recover ~~those costs and expenditures for corrective~~
35 ~~action for which the fund has compensated the~~
36 ~~claimant, from the person responsible or liable for~~
37 ~~the unauthorized release~~ payment from any potentially
38 responsible party. A claimant is precluded from
39 receiving double compensation for the same injury."

40 16. Page 14, line 5, by striking the word
41 "subsection" and inserting the following:
42 "subsections".

43 17. Page 14, by inserting after line 11 the
44 following:

45 "NEW SUBSECTION. 4B. RECOVERY OR SUBROGATION FOR
46 REMEDICATION -- INSTALLERS. Notwithstanding any other
47 provision in this chapter to the contrary, the board
48 has no right of recovery or right of subrogation
49 against an installer insured pursuant to section
50 455G.11, subsections 6 and 7, for the amounts paid by

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1 the remedial account if the installer is currently

2 installing underground storage tanks for third
3 parties. This subsection does not apply to an
4 installer who is self-insured. This subsection is
5 only applicable to an installer who assigns to the
6 board, upon receiving a written request for assignment
7 from the board, any right, title, and interest that
8 the installer may have to any insurance policy which
9 provides coverage for the release. The assignment
10 shall be limited to the amount of the remedial account
11 payments and the installer retains any right, title,
12 or interest in the insurance policy in all respects."

MICHAEL E. GRONSTAL
RICHARD F. DRAKE
EMIL J. HUSAK
JOHN E. SOORHOLTZ

S-3208

1 Amend Senate File 362 as follows:
2 1. Page 3, line 31, by inserting after the word
3 "structures" the following: "or other board approved
4 tank system or methodology".

RICHARD F. DRAKE
MICHAEL E. GRONSTAL

S-3209

1 Amend Senate File 362 as follows:
2 1. Page 15, by inserting after line 7 the
3 following:
4 "(3) A graduate from an accredited 4-year college
5 or university with a degree in engineering, sciences,
6 or other closely related field."

RALPH ROSENBERG

S-3210

1 Amend Senate File 518 as follows:
2 1. Page 7, lines 11 and 12, by striking the word
3 and figures "510.2, subsection 3" and inserting the
4 following: "510.2A, subsection 4".
5 2. Page 7, line 14, by striking the word and
6 figures "510.2, subsection 3" and inserting the
7 following: "510.2A, subsection 4".
8 3. Page 8, line 23, by striking the figure
9 "510.1" and inserting the following: "510.1A".
10 4. Page 15, lines 27 and 28, by striking the

- 11 words "insurer, is entered through" and inserting the
 12 following: "insurer is entered through."
 13 5. Page 15, line 34, by inserting after the word
 14 "amount" the following: "of".
 15 6. Page 37, line 31, by striking the words "in,
 16 this" and inserting the following: "in this".

MICHAEL E. GRONSTAL

S-3211

- 1 Amend the amendment, S-3191, to Senate File 294, as
 2 follows:
 3 1. Page 1, line 20, by striking the word "actual"
 4 and inserting the following: "assessed".
 5 2. Page 1, line 25, by striking the word "actual"
 6 and inserting the following: "assessed".
 7 3. Page 1, line 29, by striking the word
 8 "completed" and inserting the following: "first
 9 assessed for taxation".
 10 4. Page 1, line 30, by striking the word "actual"
 11 and inserting the following: "assessed".
 12 5. Page 2, line 15, by striking the word "actual"
 13 and inserting the following: "assessed".
 14 6. Page 2, line 17, by striking the word "actual"
 15 and inserting the following: "assessed".
 16 7. Page 2, line 19, by striking the word "actual"
 17 and inserting the following: "assessed".

DERRYL McLAREN
 BERL E. PRIEBE
 JOHN E. SOORHOLTZ

S-3212

- 1 Amend the amendment, S-3198, to Senate File 524 as
 2 follows:
 3 1. By striking page 1, line 2 through page 2,
 4 line 14, and inserting the following:
 5 "___ . Page 1, by striking line 2, and inserting
 6 the following:
 7 "___ . The general assembly approves the
 8 legislative council's determination that the".
 9 ___ . Page 1, by inserting after line 15 the
 10 following:
 11 "Sec. ___ . Section 18.133, subsection 4, Code
 12 1991, is amended to read as follows:
 13 4. "State communications" refers to the
 14 transmission of voice, data, video, the written word
 15 or other visual signals by electronic means to serve

16 the needs of state agencies but does not include
17 communications activities of the state board of
18 regents, radio and television facilities and other
19 educational telecommunications systems and services
20 including narrowcast and broadcast systems under the
21 division of public broadcasting, the department of
22 transportation distributed data processing and mobile
23 radio network, or law enforcement communications
24 systems.

25 Sec. ____ . Section 18.136, subsections 1 and 3,
26 Code 1991, are amended to read as follows:

27 1. Moneys in the state communications network fund
28 are appropriated to the Iowa public broadcasting board
29 department for purposes of providing financing for the
30 procurement, operation, and maintenance of a state
31 communications network with sufficient capacity to
32 serve the video, data, and voice requirements of state
33 agencies and the educational telecommunications
34 system. The state communications network consists of
35 Part I, Part II, and Part III of the system. Any
36 public or private institution of higher education
37 which is eligible for services shall be switched by
38 the state communications network control center as if
39 the institution is located on Part I of the system.

40 3. The financing for the procurement costs for the
41 entirety of Part I of the system, and the video, data,
42 and voice capacity for state agencies for Part II and
43 Part III of the system, shall be provided by the
44 state. The financing for the procurement costs for
45 Part II of the system shall be provided eighty percent
46 from the state and twenty percent from the community
47 colleges for the areas in which Part II of the system
48 is located. The basis for the state match is eighty
49 percent of a single interactive video and interactive
50 audio for Parts I and II of the system, and such data

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1 and voice capacity as is necessary. The financing for
2 the procurement and maintenance costs for Part III of
3 the system shall be provided eighty percent from the
4 state and twenty percent from the local school boards
5 of the areas which receive transmissions from the
6 system. The local school boards may meet all or part
7 of the match requirements of Part III of the system
8 through a cooperative arrangement with community
9 colleges. The basis for the state match is eighty
10 percent of a single interactive audio and ~~one-way~~
11 interactive video for Part III of the system, and such
12 data and voice capacity as is necessary. The local

13 school boards and community colleges may meet the
14 match requirements for Part II and Part III of the
15 system from funds they have already spent for their
16 systems, from funds available in the school budget, or
17 from funds received from other nonstate sources. In
18 the case of existing systems, in order to upgrade
19 facilities to the specifications of the state
20 communications network, the local school boards and
21 community colleges, in lieu of a cash match, may meet
22 the match requirements from funds they have already
23 spent for their systems provided that the state match
24 does not exceed the lesser of eighty percent of the
25 total cost of the upgraded system or eighty percent of
26 the replacement cost of the system. The
27 communications equipment used as a match shall not
28 subsequently be used as a match by another educational
29 entity or for another part of the system. A local
30 school board may request the school budget review
31 committee to adjust the allowable growth for the
32 school district so that the resulting increase in
33 budget could be used for the match. A local school
34 board may also elect not to become part of the system.
35 Such election shall be made on an annual basis. State
36 matching funds shall not be provided for Part III of
37 the system until Part I and Part II of the system have
38 been completed. State financing of Part III is
39 limited to facilities and services provided to
40 secondary schools.
41 It is the intent of the general assembly that
42 during the implementation of Part I and Part II of the
43 system, the department shall employ a consultant to
44 report on the impact of changing technology on the
45 potential cost and capability of the system. It is
46 also the intent of the general assembly that the
47 department of education shall study new techniques in
48 distance teaching. Both reports shall be made
49 available to the general assembly.
50 Sec. ____ . Section 18.136, Code 1991, is amended by

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1 adding the following new subsection:
2 NEW SUBSECTION. 3A. a. If a public or private
3 agency elects to become a part of the system and
4 requests Part III facilities, utilities providing
5 local exchange telephone service in the area to be
6 served by the requested facilities shall have a right
7 of first refusal to provide the facilities. The
8 agency may specify that the facilities be capable of
9 providing interactive video and audio capability and

10 capacity for four offerings or specify another
11 mutually agreed upon technical capability, including
12 but not limited to compressed video.

13 b. The local exchange utilities shall notify the
14 agency as to the utilities' intention to provide the
15 facilities within thirty days of receiving the request
16 for establishment of the facilities. Charges for
17 services or facilities provided under this subsection
18 by local exchange telephone utilities shall be based
19 upon capacity, not usage. The utilities shall be
20 allowed to recover all reasonable costs, including a
21 reasonable return on capital. Not more than twenty-
22 five percent of the costs may be recovered through
23 basic local telephone rates. Any telephone company
24 which is not subject to rate regulation under chapter
25 476 shall not be subject to regulation under this
26 chapter, but is subject to the requirement that
27 charges are based on capacity, not usage.

28 c. If the local exchange telephone utilities state
29 that the utilities will not provide the specified Part
30 III facilities, the public or private agency may
31 submit an application to develop the Part III
32 facilities to the department or to the narrowcast
33 system advisory committee. The proposed facilities
34 may include but are not limited to lease of existing
35 capacity, capacity purchased by the agency, facilities
36 capable of providing one-way video and two-way audio,
37 microwave facilities, or other suitable facilities.

38 Sec. ____ . Section 18.136, subsections 7, 8, 12,
39 and 13, Code 1991, are amended to read as follows:

40 7. The department of general services shall be
41 responsible for the network system design and shall be
42 responsible for the implementation of each component
43 of the network as it is incorporated into the network
44 system. The final design selected shall optimize the
45 routing for all users in order to assure maximum
46 utilization by all agencies of the state. The design
47 shall include the identification of the end points for
48 Part I of the system and the end points may include a
49 public or private institution of higher education.
50 However, a private institution of higher education

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1 shall have sole responsibility for purchase of
2 equipment associated with an end point located at the
3 institution. Efficiencies achieved in the
4 implementation of the network shall be used to fund
5 further implementation and enhancement of the network,
6 and shall be considered part of the operational cost

7 of the network. The department shall be responsible
8 for all management, operations, control switching,
9 diagnostics, and maintenance functions of Part I and
10 Part II of the system operations, except as designated
11 in subsection 8. The performance of these duties is
12 intended to provide optimal utilization of the
13 facilities, and the assurance that future growth
14 requirements will be provided for, and that sufficient
15 network capacity will be available to meet the needs
16 of all users. The telecommunications information
17 management council, created by executive order of the
18 governor, shall provide general oversight for these
19 functions.

20 8. The Iowa public broadcasting board retains sole
21 authority over the educational telecommunications
22 applications of Part I of the system, and its
23 authority shall include management and operational
24 control, programming, budget, personnel, scheduling,
25 and program switching of educational material carried
26 by Part I of the system. The Iowa public broadcasting
27 board, through its narrowcast system advisory
28 committee, retains coordination authority over the
29 educational telecommunications applications of Part II
30 and Part III of the system. Community colleges are
31 responsible for facilitating the scheduling and
32 switching of educational materials carried by Part II
33 and Part III of the system within their respective
34 areas. In situations where duplicative programming or
35 scheduling conflicts precipitate a complaint from an
36 institution, the narrowcast system advisory committee
37 shall consider the matter and make recommendations to
38 the parties involved in the complaint. Such
39 responsibility ~~may~~ shall be accomplished by a chapter
40 28E agreement with the department of general services.

41 The narrowcast system advisory committee shall
42 review all requests for grants for educational
43 telecommunications applications, if they are a part of
44 the state communications network, to ensure that the
45 educational telecommunications application is
46 consistent with the telecommunications plan. If the
47 narrowcast system advisory committee finds that a
48 grant request is inconsistent with the
49 telecommunications plan, the grant request shall not
50 be allowed.

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1 12. The Iowa public broadcasting board, in
2 consultation with its narrowcast system advisory
3 committee, shall ~~determine~~ review the fee to be

4 charged per course or credit hour by the originating
5 institution; and the fees shall be substantially the
6 same for comparable courses.

7 13. Access to the network shall be offered on an
8 equal basis to public and private agencies under
9 subsection 8 if the private agency contributes an
10 amount toward the match requirement comparable to its
11 share of use for the part of the system in which it
12 participates.

13 Sec. ____ . NEW SECTION. 18.138 STATE NETWORK
14 ORGANIZATION.

15 1. A state network organization is established to
16 have authority over the uses of the state
17 communications network. The organization shall
18 consist of five persons representing local exchange
19 telephone utilities who are appointed by the governor
20 and confirmed by the senate. The state network
21 organization shall be incorporated under chapter 504A
22 and shall not be regarded as a state agency, except
23 for purposes of chapter 17A. Staffing of the state
24 network organization shall be provided by the
25 department.

26 2. The department of general services and the Iowa
27 public broadcasting board shall execute a public trust
28 agreement with the state network organization
29 establishing the state network organization as the
30 public trustee to hold Parts I and II of the state
31 communications network in trust for the benefit of the
32 state. The public trust agreement shall provide that
33 the state network organization, as trustee, shall
34 authorize public and private agencies, as defined in
35 section 18.133, to use the capacity of Parts I and II
36 of the state communications network for state
37 communications and for the educational
38 telecommunications system described in section 303.79.
39 The public trust agreement shall also provide that any
40 capacity of Parts I and II of the state communications
41 network not used for state communications or for the
42 education telecommunications system by public and
43 private agencies shall remain unused unless use of the
44 unused capacity is approved by the state network
45 organization.

46 3. The state network organization shall have the
47 authority to review transmissions carried by Parts I
48 and II of the state communications network and may
49 prohibit any transmission which is not state
50 communications or which is not part of the educational

Page 6

- 1 telecommunications system.
- 2 4. Any liability for the state communications
- 3 network, including financial liability, remains the
- 4 responsibility of the state or a public or private
- 5 agency in accordance with this chapter.
- 6 Sec. ____ . Section 256.7, Code, 1991, is amended by
- 7 adding the following new subsection:
- 8 **NEW SUBSECTION. 21.** Establish a twelve-member
- 9 advisory committee on technology utilization to make
- 10 recommendations relating to utilization of the state
- 11 communications network for educational purposes,
- 12 including desirable technologies for classroom use.
- 13 The state board shall appoint the members of the
- 14 advisory committee as follows:
- 15 a. Five persons who are licensed teachers or
- 16 employed by a practitioner preparation program, as
- 17 defined in chapter 260.
- 18 b. One person representing the department.
- 19 c. One person representing area education
- 20 agencies.
- 21 d. One person who is a principal.
- 22 e. One person who is a superintendent.
- 23 f. One person representing community colleges who
- 24 is not an administrator.
- 25 g. One person representing the state association
- 26 of private colleges and universities who is not an
- 27 administrator.
- 28 h. One person representing institutions under the
- 29 authority of the state board of regents who is not an
- 30 administrator.
- 31 Sec. ____ . **EFFECTIVE DATE.** This Act, being deemed
- 32 of immediate importance, takes effect upon enactment."
- 33 ____ . Title page, line 1, by inserting after the
- 34 word "network" the following: "and providing an
- 35 effective date".
- 36 ____ . By renumbering as necessary."

RICHARD VARN

S-3213

- 1 Amend Senate File 489 as follows:
- 2 1. Page 1, line 5, by striking the word and
- 3 figure "or 260," and inserting the following: "260,
- 4 or 602 as an attorney,".
- 5 2. Page 2, by inserting after line 7, the
- 6 following:
- 7 "Sec. 101. Section 602.10122, Code 1991, is
- 8 amended by adding the following new subsection:
- 9 **NEW SUBSECTION. 6.** Failure to pay child support

- 10 in accordance with a court order upon receipt of a
11 notice from a person entitled to receive payment
12 pursuant to section 598.22B.”
13 3. Page 2, line 8, by striking the word and
14 figure “and 5” and inserting the following: “5, and
15 101”.
16 4. By renumbering as necessary.

RICHARD F. DRAKE

S-3214

- 1 Amend Senate File 524 as follows:
2 1. Page 1, by striking line 2, and inserting the
3 following:
4 “___ . The general assembly approves the
5 legislative council’s determination that the”.
6 2. Page 1, by inserting after line 15 the
7 following:
8 “Sec. ___ . Section 18.133, subsection 4, Code
9 1991, is amended to read as follows:
10 4. “State communications” refers to the
11 transmission of voice, data, video, the written word
12 or other visual signals by electronic means to serve
13 the needs of state agencies but does not include
14 communications activities of the state board of
15 regents, ~~radio and television facilities and other~~
16 ~~educational telecommunications systems and services~~
17 ~~including narrowcast and broadcast systems under the~~
18 ~~division of public broadcasting; the department of~~
19 ~~transportation distributed data processing and mobile~~
20 ~~radio network, or law enforcement communications~~
21 ~~systems.~~
22 Sec. ___ . Section 18.136, subsections 1 and 3,
23 Code 1991, are amended to read as follows:
24 1. Moneys in the state communications network fund
25 are appropriated to the ~~Iowa public broadcasting board~~
26 ~~department~~ for purposes of providing financing for the
27 procurement, operation, and maintenance of a state
28 communications network with sufficient capacity to
29 serve the video, data, and voice requirements of state
30 agencies and the educational telecommunications
31 system. The state communications network consists of
32 Part I, Part II, and Part III of the system. Any
33 public or private institution of higher education
34 which is eligible for services shall be switched by
35 the state communications network control center as if
36 the institution is located on Part I of the system.
37 3. The financing for the procurement costs for the
38 entirety of Part I of the system, and the video, data,

39 and voice capacity for state agencies for Part II and
40 Part III of the system, shall be provided by the
41 state. The financing for the procurement costs for
42 Part II of the system shall be provided eighty percent
43 from the state and twenty percent from the community
44 colleges for the areas in which Part II of the system
45 is located. The basis for the state match is eighty
46 percent of a single interactive video and interactive
47 audio for Parts I and II of the system, and such data
48 and voice capacity as is necessary. The financing for
49 the procurement and maintenance costs for Part III of
50 the system shall be provided eighty percent from the

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1 state and twenty percent from the local school boards
2 of the areas which receive transmissions from the
3 system. The local school boards may meet all or part
4 of the match requirements of Part III of the system
5 through a cooperative arrangement with community
6 colleges. The basis for the state match is eighty
7 percent of a single interactive audio and ~~one-way~~
8 interactive video for Part III of the system, and such
9 data and voice capacity as is necessary. The local
10 school boards and community colleges may meet the
11 match requirements for Part II and Part III of the
12 system from funds they have already spent for their
13 systems, from funds available in the school budget, or
14 from funds received from other nonstate sources. In
15 the case of existing systems, in order to upgrade
16 facilities to the specifications of the state
17 communications network, the local school boards and
18 community colleges, in lieu of a cash match, may meet
19 the match requirements from funds they have already
20 spent for their systems provided that the state match
21 does not exceed the lesser of eighty percent of the
22 total cost of the upgraded system or eighty percent of
23 the replacement cost of the system. The
24 communications equipment used as a match shall not
25 subsequently be used as a match by another educational
26 entity or for another part of the system. A local
27 school board may request the school budget review
28 committee to adjust the allowable growth for the
29 school district so that the resulting increase in
30 budget could be used for the match. A local school
31 board may also elect not to become part of the system.
32 matching funds shall not be provided for Part III of
33 the system until Part I and Part II of the system have
34 been completed. State financing of Part III is
35 limited to facilities and services provided to
36

37 secondary schools.

38 It is the intent of the general assembly that
39 during the implementation of Part I and Part II of the
40 system, the department shall employ a consultant to
41 report on the impact of changing technology on the
42 potential cost and capability of the system. It is
43 also the intent of the general assembly that the
44 department of education shall study new techniques in
45 distance teaching. Both reports shall be made
46 available to the general assembly.

47 Sec. ____ . Section 18.136, Code 1991, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 3A. a. If a public or private
50 agency elects to become a part of the system and

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1 requests Part III facilities, utilities providing
2 local exchange telephone service in the area to be
3 served by the requested facilities shall have a right
4 of first refusal to provide the facilities. The
5 agency may specify that the facilities be capable of
6 providing interactive video and audio capability and
7 capacity for four offerings or specify another
8 mutually agreed upon technical capability, including
9 but not limited to compressed video.

10 b. The local exchange utilities shall notify the
11 agency as to the utilities' intention to provide the
12 facilities within thirty days of receiving the request
13 for establishment of the facilities. Charges for
14 services or facilities provided under this subsection
15 by local exchange telephone utilities shall be based
16 upon capacity, not usage. The utilities shall be
17 allowed to recover all reasonable costs, including a
18 reasonable return on capital. Not more than twenty-
19 five percent of the costs may be recovered through
20 basic local telephone rates. Any telephone company
21 which is not subject to rate regulation under chapter
22 476 shall not be subject to regulation under this
23 chapter, but is subject to the requirement that
24 charges are based on capacity, not usage.

25 c. If the local exchange telephone utilities state
26 that the utilities will not provide the specified Part
27 III facilities, the public or private agency may
28 submit an application to develop the Part III
29 facilities to the department or to the narrowcast
30 system advisory committee. The proposed facilities
31 may include but are not limited to lease of existing
32 capacity, capacity purchased by the agency, facilities
33 capable of providing one-way video and two-way audio,

34 microwave facilities, or other suitable facilities.
35 Sec. ____ . Section 18.136, subsections 7, 8, 12,
36 and 13, Code 1991, are amended to read as follows:
37 7. The department of general services shall be
38 responsible for the network system design and shall be
39 responsible for the implementation of each component
40 of the network as it is incorporated into the network
41 system. The final design selected shall optimize the
42 routing for all users in order to assure maximum
43 utilization by all agencies of the state. The design
44 shall include the identification of the end points for
45 Part I of the system and the end points may include a
46 public or private institution of higher education.
47 However, a private institution of higher education
48 shall have sole responsibility for purchase of
49 equipment associated with an end point located at the
50 institution. Efficiencies achieved in the

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1 implementation of the network shall be used to fund
2 further implementation and enhancement of the network,
3 and shall be considered part of the operational cost
4 of the network. The department shall be responsible
5 for all management, operations, control switching,
6 diagnostics, and maintenance functions of Part I and
7 Part II of the system operations, except as designated
8 in subsection 8. The performance of these duties is
9 intended to provide optimal utilization of the
10 facilities, and the assurance that future growth
11 requirements will be provided for, and that sufficient
12 network capacity will be available to meet the needs
13 of all users. The telecommunications information
14 management council, created by executive order of the
15 governor, shall provide general oversight for these
16 functions.

17 8. The Iowa public broadcasting board retains sole
18 authority over the educational telecommunications
19 applications of Part I of the system, and its
20 authority shall include management and operational
21 control, programming, budget, personnel, scheduling,
22 and program switching of educational material carried
23 by Part I of the system. The Iowa public broadcasting
24 board, through its narrowcast system advisory
25 committee, retains coordination authority over the
26 educational telecommunications applications of Part II
27 and Part III of the system. Community colleges are
28 responsible for facilitating the scheduling and
29 switching of educational materials carried by Part II
30 and Part III of the system within their respective

31 areas. In situations where duplicative programming or
32 scheduling conflicts precipitate a complaint from an
33 institution, the narrowcast system advisory committee
34 shall consider the matter and make recommendations to
35 the parties involved in the complaint. Such
36 responsibility ~~may~~ shall be accomplished by a chapter
37 28E agreement with the department of general services.
38 The narrowcast system advisory committee shall
39 review all requests for grants for educational
40 telecommunications applications, if they are a part of
41 the state communications network, to ensure that the
42 educational telecommunications application is
43 consistent with the telecommunications plan. If the
44 narrowcast system advisory committee finds that a
45 grant request is inconsistent with the
46 telecommunications plan, the grant request shall not
47 be allowed.

48 12. The Iowa public broadcasting board, in
49 consultation with its narrowcast system advisory
50 committee, shall ~~determine~~ review the fee to be

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1 charged per course or credit hour by the originating
2 institution; ~~and the fees shall be substantially the~~
3 ~~same for comparable courses.~~

4 13. Access to the network shall be offered on an
5 equal basis to public and private agencies under
6 subsection 8 if the private agency contributes an
7 amount toward the match requirement comparable to its
8 share of use for the part of the system in which it
9 participates.

10 Sec. ____ . NEW SECTION. 18.138 STATE NETWORK
11 ORGANIZATION.

12 1. A state network organization is established to
13 have authority over the uses of the state
14 communications network. The organization shall
15 consist of five persons representing local exchange
16 telephone utilities who are appointed by the governor
17 and confirmed by the senate. The state network
18 organization shall be incorporated under chapter 504A
19 and shall not be regarded as a state agency, except
20 for purposes of chapter 17A. Staffing of the state
21 network organization shall be provided by the
22 department.

23 2. The department of general services and the Iowa
24 public broadcasting board shall execute a public trust
25 agreement with the state network organization
26 establishing the state network organization as the
27 public trustee to hold Parts I and II of the state

28 communications network in trust for the benefit of the
29 state. The public trust agreement shall provide that
30 the state network organization, as trustee, shall
31 authorize public and private agencies, as defined in
32 section 18.133, to use the capacity of Parts I and II
33 of the state communications network for state
34 communications and for the educational
35 telecommunications system described in section 303.79.
36 The public trust agreement shall also provide that any
37 capacity of Parts I and II of the state communications
38 network not used for state communications or for the
39 education telecommunications system by public and
40 private agencies shall remain unused unless use of the
41 unused capacity is approved by the state network
42 organization.

43 3. The state network organization shall have the
44 authority to review transmissions carried by Parts I
45 and II of the state communications network and may
46 prohibit any transmission which is not state
47 communications or which is not part of the educational
48 telecommunications system.

49 4. Any liability for the state communications
50 network, including financial liability, remains the

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1 responsibility of the state or a public or private
2 agency in accordance with this chapter.

3 Sec. ____ . Section 256.7, Code 1991, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 21. Establish a twelve-member
6 advisory committee on technology utilization to make
7 recommendations relating to utilization of the state
8 communications network for educational purposes,
9 including desirable technologies for classroom use.

10 The state board shall appoint the members of the
11 advisory committee as follows:

12 a. Five persons who are licensed teachers or
13 employed by a practitioner preparation program, as
14 defined in chapter 260.

15 b. One person representing the department.

16 c. One person representing area education
17 agencies.

18 d. One person who is a principal.

19 e. One person who is a superintendent.

20 f. One person representing community colleges who
21 is not an administrator.

22 g. One person representing the state association
23 of private colleges and universities who is not an
24 administrator.

- 25 h. One person representing institutions under the
26 authority of the state board of regents who is not an
27 administrator.
28 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
29 of immediate importance, takes effect upon enactment.”
30 3. Title page, line 1, by inserting after the
31 word “network” the following: “and providing an
32 effective date”.
33 4. By renumbering as necessary.

RICHARD VARN

S-3215

- 1 Amend Senate File 84 as follows:
2 1. Page 1, by inserting after line 22 the fol-
3 lowing:
4 “Sec. ____ . Section 18.18, subsection 2, Code 1991,
5 is amended by adding the following new paragraphs:
6 NEW PARAGRAPH. c. The department shall adopt
7 standards for the allowable content of postconsumer
8 and recovered paper material of recycled paper which
9 shall conform with but may be more stringent than the
10 American society for testing and materials standards.
11 NEW PARAGRAPH. d. The department shall establish
12 a prioritization procedure for the purchase of
13 recycled paper which provides for a five percent
14 differential in the cost of the purchase of paper
15 which has been recycled through the use of a
16 nonchlorinated process.
17 NEW PARAGRAPH. e. If a provision under this
18 subsection results in the limitation of sources for
19 the purchase of printing and writing paper to three or
20 fewer sources, the department may waive the
21 requirement in order to purchase necessary amounts of
22 printing and writing paper.
23 NEW PARAGRAPH. f. The department, in conjunction
24 with the department of natural resources, shall review
25 the availability of a higher percentage content of
26 postconsumer content printing and writing paper and
27 shall, by rule, adjust the percentage requirement
28 accordingly.”
29 2. By renumbering as necessary.

LARRY MURPHY

S-3216

- 1 Amend Senate File 489 as follows:
2 1. Page 1, line 5, by inserting after the figure

3 "260," the following: "or is an employee of the
4 state."

5 2. Page 1, line 7, by inserting after the word
6 "payment" the following: "or the director of the
7 department of personnel of the state employee's
8 failure to make payment".

9 3. Page 1, by inserting after line 15, the
10 following:

11 "Sec. 100. Section 19A.8, Code 1991, is amended by
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The director may notify
14 the appropriate state disbursing officer or auditing
15 officer to suspend payments to an employee of the
16 state upon receipt of notice pursuant to section
17 598.22B that the state employee has failed to pay
18 child support in accordance with a court order.

19 Sec. 101. Section 19A.13, Code 1991, is amended by
20 adding the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. A state disbursing
22 officer or auditing officer receiving a notice from
23 the director that the director has received notice
24 pursuant to section 598.22B that a state employee has
25 failed to pay child support in accordance with a court
26 order shall suspend payments to the state employee."

27 4. Page 2, line 8, by striking the word and
28 figure "and 5" and inserting the following: "5, 100,
29 and 101".

JIM LIND

S-3217

1 Amend Senate File 459 as follows:

2 1. Page 2, line 6, by inserting after the word
3 "administrator" the following: ", upon receiving a
4 written complaint,".

JOHN A. PETERSON

S-3218

1 Amend Senate File 444 as follows:

2 1. Page 6, by inserting after line 21, the
3 following:

4 "Sec. ____ . Section 236.8, Code 1991, is amended to
5 read as follows:

6 236.8 CONTEMPT.

7 The court may hold a party in contempt for a
8 violation of an order or court-approved consent
9 agreement entered under this chapter, for violation of

- 10 a temporary or permanent protective order or order to
 11 vacate the homestead under chapter 598, or for
 12 violation of any order that establishes conditions of
 13 release or is a protective order or sentencing order
 14 in a criminal prosecution arising from a domestic
 15 abuse assault. If held in contempt, the defendant
 16 shall serve a jail sentence ~~which may be on weekends.~~
 17 Any jail sentence imposed under this section shall be
 18 served on consecutive days."
- 19 2. Page 8, line 15, by inserting after the word
 20 "days." the following: "A jail sentence imposed
 21 pursuant to this paragraph shall be served on
 22 consecutive days."
- 23 3. Page 18, line 16, by inserting after the word
 24 "sentence." the following: "The minimum term shall be
 25 served on consecutive days."
- 26 4. By renumbering as necessary.

JEAN LLOYD-JONES

S-3219

- 1 Amend Senate File 489 as follows:
- 2 1. Page 1, line 11, by inserting after the word
 3 "provided." the following: "The licensing entity
 4 shall consider the ability of the licensee to pay
 5 child support if the licensee is unable to engage in
 6 the licensee's occupation or profession in determining
 7 whether suspension or revocation of the licensee's
 8 license is appropriate."
- 9 2. Page 2, by inserting after line 7, the
 10 following:
 11 "Sec. ____ . APPROPRIATION. It is the intent of the
 12 general assembly to appropriate funds as necessary to
 13 the licensing entities under this Act to administer
 14 the provisions of this Act."
- 15 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-3220

- 1 Amend Senate File 458 as follows:
- 2 1. Page 1, line 11, by inserting after the word
 3 "for" the following: "peace and correctional officer,
 4 and firefighter".
- 5 2. Page 1, line 27, by inserting after the words
 6 "costs for" the following: "peace and correctional
 7 officer, and firefighter".

RICHARD V. RUNNING

S-3221

- 1 Amend the amendment, S-3135, to Senate File 260 as
- 2 follows:
- 3 1. Page 1, by striking lines 12 and 13.
- 4 2. Page 1, by striking lines 30 and 31.
- 5 3. Page 3, by striking lines 6 and 7.
- 6 4. Page 3, by striking lines 20 and 21.

RICHARD VANDE HOEF

S-3222

- 1 Amend the amendment, S-3198, to Senate File 524 as
- 2 follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "proposal" the following: ", in cooperation with the
- 5 department of general services,".

JIM KERSTEN
PAUL PATE
RICHARD VANDE HOEF
JOHN W. JENSEN

S-3223

- 1 Amend Senate File 444 as follows:
- 2 1. Page 16, by striking lines 30 through 35.
- 3 2. Page 17, line 1, by striking the letter "b"
- 4 and inserting the following: "a".
- 5 3. Page 17, line 6, by striking the letter "c"
- 6 and inserting the following: "b".
- 7 4. Page 17, line 10, by striking the letter "d"
- 8 and inserting the following: "c".
- 9 5. Page 17, by striking lines 23 through 25.

LARRY MURPHY
MICHAEL E. GRONSTAL
RICHARD DRAKE

S-3224

- 1 Amend Senate File 290, as follows:
- 2 1. Page 1, lines 7 and 8, by striking the words
- 3 "shall not" and inserting the following: "~~shall not~~
- 4 may".
- 5 2. Page 1, line 10, by striking the word "sole".
- 6 3. Page 1, by striking lines 11 through 13, and

7 inserting the following: "in the receiving district,
 8 if the receiving district uses school vehicles running
 9 on a regular bus route which the receiving district
 10 maintains through the district of".
 11 4. Page 1, line 15, by inserting after the word
 12 "district," the following: "A district of residence
 13 may transport pupils using open enrollment to and from
 14 the nearest available stopping point on a regular
 15 school bus route of a receiving district and, except
 16 when a student meets the economic eligibility
 17 requirements set by the department and the state board
 18 of education, may charge a fee in an amount which is
 19 less than or equal to the pro rata cost of
 20 transporting pupils to bus routes of other districts
 21 under open enrollment. A district of residence which
 22 charges fees under this section shall annually report
 23 the total amount of revenue received from fees charged
 24 under this subsection, provide an itemization of those
 25 charges per student, and provide an itemized statement
 26 of costs per student for transportation under this
 27 subsection to the department of education. The
 28 department shall calculate from the information
 29 received an annual average cost per pupil per mile
 30 amount, which shall be provided to all school
 31 districts for annual publication with other school
 32 fees."
 33 5. Title page, line 2, by inserting after the
 34 word "district" the following: "and district of
 35 residence".
 36 6. Title page, line 3, by inserting after the
 37 word "enrollment" the following: ", and providing for
 38 the charging of a fee under certain circumstances".

LARRY MURPHY
 RICHARD RUNNING
 JOE WELSH
 MIKE CONNOLLY

S-3225

- 1 Amend Senate File 444 as follows:
- 2 1. Page 1, line 4, by striking the words
- 3 "committed serious misdemeanors" and inserting the
- 4 following: "been convicted or received a deferred
- 5 judgment for an indictable misdemeanor".
- 6 2. Page 1, line 17, by inserting before the word
- 7 "prosecuting" the following: "former or current".
- 8 3. Page 1, by striking lines 31 through 33, and
- 9 inserting the following: "assistance organizations."
- 10 4. Page 2, by striking lines 9 through 12, and

11 inserting the following: "accredited continuing
12 training requirements as a condition for continued
13 certification. These rules shall include procedures
14 for the law enforcement academy curriculum advisory
15 committee to review the reports and make
16 recommendations to the council regarding the adequacy
17 of the reports. The rules shall include procedures
18 for accreditation of continuing training courses, upon
19 recommendation by the law enforcement academy
20 curriculum advisory committee pursuant to section
21 80B.18."

22 5. Page 2, line 20, by striking the words "or an
23 aggravated misdemeanor".

24 6. Page 2, line 24, by striking the words "a
25 serious" and inserting the following: "an
26 indictable".

27 7. Page 2, by striking line 28 and inserting the
28 following: "who have been convicted of or received a
29 deferred judgment for an indictable offense to the
30 academy, and to".

31 8. Page 2, by striking lines 33 and 34, and
32 inserting the following: "conviction of or deferred
33 judgment for an indictable offense by a law
34 enforcement officer or any individual who currently
35 has law enforcement certification, whether or not the
36 individual is presently serving as a law enforcement
37 officer. Procedures for receiving similar
38 notification by county attorneys shall be
39 implemented."

40 9. Page 3, line 2, by striking the word "serious"
41 and inserting the following: "indictable".

42 10. Page 3, by striking lines 10 through 13, and
43 inserting the following: "for the conviction of or
44 upon entry of a deferred judgment for a felony, upon
45 conducting the applicable revocation proceedings. The
46 council shall initiate revocation proceedings upon
47 recommendation of the attorney general in indictable
48 misdemeanor cases, as provided".

49 11. Page 3, by striking lines 18 through 24.

50 12. Page 4, by striking lines 11 and 12, and

Page 2

1 inserting the following:

2 "g. Two public members, one of whom has received
3 victim services, and one who is a victim service
4 provider."

5 13. Page 4, line 16, by inserting after the
6 figure "80B.17." the following: "The committee shall
7 use the task survey to make a specific recommendation

8 concerning the number of hours of study in the
9 curriculum which should be devoted exclusively to
10 domestic abuse training covering the topics set forth
11 in section 236.17."

12 14. Page 4, by inserting after line 23, the
13 following:

14 " ____ . The committee shall review reports
15 concerning the completion of accredited continuing
16 training requirements pursuant to rules adopted under
17 section 80B.11. The committee shall review
18 applications for accreditation of continuing training
19 courses and make recommendations according to the
20 procedures adopted by rule pursuant to section
21 80B.11."

22 15. Page 13, by striking lines 12 through 16 and
23 inserting the following: "academy within thirty days
24 of when the county attorney becomes aware of any
25 former or current law enforcement officer who has been
26 convicted of or received a deferred judgment for an
27 indictable offense, under procedures established
28 pursuant to section 80B.11. The county attorney shall
29 also notify the attorney general within thirty days of
30 when the county attorney becomes aware of any former
31 or current law enforcement officer who has been
32 convicted of or received a deferred judgment for an
33 indictable misdemeanor."

34 16. By numbering and correcting internal
35 references as necessary.

LARRY MURPHY
AL STURGEON

S-3226

1 Amend Senate File 326 as follows:

2 1. Page 1, by inserting after line 30, the
3 following:

4 "Sec. ____ . Section 411.37, subsection 1, Code
5 1991, is amended to read as follows:

6 1. The board of trustees for the statewide system
7 is responsible for effecting the transition from the
8 city fire and police retirement systems to the
9 statewide fire and police retirement system. The
10 board shall adopt a transition plan and other
11 appropriate transition documents it deems necessary to
12 accomplish the transition in accordance with the
13 requirements of this chapter. The board shall make
14 recommendations concerning the allocation of payments,
15 transfers, and contributions by participating cities
16 under section 411.38, and shall include these

17 recommendations in a report to be submitted to the
 18 general assembly by November 30, 1991. The
 19 recommendations and report shall include actuarial and
 20 board recommendations as required under section
 21 411.38. The city fire and police retirement systems
 22 shall comply with orders of the board issued pursuant
 23 to the transition plan or other transition documents."

24 2. Page 2, line 6, by striking the word "January"
 25 and inserting the following: "July".

26 3. Page 2, by inserting after line 8, the
 27 following:

28 "Sec. ____ . Section 411.38, Code 1991, is amended
 29 to read as follows:

30 411.38 OBLIGATIONS OF PARTICIPATING CITIES.

31 Upon the establishment of the statewide system,
 32 each city participating in the statewide fire and
 33 police retirement system shall do all of the
 34 following:

35 1. Pay to the statewide system the normal
 36 contribution rate provided pursuant to section 411.8.

37 2. Transfer from each terminated city fire or
 38 police retirement system to the statewide system
 39 amounts sufficient to cover the accrued liabilities of
 40 that terminated system as determined recommended by
 41 the actuary of the statewide system, and approved by
 42 the general assembly.

43 3. Contribute additional amounts necessary to
 44 ensure sufficient financial support for the statewide
 45 fire and police retirement system, as determined
 46 recommended by the board of trustees based on
 47 information provided by the actuary of the statewide
 48 system, and approved by the general assembly.

49 It is the intent of the general assembly that a
 50 terminated city fire or police retirement system shall

Page 2

1 not subsidize any portion of any other system's
 2 unfunded liabilities in connection with the transition
 3 to the statewide system. A participating city shall
 4 not be required to meet the obligations imposed by
 5 this section without express authorization by the
 6 seventy-fourth general assembly during its second
 7 regular session."

8 4. Page 2, line 10, by striking the word and
 9 figure "subsection 1,".

10 5. Page 2, line 11, by striking the word
 11 "January" and inserting the following: "January
 12 July".

13 6. Page 2, by inserting after line 17, the

14 following:

15 "2. Effective ~~January~~ July 1, 1992, each city fire
16 retirement system and police retirement system
17 operating under this chapter prior to that date is
18 terminated, and all membership, benefit rights, and
19 financial obligations under the terminating systems
20 shall be assumed by the statewide fire and police
21 retirement system."

22 7. Page 3, by inserting after line 7, the
23 following:

24 "Sec. 100. 1990 Iowa Acts, chapter 1240, section
25 94, subsection 3, is amended to read as follows:

26 3. Sections 1, 48 through 53, 56, 57, 59, 60, 63, 64,
27 68 through 72, 74, 76 through 82, and 90 of this Act
28 take effect ~~January~~ July 1, 1992."

29 8. Page 3, line 35, by striking the word and
30 figure "and 8" and inserting the following: "8, and
31 100".

32 9. Title page, line 4, by inserting before the
33 word "appropriating" the following: "requiring
34 legislative approval before participating cities are
35 obligated to transfer funds to the statewide system,".

36 10. Title page, line 5, by inserting after the
37 word "board," the following: "delaying implementation
38 of the statewide system,".

39 11. By renumbering and correcting internal
40 references as necessary.

MICHAEL E. GRONSTAL
PATRICK DELUHERY

S-3227

1 Amend Senate File 372 as follows:

2 1. Page 1, line 2, by inserting after the word
3 "paragraph" the following: "and inserting in lieu
4 thereof the following:

5 a. The person responsible for the care of the
6 child was informed of the intent to apply for an order
7 under this section."

8 2. Page 2, by striking lines 14 through 20 and
9 inserting the following:

10 "Sec. ____ . Section 235A.15, subsection 1, Code
11 1991, is amended to read as follows:

12 1. Notwithstanding chapter 22, the confidentiality
13 of all child abuse information shall be maintained,
14 except as specifically provided by subsection 2, and
15 subsection 3, and subsection 4.

16 Sec. ____ . Section 235A.15, Code 1991, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 4. Access to founded child abuse
19 information only is authorized to the department of
20 personnel as necessary for presentation in grievance
21 procedures provided for in sections 19A.14 and 20.18.
22 Child abuse information introduced into a grievance or
23 arbitration proceeding shall not be considered a part
24 of the public record of a case.”
25 3. By renumbering as necessary.

MAGGIE TINSMAN
ELAINE SZYMONIAK

S-3228

1 Amend Senate File 444 as follows:
2 1. Page 6, line 1, by striking the words “supreme
3 court” and inserting the following: “department”.
4 2. Page 8, by striking lines 16 through 22.
5 3. Page 15, line 7, by inserting after the word
6 “dollars.” the following: “The court shall authorize
7 the issuance of a marriage license without the payment
8 of any fees imposed by this paragraph upon a showing
9 that the applicant is unable to pay the fees.”
10 4. Page 18, line 15, by striking the word
11 “remaining” and inserting the following: “minimum”.
12 5. Page 21, line 13, by striking the word
13 “judges” and inserting the following: “the chief
14 judge of the judicial district in which their county
15 is located”.
16 6. By renumbering and correcting internal
17 references as necessary.

AL STURGEON

S-3229

1 Amend Senate File 503 as follows:
2 1. Page 1, by inserting after line 31 the
3 following:
4 “Sec. ____ . Section 91.4, Code 1991, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 6. The commissioner, with the
7 assistance of the office of the attorney general if
8 requested by the commissioner, may commence a civil
9 action in any court of competent jurisdiction to
10 enforce the statutes under the commissioner’s
11 jurisdiction.”
12 2. Page 3, by inserting after line 34 the
13 following:
14 “6. The bond required by this section may be

15 attached by the commissioner for collection of fees
16 and penalties due to the division."

RICHARD RUNNING

S-3230

1 Amend Senate File 210 as follows:
2 1. Page 1, by striking lines 11 through 16 and
3 inserting the following:
4 "Sec. ____ EFFECTIVE DATE AND RETROACTIVE
5 APPLICABILITY PROVISIONS.
6 1. This Act, being deemed of immediate importance,
7 takes effect upon enactment, and applies to agreements
8 made or entered into on or after the effective date of
9 the Act.
10 2. This Act applies retroactively to agreements
11 made or entered into prior to the effective date of
12 this Act which contain restrictive covenants which
13 would otherwise be prohibited under this Act and which
14 would still be in effect on January 1, 1993. This Act
15 shall permit those restrictive covenant provisions to
16 remain in effect until January 1, 1993, at which time
17 the restrictive covenant provisions of the agreements
18 shall be void. The restrictive covenant provisions
19 shall be severed from the remainder of such an
20 agreement, and shall not affect the provisions, or
21 application, of the remainder of the agreement."
22 2. By renumbering as necessary.

LINN FUHRMAN
AL STURGEON

S-3231

1 Amend Senate File 489 as follows:
2 1. Page 1, by inserting after line 15, the
3 following:
4 "Sec. 101. Section 17A.18, Code 1991, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. A person making a report
7 against a licensee pursuant to section 598.22B shall
8 be a party in a contested case proceeding to suspend
9 or revoke the licensee's license."
10 2. Page 2, line 8, by inserting after the figure
11 "1," the following: "101."
12 3. By renumbering as necessary.

DONALD V. DOYLE
DALE TIEDEN
BERL PRIEBE

S-3232

- 1 Amend Senate File 444 as follows:
- 2 1. Page 12, by striking lines 23 and 24 and
- 3 inserting the following: "employees to receive the
- 4 training during the employees' initial orientation to
- 5 the institution."

MICHAEL GRONSTAL

S-3233

- 1 Amend Senate File 508 as follows:
- 2 1. By striking page 19, line 13, through page 20,
- 3 line 7.
- 4 2. Title page, line 7, by inserting after the
- 5 word "products," the following: "and".
- 6 3. Title page, by striking lines 8 through 10 and
- 7 inserting the following: "related programs and
- 8 projects."

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-3234

- 1 Amend Senate File 444 as follows:
- 2 1. By striking page 1, line 21 through page 2,
- 3 line 12.
- 4 2. Page 3, by striking lines 18 through 24.
- 5 3. By striking page 3, line 25 through page 4,
- 6 line 23.
- 7 4. Page 11, by striking lines 12 through 14 and
- 8 inserting the following: "prevention and services.
- 9 Domestic abuse".
- 10 5. By renumbering and correcting internal
- 11 references as necessary.

JAMES KERSTEN

S-3235

- 1 Amend Senate File 370 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 117.46, subsection 1, Code
- 5 1991, is amended to read as follows:
- 6 1. Each real estate broker shall maintain a common

7 trust account in a bank, a savings and loan
 8 association, savings bank, or credit union for the
 9 deposit of all down payments, earnest money deposits,
 10 or other trust funds received by the broker or the
 11 broker's salespersons on behalf of the broker's
 12 principal, except that a broker acting as a
 13 salesperson shall deposit these funds in the common
 14 trust account of the broker for whom the broker acts
 15 as salesperson. The account shall be an interest-
 16 bearing account. The interest on the account shall be
 17 transferred quarterly to the treasurer of state and
 18 deposited in the ~~title guaranty~~ housing trust fund and
 19 used for public purposes and the benefit of the public
 20 pursuant to section ~~220.91~~ 220.100 unless there is a
 21 written agreement between the buyer and seller to the
 22 contrary. The broker shall not benefit from interest
 23 received on funds of others in the broker's
 24 possession.

25 Sec. 2. NEW SECTION. 432.11 TAX ON TITLE
 26 INSURANCE.

27 The commissioner of insurance shall determine the
 28 amount of premium tax remitted on policies or
 29 contracts of title insurance for each calendar year.
 30 The commissioner shall inform the director of the
 31 department of revenue and finance of that amount, who,
 32 after reimbursement of any expenses of administration
 33 incurred by the commissioner of insurance related to
 34 the collection or assessment of the tax on companies
 35 issuing such policies or contracts, shall deposit the
 36 remaining amount into the housing trust fund
 37 established in section 220.100.

38 Sec. 3. Section 515.48, Code 1991, is amended by
 39 adding the following new subsection:

40 NEW SUBSECTION. 9A. Insure against loss or damage
 41 by reason of defective title, encumbrances, or
 42 otherwise, coverage commonly known as title insurance.

43 Sec. 4. Section 515.48, subsection 10, Code 1991,
 44 is amended to read as follows:

45 10. Insure any additional risk not specifically
 46 included within any of the foregoing classes, which is
 47 a proper subject for insurance, is not prohibited by
 48 law or contrary to sound public policy, and which,
 49 after public notice and hearing, is specifically
 50 approved by the commissioner of insurance; ~~except~~

Page 2

1 ~~title insurance or insurance against loss or damage by~~
 2 ~~reason of defective title, encumbrances or otherwise.~~
 3 ~~When such an additional kind of insurance is approved~~

4 by the commissioner, the commissioner shall designate
5 within which classification of risks provided for in
6 section 515.49 it ~~shall fall~~ falls.

7 Sec. 5. NEW SECTION. 515.52A TITLE INSURANCE
8 AGENTS.

9 A person shall not solicit or write title insurance
10 or insurance against loss or damage by reason of
11 defective title, encumbrances, or otherwise, unless
12 the person is an Iowa abstract or Iowa title company
13 which was transacting such business on January 1,
14 1991, or the person maintains a forty-year title
15 record acceptable to permit admission to the Iowa land
16 title association and the person is licensed by the
17 commissioner. The commissioner shall adopt rules
18 providing for the application and licensing of persons
19 pursuant to this section.

20 Sec. 6. NEW SECTION. 535A.13 DISCLOSURE OF TITLE
21 GUARANTY OPTIONS.

22 A financial institution shall advise a prospective
23 borrower of the available title guaranty options
24 including the following:

25 1. The title guaranty program established in
26 chapter 220.

27 2. Title insurance available from abstract or
28 title companies or other persons licensed by the
29 commissioner of insurance to solicit or write the
30 insurance.

31 3. An abstract and title opinion only.

32 The disclosure required by this section shall be
33 made prior to making a mortgage loan."

34 2. Page 1, by inserting after line 20 the
35 following:

36 "Sec. ____ . Section 558.8, Code 1991, is amended to
37 read as follows:

38 558.8 AFFIDAVITS EXPLANATORY OF TITLE --
39 PRESUMPTION.

40 Affidavits explaining any defect in the chain of
41 title to any real estate ~~may~~ shall be recorded as
42 instruments affecting the ~~same~~ chain of title, but no
43 one except the owner in possession of such real estate
44 shall have the right to file such affidavit. ~~Such~~ The
45 affidavit or the record ~~thereof~~ of the affidavit,
46 including all such affidavits now of record, ~~shall~~
47 raise raises a presumption from the date of recording
48 that the purported facts stated ~~therein~~ in the
49 affidavit are true; after the lapse of three years
50 from the date of such recording, such presumption

Page 3

1 ~~shall be is~~ conclusive.

2 Sec. ____ . Section 558.11, Code 1991, is amended to
3 read as follows:

4 558.11 RECORD -- CONSTRUCTIVE NOTICE.

5 The evidence of title or any document or instrument
6 purporting to affect or correct such title shall be
7 filed with the recorder of deeds of the county in
8 which the real estate is situated, who shall record
9 the same evidence of title or other document or
10 instrument, and place an abstract thereof of the
11 evidence of title, document, or instrument upon the
12 index of deeds. The recording thereof shall be of the
13 evidence of title or other document or instrument is
14 constructive notice to all persons, as provided in
15 other cases of entries upon said index, and the
16 recorder shall receive the same fees therefor for the
17 recording as for recording other instruments."

18 3. Page 2, by inserting after line 1, the
19 following:

20 "Sec. ____ . NEW SECTION. 558.75 AVAILABILITY OF
21 ABSTRACT TO OWNER.

22 Upon request of the owner of the real estate, a
23 person who is licensed pursuant to section 515.52A,
24 and who is an Iowa abstract or Iowa title company,
25 shall provide the abstract documents to the owner for
26 a reasonable fee."

27 4. Renumber as necessary.

MICHAEL E. GRONSTAL

S-3236

1 Amend Senate File 202 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 123.36, subsection 6, Code
5 1991, is amended to read as follows:

6 6. Any club, hotel, motel, or commercial
7 establishment holding a liquor control license,
8 subject to section 123.49, subsection 2, paragraph
9 "b", may apply for and receive permission to sell and
10 dispense alcoholic liquor and wine to patrons on
11 for consumption on or off the premises between the
12 hours of ~~ten eight a.m. on Sunday~~ and ~~twelve midnight~~
13 ~~two a.m. on Sunday the following Monday~~. A class "D"
14 liquor control licensee may apply for and receive
15 permission to sell and dispense alcoholic beverages to
16 patrons for consumption on the premises only between
17 the hours of ~~ten eight a.m. on Sunday~~ and ~~twelve~~
18 ~~midnight two a.m. on Sunday the following Monday~~. For

20 the privilege of selling beer, wine, and alcoholic
21 liquor on the premises on Sunday the liquor control
22 license fee of the applicant shall be increased by
23 twenty percent of the regular fee prescribed for the
24 license pursuant to this section, and the privilege
25 shall be noted on the liquor control license.

26 Sec. 2. Section 123.49, subsection 2, paragraph b,
27 Code 1991, is amended to read as follows:

28 b. Sell or dispense any alcoholic beverage or beer
29 on the premises covered by the license or permit, or
30 permit its consumption thereon between the hours of
31 two a.m. and six a.m. on a weekday, and between the
32 hours of two a.m. on Sunday and six a.m. on the
33 following Monday, however, a holder of a liquor
34 control license or retail beer permit granted the
35 privilege of selling alcoholic liquor or beer on
37 between the hours of ~~ten eight a.m. on Sunday~~ and
38 ~~twelve midnight two a.m. on Sunday the following~~
39 Monday.

40 Sec. 3. Section 123.49, subsection 2, paragraph k,
41 Code 1991, is amended to read as follows:

42 k. Sell or dispense any wine on the premises
43 covered by the permit or permit the consumption on the
44 premises between the hours of two a.m. and six a.m. on
45 a weekday, and between the hours of two a.m. on Sunday
46 and six a.m. on the following Monday, however, a
47 holder of a wine permit authorized to sell wine on
49 ~~ten eight a.m. on Sunday~~ and ~~twelve midnight two a.m.~~
50 on Sunday the following Monday.

Page 2

1 Sec. 4. Section 123.134, subsection 5, Code 1991,
2 is amended to read as follows:

3 5. Any club, hotel, motel, or commercial
4 establishment holding a class "B" beer permit, subject
5 to the provisions of section 123.49, subsection 2,
6 paragraph "b", may apply for and receive permission to
7 sell and dispense beer to patrons on Sunday for
8 consumption on or off the premises between the hours
9 of ~~ten eight a.m. on Sunday~~ and ~~twelve midnight two~~
10 a.m. on Sunday the following Monday. Any class "C"
11 beer permittee may sell beer for consumption off the
12 premises between the hours of ~~ten eight a.m. on Sunday~~
13 and ~~twelve midnight two a.m. on Sunday the following~~
14 Monday. For the privilege of selling beer on Sunday
15 the beer permit fees of the applicant shall be
16 increased by twenty percent of the regular fees
17 prescribed for the permit pursuant to this section and
18 the privilege shall be noted on the beer permit.

19 Sec. 5. Section 123.150, unnumbered paragraph 1,
 20 Code 1991, is amended to read as follows:
 21 Notwithstanding section 123.36, subsection 6,
 22 section 123.49, subsection 2, paragraph "b", and
 23 section 123.134, subsection 5, a holder of any class
 24 of liquor control license or the holder of a class "B"
 25 beer permit may sell or dispense alcoholic liquor,
 26 wine, or beer to patrons for consumption on the
 27 premises between the hours of ~~ten eight~~ a.m. on Sunday
 28 and two a.m. on Monday when that Monday is New Year's
 29 Day and beer for consumption off the premises between
 30 the hours of ~~ten eight~~ a.m. on Sunday and ~~midnight~~
 31 Sunday two a.m. on the following Monday when that
 32 Sunday is the day before New Year's Day. The liquor
 33 control license fee or beer permit fee of licensees
 34 and permittees permitted to sell or dispense liquor,
 35 wine, or beer on a Sunday when that Sunday is the day
 36 before New Year's Day shall not be increased because
 37 of this privilege."

WALLY HORN

S-3237

1 Amend Senate File 476 as follows:
 2 1. Page 4, by striking lines 4 through 16.
 3 2. Page 4, by striking lines 22 and 23 and
 4 inserting the following: "used in one or more of the
 5 following ways:
 6 a. For transfer to the political party's
 7 applicable statutory political committee.
 8 b. For donations to a charitable purpose.
 9 c. For return of contributions to the contributors
 10 on a pro rata basis."
 11 3. Title page, by striking line 9.
 12 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3238

1 Amend Senate File 52 as follows:
 2 1. Page 3, by striking line 7 and inserting the
 3 following: "dispute, within ninety days after three
 4 appraisers have submitted their appraisals to the
 5 department of inspections and appeals pursuant to
 6 section 479A.30."

JOHN W. JENSEN

S-3239

- 1 Amend Senate File 489 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "payment." the following: "A person who makes a false
- 4 report under this section is guilty of a serious
- 5 misdemeanor."
- 6 2. Title page, line 3, by inserting after the
- 7 word "repeal" the following: ", a penalty,".

PAUL D. PATE

S-3240

- 1 Amend Senate File 382 as follows:
- 2 1. Page 2, by striking lines 5 through 11.
- 3 2. Page 3, by inserting after line 23 the
- 4 following:
- 5 "Sec. ____ . Section 357A.11, subsection 8, Code
- 6 1991, is amended to read as follows:
- 7 8. Have power to finance all or part of the cost
- 8 of the construction or purchase of any project
- 9 necessary to carry out the purposes for which the
- 10 district is incorporated, or to refinance all or part
- 11 of the original cost of any such project, and to
- 12 evidence that financing by issuance of revenue bonds
- 13 or notes which shall mature in a period not to exceed
- 14 forty years from date of issuance, shall bear
- 15 interest, or combined interest and insurance charges,
- 16 at a rate not to exceed that permitted by chapter 74A,
- 17 shall be payable only from revenue derived from sale
- 18 of water by the district, and shall never become or be
- 19 construed to be a debt against the state of Iowa or
- 20 any of its political subdivisions other than the
- 21 district issuing the bonds. ~~A statutory mortgage lien~~
- 22 ~~shall exist upon the water system and appurtenances~~
- 23 ~~and extensions so acquired in favor of the holders of~~
- 24 ~~the bonds and notes."~~
- 25 3. By striking page 3, line 32, through page 4,
- 26 line 3, and inserting the following:
- 27 "NEW SUBSECTION. 11. This chapter and chapter
- 28 384, as it applies to rural water districts, shall not
- 29 be construed to mean that the real property of any
- 30 rural water subscriber shall be used as security for
- 31 any debts of a rural water district. However, the
- 32 failure to pay water rates or charges by a subscriber
- 33 may result in a lien being attached against the
- 34 premises served upon certification to the county

35 treasurer that the rate or charges are due."

36 4. By renumbering as necessary.

JOHN P. KIBBIE
H. KAY HEDGE
JOHN A. PETERSON

S-3241

1 Amend Senate Concurrent Resolution 11 as follows:

2 1. Page 3, lines 28 and 29, by striking the words

3 "next to the United States flag".

4 2. Page 3, line 29, by inserting after the word

5 "chambers" the following: ", placement to be at the

6 discretion of the president of the senate and the

7 speaker of the house,".

JOE J. WELSH

S-3242

1 Amend Senate File 503 as follows:

2 1. Page 3, by inserting after line 34, the

3 following:

4 "Sec. ____ . Section 91D.1, subsection 1, paragraph

5 c, Code 1991, is amended to read as follows:

6 c. For purposes of determining whether an employee

7 of a restaurant, hotel, motel, inn, or cabin, who

8 customarily and regularly receives more than thirty

9 dollars a month in tips is receiving the minimum

10 hourly wage rate prescribed by this section, the

11 amount paid the employee by the employer shall be

12 deemed to be increased on account of the tips by an

13 amount determined by the employer, not to exceed ~~forty~~

14 fifty percent of the applicable minimum wage. An

15 employee may file a written appeal with the labor

16 commissioner if the amount of tips received by the

17 employee is less than the amount determined by the

18 employer under this subsection."

19 2. By renumbering as necessary.

JIM LIND

S-3243

1 Amend Senate File 496 as follows:

2 1. Page 10, by striking lines 18 through 24 and

3 inserting the following:

4 "2. If an applicant confined in a state

5 institution seeks relief under section 663A.2,

6 subsection 6, and the court finds in favor of the
 7 applicant, or ~~the postconviction proceedings fail when~~
 8 relief is denied and costs and expenses referred to in
 9 ~~unnumbered paragraph~~ subsection 1 cannot be collected
 10 from the applicant, these costs and expenses
 11 initially".
 12 2. Page 15, line 4, by striking the words and
 13 figure "pursuant to section 663A.5".

MICHAEL GRONSTAL

S-3244

1 Amend Senate File 338 as follows:
 2 1. Page 1, line 27, by striking the words "ten-
 3 hour" and inserting the following: "ten-hour".

WILLIAM W. DIELEMAN

S-3245

1 Amend Senate File 502 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. SECOND INJURY FUND STUDY COMMITTEE.
 5 1. The legislative council is requested to
 6 establish an interim study committee to examine the
 7 operation of the second injury fund. The study
 8 committee shall consist of the following members:
 9 a. The attorney general or the attorney general's
 10 designee.
 11 b. The industrial commissioner or the
 12 commissioner's designee.
 13 c. An employer insured under a workers'
 14 compensation insurance policy, from the business
 15 sector.
 16 d. The director of the department of employment
 17 services, or the director's designee.
 18 e. Two attorneys from the Iowa workers'
 19 compensation advisory committee, one of whom
 20 represents claimants in workers' compensation cases,
 21 and one of whom represents defendants in workers'
 22 compensation cases.
 23 f. The commissioner of insurance, or the
 24 commissioner's designee.
 25 g. A representative of a labor union,
 26 organization, or association.
 27 h. A representative of a workers' compensation
 28 liability insurance carrier.
 29 i. A number of legislative members, as determined

30 by the legislative council.

31 2. In examining the operation of the second injury
32 fund, the interim study committee shall address the
33 following issues:

34 a. The long-term needs and goals of the fund.

35 b. Whether current funding mechanisms are
36 sufficient to adequately finance the fund, and if not,
37 what types of additional funding mechanisms would be
38 appropriate.

39 c. Recommendations for payment of administrative
40 costs associated with the fund.

41 d. Whether a board should be established to
42 administer the fund, and if not, what entity should be
43 responsible for administering the fund.

44 e. Any other related issues concerning the
45 operation, administration, purposes, and funding of
46 the second injury fund.

47 3. The interim study committee shall have the
48 authority to contract with an actuary to serve as a
49 technical advisor in completing the charge of the
50 committee.

Page 2

1 4. The interim study committee shall submit a
2 report of its findings and recommendations to the
3 legislative council and the general assembly by
4 January 15, 1992.

5 Sec. 2. ASSESSMENT FOR 1991 AND 1992 FISCAL YEARS.

6 1. For the fiscal year commencing July 1, 1990,
7 the treasurer of state may assess a surcharge that
8 applies to all workers' compensation insurance
9 policies and self-insurance coverages of self-insurers
10 subject to approval under section 87.4 or 87.11,
11 including the state of Iowa coverages, including any
12 coverages for its departments, divisions, agencies,
13 commissions, and boards, or any political subdivision
14 coverages which are self-insured or held out to be in
15 any part self-insured. The surcharge shall not apply
16 to any reinsurance or retrocessional transaction under
17 section 520.4 or 520.9. The treasurer of state shall
18 base the surcharge upon premiums paid or deposits
19 required in the fiscal year commencing July 1, 1989,
20 as reported by the commissioner of insurance. The
21 surcharge shall be collected by insurers from
22 policyholders or employers, but an insurance carrier
23 or its agent shall not be entitled to any portion of
24 the surcharge as a fee or commission for its
25 collection. The surcharge is not subject to any
26 taxes, licenses, or fees. However, the treasurer of

27 state shall not collect over four hundred thousand
28 dollars in assessing the surcharge.

29 2. For the fiscal year commencing July 1, 1991,
30 the treasurer of state may assess a surcharge as
31 provided in subsection 1, except that the surcharge
32 shall be based upon premiums paid or deposits required
33 in the fiscal year commencing July 1, 1990, as
34 reported by the commissioner of insurance, and that
35 the treasurer of state shall not collect over seven
36 hundred thousand dollars in assessing the surcharge,
37 unless the general assembly authorizes a greater
38 amount to be assessed.

39 3. The surcharges collected pursuant to this
40 section shall be deposited in the second injury fund,
41 and may be used for the payment of claims,
42 settlements, and administrative costs. The surcharges
43 imposed in this section are in addition to, and not in
44 lieu of, any other assessments authorized by law.

45 4. An insurer or self-insurer shall pay a
46 surcharge imposed by this section no later than thirty
47 days following the assessment.

48 5. a. If an insurer, policyholder, or self-
49 insurer withdraws from doing business in this state
50 before the surcharges authorized by this section

Page 3

1 become due, or fails or neglects to pay the surcharge
2 imposed, the treasurer of state shall at once proceed
3 to collect the surcharge, and may employ such legal
4 process as may be necessary for that purpose, and when
5 so collected shall deposit the surcharge into the
6 second injury fund. The treasurer may bring the suit
7 in any court of this state having jurisdiction, and
8 reasonable attorney's fees may be taxed as costs in
9 the suit.

10 b. If the surcharges imposed by this section are
11 not paid or transferred when due, the insurer,
12 policyholder, or self-insurer responsible for the
13 failure shall be required to pay, as part of the
14 surcharge, interest on the surcharge at the rate of
15 one and one-half percent per month for each month or
16 fraction of a month delinquent. If the treasurer of
17 state prevails in any dispute concerning the
18 assessment of a surcharge which has not been paid or
19 transferred, interest shall be paid upon the amount
20 found due to the state at the rate of one and one-half
21 percent per month for each month or fraction of a
22 month delinquent.

23 c. An insurer is not liable for a surcharge which

24 is not paid to the insurer by the policyholder or
 25 employer provided the insurer has made good faith
 26 efforts to collect the surcharge from the policyholder
 27 or employer. An insurance carrier shall report a
 28 policyholder or employer who fails to pay a surcharge
 29 within thirty days of its due date to the treasurer of
 30 state.

31 d. In any legal contest concerning the amount of a
 32 surcharge imposed by this section, any other surcharge
 33 shall continue to be made based upon the amount
 34 assessed by the treasurer of state. In the event of
 35 an overpayment, the excess amount paid may be credited
 36 against future payments otherwise due.

37 6. For the purposes of this section, "insurer"
 38 includes a self-insurance group approved by the
 39 commissioner of insurance pursuant to section 87.4.

40 Sec. 3. EFFECTIVE DATE AND RETROACTIVITY
 41 PROVISIONS.

42 Subsections 1 and 3 through 6 of section 2 of this
 43 Act, being deemed of immediate importance, take effect
 44 upon enactment, and apply retroactively to the fiscal
 45 year beginning July 1, 1990."

46 2. By renumbering as necessary.

AL STURGEON
 LINN FUHRMAN

S-3246

1 Amend Senate File 376 as follows:

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

4 "If a provision of the agreement or the application
 5 of the provision to a party is found by the court to
 6 be unenforceable, the provision shall be severed from
 7 the remainder of the agreement and shall not affect
 8 the provisions, or application, of the agreement which
 9 can be given effect without the unenforceable
 10 provision."

AL STURGEON

S-3247

1 Amend Senate File 293 as follows:

2 1. Page 1, line 13, by inserting after the word
 3 "COLLEGE" the following: "AND DENTAL HYGIENE
 4 PROGRAM".

5 2. Page 1, line 17, by inserting after the word
 6 "dentistry" the following: "or a dental hygiene

- 7 program".
 8 3. Page 1, line 20, by inserting after the word
 9 "dentistry" the following: "or chairperson of a
 10 dental hygiene program".
 11 4. Page 1, line 22, by inserting after the word
 12 "college's" the following: "or dental hygiene
 13 program's".
 14 5. Page 1, line 25, by inserting after the word
 15 "dentistry" the following: "or in a dental hygiene
 16 program".

LARRY MURPHY

S-3248

- 1 Amend House File 385, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 17 the
 4 following:
 5 "7. Has an annual festival or celebration."

EUGENE FRAISE

S-3249

- 1 Amend amendment, S-3230, to Senate File 210 as
 2 follows:
 3 1. Page 1, line 14, by striking the figure "1993"
 4 and inserting the following: "1992".
 5 2. Page 1, line 16, by striking the figure "1993"
 6 and inserting the following: "1992".

AL STURGEON

S-3250

- 1 Amend Senate File 77 as follows:
 2 1. Page 1, line 3, by striking the word "shall"
 3 and inserting the following: "may".
 4 2. Page 1, line 5, by striking the word "shall"
 5 and inserting the following: "may".
 6 3. Page 1, line 7, by inserting after the word
 7 "department" the following: "or agency".
 8 4. Page 1, line 8, by striking the word
 9 "department".
 10 5. Page 1, by striking lines 10 through 13, and
 11 inserting the following: " if the lieutenant
 12 governor serves as a department or agency head,
 13 receive compensation as lieutenant governor which is
 14 commensurate with the salary range established for the

15 department or agency director position instead of the
16 amount established or appropriated for the position of
17 lieutenant governor. In case of the death.”
18 6. Page 1, line 16, by striking the words “the
19 position as department” and inserting the following:
20 “any position assumed as department or agency”.

JEAN LLOYD-JONES
ELAINE SZYMONIAK

S-3251

1 Amend Senate File 4 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 368.4, Code 1991, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. All cities within an
7 urbanized area shall develop nonannexation agreements
8 with one another by July 1, 1992. In the absence of
9 an agreement, the board may impose a nonannexation
10 line between two cities which may be a line
11 equidistant from the corporate boundaries of the
12 cities.
13 Sec. 2. Section 368.7, unnumbered paragraph 3,
14 Code 1991, is amended to read as follows:
15 An application for annexation of territory within
16 the urbanized area of a city other than the city to
17 which the annexation is directed must be approved both
18 by resolution of the council which receives the
19 application and by the board. Notice of filing,
20 including a copy of the application, must be served
21 upon the council of each city whose boundary adjoins
22 the territory or is within two miles of the territory,
23 the board of supervisors for each county which
24 contains a portion of the territory, and any regional
25 planning authority for the area involved. In the
26 discretion of a city council, the resolution may
27 include a provision for a transition for the
28 imposition of taxes as provided in section 368.11,
29 subsection 13. The annexation is completed when the
30 board has filed copies of applicable portions of the
31 proceedings as required by section 368.20, subsection
32 2.
33 Sec. 3. Section 368.7, Code 1991, is amended by
34 adding the following new unnumbered paragraph:
35 NEW UNNUMBERED PARAGRAPH. If an application for
36 voluntary annexation and a petition for an involuntary
37 annexation for a common territory are submitted to the
38 board at approximately the same time, the board may

39 consider the application and the petition together
40 without prejudice to either one. In consideration of
41 the requests, the board may seek additional
42 information from the applicant for voluntary
43 annexation as necessary, including directing the
44 applicant to follow the procedure and submit a
45 petition pursuant to section 368.11.

46 Sec. 4. Section 368.9, Code 1991, is amended to
47 read as follows:

48 368.9 BOARD CREATED.

49 1. A city development board is created. The
50 department of economic development shall provide

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1 office space and staff assistance, and shall budget
2 funds to cover expenses of the board and committees.
3 The board consists of ~~three~~ seven members appointed by
4 the governor subject to confirmation by the senate.
5 The appointments must be for six-year staggered terms
6 beginning and ending as provided by section 69.19, or
7 to fill an unexpired term in case of a vacancy.

8 Members are eligible for reappointment, but no member
9 shall serve more than two complete six-year terms.

10 2. All board members shall possess demonstrated
11 expertise and interest in the growth and development
12 of communities in this state through a combination of
13 training, experience, or activity. The board shall be
14 composed of the following:

15 a. Three members representing cities; one from a
16 city with a population of more than fifty thousand,
17 one from a city with a population of more than two
18 thousand five hundred and not more than fifty
19 thousand, and one from a city with a population of not
20 more than two thousand five hundred.

21 b. Two members representing counties; one from a
22 county with a population of more than fifty thousand,
23 and one from a county with a population of fifty
24 thousand or less.

25 c. One member who is a faculty member of an
26 institution of higher education under the jurisdiction
27 of the state board of regents.

28 d. One member representing the general public.

29 3. Each member is entitled to receive from the
30 state actual and necessary expenses in performance of
31 board duties and may also be eligible to receive
32 compensation as provided in section 7E.6.

33 Sec. 5. Section 368.11, Code 1991, is amended by
34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Before a petition for

36 any involuntary city development action within an
37 urban area is filed as provided in this section, the
38 applicant shall make its intention known to all
39 affected parties by sending a letter of intent or a
40 proposed action plan to the council of each city and
41 the board of supervisors of each county within the
42 urban area, and any regional planning authority for
43 the area involved.

44 Sec. 6. TRANSITION. The members of the city
45 development board serving unexpired terms of office
46 immediately before the effective date of this Act may
47 continue to serve their unexpired terms unless they
48 are otherwise disqualified under this Act. The
49 governor shall initially appoint only the members
50 needed to comply with section 368.9, subsection 2. Of

Page 3

1 the board members appointed by the governor pursuant
2 to section 368.9, subsection 2, paragraphs "a" and
3 "b", one shall be appointed to an initial term of two
4 years, one shall be appointed to an initial term of
5 four years, and the remainder to an initial term of
6 six years. Thereafter, appointments shall be for
7 terms of six years.

8 Sec. 7. EFFECTIVE DATES. This Act, being deemed
9 of immediate importance, takes effect upon enactment
10 except that new members appointed to the city
11 development board shall not take office until May 1,
12 1991."

13 2. Title page, by striking lines 1 and 2, and
14 inserting the following: "An Act relating to the city
15 development board, its powers and duties, and the
16 annexation of land, and providing an effective date."

ELAINE SZYMONIAK

S-3252

1 Amend Senate File 332 as follows:
2 1. Page 1, by inserting after line 2 the
3 following:
4 "Sec. ____ . This Act takes effect on July 1, 1992."
5 2. Title page, line 2, by inserting after the
6 word "airports" the following: "and providing an
7 effective date".

PAUL D. PATE

S-3253

- 1 Amend Senate File 346 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "the" the following: "public corporation's".

RICHARD VARN

S-3254

- 1 Amend Senate File 529 as follows:
- 2 1. Page 63, by striking lines 17 through 24 and
- 3 inserting the following:
- 4 "The division shall expend \$550,000, or so much
- 5 thereof as is necessary, for the support of the labor
- 6 survey, economic development teams to assist in
- 7 conducting "labor availability surveys".

JAMES RIORDAN

S-3255

- 1 Amend Senate File 317 as follows:
- 2 1. Page 1, line 31, by inserting after the word
- 3 "service" the following: ", which based upon the
- 4 average number of minutes necessary to complete the
- 5 call results in a total charge of ten dollars or more
- 6 or for which the charge per minute is two dollars or
- 7 more,".

WALLY HORN

S-3256

- 1 Amend the amendment, S-3154, to Senate File 59 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 and 9 and
- 4 inserting the following: "limited to waste tires and
- 5 appliances."
- 6 2. Page 1, lines 14 and 15, by striking the words
- 7 ", appliances, or barrels of hazardous substances" and
- 8 inserting the following: "or appliances".

JOHN W. JENSEN

S-3257

- 1 Amend Senate File 526 as follows:
- 2 1. Page 10, line 25, by striking the word "six"
- 3 and inserting the following: "nine".
- 4 2. Page 10, line 30, by striking the word "three"

- 5 and inserting the following: "six".
6 3. Page 12, line 35, by striking the word "fifty"
7 and inserting the following: "seventy-five".
8 4. Page 13, line 6, by striking the word "three"
9 and inserting the following: "six".

RAY TAYLOR

S-3258

- 1 Amend Senate File 529 as follows:
2 1. Page 18, by striking lines 28 and 29 and
3 inserting the following: "uniform fees established in
4 subsection 3, for the acquisition, maintenance, and".

BERL E. PRIEBE
PAUL D. PATE
DALE TIEDEN

S-3259

- 1 Amend amendment, S-3082, to Senate File 4 as
2 follows:
3 1. Page 2, by inserting after line 10 the
4 following:
5 "Sec. ____ . APPLICABILITY. This Act is
6 retroactively applicable to annexation petitions
7 pending before a city development board or city
8 council on or after April 1, 1991."
9 2. Title page, line 2, by inserting after the
10 word "city" the following: "and providing a
11 retroactive applicability date".
12 3. By renumbering as necessary.

JIM RIORDAN

S-3260

- 1 Amend Senate File 465 as follows:
2 1. Page 1, line 25, by inserting before the word
3 "gross" the following: "annual".
4 2. Page 2, line 10, by striking the word "five"
5 and inserting the word "two".

COMMITTEE ON WAYS AND MEANS
WILLIAM DIELEMAN, Chair

S-3261

- 1 Amend Senate File 529 as follows:

- 2 1. Page 88, line 11, by striking the figure
- 3 "2,480,546" and inserting the following: "1,580,546".
- 4 2. Page 88, by inserting after line 11 the
- 5 following:
- 6 "5. For essential air service airports:
- 7 \$ 900,000".
- 8 3. By renumbering as necessary.

JOE WELSH
 DON E. GETTINGS
 JIM LIND

S-3262

- 1 Amend Senate File 529 as follows:
- 2 1. Page 45, by striking lines 26 and 27, and
- 3 inserting the following:
- 4 "For the statistical analysis".

RICHARD RUNNING

S-3263

- 1 Amend Senate File 529 as follows:
- 2 1. Page 65, by inserting after line 23 the
- 3 following:
- 4 "If Senate File 465 becomes law, the inspections
- 5 division is appropriated from the general fund of the
- 6 state an additional sum of \$40,000, or so much thereof
- 7 as is necessary, and is authorized 1.00 additional
- 8 FTE."

RICHARD V. RUNNING

S-3264

- 1 Amend Senate File 529 as follows:
- 2 1. Page 79, by inserting after line 2 the
- 3 following:
- 4 "5. ARMORIES -- DESIGN
- 5 For design of armories at Boone, Fairfield, and
- 6 Mount Pleasant:
- 7 \$ 38,000
- 8 6. ARMORIES -- CONSTRUCTION
- 9 For construction of armories at Corning, Council
- 10 Bluffs, and Oskaloosa:
- 11 \$ 1,757,000".
- 12 2. Page 83, by striking lines 11 through 16.

13 3. By renumbering as necessary.

RICHARD F. DRAKE
RAY TAYLOR

S-3265

- 1 Amend Senate File 529 as follows:
- 2 1. Page 88, by striking lines 12 through 25.

RICHARD F. DRAKE

S-3266

- 1 Amend Senate File 529 as follows:
- 2 1. Page 90, line 26, by striking the word "shall"
- 3 and inserting the following: "may".

RICHARD F. DRAKE
RAY TAYLOR

S-3267

- 1 Amend Senate File 529 as follows:
- 2 1. Page 46, by striking lines 20 through 22, and
- 3 inserting the following:
- 4 "Funds appropriated under this paragraph shall be
- 5 used for the collection, verification, updating, and
- 6 storage of data received pursuant to chapters 145 and
- 7 255A, and for the production of mandated reports.
- 8 Long-term care data shall be collected as additional
- 9 funding becomes available. The health data commission
- 10 shall establish a fee schedule, in consultation with
- 11 its consultant, for the costs of providing data to
- 12 organizations which request such data. The fee
- 13 established shall be based upon the marginal cost and
- 14 a portion of the fixed cost of providing the data."
- 15 2. Page 51, by inserting after line 7 the
- 16 following:
- 17 "(10) The department shall track the appropriation
- 18 made under this paragraph in accordance with both
- 19 program performance-based budgeting and zero-based
- 20 budgeting methods and shall develop budget projections
- 21 for the fiscal year ending June 30, 1993, based upon
- 22 both of these methods."

FLORENCE BUHR
MAGGIE TINSMAN

S-3268

- 1 Amend the amendment, S-3254, to Senate File 529 as

2 follows:

- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting the following:
- 5 "The division shall expend up to \$550,000 for the
- 6 following: \$50,000, or so much thereof as is
- 7 necessary, for the removal of 2 chillers and 1
- 8 underground storage tank, and \$100,000, or so much
- 9 thereof as is necessary, for asbestos removal or
- 10 encapsulation at the job service site located at 1000
- 11 East Grand, Des Moines, Iowa, and \$400,000, or so much
- 12 thereof as is necessary, for the support of the labor
- 13 survey, economic development teams to assist in
- 14 conducting "labor availability surveys"."

WILMER RENSINK
 JAMES RIORDAN
 H. KAY HEDGE

S-3269

- 1 Amend Senate File 529 as follows:
- 2 1. Page 80, line 35, by striking the word
- 3 "additional".
- 4 2. Page 88, by striking lines 5 through 8.
- 5 3. By renumbering as necessary.

DON GETTINGS

S-3270

- 1 Amend Senate File 369 as follows:
- 2 1. Page 2, by striking line 1 and inserting the
- 3 following: "to a variable-range size board or vice
- 4 versa."
- 5 2. Page 2, by striking lines 12 through 22.
- 6 3. Page 3, line 26, by striking the word "has
- 7 been" and inserting the following: "was".
- 8 4. Renumber as necessary.

RICHARD VARN
 AL STURGEON

S-3271

- 1 Amend House File 556 as follows:
- 2 1. Page 2, by inserting after line 11, the
- 3 following:
- 4 "Sec. ____ . Section 490.843, subsection 1, Code
- 5 1991, is amended to read as follows:
- 6 1. An officer may resign at any time by delivering

7 notice to the corporation. A resignation is effective
 8 when the notice is delivered unless the notice
 9 specifies a later effective date. If a resignation is
 10 made effective at a later date and the corporation
 11 accepts the future effective date, its board of
 12 directors may fill the pending vacancy before the
 13 effective date if the board of directors provides that
 14 the successor does not take office until the effective
 15 date. A resignation may be orally communicated
 16 provided that the resignation is effective only if
 17 written notice of the resignation is delivered within
 18 twenty-four hours of such oral communication.”
 19 2. By renumbering as necessary.

RICHARD VARN
 AL STURGEON

S-3272

1 Amend Senate File 529 as follows:
 2 1. Page 8, line 34, by inserting after the word
 3 “life,” the following: “personnel downtime during
 4 vehicle repair, measures taken to reduce personnel
 5 downtime.”

JIM LIND

S-3273

1 Amend Senate File 529 as follows:
 2 1. Page 73, line 34, by striking the word “Funds”
 3 and inserting the following: “Except for funds
 4 appropriated in this division for full-time equivalent
 5 positions for the additional energy efficiency
 6 responsibilities established by 1990 Iowa Acts,
 7 chapter 1252, all other funds”.

RALPH ROSENBERG
 RICHARD V. RUNNING

S-3274

1 Amend Senate File 529 as follows:
 2 1. Page 82, by inserting after line 35 the
 3 following:
 4 “6. For site acquisition of a new patrol post in
 5 the Fort Dodge area:
 6 \$ 50,000”.

LEONARD L. BOSWELL

S-3275

1 Amend the amendment, S-3254, to Senate File 529 as
2 follows:
3 1. Page 1, by striking lines 4 through 7 and
4 inserting the following:
5 "The division shall expend up to \$550,000 for the
6 following: \$50,000, or so much thereof as is
7 necessary, for the removal of 2 chillers and 1
8 underground storage tank, and \$100,000, or so much
9 thereof as is necessary, for asbestos removal or
10 encapsulation at the job service site located at 1000
11 East Grand, Des Moines, Iowa, and \$400,000, or so much
12 thereof as is necessary, for the support of the labor
13 survey, economic development teams to assist in
14 conducting "labor availability surveys".
15 As a condition, limitation, and qualification of
16 the authorization of expenditure of funds pursuant to
17 this section, the division shall develop a plan to
18 require the assistance of cities and counties using
19 the "labor availability surveys" regarding the funding
20 for completing the surveys. The division shall report
21 to the legislative fiscal bureau concerning the
22 progress in developing this plan."

RICHARD RUNNING
WILMER RENSINK

S-3276

1 Amend Senate File 529 as follows:
2 1. Page 74, by inserting after line 15 the
3 following:
4 "Sec. ____ . Section 87.19, Code 1991, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. If a person who is a
7 construction contributory employer, as defined in
8 chapter 96, has evidence that another construction
9 employer is not meeting the requirements of this
10 chapter for coverage of the employer's employees
11 because that employer is treating some of those
12 employees as independent contractors or
13 subcontractors, the person may file a complaint with
14 the industrial commissioner or sue the other
15 construction employer for failure to comply and may
16 receive a judgment for damages suffered. Upon receipt
17 of such a complaint the commissioner shall investigate
18 the complaint and take appropriate action.
19 Sec. ____ . Section 96.7, subsection 3, Code 1991,

20 is amended by adding the following new paragraph:
 21 NEW PARAGRAPH. d. If a person who is a
 22 construction contributory employer, has evidence that
 23 another construction employer is not meeting the
 24 requirements of this chapter for payment of
 25 unemployment contributions on the employer's employees
 26 because that employer is treating some of those
 27 employees as independent contractors or
 28 subcontractors, the person may file a complaint with
 29 the division of job services or sue the other employer
 30 for failure to contribute and may receive a judgment
 31 for damages suffered. Upon receipt of such a
 32 complaint the division shall investigate the complaint
 33 and take appropriate action."

BEVERLY A. HANNON
 RICHARD V. RUNNING

S-3277

- 1 Amend Senate File 529 as follows:
 2 1. Page 90, line 25, by striking the words "Up to
 3 ten" and inserting the following: "Ten".

MIKE CONNOLLY

S-3278

- 1 Amend Senate File 278 as follows:
 2 1. Page 1, line 4, by striking the word "is" and
 3 inserting the following: "may be".
 4 2. Page 1, line 10, by inserting after the figure
 5 "422.3." the following: "However, the chaplain may
 6 elect not to consider the amount a rental allowance
 7 but as the chaplain's salary. If the chaplain elects
 8 to treat such amount as salary, the chaplain is not
 9 entitled to a deduction under section 107 of the
 10 Internal Revenue Code for state individual income tax
 11 purposes. The election shall be made at the beginning
 12 of the chaplain's tax year on a form approved by the
 13 department of revenue and finance and shall be
 14 submitted to that department by the end of the first
 15 month of the chaplain's tax year."

MIKE CONNOLLY

S-3279

- 1 Amend Senate File 317 as follows:
 2 1. Page 1, by striking lines 1 through 29, and

3 inserting the following:

4 "Section 1. NEW SECTION. 714A.1 DEFINITIONS.

5 As used in this chapter:

6 1. "Advertisement" means advertisement as defined
7 in section 714.16, subsection 1, paragraph "a".

8 However, for purposes of this chapter, advertisement
9 does not include a listing in the business and
10 professional section of a telephone directory.

11 Advertisement also does not include a display
12 advertisement or a listing which is made to appear
13 more conspicuous than other listings in the subject
14 category section of a telephone directory, provided
15 that such display advertisement or listing includes a
16 conspicuous disclosure that the call is a pay-per-call
17 service and refers a reader in a clear and conspicuous
18 manner to a page number of the directory where the
19 reader may find an explanation of pay-per-call
20 services. Such explanation of pay-per-call services
21 shall include all of the following:

22 a. The disclosure and preamble requirements under
23 the law.

24 b. The availability and costs of blocking options,
25 if any.

26 c. Whether a consumer's phone service may be
27 terminated for failure to pay for pay-per-call
28 services.

29 d. The procedures for handling consumer inquiries
30 and complaints.

31 2. "Amount of time necessary to complete a call"
32 means for purposes of a fixed length call, the total
33 length of the call in minutes, and for purposes of a
34 variable length call, a reasonable, good faith
35 estimate in minutes of the likely length of the call.

36 3. "Merchandise" means merchandise as defined in
37 section 714.16, subsection 1, paragraph "b".

38 4. a. "Pay-per-call service" means electronic
39 communications products and services which are
40 provided to end users by information or service
41 providers, and which meet all of the following
42 requirements:

43 (1) The end users send or receive information,
44 services, or communications whose general subject
45 matter is determined or influenced by the service
46 provider.

47 (2) The end users send or receive the information,
48 services, or communications via a telephone connection
49 using audio input which is not modulated or
50 demodulated by the end user.

Page 2

1 (3) The charge to the end user for the
2 information, services, or communications is determined
3 by the information or service provider and is made on
4 a per-call or per-minute basis.

5 b. (1) Where the requirements under paragraph "a"
6 are met, pay-per-call service includes, but is not
7 limited to, the following:

8 (a) Information retrieval from a remote database.

9 (b) Information collection for polling and data
10 entry.

11 (c) Messaging capability permitting users to
12 communicate with each other.

13 (d) Conference services for simultaneous voice
14 conversations.

15 (2) Pay-per-call service does not include
16 electronic communication for the purpose of conducting
17 financial transactions.

18 5. "Person" means person as defined in section
19 714.16, subsection 1, paragraph "c", and includes a
20 long distance company and local exchange company as
21 defined in section 477.10."

22 2. Page 1, by striking lines 31 and 32, and
23 inserting the following:

24 "With respect to each pay-per-call service, the
25 call shall contain an introductory disclosure
26 message".

27 3. Page 2, line 2, by striking the words "average
28 number of minutes" and inserting the following:
29 "amount of time".

30 4. Page 2, line 5, by inserting after the word
31 "charge." the following: "However, an introductory
32 message is not required if the total charge for the
33 call is one dollar or less.

34 5. Page 2, line 11, by striking the words
35 "average number of minutes" and inserting the
36 following: "amount of time".

37 6. Page 2, by striking lines 12 through 15 and
38 inserting the following: "to complete the call.
39 Additionally, if in order to obtain the full
40 advertised services or other merchandise, a caller
41 will be required to make any payments in addition to
42 the cost of the initial call, that fact shall be
43 disclosed, along with the amounts of such additional
44 payments. If the advertisement is oral, all cost".

45 7. Page 2, by striking lines 19 through 22, and
46 inserting the following:

47 "Sec. ____ . NEW SECTION. 714A.4 BILLING AND
48 COLLECTION.

49 A person shall not bill or collect for a pay-per-
50 call service if such person has knowledge of the

Page 3

- 1 failure of the pay-per-call service to comply with the
- 2 requirements of this chapter. A person is deemed to
- 3 have such knowledge if the person has actual knowledge
- 4 of such noncompliance or if the person fails to
- 5 implement and maintain procedures reasonably designed
- 6 to prevent such noncompliance.
- 7 Sec. ____ . NEW SECTION. 714A.5 ENFORCEMENT."
- 8 8. Renumber as necessary.

PAT DELUHERY
WILLIAM D. PALMER

S-3280

- 1 Amend Senate File 177 as follows:
- 2 1. Page 6, by inserting after line 10, the
- 3 following:
- 4 "Sec. ____ . Section 601A.18, Code 1991, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. The provisions of this
- 7 chapter specifically applicable to sexual orientation
- 8 shall not be construed to require a remedy through the
- 9 imposition of a quota or the use of affirmative action
- 10 in cases of alleged discrimination based upon sexual
- 11 orientation."
- 12 2. By renumbering as necessary.

LARRY MURPHY

S-3281

- 1 Amend Senate File 366 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "officials" the following: "of a political subdi-
- 4 vision of the state".
- 5 2. Page 1, by inserting after line 8 the fol-
- 6 lowing:
- 7 "Sec. ____ . Section 21.3, unnumbered paragraph 2,
- 8 Code 1991, is amended to read as follows:
- 9 Each governmental body, except for those defined in
- 10 section 21.2, subsection 1, paragraphs "h" and "i",
- 11 shall keep minutes of all its meetings showing the
- 12 date, time and place, the members present, and the
- 13 action taken at each meeting. The minutes shall show
- 14 the results of each vote taken and the vote of each
- 15 member present shall be made public at the open
- 16 session. The minutes shall be public records open to
- 17 public inspection."

18 3. By renumbering as necessary

LARRY MURPHY
JOHN W. JENSEN

S-3282

- 1 Amend Senate File 520 as follows:
2 1. Page 4, by inserting after line 29 the
3 following:
4 "Sec. ____ . Section 502.203, subsection 2,
5 paragraph c, Code 1991, is amended to read as follows:
6 c. The security was issued by an issuer which has
7 had or currently has a class of securities registered
8 under this chapter, or under chapter 502 of the Code
9 as it existed prior to January 1, 1976; or".
10 2. Page 15, line 20, by striking the words "acts
11 or practices" and inserting the following: "acts or
12 practices act or practice".
13 3. By renumbering as necessary.

WILLIAM PALMER

S-3283

- 1 Amend Senate File 478 as follows:
2 1. Page 4, by inserting after line 1, the
3 following:
4 "Sec. ____ . Section 294A.14, unnumbered paragraph
5 5, Code 1991, is amended to read as follows:
6 For the purpose of this section, a performance-
7 based pay plan shall provide for salary increases for
8 teachers who demonstrate superior performance in
9 completing assigned duties or who organize,
10 facilitate, and participate in parent education
11 programs designed for expectant parents and parents of
12 students and which are directed at assisting parental
13 efforts to be actively involved in their children's
14 educational development. The plan shall include the
15 method used to determine superior performance of a
16 teacher. For school districts, the plan may include
17 assessments of specific teaching behavior, assessments
18 of student performance, assessments of other
19 characteristics associated with effective teaching, or
20 a combination of these criteria."
21 2. Title page, line 1, by inserting after the
22 word "program" the following: "and making teachers
23 participating in the program eligible for performance-
24 based pay".

25 3. By numbering and renumbering as necessary.

MAGGIE TINSMAN
MICHAEL W. CONNOLLY

S-3284

- 1 Amend Senate File 465 as follows:
2 1. Page 1, line 24, by inserting after the word
3 "having" the following: "quarterly".

RICHARD V. RUNNING
MICHAEL W. CONNOLLY

S-3285

- 1 Amend Senate File 516 as follows:
2 1. Page 5, by striking lines 21 through 25.

MICHAEL E. GRONSTAL

S-3286

- 1 Amend Senate File 451 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 455B.305, Code 1991, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 7. Action shall be taken by the
7 director on an application for issuance or renewal of
8 a permit under this section within one hundred twenty
9 days of initial application."
10 2. Page 3, by inserting after line 5, the
11 following:
12 "Sec. ____ . Section 455B.310, Code 1991, is amended
13 by adding the following new subsection:
14 NEW SUBSECTION. 9. Of the additional one dollar
15 and fifty cents per ton of solid waste collected in
16 the year beginning July 1, 1991, pursuant to
17 subsection 2, which are to be allocated to a county, a
18 city or public agency designated as the entity to
19 provide a sanitary disposal project for final disposal
20 of solid waste for its residents may distribute the
21 funds allocated in lieu of the county provided that
22 provisions for distribution in accordance with
23 subsection 2 are implemented by the city or public
24 agency."
25 3. By renumbering as necessary.

RALPH ROSENBERG

S-3287

- 1 Amend Senate File 508 as follows:
- 2 1. Page 1, by striking lines 7 and 8 and
- 3 inserting the following: "equipped with engines which
- 4 utilize alternative methods of propulsion including
- 5 but not limited to those propelled by flexible fuels,
- 6 ethanol, solar energy, or electricity."
- 7 2. Page 1, line 14, by inserting after the word
- 8 "shall" the following: "develop rules criteria
- 9 which".
- 10 3. Page 2, by inserting after line 6, the
- 11 following:
- 12 "Notwithstanding the provisions of this section
- 13 directing that moneys be deposited into the energy
- 14 research and development fund, for the fiscal period
- 15 beginning July 1, 1991, and ending June 30, 1993, all
- 16 moneys shall be deposited into the general fund of the
- 17 state. There is appropriated annually from the
- 18 general fund of the state the sum of one hundred fifty
- 19 thousand dollars to be used for the purposes of this
- 20 section."
- 21 4. Page 7, line 35, by striking the word
- 22 "NONCONSUMER" and inserting the following:
- 23 "COMMERCIAL GRADE".
- 24 5. Page 8, line 6, by striking the words "fleet
- 25 averaging,".
- 26 6. Page 8, by striking lines 8 through 23, and
- 27 inserting the following: "promote the use of
- 28 commercial grade energy efficient appliances. The
- 29 minimum levels of operating efficiency shall be based
- 30 on feasible and attainable efficiencies or feasible
- 31 improved efficiencies not to exceed the most stringent
- 32 standard which has been adopted in any other state.
- 33 The department shall adopt standards which will not
- 34 result in additional total costs over the designed
- 35 life of the appliance for which a standard is adopted.
- 36 The standards shall become effective October 1, 1993.
- 37 A new appliance manufactured on or after October 1,
- 38 1993, shall not".
- 39 7. By striking page 8, line 27, through page 10,
- 40 line 17.
- 41 8. Page 10, line 22, by inserting after the word
- 42 "bulbs" the following: "or lighting of greater
- 43 efficiency".
- 44 9. Page 10, line 31, by inserting after the word
- 45 "feasible." the following: "The department shall
- 46 consult with the state building code commissioner and
- 47 shall review all applicable provisions under chapter
- 48 103A in establishing the standards."
- 49 10. Page 12, line 18, by striking the word

50 "violating" and inserting the following: "who

Page 2

1 knowingly violates".

2 11. Page 12, line 20, by inserting after the word
3 "violation." the following: "Local government
4 subdivisions which enforce the standards adopted under
5 this section may collect and utilize receipts from the
6 penalties imposed for building code inspections and
7 enforcement of this section."

8 12. By striking page 17, line 22, through page
9 18, line 1.

10 13. Page 18, by striking lines 4 through 12.

11 14. Page 18, by striking line 14 and inserting
12 the following: "program to provide assistance to
13 rural residents for the".

14 15. Page 18, lines 15 and 16, by striking the
15 words "of rural residents".

16 16. Page 18, line 20, by inserting after the word
17 "intrastate" the following: "and interstate".

18 17. Page 18, line 21, by striking the words "of
19 the state".

20 18. Page 18, line 24, by inserting after the word
21 "program." the following: "Moneys collected pursuant
22 to sections 476.1A and 476.1B shall not be expended to
23 fulfill the requirements of this subsection."

24 19. Page 18, by striking lines 25 through 28, and
25 inserting the following:

26 "NEW SUBSECTION. 8. The Iowa energy center shall
27 cooperate with the state board of education".

28 20. Page 19, by inserting after line 12, the
29 following:

30 "NEW SUBSECTION. 14. Establish transit
31 accessibility impact guidelines by July 1, 1992, to be
32 used in evaluating proposals for the construction or
33 acquisition of publicly financed facilities.

34 NEW SUBSECTION. 15. Develop statistical measures
35 to ascertain the impact of public transit systems on
36 the minimization of motor vehicle accidents and
37 reduction in fuel utilization by July 1, 1992, and the
38 impact of public transit systems on the reduction of
39 hazardous emissions by July 1, 1993.

40 NEW SUBSECTION. 16. By July 1, 1992, create a
41 statewide transit services marketing steering
42 committee which includes providers, consumer
43 advocates, and public relations representatives. The
44 committee shall develop criteria for the evaluation of
45 the adequacy and public awareness of transit service
46 delivery by January 1, 1993."

47 21. Page 22, line 32, by inserting after the word
48 "plans." the following: "The cooperation shall
49 include assistance in accessing financial assistance
50 for energy efficiency measures."

Page 3

1 22. By striking page 22, line 33, through page
2 23, line 3.
3 23. By renumbering, relettering, and correcting
4 internal references as necessary.

**RALPH ROSENBERG
PAT DELUHERY**

S-3288

1 Amend the amendment, S-3279, to Senate File 317, as
2 follows:
3 1. Page 2, line 33, by striking the words "one
4 dollar" and inserting the following: "five dollars".

WALLY HORN

S-3289

1 Amend Senate File 446 as follows:
2 1. Page 3, by striking lines 8 through 11 and in-
3 serting the following: "permit. The department shall
4 establish procedures for the review and approval of
5 applications for chemigation permits. The department
6 shall automatically grant all applications for a
7 permit submitted before July 1, 1993, unless good
8 cause exists to deny the permit as provided in
9 subsection 4. The department shall, to the extent
10 practicable, inspect land subject to chemigation after
11 the automatic granting of a permit. A permit shall
12 expire ten years after its issuance. On and after
13 July 1, 1993, the department may approve an
14 application for a new permit only upon inspection of
15 the".
16 2. Page 3, line 16, by striking the words "a
17 permit" and inserting the following: "an
18 application".
19 3. Page 3, line 18, by striking the words "an
20 emergency" and inserting the following: "a
21 temporary".
22 4. Page 3, line 20, by striking the word
23 "emergency" and inserting the following: "temporary".
24 5. Page 3, line 21, by striking the words "forty-

25 eight hours" and inserting the following: "forty-five
26 days".

27 6. Page 3, lines 22 and 23, by striking the words
28 "an emergency" and inserting the following: "a
29 temporary".

30 7. Page 3, line 28, by striking the words "an
31 emergency" and inserting the following: "a
32 temporary".

33 8. Page 3, lines 28 and 29, by striking the words
34 "forty-eight hours" and inserting the following:
35 "forty-five days".

36 9. Page 3, line 34, by striking the word
37 "emergency" and inserting the following: "temporary".

38 10. Page 4, line 11, by striking the words "an
39 emergency" and inserting the following: "a
40 temporary".

41 11. Page 4, line 13, by striking the word
42 "emergency" and inserting the following: "need for
43 such a permit".

44 12. Page 4, line 15, by striking the words "An
45 emergency" and inserting the following: "A
46 temporary".

47 13. Page 4, line 22, by striking the word
48 "obtaining" and inserting the following: "seeking to
49 obtain".

50 14. Page 4, line 24, by inserting before the word

Page 2

1 "permit" the following: "applicant or".

2 15. Page 5, lines 7 and 8, by striking the words
3 "an emergency" and inserting the following: "a
4 temporary".

5 16. Page 5, line 19, by inserting after the word
6 "chapter." the following: "The department shall
7 inspect land subject to chemigation at least once each
8 three years."

9 17. Page 8, line 34, by striking the word
10 "investigate" and inserting the following: "initiate
11 an investigation of".

12 18. Page 12, by striking lines 17 and 18 and
13 inserting the following:

14 "1. Sections 1 through 14 of this Act take effect
15 on January 1, 1992."

16 19. Page 12, by striking lines 24 through 27.

17 20. By renumbering as necessary.

ALVIN V. MILLER

S-3290

- 1 Amend Senate File 508 as follows:
2 1. By striking page 19, line 13, through page 20,
3 line 7, and inserting the following:
4 "Sec. ____ . NEW SECTION. 321.20A FUEL-EFFICIENT
5 AUTOMOBILE PURCHASE -- CREDIT.
6 1. At the time of application for registration and
7 certificate of title under section 321.20, an
8 applicant shall be exempt from the payment of the
9 sales and use tax levied on the purchase of a fuel-
10 efficient motor vehicle if all of the following
11 conditions are met:
12 a. The purchase was made on or after July 1, 1991.
13 b. The applicant provides documentation of the
14 purchase of a fuel-efficient motor vehicle.
15 2. For the purposes of this section, "fuel-
16 efficient motor vehicle" means a motorized vehicle
17 designed primarily for carrying nine passengers or
18 less, excluding motorcycles and motorized bicycles,
19 for which the average fuel efficiency exceeds by at
20 least ten miles per gallon the average fuel economy
21 standard for the vehicle's model year as established
22 by the United States secretary of transportation under
23 15 U.S.C. § 2002.
24 3. There is transferred, annually, from the energy
25 efficiency account of the CLEAN fund created pursuant
26 to section 99E.10, to the road use tax fund an amount
27 which is equivalent to the amount of use tax for which
28 exemptions from payment were made under this section.
29 4. This section applies only to those fiscal years
30 for which moneys are appropriated to the energy
31 efficiency account of the CLEAN fund for the purposes
32 of this section."
33 2. By renumbering as necessary.

RICHARD VARN
PAT DELUHERY
RALPH ROSENBERG

S-3291

- 1 Amend the amendment, S-3279, to Senate File 317, as
2 follows:
3 1. Page 1, by striking lines 9 and 10, and
4 inserting the following: "does not include a
5 residential listing or a listing in any section of the
6 directory in which businesses or professions are
7 listed alphabetically rather than grouped by subject
8 category, or a standard listing in the subject

- 9 category section of a telephone directory.”
- 10 2. Page 2, by striking lines 11 through 14, and
11 inserting the following:
12 “(c) Services offered for public entertainment in
13 which users participate in or listen to a
14 conversation.”
- 15 3. Page 2, line 17, by inserting after the word
16 “transactions” the following: “, or any service the
17 price of which is established pursuant to a tariff
18 approved by a regulatory agency”.
- 19 4. Page 2, by inserting after line 29, the
20 following:
21 “— . Page 2, by striking line 4, and inserting
22 the following: “informs the caller of the option to
23 disconnect the call at the end of the introductory
24 message without”.”
- 25 5. Renumber as necessary.

MICHAEL E. GRONSTAL

S-3292

- 1 Amend Senate File 478, as follows:
- 2 1. Page 1, by inserting before line 1, the
3 following:
4 “Section 101. Section 256.7, Code 1991, is amended
5 by adding the following new subsection:
6 **NEW SUBSECTION.** 21. Adopt rules to be effective
7 by July 1, 1992, which set standards for approval of
8 professional development programs in accordance with
9 standards set by the board of educational examiners
10 for parent education endorsements allowing
11 practitioners to obtain an appropriate parent
12 education endorsement.”
- 13 2. Page 1, line 3, by inserting after the word
14 “provide” the following: “by July 1, 1993.”
- 15 3. Page 1, line 9, by striking the word “shall”
16 and inserting the following: “may”.
- 17 4. Page 2, line 9, by striking the word “sexual”
18 and inserting the following: “gender”.
- 19 5. Page 3, line 7, by striking the words “employ
20 appropriately licensed practitioners” and inserting
21 the following: “by July 1, 1994, employ licensed
22 practitioners who have an endorsement in parent
23 education programming”.
- 24 6. Page 3, line 8, by inserting after the word
25 “section.” the following: “From the effective date of
26 this Act, districts may employ licensed practitioners
27 who are conditionally licensed to provide parent
28 education programming.”

29 7. Page 3, by inserting after line 18, the
30 following:
31 "Sec. 102. NEW SECTION. 257.50 PARENT EDUCATION
32 PROGRAM FUNDING.
33 1. The board of directors of a school district
34 requesting additional allowable growth in order to
35 provide a parent education program shall submit an
36 application for approval of the program to the
37 department of education not later than November 1 of
38 the year preceding the budget year during which the
39 program will be offered. The board shall submit a
40 copy of the program plans to the district advisory
41 council appointed by the board under section 256A.5.
42 The department shall review the program plans and
43 shall prior to January 15 either grant approval for
44 the program or return the request for approval with
45 comments of the department included. Any unapproved
46 request for a program may be resubmitted with
47 modifications to the department not later than
48 February 1. Not later than February 15 the department
49 shall notify the department of management of the names
50 of the school districts for which parent education

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1 programs have been approved and the approved budget of
2 each program listed separately for each school
3 district having an approved program.
4 2. The budget of an approved parent education
5 program for a school district, after subtracting any
6 funds received from other sources for that purpose,
7 shall be funded annually on a basis of one-fourth or
8 more from the district cost of the school district and
9 up to three-fourths by an increase in allowable growth
10 as defined in section 257.8. The approved budget for
11 an approved parent education program shall not exceed
12 an amount equal to one and three-tenths of one percent
13 of the district's regular program cost per pupil times
14 the budget enrollment of the district. Annually, by
15 March 1, the department of management shall establish
16 a modified allowable growth for each district which
17 provides a parent education program equal to the
18 difference between the approved budget for the parent
19 education program for that district and the sum of the
20 amount funded from the district cost of the school
21 district plus funds received from other sources.
22 Sec. 103. NEW SECTION. 257.51 PARENT EDUCATION
23 PROGRAM FUND.
24 A parent education program fund is established in
25 the office of the treasurer of state, to be

26 administered by the department of education, for
27 purposes of receiving state funds for distribution to
28 school districts which offer parent education
29 programs. If funds are appropriated, the department
30 of education shall distribute to each school district
31 that provides a parent education program, state funds
32 in an amount equal to the state aid percent times the
33 amount approved for allowable growth. If insufficient
34 funds are available to provide the full amount of the
35 percentage portion of the approved parent education
36 program budget, then the funds shall be prorated among
37 all districts providing parent education programs.
38 The department of management shall annually, by March
39 1, calculate a state aid percent for each district
40 which offers a parent education program which shall be
41 defined for purposes of this section as the state
42 school foundation aid, as defined under section 257.1,
43 divided by the combined district cost, as defined
44 under sections 257.2 and 257.10.”
45 8. Page 3, lines 19 and 20, by striking the words
46 “to read as follows” and inserting the following: “by
47 adding the following new unnumbered paragraph”.
48 9. By striking page 3, line 21, through page 4,
49 line 1, and inserting the following:
50 “NEW UNNUMBERED PARAGRAPH. The board of

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1 educational examiners, in conjunction with the child
2 development coordinating council, the Iowa council for
3 early intervention services, and the state board of
4 education, shall develop and adopt rules to be
5 effective by July 1, 1992, establishing an appropriate
6 endorsement for practitioners who provide educational
7 programming in parent education programs. Rules
8 adopted shall provide for the issuance of a
9 conditional license which will permit practitioners to
10 provide parent education programming from the
11 effective date of this Act, and prior to completion of
12 the training required for a regular endorsement.
13 Rules adopted shall also include training standards
14 for teachers, principals, and administrators who work
15 with parents, expectant parents, and children from
16 birth through three years of age, which require
17 knowledge of aspects of child development from birth
18 through three years of age and recognize appropriate
19 preparation in approved professional development
20 programs.
21 Sec. ____ . Sections 2, 102, 103, and 3, of this

22 Act, take effect July 1, 1992."

23 10. By numbering and renumbering as necessary.

MICHAEL W. CONNOLLY

S-3293

1 Amend Senate File 326 as follows:

2 1. Page 1, by inserting after line 30, the
3 following:

4 "NEW SUBSECTION. 11. The board of trustees is
5 subject to the authority of the auditor of state to
6 perform audits pursuant to chapter 11."

7 2. Page 2, by inserting after line 8, the
8 following:

9 "Sec. 100. Section 411.5, Code 1989, as amended by
10 1990 Iowa Acts, chapter 1240, section 52, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 12. The board of trustees shall
13 submit the report required in subsection 6 annually to
14 the commissioner of insurance. The commissioner of
15 insurance shall review the adequacy of the
16 contributions of participating cities to the fire and
17 police retirement fund and shall notify the board of
18 trustees of the results of the review."

19 3. Page 2, line 32, by striking the word
20 "subsection" and inserting the following:
21 "subsections".

22 4. Page 3, by inserting after line 3, the
23 following:

24 "NEW SUBSECTION. 8. The initial board of trustees
25 is subject to the authority of the auditor of state to
26 perform audits pursuant to chapter 11."

27 5. Page 4, by inserting after line 1 the
28 following:

29 "Sec. ____ . Section 100 of this Act takes effect on
30 the effective date of 1990 Iowa Acts, chapter 1240,
31 section 52."

32 6. Title page, line 3, by inserting after the
33 word "liabilities," the following: "requiring a
34 report by the board of trustees to the commissioner of
35 insurance."

36 7. Title page, line 5, by inserting after the
37 word "board," the following: "clarifying the
38 authority of the auditor of state to examine the
39 transactions of the board of trustees,".

40 8. By renumbering and correcting internal
41 references as necessary.

PAT DELUHERY

S-3294

- 1 Amend Senate File 451 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 455B.301, subsection 20, Code
5 1991, is amended to read as follows:
6 20. "Solid waste" means garbage, refuse, rubbish,
7 and other similar discarded solid or semisolid
8 materials, including but not limited to such materials
9 resulting from industrial, commercial, agricultural,
10 and domestic activities. Solid waste may include
11 vehicles, as defined by section 321.1, subsection 1.
12 Solid waste does not include sawdust. However, this
13 division does not prohibit the use of dirt, stone,
14 brick, or similar inorganic material for fill,
15 landscaping, excavation or grading at places other
16 than a sanitary disposal project. Solid waste does
17 not include hazardous waste as defined in section
18 455B.411 or source, special nuclear, or by-product
19 material as defined in the Atomic Energy Act of 1954,
20 as amended to January 1, 1979.
21 Sec. 2. Section 455B.307, Code 1991, is amended by
22 adding the following new subsection:
23 **NEW SUBSECTION. 4.** A person who knowingly
24 disposes of solid waste or knowingly arranges for or
25 knowingly allows the disposal of solid waste at a
26 location other than an approved sanitary disposal
27 project approved by the director is guilty of an
28 aggravated misdemeanor and is subject to a fine of not
29 more than ten thousand dollars for each day of
30 violation following notification or imprisonment for
31 not more than two years, or both."
32 2. Title page, line 1, by inserting after the
33 word "to" the following: "solid waste including".
34 3. Title page, line 2, by inserting after the
35 word "fee" the following: "and providing a penalty".
36 4. By renumbering as necessary.

EUGENE FRAISE

S-3295

- 1 Amend Senate File 452 as follows:
2 1. Page 1, line 3, by striking the word "six" and
3 inserting the following: "five".
4 2. Page 1, by inserting after line 6 the follow-
5 ing:
6 "Sec. ____ . Section 173.1, subsection 1, Code 1991,

7 is amended by striking the subsection and inserting in
8 lieu thereof the following:

9 1. The secretary of agriculture or a designee of
10 the secretary."

11 3. Page 1, line 9, by striking the words "One
12 director" and inserting the following: "One director
13 Two directors".

14 4. Page 1, by striking line 10 and inserting the
15 following: "district ~~and three directors at large~~, to
16 be elected at a".

17 5. Page 1, line 24, by striking the words "a
18 board director at large or" and inserting the
19 following: "a board director at large or".

20 6. Page 1, lines 26 and 27, by striking the words
21 "a successor to each of the three directors at large
22 or" and inserting the following: "a successor to each
23 of the three directors at large or".

24 7. By striking page 1, line 29, through page 2,
25 line 15, and inserting the following:

26 "Sec. ____ . Section 173.5, Code 1991, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 173.5 DUTIES OF THE CONVENTION.

30 1. The convention shall establish five county fair
31 districts which shall be the same as the five
32 congressional districts established by the general
33 assembly pursuant to chapter 42. The convention shall
34 establish staggered terms of office for the directors.
35 Notwithstanding section 173.6, the convention may
36 establish terms of office for initial elected
37 directors for more or less than three years.

38 2. The convention shall elect a successor to each
39 of the two county fair district directors on the board
40 whose term expires at noon on the day following the
41 adjournment of the convention."

42 8. Page 2, line 25, by striking the words "or a
43 director at large".

44 9. By renumbering sections as required.

BERL E. PRIEBE
JOHN E. SOORHOLTZ

S-3296

1 Amend Senate File 326 as follows:

2 1. Page 1, by inserting after line 9, the
3 following:

4 "Sec. ____ . Section 411.36, subsections 1 and 2,
5 Code 1991, are amended to read as follows:

6 1. A board of trustees for the statewide fire and

7 police retirement system is created. The board shall
8 consist of ~~thirteen~~ fifteen members, including ~~nine~~
9 eleven voting members and four nonvoting members. The
10 governor shall appoint the voting members except those
11 members specified in paragraph "e" and "f", subject to
12 confirmation by the senate as provided in section
13 2.32. The voting members shall be appointed as
14 follows:

15 a. Two fire fighters from different participating
16 cities, one of whom is an active member of the
17 retirement system and one of whom is a retired member.
18 ~~The fire fighters shall be appointed, from a list of~~
19 at least two nominees provided by the governing body
20 of the Iowa association of professional fire fighters.

21 b. Two police officers from different
22 participating cities, one of whom is an active member
23 of the retirement system and one of whom is a retired
24 member: ~~The police officers shall be appointed, from~~
25 a list of at least two nominees provided by the
26 governing body of the Iowa state police association.

27 c. The city treasurers of four participating
28 cities, one of whom is from a city having a population
29 of less than forty thousand, and three of whom are
30 from cities having a population of forty thousand or
31 more: ~~The city treasurers shall be appointed from a~~
32 list of nominees provided by the governing body of the
33 league of Iowa municipalities.

34 d. One citizen who does not hold another public
35 office. ~~The citizen shall be appointed by the other~~
36 members of the board.

37 e. ~~The treasurer of state or the treasurer's~~
38 designee. Notwithstanding any other provision of law
39 this member's term shall commence on the effective
40 date of the establishment of the statewide system, and
41 shall continue until a new treasurer takes office, at
42 which time the new treasurer or the treasurer's
43 designee shall serve on the board of trustees.

44 f. ~~The administrator of the Iowa public employees'~~
45 retirement system division of the department of
46 personnel, or the administrator's designee.
47 Notwithstanding any other provision of law, this
48 member's term shall commence on the effective date of
49 the establishment of the statewide fire and police
50 retirement system, and shall continue until a new

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1 administrator is appointed by the director of the
2 department of personnel, at which time the new
3 administrator or the administrator's designee shall

4 serve on the board of trustees.

5 The nonvoting members of the board shall be two
6 state representatives, one appointed by the speaker of
7 the house of representatives and one by the minority
8 leader of the house, and two state senators, one
9 appointed by the majority leader of the senate and one
10 by the minority leader of the senate.

11 2. Except as otherwise provided for the initial
12 appointments, the voting members shall be appointed
13 for four-year terms as provided in section 69.19, and
14 the nonvoting members shall be appointed for two-year
15 terms. Terms begin on May 1 in the year of
16 appointment and expire on April 30 in the year of
17 expiration. Appointments shall be subject to the
18 requirements of chapter 69, including, but not limited
19 to, the requirements of sections 69.16 and 69.16A."

20 2. Title page, line 3, by inserting after the
21 word "liabilities," the following: "changing
22 appointment provisions and adding members to the
23 board,".

24 3. By renumbering as necessary.

PATRICK DELUHERY

S-3297

1 Amend Senate File 478 as follows:

2 1. Page 3, by inserting after line 8 the fol-
3 lowing:

4 "____. Each parent education program offered shall
5 contain an evaluative component which shall include,
6 but is not limited to, an annual report to the depart-
7 ment of education on the percentage of eligible
8 parents and children participating in the program and
9 the socio- 100 economic status and other demographic
10 characteristics of parents participating in the
11 program."

12 2. By numbering and renumbering as necessary.

FLORENCE BUHR

S-3298

1 Amend Senate File 526 as follows:

2 1. Page 13, by inserting after line 20, the
3 following:

4 "Sec. 1000. GRAIN SELLERS EXECUTING CREDIT-SALE
5 CONTRACTS PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

6 1. For purposes of this section a person selling
7 grain by credit-sale contract to a licensed grain

8 dealer shall qualify as a "seller" notwithstanding
9 section 543A.1, the grain shall be deemed "purchased
10 grain" notwithstanding section 543A.3, and the sale
11 shall be deemed a "covered transaction"

12 notwithstanding section 543A.6. However, a seller
13 does not include a person licensed as a grain dealer
14 who sells grain to a licensed grain dealer.

15 2. A seller may file a claim with the department
16 for indemnification of a loss from the grain
17 depositors and sellers indemnity fund, if the loss
18 results from the sale of grain by credit-sale
19 contract, and the incurrence date, as provided in
20 chapter 543A, is on or after December 1, 1990, but
21 before October 1, 1991.

22 3. The Iowa grain indemnity fund board shall
23 provide notice of the opening of a claim period which
24 shall end on October 1, 1991. A claimant must present
25 to the board adequate documentation to establish the
26 existence of a claim and the amount of a loss. The
27 board shall determine eligibility of claims according
28 to the requirements of this section. The claim must
29 not be filed prior to the incurrence date as provided
30 in section 543A.6. The procedures for determining the
31 value of a loss, the procedure for appealing a
32 determination by the board, the payment of claims, and
33 rights of subrogation shall be the same as provided in
34 section 543A.6."

35 2. Page 13, by striking line 21, and inserting
36 the following:

37 "Sec. ____ . EFFECTIVE DATES.

38 1. Except as provided in subsection 2, this Act
39 takes effect on October 1,"

40 3. Page 13, by inserting after line 25, the
41 following:

42 "2. Section 1000 of this Act, being deemed of
43 immediate importance, takes effect upon enactment."

44 4. Title page, line 2, by striking the words "an
45 effective date" and inserting the following:
46 "effective dates".

RAY TAYLOR

S-3299

1 Amend House File 501, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 20 the
4 following:

5 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
6 of immediate importance, takes effect upon enactment."

- 7 2. Title page, line 2, by inserting after the
8 word "decisions" the following: "and providing an
9 effective date".
10 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chair

S-3300

- 1 Amend Senate File 451 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 455B.301, subsection 20, Code
5 1991, is amended to read as follows:
6 20. "Solid waste" means garbage, refuse, rubbish,
7 and other similar discarded solid or semisolid
8 materials, including but not limited to such materials
9 resulting from industrial, commercial, agricultural,
10 and domestic activities. Solid waste may include
11 vehicles, as defined by section 321.1, subsection 1.
12 Solid waste does not include sawdust. However, this
13 division does not prohibit the temporary retainage of
14 coal combustion residues on-site before permanent
15 disposal or the use of dirt, stone, brick, or similar
16 inorganic material for fill, landscaping, excavation
17 or grading at places other than a sanitary disposal
18 project. Solid waste does not include hazardous waste
19 as defined in section 455B.411 or source, special
20 nuclear, or by-product material as defined in the
21 Atomic Energy Act of 1954, as amended to January 1,
22 1979.
23 Sec. 2. Section 455B.307, Code 1991, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 4. A person who knowingly
26 disposes of solid waste or knowingly arranges for or
27 knowingly allows the disposal of solid waste at a
28 location other than an approved sanitary disposal
29 project approved by the director is guilty of an
30 aggravated misdemeanor and is subject to a fine of not
31 more than ten thousand dollars for each day of
32 violation following notification or imprisonment for
33 not more than two years, or-both."
34 2. Title page, line 1, by inserting after the
35 word "to" the following: "solid waste including".
36 3. Title page, line 2, by inserting after the
37 word "fee" the following: "and providing a penalty".

38 4. By renumbering as necessary.

EUGENE FRAISE

S-3301

1 Amend the amendment, S-3287, to Senate File 508, as
2 follows:

3 1. Page 2, by striking lines 21 and 22, and
4 inserting the following: ""program." the following:
5 "Funding for the center derived from the assessment on
6 the revenues of utilities pursuant to section 476.10A
7 shall not be expended to"."

RALPH ROSENBERG

S-3302

1 Amend House File 430, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 1. NEW SECTION. 611.23 CIVIL ACTIONS
6 INVOLVING ALLEGATIONS OF SEXUAL ABUSE OR DOMESTIC
7 ABUSE.

8 In a civil case in which a plaintiff is seeking
9 relief or damages for alleged sexual abuse as defined
10 in section 709.1 or domestic abuse as defined in
11 section 236.2, the plaintiff may seek, and the court
12 may grant, an order requiring the defendant to receive
13 professional counseling, in addition to any other
14 appropriate relief or damages.

15 Sec. 2. Section 901.5, Code 1991, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 9. Upon the pronouncement of
18 judgment and sentence, the court shall direct the
19 clerk to notify the victim or the victim's closest
20 relatives of the action of the court under this
21 section.

22 Sec. 3. Section 910.1, subsection 2, Code 1991, is
23 amended to read as follows:

24 2. "Pecuniary damages" means all damages to the
25 extent not paid by an insurer, which a victim could
26 recover against the offender in a civil action arising
27 out of the same facts or event, except punitive
28 damages and damages for pain, suffering, mental
29 anguish, and loss of consortium. Without limitation,
30 "pecuniary damages" includes damages for wrongful
31 death and expenses incurred for psychiatric or
32 psychological services or counseling or other

33 counseling for the victim which became necessary as a
 34 direct result of the criminal activity."

35 2. By striking page 1, line 32, through page 2,
 36 line 18, and inserting the following:

37 "1. Prior to the governor granting a reprieve,
 38 pardon, or commutation to an offender convicted of a
 39 violent crime, the governor shall notify a registered
 40 victim that the victim's offender has applied for a
 41 reprieve, pardon, or commutation. The governor shall
 42 notify a registered victim regarding the application
 43 not less than forty-five days prior to issuing a
 44 decision on the application. The governor shall
 45 inform the victim that the victim may submit a written
 46 opinion concerning the application.

47 2. The county attorney may notify an offender
 48 being".

49 3. Page 3, by striking lines 16 and 17 and
 50 inserting the following: "death. A license

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1 revocation under section 321J.9 or 321J.12".

2 4. Title page, line 1, by inserting after the
 3 word "programs" the following: "and victims' rights".

4 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chair

S-3303

1 Amend Senate File 249 as follows:

2 1. Page 1, line 5, by striking the words
 3 "accruing from the fees imposed by" and inserting the
 4 following: "collected pursuant to".

5 2. Page 1, line 12, by striking the word "FEE"
 6 and inserting the following: "ASSESSMENT".

7 3. Page 1, by striking lines 15 through 21, and
 8 inserting the following: "commissioner, a seller
 9 subject to chapter 523A or 523E, shall make payment to
 10 the commissioner in an amount equal to one-half of one
 11 percent of the total value of all agreements subject
 12 to sections 523A.1 and 523E.1 entered into during the
 13 preceding calendar year. The seller shall make the
 14 payment at the time the seller submits the report
 15 required pursuant to section 523A.2, subsection 1,
 16 paragraph "c", or section 523E.2, subsection 1,
 17 paragraph "c". The commissioner shall deliver all
 18 moneys received pursuant to this section to the
 19 treasurer of state for deposit in the death care

20 industry consumer protection fund.”

21 4. Page 4, by striking lines 6 through 9, and
22 inserting the following: “current balance, the
23 commissioner shall suspend the assessment provided for
24 in section 523G.2. The commissioner shall reinstate
25 the assessment if the balance of the fund”.

RICHARD VARN

S-3304

1 Amend Senate File 506 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. NEW SECTION. 476.2A INCENTIVE
5 REGULATION.

6 Notwithstanding section 476.3 or 476.6, the board
7 may adopt rules authorizing and establishing incentive
8 regulation for rate-regulated local exchange telephone
9 utilities. The purpose of incentive regulation is to
10 provide an incentive to the utilities to improve the
11 operating efficiency of the utilities while
12 maintaining or improving the quality of the services
13 provided by the utilities. If a utility increases its
14 earnings above the utility's rate of return pursuant
15 to incentive regulation, the utility shall share the
16 increased earnings with its customers to the extent
17 and in a manner consistent with this section and any
18 rules adopted by the board. Any rules adopted by the
19 board for incentive regulation, may provide for rate
20 flexibility, and shall include the following
21 requirements:

22 1. A local exchange telephone utility shall share
23 any increased earnings which are over the authorized
24 rate of return, and which are equal to, or less than,
25 five hundred basis points over the authorized rate of
26 return during the term of the local exchange telephone
27 utility's participation in incentive regulation with
28 all of its customers on an equitable basis. At least
29 fifty percent of the increased earnings subject to
30 division between the utility and its customers shall
31 be returned to the customers. The division of
32 increased earnings which are subject to division
33 between the utility and its customers shall reflect
34 the degree to which the utility has assumed a risk of
35 earning less than its authorized rate of return. All
36 increased earnings which are not subject to division
37 shall be returned to the utility's customers.

38 2. A local exchange telephone utility which elects
39 to participate in incentive regulation shall

40 participate for a minimum of two years. However, a
41 local exchange telephone utility is not required to
42 participate in incentive regulation.
43 3. A participating local exchange telephone
44 utility must make periodic reports to the board to
45 document that the sharing requirements between the
46 utility and its customers are being properly
47 implemented. The utility's earnings and rates are not
48 subject to section 476.3, subsection 2, during the
49 utility's participation in incentive regulation.
50 However, the consumer advocate may request a hearing

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1 concerning any part of the utility's report. If the
2 board determines that there are reasonable grounds for
3 proceeding with the hearing, the board shall promptly
4 initiate a formal proceeding.
5 4. The consumer advocate or any other interested
6 person may file a complaint with the board concerning
7 a participating utility's adjustment of its rates
8 pursuant to rate flexibility under incentive
9 regulation. In reviewing a complaint, the board shall
10 apply the standards as provided in section 476.5 and
11 the procedures for complaints found in section 476.3,
12 subsection 1."

MICHAEL E. GRONSTAL

S-3305

1 Amend Senate File 520 as follows:
2 1. Page 2, line 23, by striking the words
3 "paragraph c" and inserting the following:
4 "paragraphs c and d".
5 2. Page 2, line 24, by striking the word "is" and
6 inserting the following: "are".
7 3. Page 2, line 24, by striking the word
8 "paragraph" and inserting the following:
9 "paragraphs".
10 4. Page 2, by striking lines 31 and 32, and
11 inserting the following:
12 "d. An insurance company which effects
13 transactions in its own accounts;".
14 5. Page 4, by inserting after line 29 the
15 following:
16 "Sec. ____ . Section 502.203, subsection 2,
17 paragraph c, Code 1991, is amended to read as follows:
18 c. The security was issued by an issuer which has
19 had or currently has a class of securities registered

- 20 under this chapter, or under chapter 502 of the Code
 21 as it existed prior to January 1, 1976; or".
 22 6. Page 15, line 20, by striking the words "acts
 23 or practices" and inserting the following: "acts or
 24 practices act or practice".
 25 7. By renumbering as necessary.

WILLIAM D. PALMER

S-3306

- 1 Amend Senate File 177 as follows:
 2 1. By striking page 3, line 20, through page 4,
 3 line 15.
 4 2. By renumbering as necessary.

LARRY MURPHY

S-3307

- 1 Amend Senate File 452 as follows:
 2 1. Page 1, line 3, by striking the words "create
 3 six county fair districts and".
 4 2. Page 1, by striking lines 4 through 6 and
 5 inserting the following: "directors from each county
 6 fair district pursuant to section 173.5."
 7 3. Page 1, line 13, by inserting after the word
 8 "members" the following: "who shall serve as a
 9 nonvoting member".
 10 4. Page 1, line 31, by striking the words "DUTIES
 11 OF THE CONVENTION" and inserting the following:
 12 "COUNTY FAIR DISTRICTS".
 13 5. By striking page 1, line 32, through page 2,
 14 line 3, and inserting the following:
 15 "1. There is established six county fair
 16 districts. The first county fair district shall
 17 include the following counties: Allamakee, Benton,
 18 Black Hawk, Bremer, Buchanan, Chickasaw, Clayton,
 19 Clinton, Delaware, Dubuque, Fayette, Jackson, Jones,
 20 Linn, and Winneshiek. The second county fair district
 21 shall include the following counties: Butler, Cerro
 22 Gordo, Floyd, Franklin, Grundy, Hamilton, Hancock,
 23 Hardin, Howard, Humboldt, Kossuth, Mitchell, Webster,
 24 Winnebago, Wright, and Worth. The third county fair
 25 district shall include the following counties: Buena
 26 Vista, Calhoun, Carroll, Cherokee, Clay, Crawford,
 27 Dickinson, Emmet, Greene, Ida, Lyon, Monona, O'Brien,
 28 Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux,
 29 and Woodbury. The fourth county fair district shall
 30 include the following counties: Adair, Adams,

- 31 Audubon, Cass, Clarke, Decatur, Fremont, Guthrie,
 32 Harrison, Madison, Mills, Montgomery, Page,
 33 Pottawattamie, Ringgold, Shelby, Taylor, and Union.
 34 The fifth county fair district shall include the
 35 following counties: Appanoose, Boone, Dallas, Jasper,
 36 Lucas, Marion, Marshall, Monroe, Polk, Poweshiek,
 37 Story, Tama, Warren, and Wayne. The sixth county fair
 38 district shall include the following counties: Cedar,
 39 Davis, Des Moines, Henry, Iowa, Jefferson, Johnson,
 40 Keokuk, Lee, Louisa, Mahaska, Muscatine, Scott, Van
 41 Buren, Wapello, and Washington.
 42 The convention shall establish staggered terms of”.
 43 6. Page 2, line 6, by striking the word “three”
 44 and inserting the following: “two”.
 45 7. Page 2, line 26, by striking the word “three”
 46 and inserting the following: “two”.
 47 8. Page 2, by striking lines 30 and 31 and
 48 inserting the following: “elected and qualified as
 49 provided in this chapter.”
 50 9. Page 3, by inserting after line 31 the

Page 2

- 1 following:
 2 “Sec. ____ . EFFECTIVE DATE. Sections 1 through 9
 3 of this Act become effective in 1992 on the first day
 4 of the annual convention provided in section 173.2.”
 5 10. Title page, line 1, by inserting after the
 6 word “fairs” the following: “, and providing an
 7 effective date”.

LEONARD L. BOSWELL

S-3308

- 1 Amend amendment, S-3279, to Senate File 317 as
 2 follows:
 3 1. Page 3, by striking lines 4 through 6 and
 4 inserting the following: “of such noncompliance.
 5 Billing and collection contracts shall contain a
 6 provision which refers the pay-per-call service to
 7 chapter 714A, which provides for an introductory
 8 disclosure message and the requirements for such
 9 message.”

MICHAEL GRONSTAL

S-3309

- 1 Amend House File 252, as amended, passed, and

2 reprinted by the House, as follows:

- 3 1. Page 1, by inserting after line 16, the
 4 following:
 5 "Sec. ____ . Section 1 of this Act is repealed July
 6 1, 1994. On that date the Code editor shall return
 7 the language in section 1 of this Act to the language
 8 appearing in the 1991 Code."
 9 2. Title, line 2, by inserting after the word
 10 "regulations" the following: ", and providing for the
 11 repeal of the Act".

COMMITTEE ON TRANSPORTATION
 EUGENE FRAISE, Chair

S-3310

1 Amend Senate File 459 as follows:

- 2 1. Page 1, by striking line 29 and inserting the
 3 following: "cab."

EUGENE FRAISE

S-3311

1 Amend Senate File 202 as follows:

- 2 1. Page 2, by inserting after line 4 the
 3 following:
 4 "Sec. ____ . Section 123.49, Code 1991, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 5. Notwithstanding section
 7 123.36, 123.134, 123.150, or this section, a person
 8 who has a commercial establishment which is open to
 9 the public for twenty-four hours per day and for which
 10 an alcoholic beverage license or permit has been
 11 acquired pursuant to this chapter, may sell the
 12 alcoholic beverage for which the license or permit is
 13 issued, for consumption off the premises during the
 14 twenty-four hours of operation. If the person is
 15 licensed or permitted to sell alcoholic beverages on
 16 Sunday, the license or permit is valid for sales for
 17 consumption off the premises during the twenty-four
 18 hours on Sunday."

LARRY MURPHY

S-3312

1 Amend Senate File 508 as follows:

- 2 1. Page 1, by striking lines 9 through 16.

3 2. By renumbering as necessary.

MARY E. KRAMER
HARRY SLIFE

S-3313

1 Amend Senate File 466 as follows:

2 1. Page 7, by inserting after line 11, the
3 following:

4 "Sec. ____ . Section 601L.3, Code 1991, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 14. Appoint and fix the salary of
7 the director.

8 Sec. ____ . Section 601L.4, unnumbered paragraph 1,
9 Code 1991, is amended to read as follows:

10 The ~~administrator~~ director may accept financial aid
11 from the government of the United States for carrying
12 out rehabilitation and physical restoration of the
13 blind and for providing library services to the blind
14 and physically handicapped.

15 Sec. ____ . Section 601L.5, Code 1991, is amended to
16 read as follows:

17 601L.5 COMMISSION EMPLOYEES.

18 The commission may employ staff who shall be
19 qualified by experience to assume the responsibilities
20 of the offices. ~~The director shall be the~~
21 ~~administrative officer of the commission and shall be~~
22 ~~responsible for implementing policy set by the~~
23 ~~commission. The director shall carry out programs and~~
24 ~~policies as determined by the commission.~~

25 Sec. ____ . NEW SECTION. 601L.9 DIRECTOR.

26 1. The chief administrative officer of the
27 department is the director. The director shall be
28 appointed by the commission, subject to confirmation
29 by the senate. The director serves at the pleasure of
30 the commission and is subject to reconfirmation after
31 four years in office. The person appointed shall be
32 qualified by education and experience to assume the
33 responsibilities of the office. The salary of the
34 director shall be fixed by the commission within
35 guidelines or a range established by the general
36 assembly. If the office of director becomes vacant,
37 the vacancy shall be filled in the same manner as the
38 original appointment.

39 2. The director shall administer programs and
40 policies as determined by the commission."

41 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3314

- 1 Amend House File 302 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 35, by striking the word
 4 "continuous" and inserting the following: "periodic".
 5 2. Page 4, line 15, by striking the word and
 6 figures "April 1, 1993" and inserting the following:
 7 "July 1, 1992".
 8 3. Page 4, line 20, by inserting after the word
 9 "which" the following: "in addition to its own
 10 waste".
 11 4. Page 4, line 26, by inserting after the word
 12 "entities" the following: "in this state or".
 13 5. Page 5, line 4, by inserting after the word
 14 "manner." the following: "The department, in
 15 cooperation with the Iowa department of public health,
 16 shall adopt rules defining small quantity generators
 17 of infectious waste subject to the provisions of this
 18 subsection and which establish criteria for fulfilling
 19 the precautionary requirements established."

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES AMENDMENT
 RALPH ROSENBERG, Chair

S-3315

- 1 Amend Senate File 459 as follows:
 2 1. Page 2, by inserting after line 5, the
 3 following:
 4 "d. This subsection applies only to equipment used
 5 exclusively in the state of Iowa."

RICHARD F. DRAKE

S-3316

- 1 Amend Senate File 459 as follows:
 2 1. Page 1, line 30, by striking the word
 3 "Equipment" and inserting the following: "Newly
 4 manufactured equipment".

RICHARD F. DRAKE

S-3317

- 1 Amend House File 449, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 30, by striking the words "full

4 voting" and inserting the following: "ex officio,
5 nonvoting".

COMMITTEE ON STATE GOVERNMENT
JOHN KIBBIE, Chair

S-3318

1 Amend House File 152, as passed by the House, as
2 follows:

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

5 "Section 1. Section 90A.1, Code 1991, is amended
6 to read as follows:

7 90A.1 DEFINITION.

8 As used in this chapter, "boxing or wrestling
9 match" means a boxing, wrestling, or sparring contest
10 or exhibition open to the public or a closed-circuit
11 boxing or wrestling match for which admission for
12 viewing in this state is charged, for which the
13 principals or contestants are paid for their
14 participation."

15 2. Page 2, by inserting before line 1 the
16 following:

17 "Sec. ____ . Section 90A.7, subsection 1, Code 1991,
18 is amended to read as follows:

19 1. Every person conducting a boxing or wrestling
20 match ~~or charging an admission fee for viewing of a~~
21 ~~closed-circuit boxing or wrestling match in this state~~
22 shall, within twenty-four hours after such match,
23 furnish to the commissioner a written report, duly
24 verified, showing the number of tickets sold for such
25 boxing or wrestling match, and the amount of gross
26 proceeds of such boxing or wrestling match, and such
27 other matters as the commissioner may prescribe; and
28 shall also within the same time period pay to the
29 treasurer of state a tax of five percent of its total
30 gross receipts, after deducting state sales tax, from
31 the sale of tickets of admission to such boxing or
32 wrestling match."

33 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chairperson

S-3319

1 Amend Senate File 512 as follows:

2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:

4 "subsections".

5 2. Page 1, by inserting after line 9, the
6 following:

7 "**NEW SUBSECTION. 9.** Adopt rules which provide for
8 the investigation of an air contaminant source, and
9 for submitting an application for the issuance or
10 renewal of a permit under this part, for the effects
11 of the emissions of the air contaminant source on
12 traffic near the source."

WALLY HORN

S-3320

1 Amend Senate File 374 as follows:

2 1. Page 1, line 27, by inserting after the word
3 "persons," the following: "but the number need not
4 exceed one thousand."

ELAINE SZYMONIAK

S-3321

1 Amend the amendment, S-3295, to Senate File 452, a
2 follows:

3 1. Page 1, by inserting after line 16 the
4 following:

5 "____. Page 1, line 13, by inserting after the
6 word "members" the following: "who shall serve as a
7 nonvoting member."

8 2. Page 1, by inserting after line 43 the
9 following:

10 "____. Page 2, line 26, by striking the word
11 "three" and inserting the following: "two."

12 3. Page 1, by inserting after line 43 the
13 following:

14 "____. Page 2, by striking lines 30 and 31 and
15 inserting the following: "elected and qualified as
16 provided in this chapter.""

LEONARD L. BOSWELL

S-3322

1 Amend Senate File 444 as follows:

2 1. Page 5, by striking lines 6 through 28.

3 2. Page 5, line 33, by inserting after the word
4 "chapter." the following: "The standard forms shall
5 include language in fourteen-point boldface type, with
6 a box which may be checked by the plaintiff,

7 indicating that the plaintiff wishes to proceed by
8 filing an affidavit pursuant to section 236.3, because
9 the plaintiff does not have sufficient funds to pay
10 the cost of filing and service."

11 3. Page 7, line 31, by inserting after the word
12 "representation." the following: "You have the right
13 to seek help from the courts without the payment of
14 court costs if you do not have sufficient funds to pay
15 the costs."

16 4. Page 9, line 10, by inserting after the figure
17 "236.16." the following: "It is the intent of the
18 general assembly that costs associated with batterers'
19 treatment programs shall not be borne by the general
20 fund, and that in administering the domestic abuse
21 services fund, the department shall award sufficient
22 funds to the judicial district departments of
23 correctional services to cover the necessary expenses
24 of the program which cannot be funded wholly from
25 batterers."

26 5. Page 11, line 5, by inserting after the word
27 "programs." the following: "Grant awards for
28 batterers' treatment programs shall be awarded only to
29 supplement those programs which cannot be funded
30 wholly from batterers."

31 6. Page 19, line 8, by inserting after the word
32 "cause." the following: "The repayment receipts shall
33 be used by each of the district departments for the
34 establishment, administration, coordination, and
35 provision of direct services of the batterers'
36 treatment programs, and for the supervision of
37 offenders enrolled in the program."

38 7. Page 23, by inserting after line 24 the
39 following:

40 "Sec. ____ . EFFECTIVENESS CONTINGENT UPON SEPARATE
41 FUNDING. Sections 26 and 45 of this Act take effect
42 upon enactment of a provision by the Seventy-fourth
43 General Assembly during the 1991 regular session
44 specifically appropriating funds for the particular
45 purposes expressed in those sections.

46 Sec. ____ . EFFECTIVE DATE PROVISION -- LAW EN-
47 FORCEMENT ACADEMY CURRICULUM ADVISORY COMMITTEE.

48 8. By renumbering and correcting internal
49 50 references as necessary.

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COMMITTEE ON APPROPRIATIONS
LEONARD L. BOSWELL, Chair

S-3323

1 Amend the amendment, S-3286, to Senate File 451 as
2 follows:

3 1. Page 1, by striking line 24 and inserting the
4 following: "agency."

5 Sec. 100. Section 455D.9, subsection 1, Code 1991,
6 is amended to read as follows:

7 1. Beginning January 1, 1991, land disposal of
8 yard waste as defined by the department is prohibited.

9 However, yard waste which has been separated at its
10 source from other solid waste may be accepted by a

11 sanitary landfill for the purposes of soil
12 conditioning or composting. This subsection does not

13 require yard waste, for which the final destination is
14 a waste recycling center, to be separated at its

15 source prior to collection.

16 Sec. ____ . Section 100 of this Act, being deemed of
17 immediate importance, takes effect upon enactment."

18 ____ . Title page, line 1, by inserting after the
19 word "to" the following: "solid waste including".

20 ____ . Title page, line 2, by inserting after the
21 word "fee" the following: "and providing an effective
22 date"."

RAY TAYLOR

S-3324

1 Amend the amendment, S-3286, to Senate File 451 as
2 follows:

3 1. Page 1, line 9, by striking the word "initial"
4 and inserting the following: "the completed".

RALPH ROSENBERG

S-3325

1 Amend Senate File 489 as follows:

2 1. Page 1, line 11, by inserting after the word
3 "provided." the following: "However, an order to
4 suspend or revoke the licensee's license shall not
5 take effect for six months after the date of the order
6 to suspend or revoke, and shall be rescinded upon a
7 showing by the licensee that payment is current."

WILLIAM PALMER

S-3326

1 Amend Senate File 451 as follows:

- 2 1. Page 1, line 6, by striking the words "and
3 fifty cents".
- 4 2. Page 1, line 30, by striking the word "One-
5 half" and inserting the following: "One-fourth".
- 6 3. Page 1, by inserting after line 35 the follow-
7 ing:
8 "(3) One-fourth of the moneys deposited under this
9 lettered paragraph shall be used by the Iowa waste
10 reduction center for the safe and economic management
11 of solid waste and hazardous substances at the
12 university of northern Iowa for the following
13 purposes:
14 (a) The conducting of a comprehensive review of
15 all completed and ongoing research concerning the
16 development of markets for recycled goods and targeted
17 markets found.
18 (b) To provide financial assistance to public and
19 private entitles to develop and implement waste
20 reduction and minimization programs for Iowa
21 industries."
- 22 4. Page 2, line 1, by striking the word "Five".
23 and inserting the following: "Twelve".
- 24 5. Page 2, line 10, by striking the word "Nine"
25 and inserting the following: "Eleven".
- 26 6. Page 2, line 16, by inserting after the word
27 "waste." the following: "Of the moneys deposited
28 under this lettered paragraph, one hundred thousand
29 dollars shall be used to construct permanent household
30 hazardous material collection sites, until such time
31 as fifteen sites are constructed throughout the
32 state."
- 33 7. Page 2, by striking lines 21 through 28.
- 34 8. By renumbering and relettering as necessary.

JIM KERSTEN
JIM LIND

S-3327

- 1 Amend the amendment, S-3304, to Senate File 506, as
2 follows:
- 3 1. Page 1, by striking lines 24 through 26, and
4 inserting the following: "rate of return during the
5 term of the local exchange telephone".
- 6 2. Page 1, line 31, by inserting after the word
7 "customers" the following: ", and the board may
8 require that all of the increased earnings above an
9 amount as determined by the board must be returned to

10 the utility's customers".

WILLIAM D. PALMER
HARRY SLIFE

S-3328

- 1 Amend the amendment, S-3144, to Senate File 280, as
- 2 follows:
- 3 1. Page 1, line 36, by inserting after the word
- 4 "by" the following: "appropriate licensed or
- 5 certified".

RAY TAYLOR
ELAINE SZYMONIAK

S-3329

- 1 Amend Senate File 516 as follows:
- 2 1. Page 4, line 18, by inserting after the word
- 3 "shall" the following: ", unless the holder has
- 4 previously been notified by the insurer,".
- 5 2. Page 5, line 4, by inserting after the word
- 6 "adopt" the following: "or permit the use of".
- 7 3. Page 5, line 6, by inserting after the word
- 8 "commissioners" the following: ", the blue cross and
- 9 blue shield association,".

MICHAEL E. GRONSTAL

S-3330

- 1 Amend the amendment, S-3300, to Senate File 451, as
- 2 follows:
- 3 1. Page 1, by striking lines 23 through 33.
- 4 2. Page 1, by striking lines 36 and 37.

JOE J. WELSH

S-3331

- 1 Amend Senate File 260 as follows:
- 2 1. Page 3, line 18, by striking the letter "(d)"
- 3 and inserting the following: "f."
- 4 2. Page 3, line 22, by striking the letter "(e)"
- 5 and inserting the following: "g."
- 6 3. Page 3, line 31, by striking the letter "(f)"
- 7 and inserting the following: "h."
- 8 4. Page 3, line 33, by striking the letter "(g)"
- 9 and inserting the following: "i."
- 10 5. Page 6, line 13, by striking the letter "(d)"
- 11 and inserting the following: "e."

- 12 6. Page 6, line 17, by striking the letter "(e)"
 13 and inserting the following: "f."
 14 7. Page 9, line 5, by striking the letter "(d)"
 15 and inserting the following: "f."
 16 8. Page 9, line 10, by striking the letter "(e)"
 17 and inserting the following: "g."
 18 9. Page 9, line 19, by striking the letter "(f)"
 19 and inserting the following: "h."
 20 10. Page 9, line 21, by striking the letter "(g)"
 21 and inserting the following: "i."
 22 11. Page 11, line 33, by striking the figure
 23 "(4)" and inserting the following: "5."
 24 12. Page 12, line 2, by striking the figure "(5)"
 25 and inserting the following: "6."

ELAINE SZYMONIAK

S-3332

- 1 Amend House File 589, as passed by the House, as
 2 follows:
 3 1. Page 4, line 12, by striking the word and
 4 figure "January 1," and inserting the following:
 5 "February 28,".

COMMITTEE ON BUSINESS AND
 LABOR RELATIONS
 RICHARD RUNNING, Chair

S-3333

- 1 Amend Senate File 459 as follows:
 2 1. Page 1, line 25, by inserting after the word
 3 "exposure" the following: "for workers in an outdoor
 4 environment".

ALLEN BORLAUG

S-3334

- 1 Amend Senate File 479 as follows:
 2 1. Page 1, by striking lines 23 through 27 and
 3 inserting the following: "force and the impact of
 4 those changes on Iowa families. ~~The department shall~~
 5 ~~work with the division of children, youth and families~~
 6 ~~of the department of human rights in developing the~~
 7 ~~information relating to the family."~~
 8 2. Page 2, by striking line 27.
 9 3. Page 3, by inserting after line 18 the
 10 following:

11 "(4) The administrator of the division of child
 12 and family services."
 13 4. Page 4, by striking lines 17 through 24.
 14 5. Page 5, by striking lines 14 through 17 and
 15 inserting the following:
 16 "Staff assistance for the council shall be provided
 17 jointly by the department of education and the
 18 division of children, youth, and families of the
 19 department of human rights. Members of the council".
 20 6. By renumbering, relettering, and correcting
 21 internal references as necessary.

FLORENCE BUHR

S-3335

1 Amend Senate File 516 as follows:
 2 1. Page 5, by inserting after line 20 the
 3 following:
 4 "DIVISION IV
 5 Sec. ____ . Section 516A.1, unnumbered paragraph 1,
 6 Code 1991, is amended to read as follows:
 7 No An automobile liability or motor vehicle
 8 liability insurance policy insuring against liability
 9 for bodily injury or death arising out of the
 10 ownership, maintenance, or use of a motor vehicle
 11 shall not be delivered or issued for delivery in this
 12 state with respect to any motor vehicle registered or
 13 principally garaged in this state, unless coverage is
 14 provided in such policy or supplemental thereto to
 15 such policy, for the protection of persons each person
 16 insured under such policy who are is legally entitled
 17 to recover damages from the owner or operator of an
 18 uninsured motor vehicle or a hit-and-run motor vehicle
 19 or an underinsured motor vehicle because of bodily
 20 injury, sickness, or disease, including the resulting
 21 death resulting therefrom of a person insured under
 22 such policy, caused by accident and arising out of the
 23 ownership, maintenance, or use of such uninsured or
 24 underinsured motor vehicle, or arising out of physical
 25 contact of such hit-and-run motor vehicle with the
 26 such person insured or with a motor vehicle which the
 27 such person insured is occupying at the time of the
 28 accident. Both the uninsured motor vehicle or hit-
 29 and-run motor vehicle coverage, and the underinsured
 30 motor vehicle coverage shall include limits for bodily
 31 injury or death at least equal to those stated in
 32 section 321A.1, subsection 10. The form and
 33 provisions of such coverage shall be examined and
 34 approved by the commissioner of insurance.

35 Sec. ____ . Section 516A.2, Code 1991, is amended to
 36 read as follows:
 37 516A.2 CONSTRUCTION -- MINIMUM COVERAGE.
 38 ~~Except with respect to a policy containing both~~
 39 ~~underinsured motor vehicle coverage and uninsured or~~
 40 ~~hit-and-run motor vehicle coverage; nothing contained~~
 41 ~~in this~~ This chapter shall not be construed as
 42 requiring forms of coverage provided pursuant hereto
 43 to this chapter, whether alone or in combination with
 44 similar coverage afforded under other automobile
 45 liability or motor vehicle liability policies, to
 46 afford limits in excess of those that would be
 47 afforded had the insured ~~thereunder~~ under the policy
 48 been involved in an accident with a motorist who was
 49 insured under a policy of liability insurance with the
 50 minimum limits for bodily injury or death prescribed

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1 in subsection 10 of section 321A.1. Such forms of
 2 coverage may include terms, exclusions, limitations,
 3 conditions, and offsets which are designed to avoid
 4 duplication of insurance or other benefits.
 5 In any one accident, regardless of the number of
 6 motor vehicles involved, policies involved, persons
 7 covered, claims made, vehicles or premiums shown in a
 8 policy, or premiums paid, the limit of liability for
 9 uninsured, underinsured, or hit-and-run motorist
 10 coverage for any motor vehicle shall not be added to
 11 limits for any such coverages applying to any other
 12 motor vehicle or motor vehicles to determine the
 13 amount of insurance coverage available to an insured
 14 injured in such accident unless the automobile
 15 liability insurance policy under which the injured
 16 person is insured specifically provides that the
 17 uninsured, underinsured, or hit-and-run motorist
 18 coverage provided under the policy is in excess of
 19 other liability coverages which are available to the
 20 injured person."
 21 2. Renumber as necessary.

MICHAEL GRONSTAL

S-3336

1 Amend the amendment, S-3304, to Senate File 506, as
 2 follows:
 3 1. Page 1, by striking lines 24 through 26, and
 4 inserting the following: "rate of return during the
 5 term of the local exchange telephone".

6 2. Page 1, line 31, by inserting after the word
 7 "customers" the following: ", and the board may
 8 require that all of the increased earnings above an
 9 amount as determined by the board must be returned to
 10 the utility's customers".

WILLIAM D. PALMER
 HARRY SLIFE
 BERL E. PRIEBE

S-3337

1 Amend Senate File 476 as follows:
 2 1. Page 4, lines 32 and 33, by striking the words
 3 "IN BALLOT ISSUE CAMPAIGNS" and inserting the
 4 following: "FOR POLITICAL PURPOSES".
 5 2. Page 5, by striking lines 1 and 2, and
 6 inserting the following: "expenditure of public
 7 moneys for political purposes, including supporting or
 8 opposing a ballot issue."

JIM LIND

S-3338

1 Amend Senate File 476 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "DIVISION I
 5 LIMITATIONS ON CONTRIBUTIONS
 6 Section 1. Sections 2 through 7 of this Act are
 7 created as a new subchapter of chapter 56.
 8 Sec. 2. NEW SECTION. 56.81 LIMITATIONS ON
 9 CONTRIBUTIONS TO CANDIDATES FOR GOVERNOR AND OTHER
 10 STATEWIDE OFFICES.
 11 1. An individual or a political committee, other
 12 than a state or county statutory political committee,
 13 shall not make contributions to a particular candidate
 14 for governor, secretary of agriculture, attorney
 15 general, auditor of state, secretary of state, or
 16 treasurer of state which exceed ten thousand dollars
 17 during a calendar year.
 18 2. An individual shall not make contributions to
 19 candidates which aggregate more than ten thousand
 20 dollars during a calendar year for any particular
 21 office listed below:
 22 a. Governor.
 23 b. Secretary of agriculture.
 24 c. Attorney general.
 25 d. Auditor of state.

- 26 e. Secretary of state.
27 f. Treasurer of state.
28 3. A political committee, other than a state or
29 county statutory political committee, shall not make
30 contributions to candidates which aggregate more than
31 twenty-five thousand dollars during a calendar year
32 for any particular office listed below:
33 a. Governor.
34 b. Secretary of agriculture.
35 c. Attorney general.
36 d. Auditor of state.
37 e. Secretary of state.
38 f. Treasurer of state.
39 4. A candidate for governor, secretary of
40 agriculture, attorney general, auditor of state,
41 secretary of state, or treasurer of state shall not
42 accept from a particular individual or political
43 committee, other than a state or county statutory
44 political committee, contributions which exceed ten
45 thousand dollars during a calendar year.
46 5. A candidate for governor, secretary of
47 agriculture, attorney general, auditor of state,
48 secretary of state, or treasurer of state shall not
49 accept contributions from political committees,
50 excluding state and county statutory political

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- 1 committees, which aggregate more than one hundred
2 fifty thousand dollars during a primary election
3 period and one hundred fifty thousand dollars during a
4 general election period.
5 Sec. 3. NEW SECTION. 56.82 LIMITATIONS ON
6 CONTRIBUTIONS TO GENERAL ASSEMBLY CANDIDATES.
7 1. An individual shall not make contributions to
8 candidates for the office of member of the general
9 assembly which aggregate more than ten thousand
10 dollars during a calendar year.
11 2. A political committee, other than a state or
12 county statutory political committee, shall not make
13 contributions to candidates for the office of member
14 of the general assembly which aggregate more than
15 twenty-five thousand dollars during a calendar year.
16 Sec. 4. NEW SECTION. 56.83 LIMITATIONS ON
17 CONTRIBUTIONS TO CANDIDATES FOR STATE SENATOR.
18 1. An individual or a political committee, other
19 than a state or county statutory political committee,
20 shall not make contributions to a particular candidate
21 for state senator which exceed one thousand dollars
22 during a calendar year.

23 2. A candidate for state senator shall not accept
 24 from a particular individual or political committee,
 25 other than a state or county statutory political
 26 committee, contributions which exceed one thousand
 27 dollars during a calendar year.

28 3. A candidate for the office of state senator
 29 shall not accept contributions from political
 30 committees, excluding state and county statutory
 31 political committees, which aggregate more than ten
 32 thousand dollars during a primary election period and
 33 ten thousand dollars during a general election period.

34 Sec. 5. NEW SECTION. 56.84 LIMITATIONS ON
 35 CONTRIBUTIONS TO CANDIDATES FOR STATE REPRESENTATIVE.

36 1. An individual or a political committee, other
 37 than a state or county statutory political committee,
 38 shall not make contributions to a particular candidate
 39 for the office of state representative which exceed
 40 five hundred dollars during a calendar year.

41 2. A candidate for the office of state
 42 representative shall not accept from a particular
 43 individual or political committee, other than a state
 44 or county statutory political committee, contributions
 45 which exceed five hundred dollars during a calendar-
 46 year.

47 3. A candidate for the office of state
 48 representative shall not accept contributions from
 49 political committees, excluding state and county
 50 statutory political committees, which aggregate more

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1 than five thousand dollars during a primary election
 2 period and five thousand dollars during a general
 3 election period.

4 Sec. 6. NEW SECTION. 56.85 RULES.

5 The commission shall adopt rules for determining
 6 the applicable beginning and ending dates of the
 7 primary election period and the general election
 8 period for each office for purposes of this
 9 subchapter. The commission shall also adopt rules for
 10 determining the applicable beginning and ending dates
 11 in the case of a special election.

12 Sec. 7. NEW SECTION. 56.86 APPLICABILITY --
 13 LIMITATIONS LIFTED UNDER CERTAIN CIRCUMSTANCES.

14 1. The provisions of sections 56.81 through 56.85
 15 relating to contributions by individuals do not apply
 16 to contributions by a candidate to the candidate's own
 17 campaign.

18 2. If a candidate for governor, secretary of
 19 agriculture, attorney general, auditor of state,

20 secretary of state, or treasurer of state contributes
21 or obligates more than one hundred thousand dollars of
22 the candidate's own money to the candidate's campaign,
23 the candidate shall within twenty-four hours give
24 written notice of that fact to the commission. From
25 that time, the limitations on contributions set forth
26 in this subchapter shall not apply to the campaigns of
27 the other candidates for the same office.

28 3. If a candidate for the office of state senator
29 or state representative contributes or obligates more
30 than ten thousand dollars of the candidate's own money
31 to the candidate's campaign, the candidate shall
32 within twenty-four hours give written notice of that
33 fact to the commission. From that time, the
34 limitations on contributions set forth in this
35 subchapter shall not apply to the campaigns of the
36 other candidates for the same office.

37 DIVISION II

38 USE OF CAMPAIGN FUNDS

39 Sec. 8. Sections 9 through 12 of this Act are
40 created as a new subchapter of chapter 56.

41 Sec. 9. NEW SECTION. 56.41 DEFINITION.

42 As used in this subchapter, "campaign funds" means
43 contributions to a candidate or candidate's committee
44 which are required by this chapter to be deposited in
45 a separate campaign account.

46 Sec. 10. NEW SECTION. 56.42 PROHIBITED USES OF
47 CAMPAIGN FUNDS -- RULES.

48 A candidate or the candidate's committee shall not
49 use campaign funds for any type of expenditure from
50 which the candidate or members of the candidate's

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1 immediate family would derive personal benefit or
2 gain. The commission shall adopt rules to implement
3 this section. The rules shall specify the types of
4 expenditures which are prohibited.

5 Sec. 11. NEW SECTION. 56.43 UNEXPENDED BALANCES.

6 1. If an unexpended balance of campaign funds
7 remains when a candidate of a political party ceases
8 to be a candidate or the candidate's committee ceases
9 to function, the unexpended balance shall be
10 transferred to the political party's applicable
11 statutory political committee.

12 2. If an unexpended balance of campaign funds
13 remains when a nonpartisan or independent candidate
14 ceases to be a candidate or the candidate's committee
15 ceases to function, the unexpended balance shall be
16 used in one or more of the following ways:

- 17 a. For donations to a charitable purpose.
 18 b. For return of contributions to the contributors
 19 on a pro rata basis.

20 Sec. 12. NEW SECTION. 56.44 TRANSFERS FROM ONE
 21 CANDIDATE'S COMMITTEE TO ANOTHER.

22 A candidate or candidate's committee shall not use
 23 campaign funds for transfers or contributions to
 24 another candidate or candidate's committee. The cost
 25 of purchasing tickets to a fund-raising event held by
 26 or on behalf of a candidate to raise money for the
 27 candidate's campaign is considered a contribution for
 28 purposes of this section, unless the event is
 29 sponsored by a state or county statutory political
 30 committee.

31 **DIVISION III**
 32 **PROHIBITIONS**

33 Sec. 13. NEW SECTION. 56.61 TRANSFERS BY CERTAIN
 34 POLITICAL COMMITTEES.

35 A political committee registered in this state
 36 shall not make transfers or contributions to another
 37 political committee unless the political committee
 38 receiving the transfer or contribution is a state or
 39 county statutory political committee.

40 Sec. 14. NEW SECTION. 56.62 CERTAIN ACCOUNTS BY
 41 OFFICEHOLDERS PROHIBITED.

42 A holder of public office shall not maintain an
 43 account, other than a campaign account, to receive
 44 contributions for the purpose of publishing and
 45 distributing newsletters or performing other
 46 constituent services related to the official duties of
 47 public office. This section applies whether or not
 48 the officeholder is a candidate.

49 Sec. 15. NEW SECTION. 56.63 HONORARIA --
 50 EXPENSES.

Page 5

1 1. A holder of a statewide office or the office of
 2 state representative or state senator shall not
 3 solicit or accept an honorarium from a group,
 4 association, organization, or individual with an
 5 interest in issues before the general assembly.
 6 However, this section does not prohibit the acceptance
 7 of reimbursement for actual expenses in connection
 8 with an appearance, speech, or participation in a
 9 seminar, panel, or workshop sponsored by the group,
 10 association, organization, or individual if the amount
 11 of the reimbursement is disclosed pursuant to section
 12 56.6. The reimbursed expenses shall not be considered
 13 contributions for purposes of the contribution

14 limitations set forth in sections 56.81 through 56.85.

15 2. As used in this section:

16 a. "Appearance" means attendance at a public or
17 private conference, convention, meeting, social event,
18 or like gathering, and the remarks made at that time.

19 b. "Article" means a writing, other than a book,
20 which has been or is intended to be published.

21 c. "Honorarium" means a payment of money or
22 anything of value if it is accepted as consideration
23 for an appearance, speech, or article. "Honorarium"
24 does not include payment for or provision of actual
25 travel and subsistence expenses, including
26 transportation, accommodations, and meals.

27 d. "Speech" means an address, oration, or other
28 form of oral presentation, regardless of whether
29 presented in person, recorded, or broadcast over the
30 media.

31 Sec. 16. NEW SECTION. 56.64 CONSULTING FEES.

32 A holder of statewide office or the office of state
33 representative or state senator shall not accept a
34 consulting fee from a group, association,
35 organization, or individual with an interest in issues
36 before the general assembly.

37 Sec. 17. NEW SECTION. 56.65 CONTRIBUTIONS WHILE
38 GENERAL ASSEMBLY IS IN SESSION.

39 The candidate's committee of a holder of a
40 statewide office or the office of state representative
41 or state senator shall not solicit or accept
42 contributions from a political committee, other than a
43 state or county statutory political committee, or from
44 a lobbyist registered under the rules adopted by
45 either house of the general assembly while the general
46 assembly is in session.

47 Sec. 18. NEW SECTION. 56.66 USE OF PUBLIC MONEYS
48 IN BALLOT ISSUE CAMPAIGNS.

49 The governing body of a county, city, or other
50 political subdivision of the state shall not expend or

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1 permit the expenditure of public moneys for the
2 purpose of supporting or opposing a ballot issue.

3 DIVISION IV 4 REPORTING AND DISCLOSURE

5 Sec. 19. Section 56.5A, Code 1991, is amended to
6 read as follows:

7 56.5A CANDIDATE'S COMMITTEE.

8 1. Each Except as otherwise provided in subsection

9 2. each candidate for public office shall organize
10 one, and only one, candidate's committee for a

11 specific office sought when the candidate receives
12 contributions, makes expenditures, or incurs
13 indebtedness in excess of two hundred fifty dollars in
14 a calendar year.

15 2. If a candidate does not make campaign
16 expenditures in excess of five hundred dollars in a
17 calendar year, does not receive contributions or incur
18 indebtedness, and makes all campaign expenditures
19 solely from the candidate's own money, the candidate
20 is not required to organize a candidate's committee.
21 The commission shall adopt rules requiring the
22 candidate to submit an affidavit in advance certifying
23 that the candidate will meet the requirements of this
24 subsection.

25 Sec. 20. Section 56.6, subsection 1, paragraphs a
26 and b, Code 1991, are amended to read as follows:

27 a. Each treasurer of a committee shall file with
28 the commission or commissioner disclosure reports of
29 contributions received and disbursed on forms
30 prescribed by rules as provided by chapter 17A. The
31 reports from all committees, except those committees
32 for municipal and school elective offices and for
33 local ballot issues, shall be filed on the twentieth
34 day or mailed bearing a United States postal service
35 postmark dated on or before the nineteenth day of
36 January, May, July and October of each year. The May,
37 July, and October reports shall be current as of five
38 days prior to the filing deadline. The January report
39 shall be the annual report covering activity through
40 December 31. A state or county statutory political
41 committee is not required to file the May and July
42 reports for a year in which no primary or general
43 election is held. A candidate's committee, other than
44 for municipal and school elective offices, for a year
45 in which the candidate is not standing for election is
46 not required to file the May and July reports.
47 Reports for committees for a ballot issue placed
48 before the voters of the entire state shall be filed
49 at the January, May, July, and October deadlines.

50 b. A candidate's committee of a candidate for

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1 statewide office or the general assembly shall file a
2 supplementary report in a year in which a primary,
3 general or special election for that office is held if
4 the committee of a candidate for governor receives ten
5 thousand dollars or more, a committee of a candidate
6 for any other statewide office receives five thousand
7 dollars or more, or the committee of a candidate for

8 the general assembly receives one thousand dollars or
9 more after the close of the period covered by the last
10 report filed prior to that primary, general or special
11 election. The amounts of contributions causing a
12 supplementary report under this paragraph shall
13 include the estimated fair market value of in-kind
14 contributions. The report shall be filed by the
15 Friday immediately preceding the election and be
16 current through the Tuesday immediately preceding the
17 election.

18 A statewide political committee, other than a state
19 statutory political committee, shall file a report on
20 the Friday preceding the primary election and on the
21 Friday preceding the general election in a year in
22 which a primary or general election is held.

23 Each contribution of five hundred dollars or more
24 received between the date of the committee's last
25 prelection report and the date of the election shall
26 be reported to the commission by the candidate's
27 committee by letter postmarked the date of receipt of
28 such contribution.

29 A political committee, other than a state or county
30 political committee, shall report to the commission,
31 by letter postmarked the date the check is issued or
32 other payment made, each contribution of five hundred
33 dollars or more made to a candidate's committee during
34 the seven-day period preceding the date of the
35 election.

36 Sec. 21. Section 56.6, subsection 1, paragraph c,
37 Code 1991, is amended by striking the paragraph.

38 Sec. 22. Section 56.10A, Code 1991, is amended to
39 read as follows:

40 **56.10A REPORTING OF HONORARIA OR EXPENSES.**

41 1. The commission shall adopt rules requiring the
42 filing of periodic reports by officeholders showing
43 all honoraria or expenses received during the
44 reporting period.

45 2. The rules shall require that:

46 a. Holders of statewide office must file reports
47 of the aggregate amount received as reimbursement for
48 expenses in connection with appearances, speeches, or
49 participation in seminars, panels, or workshops
50 sponsored by groups, associations, organizations, or

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1 individuals with an interest in issues before the
2 general assembly with the state commissioner of
3 elections.

4 b. Holders of the office of state senator must

5 file reports of the aggregate amount received as
6 reimbursement for expenses in connection with
7 appearances, speeches, or participation in seminars,
8 panels, or workshops sponsored by groups,
9 associations, organizations, or individuals with an
10 interest in issues before the general assembly with
11 the secretary of the senate.

12 c. Holders of the office of state representative
13 must file reports of the aggregate amount received as
14 reimbursement for expenses in connection with
15 appearances, speeches, or participation in seminars,
16 panels, or workshops sponsored by groups,
17 associations, organizations, or individuals with an
18 interest in issues before the general assembly with
19 the chief clerk of the house of representatives.

20 d. Holders of county and other offices must file
21 reports of honoraria with the county commissioner of
22 elections.

23 3. The reports shall be available for public
24 inspection.

DIVISION V

INCOME TAX CHECKOFF

26 Sec. 23. Section 56.18, Code 1991, is amended to
27 read as follows:

28 56.18 CHECKOFF – INCOME TAX CHECKOFF FOR
29 POLITICAL PARTIES.

30 A person whose state income tax liability for any
31 taxable a tax year is one dollar and fifty cents two
32 dollars or more may direct that one dollar and fifty
33 cents two dollars of that liability be paid over to
34 the Iowa election campaign fund when submitting the
35 person's state income tax return to the department of
36 revenue and finance. In the case of a joint return of
37 husband and wife having a state income tax liability
38 of three four dollars or more, each spouse may direct
39 that one dollar and fifty cents two dollars be paid to
40 the fund. The director of revenue and finance shall
41 draft the income tax form to provide spaces on the tax
42 return which the taxpayer may use to designate that
43 contributions made under this section be credited to a
44 specified political party as defined by section 43.2,
45 or to the Iowa election campaign fund as a
46 contribution to be shared by all such political
47 parties in the manner prescribed by section 56.19.
48 The form shall inform the taxpayer of the consequences
49 of the choices provided under this section, but this

2 suitable form if the director of revenue and finance
3 finds it is not feasible to place the information
4 immediately above the signature line. The action
5 taken by a person for the checkoff is irrevocable.

6 DIVISION VI
7 POLITICAL CONTRIBUTION DEDUCTION

8 Sec. 24. Section 422.7, Code 1991, is amended by
9 adding the following new subsection:
10 NEW SUBSECTION. 24. Subtract the amount donated
11 during the tax year as political contributions to a
12 state statutory political committee of a political
13 party as defined in section 43.2. The maximum amount
14 of donations eligible for the political contribution
15 deduction is fifty dollars for a single person or for
16 a married person filing a separate return or filing
17 separately on a combined return. The maximum amount
18 of donations eligible for the political contribution
19 deduction is one hundred dollars for married persons
20 filing a joint return.

21 DIVISION VII
22 MISCELLANEOUS

23 Sec. 25. Section 56.10, subsection 4, Code 1991,
24 is amended to read as follows:

25 4. Adopt rules pursuant to chapter 17A and levy
26 civil penalties to carry out this chapter. The rules
27 shall provide that the candidate, or the treasurer of
28 a candidate's committee, or the chairperson or
29 treasurer of a political committee, is responsible for
30 filing disclosure reports as required by this chapter,
31 and shall receive notice from the commission if the
32 committee has failed to file a disclosure report at
33 the time required by this chapter. A candidate, or
34 treasurer of a candidate's committee, or chairperson
35 or treasurer of a political committee, may be subject
36 to a civil penalty for failure to file a disclosure
37 report required by this chapter if the report has not
38 been filed when required by section 56.6, subsection
39 1. A person who causes the publication or
40 distribution of published political advertising
41 material may be subject to a civil penalty for failure
42 to include the identity and address of the person
43 responsible for the material as required by section
44 56.14.

45 Sec. 26. NEW SECTION. 56.31 CANDIDATE FOR
46 LIEUTENANT GOVERNOR NOT CONSIDERED A SEPARATE
47 CANDIDATE.

48 For purposes of this chapter, a candidate for
49 lieutenant governor shall not be considered a separate
50 candidate, but shall be considered part of a team of

Page 10

1 candidates for governor and lieutenant governor. The
 2 commission shall adopt rules for the application of
 3 this section with respect to accounting, reporting,
 4 public financing, and other requirements and
 5 provisions of this chapter.

6 Sec. 27. APPLICABILITY DATE.

7 Section 23 of this Act is retroactively applicable
 8 to January 1, 1991, for tax years beginning on or
 9 after that date.

10 Section 24 of this Act takes effect January 1,
 11 1992, for tax years beginning on or after that date."

12 2. Title page, by striking lines 1 through 12 and
 13 inserting the following: "An Act relating to
 14 political campaigns, providing limitations on certain
 15 contributions, restricting the use of campaign funds,
 16 providing additional disclosure requirements,
 17 increasing the income tax checkoff for political
 18 parties, providing a political contribution tax
 19 deduction, providing certain prohibitions, providing
 20 that the candidate for lieutenant governor is not
 21 considered a separate candidate for campaign finance
 22 purposes, providing penalties, and providing effective
 23 and applicability dates."

PAUL D. PATE
 MAGGIE TINSMAN
 JACK RIFE
 H. KAY HEDGE
 HARRY G. SLIFE
 ALLEN BORLAUG
 MARY E. KRAMER
 JAMES B. KERSTEN
 MARK R. HAGERLA
 SHELDON RITTMER
 DERRYL McLAREN
 JIM LIND
 RICHARD F. DRAKE
 RICHARD VANDE HOEF
 WILMER RENSINK

S-3339

1 Amend the amendment, S-3338, to Senate File 476 as
 2 follows:

3 1. Page 5, by striking line 48 and inserting the
 4 following: "FOR POLITICAL PURPOSES."

5 2. Page 6, by striking lines 1 and 2, and
 6 inserting the following: "permit the expenditure of

7 public moneys for political purposes, including
8 supporting or opposing a ballot issue."

JIM LIND

S-3340

1 Amend the amendment, S-3338, to Senate File 476 as
2 follows:

3 1. Page 4, by striking lines 10 and 11, and
4 inserting the following: "used in one or more of the
5 following ways:

6 a. For transfer to the political party's
7 applicable statutory political committee.

8 b. For donations to a charitable purpose.

9 c. For return of contributors on a pro rata
10 basis."

11 2. Page 6, by inserting after line 4, the
12 following:

13 "Sec. ____ . Section 56.3, subsection 2, Code 1991,
14 is amended to read as follows:

15 2. A person who receives contributions ~~in excess~~
16 ~~of one hundred dollars~~ for a committee shall, not
17 later than fifteen days from the date of receipt of
18 the contributions or on demand of the treasurer,
19 render to the treasurer the contributions and an
20 account of the total of all contributions; including
21 the name and address of each person making a
22 contribution in excess of ten dollars, the amount of
23 the contributions, and the date on which the
24 contributions were received. The treasurer shall
25 deposit all contributions within seven days of receipt
26 by the treasurer in an account maintained by the
27 committee in a financial institution. All funds of a
28 committee shall be segregated from any other funds
29 held by officers, members, or associates of the
30 committee or the committee's candidate. However, if a
31 candidate's committee receives contributions only from
32 the candidate, or if a permanent organization
33 temporarily engages in activity which qualifies it as
34 a political committee and all expenditures of the
35 organization are made from existing general operating
36 funds and funds are not solicited or received for this
37 purpose from sources other than operating funds, then
38 that committee is not required to maintain a separate
39 account in a financial institution. The funds of a
40 committee are not attachable for the personal debt of
41 the committee's candidate or an officer, member, or
42 associate of the committee.

43 Sec. ____ . Section 56.5, subsection 5, Code 1991,

44 is amended to read as follows:

45 5. A committee not domiciled in Iowa which makes a
46 contribution to a candidate's committee or political
47 committee domiciled in Iowa shall disclose each
48 contribution to the commission. The committee A
49 committee not domiciled in Iowa which is not
50 registered and filing full disclosure reports of all

Page 2

1 financial activities with the federal election
2 commission or another state's disclosure commission
3 shall register and file full disclosure reports with
4 the commission pursuant to this chapter. A committee
5 which is currently filing a disclosure report in
6 another jurisdiction shall either file a statement of
7 organization under subsections 1 and 2 and file
8 disclosure reports, the same as those required of
9 Iowa-domiciled committees, under section 56.6, or
10 shall file one copy of a verified statement with the
11 commission and a second copy with the treasurer of the
12 committee receiving the contribution. The form shall
13 be completed and filed at the time the contribution is
14 made. The verified statement shall be on forms
15 prescribed by the commission and be attached to the
16 report required of the committee receiving the
17 contribution under section 56.6. The form shall
18 include the complete name, address, and telephone
19 number of the contributing committee, the state or
20 federal jurisdiction under which it is registered or
21 operates, the identification of any parent entity or
22 other affiliates or sponsors, its purpose, the name
23 and address of an Iowa resident authorized to receive
24 service of original notice and the name and address of
25 the receiving committee, the amount of the cash or in-
26 kind contribution, and the date the contribution was
27 made."

28 3. Page 9, by inserting after line 22, the
29 following:

30 "Sec. ____ . Section 56.2, subsection 4, Code 1991,
31 is amended to read as follows:

32 4. "Candidate's committee" means the committee
33 designated by the candidate to receive contributions,
34 expend funds, or incur indebtedness in the aggregate
35 in excess of two hundred fifty dollars in any calendar
36 year on behalf of the candidate."

37 4. By renumbering as necessary.

PAUL D. PATE

S-3341

1 Amend the amendment, S-3135, to Senate File 260 as
2 follows:
3 1. Page 3, by striking lines 10 through 17 and
4 inserting the following:
5 " ____ . Page 7, line 33, by striking the word
6 "Twenty-five" and inserting the following: "Four
7 hundred".
8 ____ . Page 7, line 35, by striking the word
9 "Seventy-five" and inserting the following: "Seven
10 hundred".
11 ____ . Page 8, line 3, by striking the words "One
12 hundred fifty thousand" and inserting the following:
13 "One million".
14 2. By striking page 3, line 48, through page 4,
15 line 5 and inserting the following:
16 " ____ . Page 10, line 30, by striking the word
17 "Twenty-five" and inserting the following: "Four
18 hundred".
19 ____ . Page 10, line 32, by striking the word
20 "Seventy-five" and inserting the following: "Seven
21 hundred".
22 ____ . Page 10, line 35, by striking the words "One
23 hundred fifty thousand" and inserting the following:
24 "One million".
25 3. Page 4, line 13, by striking the word "fifty"
26 and inserting the following: "four hundred".
27 4. Page 4, lines 16 and 17, by striking the words
28 "one hundred fifty" and inserting the following:
29 "seven hundred".
30 5. Page 4, by striking line 20 and inserting the
31 following: "one hundred fifty thousand million
32 dollars."

ELAINE SZYMONIAK

S-3342

1 Amend Senate File 508 as follows:
2 1. Page 10, line 31, by striking the words "For
3 the purposes of this section, "covered product"".
4 2. By striking page 10, line 32 through page 12,
5 line 17.
6 3. By renumbering as necessary.

MICHAEL E. GRONSTAL
RALPH ROSENBERG
PATRICK J. DELUHERY
PAUL D. PATE

S-3343

- 1 Amend Senate File 525 as follows:
- 2 1. Page 1, by striking line 10 and inserting the
3 following: "in order to".
- 4 2. Page 2, line 2, by inserting after the word
5 "plants," the following: "receiving stations,".
- 6 3. Page 2, line 30, by inserting after the word
7 "plants," the following: "receiving stations,".
- 8 4. Page 4, line 25, by inserting after the word
9 "department" the following: "As used in this
10 section, the terms "public health hazard" and
11 "imminent hazard" shall be defined by rules adopted by
12 the department. The rules shall include examples of
13 public health hazards and imminent hazards".
- 14 5. Title page, line 1, by inserting after the
15 word "products," the following: "providing for the
16 repeal of certain sections,".

JACK W. HESTER

S-3344

- 1 Amend Senate File 491 as follows:
- 2 1. Page 1, line 24, by striking the words "any
3 and all".
- 4 2. Page 1, line 25, by striking the word "any"
5 and inserting the following: "all, or any portion
6 of,".
- 7 3. Page 5, line 5, by striking the word
8 "written".
- 9 4. Page 5, lines 24 and 25, by striking the words
10 "for the full value of the vehicle".
- 11 5. Page 5, by striking lines 28 through 31 and
12 inserting the following: "price index for the
13 preceding calendar year. A rental company may exceed
14 the permissible cost in this section provided that the
15 rental company has placed on file with the attorney
16 general the reasons for exceeding such cost and the
17 attorney general deems the cost as established by the
18 rental company to be reasonable and necessary."

WILLIAM D. PALMER
EMIL J. HUSAK
JIM LIND
JACK NYSTROM

S-3345

1 Amend the amendment, S-3157, to Senate File 10, as
2 follows:
3 1. Page 3, line 8, by inserting after the word
4 "home." the following: "To the maximum extent
5 possible, the care review committee appointed for an
6 elder family home shall include a person involved in a
7 local retired senior volunteer program."

BEVERLY A. HANNON
MAGGIE TINSMAN

S-3346

1 Amend Senate File 339 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 120.5, subsection 1, Code
5 1991, is amended by adding the following new
6 paragraphs:
7 NEW PARAGRAPH. c. A bank regulated under chapter
8 524, a credit union regulated under chapter 533, a
9 savings and loan association regulated under chapter
10 534, or a radio or television station licensed by an
11 agency of the federal government.
12 NEW PARAGRAPH. d. A person offering or providing
13 travel services as a service to a member of its own
14 association when those services are provided through a
15 travel agency registered under this chapter and such
16 travel agency's name and address is disclosed to each
17 such member when offering the travel services."

RICHARD RUNNING
MICHAEL GRONSTAL

S-3347

1 Amend House File 510, 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 331.651, subsection 2, Code
6 1991, is amended by striking the subsection and
7 inserting in lieu thereof the following:
8 2. A person elected to the office of county
9 sheriff must have attained the age of 21 prior to the
10 date of the election: A person appointed to fill a
11 vacancy in the office of county sheriff must have
12 attained the age of 21, must have at least two years
13 experience as a full-time peace officer, and must have
14 earned a certificate of graduation as a law

15 enforcement officer recognized by the Iowa law
 16 enforcement academy council or possess all of the
 17 qualifications required by the Iowa law enforcement
 18 academy council to be certified as a law enforcement
 19 officer prior to assuming the duties of the office of
 20 sheriff.
 21 A person elected or appointed to the office of
 22 sheriff shall qualify by taking the oath of office as
 23 provided in section 63.10 and give bond as provided in
 24 section 64.8."
 25 2. Title, line 1, by inserting before the word
 26 "election" the following: "qualifications of an
 27 elected or appointed county sheriff and to the".

EUGENE FRAISE
 MICHAEL E. GRONSTAL
 EMIL J. HUSAK
 DONALD E. GETTINGS
 LEONARD L. BOSWELL
 ALVIN V. MILLER
 DONALD V. DOYLE

S-3348

1 Amend Senate File 491 as follows:
 2 1. Page 5, by striking lines 17 through 35.
 3 2. By renumbering as necessary.

HARRY SLIFE
 DONALD V. DOYLE

S-3349

1 Amend House File 577, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 19, by striking the words "may be
 4 requested by a member" and inserting the following:
 5 "shall be made available to members".
 6 2. Page 1, line 20, by inserting after the word
 7 "assembly" the following: "by sending a copy of the
 8 report to the chief clerk of the house of
 9 representatives, the secretary of the senate, and the
 10 director of each of the caucus or research staffs of
 11 the general assembly".

COMMITTEE ON NATURAL RESOURCES
 WILLIAM D. PALMER, Chair

S-3350

- 1 Amend House File 200, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 10, the
- 4 following:
- 5 "The information indicating the vote of each member
- 6 present on each action taken by the governmental body
- 7 shall be published in at least one newspaper having
- 8 general circulation in the area subject to the
- 9 authority and control of the governmental body."

WILLIAM W. DIELEMAN

S-3351

- 1 Amend House File 651, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 2, line 24, by striking the word "seven"
- 4 and inserting the following: "eight".
- 5 2. Page 2, by inserting after line 28, the
- 6 following:
- 7 "Sec. ____ . Section 99D.12, subsection 2, paragraph
- 8 b, Code 1991, is amended to read as follows:
- 9 b. Twenty-five percent shall be retained by the
- 10 licensee and shall be put into a stake race for Iowa-
- 11 whelped dogs. An amount equal to twelve percent of
- 12 the winner's share shall be set aside and distributed
- 13 to the breeder of the winning greyhound in accordance
- 14 with section 99D.22 and the remainder shall be
- 15 apportioned as purse moneys for the stake race. All
- 16 dogs racing in the stake race must have run in at
- 17 least twelve races during the current racing season at
- 18 the track sponsoring the stake race to qualify to
- 19 participate.
- 20 Sec. ____ . Section 99D.13, subsection 2, Code 1991,
- 21 is amended to read as follows:
- 22 2. Winnings from each racetrack forfeited under
- 23 subsection 1 shall escheat to the state and to the
- 24 extent appropriated by the general assembly shall be
- 25 used by the department of agriculture and land
- 26 stewardship to administer section 99D.22. The
- 27 remainder shall be paid over to the commission to pay
- 28 all or part of the cost of drug testing at the tracks.
- 29 To the extent the remainder paid over to the
- 30 commission, less the cost of drug testing, is from
- 31 unclaimed winnings from harness racing meets, the
- 32 remainder shall be used as provided in subsection 3.
- 33 To the extent the remainder paid to the commission,
- 34 less the cost of drug testing, is from unclaimed
- 35 winnings from licensed dog tracks, the commission
- 36 shall remit annually five thousand dollars, or an

37 equal portion of that amount, to each licensed dog
 38 track to carry out the racing dog adoption program
 39 pursuant to section 99D.27. To the extent the
 40 remainder paid over to the commission, less the cost
 41 of drug testing, is from unclaimed winnings from
 42 tracks licensed for dog or horse races, the
 43 commission, on an annual basis, shall remit one-third
 44 of the amount to the treasurer of the city in which
 45 the racetrack is located, one-third of the amount to
 46 the treasurer of the county in which the racetrack is
 47 located, and one-third of the amount to the racetrack
 48 from which it was forfeited. If the racetrack is not
 49 located in a city, then one-third shall be deposited
 50 as provided in chapter 556. The amount received by

Page 2

1 the racetrack under this subsection shall be used only
 2 for retiring the debt of the racetrack facilities and
 3 for capital improvements to the racetrack facilities."

4 3. By striking page 2, line 31 through page 3,
 5 line 11, and inserting the following:

6 c. If the rate of tax imposed under paragraph "a"
 7 is six percent, five percent, or four percent, a track
 8 shall set aside for retiring the debt of the racetrack
 9 facilities or for capital improvement to the racetrack
 10 facilities the following amount:

11 (1) If the rate of tax paid by the track is six
 12 percent, one percent of the gross sum wagered in the
 13 racing season shall be set aside.

14 ~~(1)~~ (2) If the rate of tax paid by the track is
 15 five percent, one percent of the gross sum wagered in
 16 the racing season shall be set aside.

17 ~~(2)~~ (3) If the rate of tax paid by the track is
 18 four percent, two percent of the gross sum wagered in
 19 the racing season shall be set aside.

20 4. Page 4, line 1, by striking the word "July"
 21 and inserting the following: "January".

COMMITTEE ON STATE GOVERNMENT
 JOHN KIBBIE, Chair

S-3352

1 Amend House File 391, as passed by the House, as
 2 follows:

3 1. Page 2, by inserting after line 7 the
 4 following:

5 "Sec. ____ . Section 123.49, Code 1991, is amended
 6 by adding the following new subsection:

7 NEW SUBSECTION. 5. Notwithstanding section
 8 123.36, 123.134, 123.150, or this section, a person
 9 who has a commercial establishment which is open to
 10 the public for twenty-four hours per day and for which
 11 an alcoholic beverage license or permit has been
 12 acquired pursuant to this chapter, may sell the
 13 alcoholic beverage for which the license or permit is
 14 issued, for consumption off the premises during the
 15 twenty-four hours of operation. If the person is
 16 licensed or permitted to sell alcoholic beverages on
 17 Sunday, the license or permit is valid for sales for
 18 consumption off the premises during the twenty-four
 19 hours on Sunday."

LARRY MURPHY

S-3353

1 Amend Senate File 84 as follows:
 2 1. Page 1, by inserting after line 22 the
 3 following:
 4 "Sec. ____ . Section 18.18, Code 1991, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 8. The department of general
 7 services, by January 1, 1992, shall seek an agreement
 8 with the agencies of the states of Minnesota and
 9 Wisconsin authorized to purchase general use items for
 10 state agencies, to provide for the cooperative
 11 purchase of recycled products."
 12 2. Title page, line 1, by inserting after the
 13 word "purchase" the following: "recycled products
 14 including".
 15 3. By renumbering as necessary.

LARRY MURPHY
 RALPH ROSENBERG

S-3354

1 Amend Senate File 379 as follows:
 2 1. Page 2, line 7, by striking the word "the".
 3 2. Page 2, by striking lines 8 and 9.
 4 3. Page 2, by inserting after line 17, the
 5 following:
 6 "The board of educational examiners may develop
 7 recommendations for specific changes in the licensing
 8 requirements for math and science teachers."
 9 4. Title page, line 3, by inserting after the
 10 word "account" the following: "and providing for
 11 licensing changes by the board of educational

12 examiners”.

WALLY HORN

S-3355

1 Amend House File 237 as follows:
 2 1. Page 2, by striking lines 11 through 25 and
 3 inserting the following:
 4 “566.15 AUTHORITY TO INVEST FUNDS.
 5 The board of supervisors, mayor and council, or
 6 board of trustees other elected governmental body, as
 7 the case may be, ~~shall have~~ has the authority to
 8 receive and invest all moneys and property, ~~so~~ donated
 9 or bequeathed, and that portion of cemetery lot sales
 10 and permanent charges made against cemetery lots which
 11 ~~has~~ have been set aside in a perpetual care fund, in
 12 ~~such authorized investments and in the manner~~
 13 ~~prescribed in section 682.22, or as the same may be~~
 14 ~~hereafter amended. Such money must be invested at the~~
 15 ~~market value of such securities, and they shall use~~
 16 ~~the for which they have exercised the judgment and~~
 17 ~~care, under the circumstances then prevailing, which~~
 18 ~~persons of prudence, discretion, and intelligence~~
 19 ~~exercise in the management of their affairs. The~~
 20 ~~income from such the investment shall be used in~~
 21 ~~caring for the property of the donor in any cemetery,~~
 22 ~~or as shall be provided in the terms of such the gift~~
 23 ~~or donations or agreement for sale and purchase of a~~
 24 ~~cemetery lot.”~~

ELAINE SZYMONIAK

S-3356

1 Amend Senate File 177 as follows:
 2 1. Page 6, by inserting after line 10, the
 3 following:
 4 “Sec. ____ . Section 601A.12, subsection 1, Code
 5 1991, is amended to read as follows:
 6 1. Any bona fide religious institution with
 7 respect to any qualifications it may impose based on
 8 religion or sexual orientation, when such
 9 qualifications are related to a bona fide religious
 10 purpose.
 11 Sec. ____ . Section 601A.12, Code 1991, is amended
 12 by adding the following new subsection:
 13 NEW SUBSECTION. 8. The rental or leasing of a
 14 housing accommodation with regard to any qualification
 15 imposed based upon sexual orientation, if the owner or

16 members of the owner's family reside in the housing
17 accommodation."
18 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3357

1 Amend House File 510, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 2 and 3, and
4 inserting the following:
5 "1. Two or more county boards of supervisors may
6 adopt resolutions proposing to share the services of a
7 county sheriff. The resolutions shall also propose
8 that the question of establishing the office of
9 multicounty sheriff be submitted to the electorate of
10 the counties proposing to share the services of a
11 county sheriff. The proposal is adopted in those
12 counties where a majority of the electors voting
13 approves the proposal.
14 2. The county sheriff".
15 2. Page 1, line 6, by striking the words "as
16 provided in the agreement".
17 3. Page 1, by striking line 9, and inserting the
18 following:
19 "3. The office of multicounty sheriff is created
20 effective on January 1".
21 4. By renumbering as necessary.

JOHN W. JENSEN

S-3358

1 Amend House File 649 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Hazardous waste or hazardous substance disposal
5 site" does not include any sanitary landfill as
6 defined in section 455B.301, subsection 19 that has
7 since January 1, 1980, placed in its facility material
8 excluded under 40 C.F.R. § 260.20 and 40 C.F.R. §
9 260.22 and has been in substantial compliance with the
10 federal regulations under the Resource Conservation
11 and Recovery Act and its amendments since 1980."

JOE J. WELSH
MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 131

S-3359

- 1 Amend Senate File 131, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 31, the
4 following:
5 "Sec. ____ . RETROACTIVE APPLICABILITY. This Act is
6 retroactively applicable to January 1, 1980, and is
7 applicable on and after that date."
8 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 276

S-3360

- 1 Amend Senate File 276 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 21 through 27, and
4 inserting the following:
5 "d. Any other entity which is organized on a
6 cooperative basis under the laws of this state for the
7 purpose of engaging in the activities of an
8 agricultural association as defined in section 499.2."
9 2. Page 2, line 7, by inserting after the word
10 "indebtedness" the following: "and are issued after
11 July 1, 1991".
12 3. Page 2, by striking lines 8 and 9, and
13 inserting the following: "administrator a written
14 notice specifying the name of the".
15 4. Page 2, line 14, by inserting after the word
16 "made" the following: "in accordance with such rules
17 as prescribed by the administrator".

S-3361

- 1 Amend House File 343, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 19 the
4 following:
5 "Any civil penalty may be compromised by the board.
6 In determining the amount of the penalty, or the
7 amount agreed upon in compromise, the board shall
8 consider the appropriateness of the penalty to the
9 size of the business of the person charged, the
10 gravity of the violation, and the good faith of the
11 person charged in attempting to achieve compliance

12 after notification of a violation.”

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
RALPH ROSENBERG, Chair

S-3362

1 Amend Senate File 321 as follows:

2 1. Page 1, by inserting after line 5 the
3 following:

4 “Sec. ____ . Section 553.12, subsection 3, paragraph
5 b, Code 1991, is amended by striking the paragraph.

6 Sec. ____ . Section 553.12, subsection 4, Code 1991,
7 is amended by striking the subsection.

8 Sec. ____ . Section 553.12, Code 1991, is amended by
9 adding the following new subsections:

10 NEW SUBSECTION. 5. The attorney general may bring
11 a civil action to secure monetary relief as provided
12 in this section for an indirect injury sustained by
13 the state to its property by reason of a violation of
14 this chapter. The court shall exclude from the amount
15 of monetary relief awarded in the action the amount of
16 monetary relief which duplicates amounts previously
17 awarded for the same injury.

18 NEW SUBSECTION. 6. a. The attorney general may
19 bring a civil action as parens patriae on behalf of
20 persons residing in the state, to secure monetary
21 relief as provided in this section for a direct or
22 indirect injury sustained by those persons to their
23 property by reason of a violation of this chapter.
24 The court shall exclude from the amount of monetary
25 relief awarded in the action the amount of monetary
26 relief which duplicates amounts previously awarded for
27 the same injury or which is properly allocable to
28 persons who have excluded their claims pursuant to
29 paragraph “b”, subparagraph (2).

30 b. (1) In an action brought under paragraph “a”,
31 the attorney general shall, at the time, in the
32 manner, and with the content as the court may direct,
33 cause notice to be given by publication. If the court
34 finds that notice given solely by publication would
35 deny due process of law to any person, the court may
36 direct further notice to that person according to the
37 circumstances of the case.

38 (2) A person on whose behalf an action is brought
39 under paragraph “a” may elect to exclude from
40 adjudication the portion of the state claim for
41 monetary relief attributable to the person by filing
42 notice of such election with the court within the time
43 specified in the notice given pursuant to subparagraph
44 (1).

45 (3) The final judgment in an action under
46 paragraph "a" shall be res judicata as to any claim,
47 under section 553.5, by any person on behalf of whom
48 the action was brought and who fails to give notice
49 within the period specified in the notice given
50 pursuant to subparagraph (1).

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1 c. An action under paragraph "a" shall not be
2 dismissed or compromised without the approval of the
3 court, and notice of any proposed dismissal or
4 compromise shall be given in the manner directed by
5 the court.

6 d. In an action under paragraph "a" in which it
7 has been determined that a defendant agreed to fix
8 prices in violation of this chapter, damages may be
9 proved and assessed in the aggregate by statistical or
10 sampling methods, by the computation of illegal
11 overcharges, or by such other reasonable system of
12 estimating aggregate damages as the court in its
13 discretion may permit without the necessity of
14 separately proving the individual claim of, or amount
15 of damages to, persons on whose behalf the suit was
16 brought.

17 e. Monetary relief recovered in an action under
18 paragraph "a" shall be distributed in the manner
19 directed by the court or be deemed a civil penalty by
20 the court and deposited in the general fund of the
21 state.

22 The distribution procedure adopted shall afford
23 each person a reasonable opportunity to secure the
24 person's appropriate portion of the net monetary
25 relief.

26 NEW SUBSECTION. 7. Recover the necessary costs of
27 bringing suit, including a reasonable attorney fee."

28 2. By renumbering as necessary.

AL STURGEON

S-3363

1 Amend House File 423, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 10 through 24, and
4 inserting the following:

5 "Sec. ____ . Section 261.38, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 5A. The commission may exceed the
8 full-time equivalent positions authorized and may

9 expend moneys in the loan reserve account in excess of
10 the amounts appropriated to the commission under
11 subsection 2, if additional positions or funding are
12 needed to meet federal regulatory requirements or
13 mandates or if previous contract costs or loan
14 guarantee volume estimates are exceeded, in order to
15 maintain loan guarantee operations. At least two
16 weeks prior to a full-time equivalent position
17 authorization adjustment or to a transfer of
18 additional moneys from the reserve account, the
19 commission shall notify the chairpersons and ranking
20 members of the standing appropriations committees of
21 the general assembly and the co-chairpersons and
22 ranking members of the education appropriations
23 subcommittee of the proposed adjustment or transfer.
24 The notice shall include specific information
25 concerning the amount of, and reason for, the
26 adjustment or transfer. The chairpersons and ranking
27 members shall have at least two weeks' time to review
28 and comment on the proposed adjustment or transfer
29 before the adjustment or transfer is made."
30 2. By renumbering as necessary.

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chair

S-3364

1 Amend House File 385, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 17 the
4 following:
5 "The map shall be of a size that can be bifolded.
6 Information contained on the map shall be limited to
7 transportation purposes. Additional information
8 relating to tourism and marketing may be distributed
9 by a separate insert."

LINN FUHRMAN

S-3365

1 Amend House File 601, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 12, by striking the word "thirty"
4 and inserting the following: "sixty".

COMMITTEE ON COMMERCE
PAT DELUHERY, Chair

S-3366

1 Amend Senate File 451 as follows:

- 2 1. Page 1, by striking lines 5 and 6 and
 3 inserting the following: "July 1, 1991, the tonnage
 4 fee shall be increased by seventy-five cents per ton
 5 of solid waste. The moneys collected".
 6 2. Page 3, line 2, by striking the words "one
 7 dollar and fifty" and inserting the following:
 8 "seventy-five".

EUGENE FRAISE
 RALPH ROSENBERG
 JAMES B. KERSTEN

S-3367

1 Amend Senate File 364 as follows:

- 2 1. Page 1, line 16, by inserting after the word
 3 "agencies." the following: "Joint investments of
 4 funds shall be subject to section 452.10A."
 5 2. Page 1, line 21, by inserting after the word
 6 "agencies." the following: "Joint investments of
 7 funds shall be subject to section 452.10A."
 8 3. Page 1, line 32, by inserting after the word
 9 "board." the following: "Joint investments of funds
 10 shall be subject to section 452.10A."
 11 4. Page 2, line 5, by inserting after the word
 12 "agreement." the following: "Joint investments of
 13 funds shall be subject to section 452.10A."
 14 5. Page 2, line 22, by inserting after the word
 15 "agreement." the following: "Joint investments of
 16 funds shall be subject to section 452.10A."
 17 6. Page 2, by inserting after line 22 the
 18 following:
 19 "Sec. ____ . **NEW SECTION. 452.10A INVESTMENT OF**
 20 **PUBLIC FUNDS -- STANDARDS AND PROCEDURES.**
 21 1. In addition to investment standards and
 22 requirements otherwise provided by law, the investment
 23 of public funds by political subdivisions or their
 24 agencies pursuant to any law which authorizes the
 25 investment of public funds shall meet the requirements
 26 and standards for investments specified in this
 27 section, except where specifically otherwise provided.
 28 It is the intent of this section to promote the
 29 exercise of care in investing public funds which
 30 persons of discretion and intelligence exercise in the
 31 management of their own affairs, not with a purpose of
 32 speculation, but with regard to the permanent
 33 disposition of funds considering the probable income.

34 as well as the probable safety of capital. The
35 primary goals of investment prudence shall be based
36 upon safety of principal, necessary liquidity, and
37 reasonable return.

38 2. The joint investment of public funds by
39 political subdivisions or their agencies shall be
40 subject to the following:

41 a. As used in this section, "operating funds" mean
42 those funds which will be expended during a current
43 budget year or within twelve months of receipt.
44 Operating funds must be identified and separated as
45 distinguished from all other funds available for
46 investment.

47 b. Operating funds may only be jointly invested in
48 investments authorized by law for the investing
49 agencies or subdivisions which mature within three
50 hundred sixty-five days.

)
Page 2

1 c. The weighted average maturity of all operating
2 fund investments shall not exceed ninety days.

3 d. In order to ensure that joint operating fund
4 investments can be liquidated without risk of
5 principal loss, the market value of such investments
6 must not be permitted to fluctuate by more than one-
7 half of one percent from the amortized cost thereof.
8 If such fluctuations occur, actions must be taken
9 promptly to maintain the principal value of such
10 investments.

11 e. The trading of securities in which any
12 operating funds are invested for the purpose of
13 speculation and the realization of short-term trading
14 profits are prohibited. Only investments having
15 maturities consistent with the needs and use of the
16 investing agencies or subdivisions shall be made.

17 f. Political subdivisions shall approve written
18 investment policies which incorporate the guidelines
19 specified in this section and any other provisions
20 deemed necessary to adequately safeguard invested
21 public funds.

22 g. This section shall not be construed to
23 supersede chapter 453."

24 7. Page 2, line 31, by inserting after the word
25 "agreement." the following: "Joint investments of
26 funds shall be subject to section 452.10A."

27 8. By renumbering as necessary.

GEORGE KINLEY

S-3368

1 Amend House File 502, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 12 through 17, and
4 inserting the following: "amended to read as follows:
5 5. A person who is obligated to disclose
6 information under this section shall file a written
7 report disclosing the information with the treasurer
8 of state by ~~January~~ July 1 of each year. If a person
9 filing under this section makes any changes subsequent
10 to ~~January~~ July 1 but prior to ~~July~~ January 1 to any
11 of the information for which disclosure is required
12 relating to credit cards, the person shall file an
13 amended written report with the treasurer of state by
14 ~~July~~ January 1 following the change."

COMMITTEE ON COMMERCE
PATRICK J. DELUHERY, Chair

S-3369

1 Amend House File 566, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by striking lines 20 through 24 and
4 inserting the following:
5 "Sec. ____ . NEW SECTION. 322G.15 EFFECTIVE
6 DATES."
7 2. Renumber as necessary.

COMMITTEE ON COMMERCE
PATRICK DELUHERY, Chair

S-3370

1 Amend House File 380, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 144.1, Code 1991, is amended
6 by adding the following new subsections and
7 renumbering subsections as necessary:
8 NEW SUBSECTION. 1. "Adoption record" means
9 adoption record as defined in section 600.2.
10 NEW SUBSECTION. 9A. "Principal party" means
11 principal party as defined in section 600.2."
12 2. Page 1, by inserting after line 30 the
13 following:
14 "Sec. ____ . Section 144.24, Code 1991, is amended
15 to read as follows:

16 144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH
 17 CERTIFICATES --INSPECTION OF ORIGINAL CERTIFICATES.

18 1. When If a new certificate of birth is
 19 established, the actual place and date of birth shall
 20 be shown on the certificate. The certificate shall be
 21 substituted for the original certificate of birth.
 22 Thereafter, and the original certificate, adoption
 23 records, and the evidence of adoption, paternity,
 24 legitimation, or sex change shall is not be subject to
 25 inspection, except under order of a court of competent
 26 jurisdiction or as provided by regulation rules for
 27 statistical, or administrative, or other purposes;
 28 only as limited under subsection 2. However, the

29 2. The state registrar shall allow inspection of
 30 original birth certificates as follows:

31 a. For adoptions finalized on or before April 26,
 32 1945, a principal party to an adoption and that
 33 party's lineal ascendants and descendants may inspect
 34 the adoptee's original certificate of birth and any of
 35 the adoptee's adoption records held by the department.

36 b. For adoptions finalized after April 26, 1945,
 37 the original certificate of birth and any adoption
 38 records held by the department shall be sealed but may
 39 be inspected by a state agency for statistical or
 40 administrative purposes only.

41 c. A natural parent may inspect at any time the
 42 adoptee's original certificate of birth.

43 3. Upon request the state registrar shall issue a
 44 certified copy of an original certificate of birth to
 45 a person authorized to inspect the certificate under
 46 subsection 2.

47 4. The state registrar shall, upon the application
 48 of an adult adopted person adoptee, an adoptive
 49 parent, or the legal representative of either the an
 50 adult adopted person or the adoptee or an adoptive

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1 parent, shall inspect the original certificate and the
 2 evidence of adoption records and reveal to the
 3 applicant the name and address of the court which
 4 issued the adoption decree. Upon receipt of notice of
 5 annulment of adoption, the original certificate of
 6 birth shall be restored to its place in the files and
 7 the new certificate and evidence shall not be subject
 8 to inspection except upon order of the district court.

9 Sec. ____ . Section 600.2, Code 1991, is amended by
 10 adding the following new subsections:

11 NEW SUBSECTION. 1A. "Adoption record" means any
 12 or all of the following:

13 a. All legal documents relating to the termination
14 of parental rights, including but not limited to a
15 voluntary surrender of parental rights, a petition for
16 termination of parental rights, and an order for
17 termination of parental rights, and all information
18 contained in any one of these documents or a
19 combination of these documents.

20 b. All legal documents relating to an adoption,
21 including but not limited to an adoption petition,
22 attachments to an adoption petition as specified in
23 section 600.6, placement and background information
24 investigation reports, an open adoption agreement, an
25 adoption decree, and a certificate of adoption
26 prepared pursuant to section 144.19, and all
27 information contained in any one of these documents or
28 a combination of these documents.

29 c. The names of the adoptee before and after
30 adoption.

31 d. The names and addresses of relatives at birth
32 and adoption and of adoptive parents at adoption.

33 e. More recent names and addresses of principal
34 parties to the adoption, and updating information and
35 correspondence provided by principal parties for
36 sharing with other principal parties.

37 However, an adoption record does not include a
38 confidential communication privileged under section
39 622.10.

40 **NEW SUBSECTION. 3.** "Principal party" means an
41 adoptee, a natural parent, or an adoptive parent.

42 Sec. ____ . Section 600.16, subsection 1, Code 1991,
43 is amended by adding the following new paragraph:

44 **NEW PARAGRAPH. d.** If the adoption was finalized
45 on or before April 26, 1945, a principal party and
46 that party's lineal ascendants and descendants.

47 Sec. ____ . Section 600.16, subsection 1, unnumbered
48 paragraph 2, Code 1991, is amended to read as follows:

49 Information regarding an adopted person's existing
50 medical and developmental history and family medical

Page 3

1 history, which meets the definition of background
2 information in section 600.8, subsection 1, paragraph
3 "c", but which was compiled prior to July 1, 1976,
4 shall be made available as provided in this
5 subsection. However, unless the information is
6 provided pursuant to paragraph "d" of this subsection,
7 the identity of the adopted person's natural parents
8 shall not be disclosed.
9 Sec. ____ . Section 600.24, Code 1991, is amended to

10 read as follows:

11 600.24 ACCESS TO RECORDS.

12 1. The department shall allow a principal party
 13 and that party's lineal ascendants and descendants
 14 access to adoption records of adoptions finalized on
 15 or before April 26, 1945, held by the department or an
 16 agency.

17 2. The department may allow access to adoption
 18 records held by ~~it~~ the department or an agency if all
 19 of the following conditions exist:

20 a. The records were compiled prior to January 1,
 21 1977.

22 b. The identity of the natural parents of the
 23 adopted person is concealed from the person gaining
 24 access to the records; ~~and,~~

25 c. The person gaining access to the records uses
 26 them solely for the purposes of conducting a
 27 legitimate research project or of treating a patient
 28 in a medical facility."

29 3. Title page, line 1, by inserting after the
 30 word "Act" the following: "relating to vital records
 31 by".

32 4. Title page, line 2, by inserting after the
 33 word "registered" the following: "and by providing
 34 for access to certain adoption records".

LARRY MURPHY

S-3371

1 Amend Senate File 177 as follows:

2 1. Page 6, by inserting after line 10, the
 3 following:

4 "Sec. ____ . This Act shall not be interpreted or
 5 construed as an endorsement or approval of
 6 homosexuality, heterosexuality, or bisexuality."

7 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3372

1 Amend Senate File 499 as follows:

2 1. Page 2, by inserting after line 30, the
 3 following:

4 "Sec. 100. Section 554.11105, subsection 3, Code
 5 1991, is amended to read as follows:

6 3. The effectiveness of any financing statement or
 7 continuation statement filed prior to January 1, 1975,
 8 may be continued by a continuation statement as

9 permitted by this chapter as amended, except that if
10 this chapter as amended requires a filing in an office
11 where there was no previous financing statement, a new
12 financing statement conforming to either section
13 554.9402 or subsection 8 shall be filed in that
14 office. A financing statement filed pursuant to
15 subsection 8 continues the effectiveness of a
16 financing statement or continuation statement filed
17 prior to January 1, 1975, for a period of five years
18 from the date of the prior financing statement or
19 continuation statement, if the financing statement
20 filed pursuant to subsection 8 is filed within six
21 months prior to the expiration of the prior financing
22 statement or continuation statement.

23 Sec. ____ . Section 100 of this Act, being deemed of
24 immediate importance, takes effect upon enactment, and
25 applies retroactively to all financing statements
26 filed pursuant to section 554.11105, subsection 8, on
27 or after January 1, 1975."

28 2. Title page, line 1, by inserting before the
29 word "financing" the following: "and effectiveness
30 of".

31 3. Title page, line 2, by inserting after the
32 word "code" the following: ", and providing a
33 retroactive applicability and effective date
34 provision".

35 4. By renumbering and correcting internal
36 references as necessary.

HARRY SLIFE

S-3373

1 Amend House File 625, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 30, the
4 following:

5 "Sec. ____ . This Act is retroactively applicable to
6 all junking certificates for which certificates of
7 title have not been reissued."

JIM LIND

HOUSE AMENDMENT TO
SENATE FILE 445

S-3374

1 Amend Senate File 445, as passed by the Senate, as
2 follows:

3 1. Page 1, line 7, by striking the words "has a
4 lien upon" and inserting the following: "asserts a
5 claim against".

6 2. Page 1, lines 10 and 11, by striking the words
7 "having a lien upon the vendee's interest".

8 3. Page 1, line 12, by striking the words
9 "prescribed by the county recorder," and inserting the
10 following: "which substantially complies with the
11 following form,".

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

14 "REQUEST FOR NOTICE PURSUANT TO
15 IOWA CODE SECTION 652.2, SUBSECTION 2

16 The undersigned requests service of notice under
17 Iowa Code sections 656.1 and 656.2 to forfeit the con-
18 tract recorded on the ___ day of _____, 19___, in
19 book or roll ___, image or page ___, office of the
20 _____ county recorder, _____
21 county, Iowa, wherein _____ is/are seller(s)
22 and _____ is/are buyer(s), for sale of
23 real estate legally described as:
24 [insert complete legal description]

25
26 _____
27 NAME

28
29 _____
30 _____
31 _____
32 ADDRESS

33 CAUTION: Your name and address must be correct. If
34 not correct, you will not receive notice requested
35 because notice need only be served on you at the above
36 address. If your address changes, a new request for
37 notice must be filed.

38 The request for notice shall be indexed pursuant to
39 section 558.50."

40 5. Page 1, line 16, by striking the words "at
41 least sixty days" and inserting the following: "after
42 acquisition of the vendee's interest but".

S-3375

1 Amend the House amendment, S-3374, to Senate File
2 445, as passed by the Senate as follows:

3 1. Page 1, line 15, by striking the figure
4 "652.2" and inserting the following: "656.2".

5 2. Page 1, line 17, by striking the figures and

6 word "656.1 and 656.2" and inserting the following:
7 "656.2 and 656.3".

RICHARD J. VARN

S-3376

1 Amend Senate File 341 as follows:

2 1. Page 1, by inserting after line 35 the
3 following:

4 "Sec. ____ . Section 235A.15, subsection 2,
5 paragraph c, Code 1991, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (10) To an administrator of a
8 community mental health center accredited under
9 chapter 230A if the information concerns a person
10 employed or being considered for employment by the
11 center."

12 2. By renumbering as necessary.

BEVERLY A. HANNON

S-3377

1 Amend Senate File 451 as follows:

2 1. Page 2, by striking lines 1 through 4.

3 2. Page 2, by inserting after line 16 the
4 following:

5 " ____ . Five percent of the moneys collected shall
6 be used to construct permanent household hazardous
7 material collection sites, until such time as fifteen
8 sites are constructed throughout the state.

9 ____ . Five percent of the moneys collected shall be
10 used by the Iowa waste reduction center for the safe
11 and economic management of solid waste and hazardous
12 substances at the university of northern Iowa for the
13 conducting of a comprehensive review of all completed
14 and ongoing research concerning the development of
15 recycled products and the marketing of the products
16 developed."

17 3. Page 2, by striking lines 17 through 20.

18 4. By renumbering and correcting internal
19 references as necessary.

JIM KERSTEN
JIM LIND
JOHN JENSEN

S-3378

1 Amend Senate File 443 as follows:

- 2 1. Page 1, line 22, by inserting after the word
3 "due," the following: "and the delay in payment is
4 without reasonable or probable cause or excuse."
5 2. Page 2, line 30, by striking the words "two
6 hundred" and inserting the following: "one hundred
7 eighty-four".
8 3. Page 4, line 7, by striking the word "The".
9 4. Page 4, by striking lines 8 and 9, and
10 inserting the following: "The weekly compensation is
11 payable during the period of the employee's
12 disability."
13 5. By striking page 4, line 10 through page 5,
14 line 7.
15 6. Page 5, by striking lines 17 through 27, and
16 inserting the following: "were unreasonably delayed
17 or denied."
18 7. Title page, line 2, by striking the words
19 "extraterritorial jurisdiction,".

AL STURGEON

S-3379

1 Amend House File 152, as passed by the House, as
2 follows:

- 3 1. Page 1, by inserting after line 35, the
4 following:
5 "The commissioner may adopt the rules of a
6 recognized national or world boxing organization which
7 sanctions a boxing match in this state to regulate the
8 match, if the organization's rules provide protection
9 to the boxers participating in the match which is
10 equal to or greater than the protections provided by
11 this chapter or by rules otherwise adopted pursuant to
12 this chapter. As used in this paragraph, "recognized
13 national or world boxing organization" includes, but
14 is not limited to, the international boxing
15 federation, the world boxing association, and the
16 world boxing council."

WALLY HORN

S-3380

1 Amend Senate File 177, as follows:

- 2 1. By striking page 1, line 23 through page 2,
3 line 28.
4 2. By striking page 5, line 28 through page 6,
5 line 10.

6 3. By renumbering as necessary.

PAUL D. PATE

S-3381

1 Amend Senate File 370 as follows:

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

4 "Section 1. NEW SECTION. 557C.1 LAPSE OF MINERAL
5 INTEREST -- PREVENTION.

6 An interest in coal, oil and gas, or other
7 minerals, shall be extinguished twenty years after its
8 creation, transfer, or preservation, unless a
9 statement of claim is filed in accordance with section
10 557C.3, and the ownership shall revert to the person
11 who was then the owner of the interest from which the
12 mineral interest was created, transferred, or
13 preserved. Upon the filing of a statement of claim
14 within the specified period, the mineral interest
15 shall be deemed to have been preserved for an
16 additional period of twenty years, or a shorter period
17 as may be specified in the instrument creating the
18 interest.

19 Sec. 2. NEW SECTION. 557C.2 MINERAL INTEREST --
20 DEFINITION.

21 A mineral interest means an interest created by an
22 instrument which creates or transfers either by grant,
23 assignment, reservation, or otherwise, an interest of
24 any kind in coal, as described in chapter 83, oil and
25 gas, as described in chapter 84, or other minerals, as
26 described in chapter 83A without limitation on the
27 manner of mining the minerals.

28 Sec. 3. NEW SECTION. 557C.3 STATEMENT OF CLAIM -
29 FILING -- REQUIREMENTS.

30 The statement of claim provided in section 1 shall
31 be filed by the owner of the mineral interest prior to
32 the end of the twenty year period set forth in section
33 557C.1 or within three years after July 1, 1991,
34 whichever is later, and shall contain the name and
35 address of the owner of the interest, and a
36 description of the real estate on, or under, which the
37 mineral interest is located. The statement of claim
38 shall be filed in the office of the recorder in the
39 county in which the real estate is located.

40 Sec. 4. NEW SECTION. 557C.4 STATEMENT OF CLAIM -
41 FILING -- RECORDER'S DUTY.

42 Upon the filing of the statement of claim provided
43 for in section 557C.3 in the recorder's office for the
44 county where the real estate on, or under, which the

45 mineral interest exists, is located, the recorder
46 shall record the statement of claim and index it in
47 the claimant's book.
48 Sec. 5. NEW SECTION. 557C.5 RESERVATION IN OTHER
49 CONVEYANCE.
50 A reservation of a mineral interest or an exception

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1 of a mineral interest, contained in a conveyance of
2 the interest out of which it is carved, by a nonowner
3 of the mineral interest shall not be deemed to satisfy
4 the requirements of this chapter or as a revival of a
5 mineral interest otherwise extinguished under this
6 chapter.
7 Sec. 6. NEW SECTION. 557C.6 EXEMPTION.
8 The filing of the claim required under section
9 557C.3 to preserve the mineral interest shall not be
10 required of an owner if the mineral interest was
11 separately taxed for real estate tax purposes at any
12 time after July 1, 1971."
13 2. Title page, line 1, by inserting after the
14 word "estate" the following: "and the lapse of state
15 mineral interests".

RICHARD VARN

S-3382

1 Amend House File 297, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 321.178, subsection 2,
6 paragraph a, Code 1991, is amended to read as follows:
7 a. Any person between sixteen and eighteen years
8 of age who is not in attendance at school or who is in
9 attendance in a public or private school where an
10 approved driver's education course is not offered or
11 available, may be issued a restricted license only for
12 travel to and from work or to transport dependents to
13 and from temporary care facilities, if necessary for
14 the person to maintain the person's present employment
15 without having completed an approved driver's
16 education course. The restricted license shall be
17 issued by the department only upon confirmation of the
18 person's employment and need for a restricted license
19 to travel to and from work or to transport dependents
20 of temporary care facilities if necessary to maintain
21 the person's employment and upon receipt of a written

22 statement from the public or private school that an
 23 approved course in driver's education was not offered
 24 or available to the person, if applicable. The
 25 employer shall notify the department if the employment
 26 of the person is terminated before the person attains
 27 the age of eighteen. The person shall not have a
 28 restricted license revoked or suspended upon re-
 29 entering school prior to age eighteen provided the
 30 student enrolls in and completes the classroom portion
 31 of an approved driver's education course as soon as a
 32 course is available."

33 2. Title page, line 1, by inserting after the
 34 word "to" the following: "minor's restricted licenses
 35 and".

36 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
 EUGENE FRAISE, Chair

S-3383

1 Amend Senate File 376 as follows:

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

4 "If a provision of the agreement or the application
 5 of the provision to a party is found by the court to
 6 be unenforceable, the provision shall be severed from
 7 the remainder of the agreement and shall not affect
 8 the provisions, or application, of the agreement which
 9 can be given effect without the unenforceable
 10 provision."

AL STURGEON

S-3384

1 Amend House File 233, 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. 109.125 OBSTRUCTION OF
 6 LAWFUL ACTIVITIES PROHIBITED -- PENALTY.

7 1. A person shall not intentionally obstruct the
 8 participation of another person in the lawful activity
 9 of hunting, fishing, or trapping. This subsection
 10 shall not prohibit a landowner or lessee from
 11 exercising the landowner's or lessee's lawful rights.

12 2. A person violating this section is guilty of a
 13 simple misdemeanor."

14 2. Title page, line 2, by inserting after the

- 15 word "program," the following: "the obstruction of
16 lawful hunting, fishing, or trapping."
17 3. By renumbering as necessary.

JAMES B. KERSTEN
RICHARD J. VARN
BERL E. PRIEBE
DERRYL McLAREN
JACK RIFE

S-3385

1 Amend House File 517 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 20 through 27, and
4 inserting the following:

5 "NEW UNNUMBERED PARAGRAPH. Payment for medical
6 treatment pursuant to section 85.27 shall be made
7 within forty-five days of the date of billing for the
8 services, and if not paid within the forty-five days,
9 the medical treatment provider may add interest to the
10 billing at the rate provided in section 535.3 for
11 court judgments and decrees which shall begin to
12 accrue forty-five days after the date of billing. The
13 interest awarded".

14 2. Page 4, by striking lines 13 through 20, and
15 inserting the following:

16 "If a delay in commencement or termination of
17 medical treatment occurs without reasonable or
18 probable cause or excuse, the industrial commissioner
19 shall award benefits in addition to those benefits
20 payable under this chapter, or chapter 85, 85A, or
21 85B, up to fifty dollars for each day that medical
22 treatment was unreasonably delayed or denied, not to
23 exceed five thousand dollars. If a delay in
24 commencement or termination of weekly benefits occurs
25 without reasonable or probable cause or excuse, the
26 industrial commissioner shall award benefits in
27 addition to those weekly benefits payable under this
28 chapter, or chapter 85, 85A, or 85B, up to fifty
29 percent of the amount of weekly benefits that were
30 unreasonably delayed or denied. In addition, interest
31 at the rate provided in section 535.3 for court
32 judgments and decrees shall be awarded based upon the
33 amount of weekly compensation or medical benefits that
34 were unreasonably delayed or denied. The additional
35 weekly compensation or medical benefits awarded
36 pursuant to this paragraph shall be paid to the
37 claimant. Interest on additional weekly compensation
38 or medical benefits shall accrue from the date of an

39 arbitration decision or review reopening decision
 40 awarding the additional weekly compensation or medical
 41 benefits. The interest on additional weekly
 42 compensation shall also be paid to the claimant. The
 43 interest on medical benefits shall be paid to the
 44 person rendering treatment unless the charges for
 45 treatment have previously been paid by the injured
 46 employee or by a third party on the employee's behalf.
 47 If the charges for treatment have previously been paid
 48 by the injured employee or a third party on the
 49 employee's behalf, the interest or penalty on medical
 50 benefits shall be paid to the injured employee or to

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1 the third party which made the payment. This section
 2 shall not be construed to allow interest on any
 3 penalty imposed."

LINN FUHRMAN

S-3386

1 Amend House File 575, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 145.3, subsection 4, paragraph
 6 d, Code 1991, is amended to read as follows:
 7 d. Additional or alternative information related
 8 to the intent and purpose of this chapter as outlined
 9 in section 145.1 be submitted to the commission,
 10 except that in no event shall hospitals with fewer
 11 than one hundred licensed acute care beds be required
 12 to install computerized severity of illness systems
 13 before July 1, ~~1991~~ 1993."
 14 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 BEVERLY HANNON, Chair

S-3387

1 Amend House File 668, as passed by the House, as
 2 follows:
 3 1. Page 5, line 29, by striking the word "two"
 4 and inserting the following: "three".

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chair

S-3388

1 Amend House File 583, as passed by the House, as
2 follows:

3 1. Page 1, line 31, by inserting after the figure
4 "1993." the following: "Each district which
5 initiated, by a vote of the board of directors or
6 jointly by the affected boards, action to bring about
7 a reorganization or dissolution by November 30, 1990,
8 shall certify the date and the nature of the action
9 taken to the department of education by September 1,
10 1991."

11 2. Page 2, line 31, by inserting after the figure
12 "1993." the following: "Each district which
13 initiated, by a vote of the board of directors or
14 jointly by the affected boards, action to bring about
15 a reorganization or dissolution by November 30, 1990,
16 shall certify the date and the nature of the action
17 taken to the department of education by September 1,
18 1991."

19 3. Page 3, line 25, by inserting after the figure
20 "1993." the following: "Each district which
21 initiated, by a vote of the board of directors or
22 jointly by the affected boards, action to bring about
23 a reorganization or dissolution by November 30, 1990,
24 shall certify the date and the nature of the action
25 taken to the department of education by September 1,
26 1991."

27 4. Page 4, line 11, by inserting after the figure
28 "1993." the following: "Each district which
29 initiated, by a vote of the board of directors or
30 jointly by the affected boards, action to bring about
31 a reorganization or dissolution by November 30, 1990,
32 shall certify the date and the nature of the action
33 taken to the department of education by September 1,
34 1991."

35 5. Page 4, line 21, by inserting after the figure
36 "1993." the following: "Each district which
37 initiated, by a vote of the board of directors or
38 jointly by the affected boards, action to bring about
39 a reorganization or dissolution by November 30, 1990,
40 shall certify the date and the nature of the action
41 taken to the department of education by September 1,
42 1991."

43 6. Page 5, line 6, by inserting after the figure
44 "1993." the following: "Each district which
45 initiated, by a vote of the board of directors or
46 jointly by the affected boards, action to bring about
47 a reorganization or dissolution by November 30, 1990,

48 shall certify the date and the nature of the action
49 taken to the department of education by September 1,
50 1991."

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COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chair

S-3389

1 Amend House File 500, as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 237A.1, subsection 7, Code
6 1991, is amended by adding the following new
7 paragraphs:
8 NEW PARAGRAPH. e. A program operated by
9 volunteers for no charge in a nonprofit facility for
10 not more than two hours during any twenty-four hour
11 period.
12 NEW PARAGRAPH. f. A program provided by the state
13 or a political subdivision, which provides
14 recreational classes for a period of less than two
15 hours per day."
16 2. Title page, line 1, by inserting after the
17 word "facilities" the following: "including but not
18 limited to those".
19 3. By renumbering as necessary.

RAY TAYLOR
JOE J. WELSH

S-3390

1 Amend Senate File 177 to read as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 601A.2, subsection 4, Code
5 1991, is amended to read as follows:
6 4. "Disability" means the physical or mental
7 condition of a person which constitutes a substantial
8 handicap, and the condition of a person with a
9 positive human immunodeficiency virus test result, a
10 diagnosis of acquired immune deficiency syndrome, a
11 diagnosis of acquired immune deficiency syndrome-
12 related complex, or any other condition related to
13 acquired immune deficiency syndrome. The inclusion of
14 a condition related to a positive human

- 15 immunodeficiency virus test result in the meaning of
 16 "disability" under the provisions of this chapter does
 17 not preclude the application of the provisions of this
 18 chapter to conditions resulting from other contagious
 19 or infectious diseases. As used in this chapter,
 20 "disability" does not include homosexuality,
 21 bisexuality, transvestism, transsexualism, pedophilia,
 22 exhibitionism, voyeurism, gender identity disorder, or
 23 other sexual behavior disorders."
 24 2. Page 1, by striking lines 4 through 6 and
 25 inserting the following: "gender identity disorder
 26 resulting from a physical impairment. "Sexual
 27 orientation" does not include heterosexuality,
 28 homosexuality, bisexuality, transvestism,
 29 transsexualism, pedophilia, exhibitionism, voyeurism,
 30 or other sexual behavior disorders, or the
 31 participation in acts which are prohibited or
 32 regulated by law."
 33 3. By renumbering as necessary.

ALLEN BORLAUG

S-3391

- 1 Amend Senate File 177 as follows:
 2 1. By striking page 4, line 16 through page 5,
 3 line 2.
 4 2. By renumbering as necessary.

RICHARD RUNNING

S-3392

- 1 Amend House File 455, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 24, by striking the word ", the"
 4 and inserting the following: "and the".
 5 2. Page 3, lines 25 and 26, by striking the words
 6 "the texts used, and the names of the teachers" and
 7 inserting the following: "the texts used, and the
 8 names of the teachers".
 9 3. Page 7, lines 7 and 8, by striking the words
 10 "an objective and reasonable good faith effort" and
 11 inserting the following: "reasonable efforts".
 12 4. Page 7, line 9, by inserting after the figure
 13 "299.5," the following: "but is unable to cause the
 14 child to attend school, the parent, guardian, or legal
 15 or actual custodian may file an affidavit listing the
 16 reasonable efforts made by the parent, guardian, or
 17 legal or actual custodian to cause the child's

18 attendance and".

19 5. Page 8, line 3, by inserting after the word
20 "officer." the following: "The board of each school
21 district, which does not appoint a truancy officer for
22 the district, shall designate a suitable person to
23 collect information on the numbers of children in the
24 district who are truant."

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chair

S-3393

1 Amend House File 438, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 1 through 25.
4 2. Page 1, line 26, by striking the words
5 "paragraphs c and f" and inserting the following:
6 "paragraph c".
7 3. Page 1, line 27, by striking the word "are"
8 and inserting the following: "is".
9 4. By striking page 1, line 35 through page 2,
10 line 29.
11 5. Page 3, by striking lines 28 through 31 and
12 inserting the following: "results of any drug test
13 conducted on an employee. The".
14 6. Page 4, line 5, by striking the word "five"
15 and inserting the following: "two".
16 7. By renumbering as necessary.

COMMITTEE ON BUSINESS
AND LABOR RELATIONS,
RICHARD V. RUNNING, Chair

S-3394

1 Amend House File 661, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, by inserting after line 20 the
4 following:
5 "4. An applicant to be covered under a general
6 permit shall pay a permit fee, as established by rule
7 of the commission, which is sufficient in the
8 aggregate to defray the costs of the permit program.
9 Moneys collected shall be remitted to the department."

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES AMENDMENT

S-3395

1 Amend House File 375, as passed by the House, as
2 follows:
3 1. Page 1, line 6, by inserting after the word
4 "disposal." the following: "Solid waste which is
5 baled on-site may be disposed of at the sanitary
6 landfill."

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES AMENDMENT

S-3396

1 Amend House File 296, passed by the House, as
2 follows:
3 1. Page 4, by inserting after line 34 the
4 following:
5 "Sec. ____ . Section 235A.15, subsection 2,
6 paragraph c, Code 1991, is amended by adding the
7 following new subparagraph:
8 NEW SUBPARAGRAPH. (10) To an administrator of a
9 community mental health center accredited under
10 chapter 230A if the information concerns a person
11 employed or being considered for employment by the
12 center."
13 2. By renumbering as necessary.

BEVERLY A. HANNON

S-3397

1 Amend House File 662, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 22 and 23, and
4 inserting the following:
5 "(1) Disrupt operations conducted at the animal
6 facility, if the operations directly relate to
7 agricultural production, animal maintenance,
8 educational or scientific purposes, or veterinary
9 care."
10 2. Page 2, by striking lines 34 and 35.
11 3. Page 3, line 15, by striking the word "or".
12 4. Page 3, by striking lines 16 and 17, and
13 inserting the following: "to an animal or damage to
14 property exceeds one hundred dollars but does not
15 exceed five hundred dollars, a serious misdemeanor if
16 the injury to an animal or damage to property exceeds
17 fifty dollars but does not exceed one hundred dollars,
18 or a simple misdemeanor if the injury to an animal or
19 damage to property does not exceed fifty dollars."

- 20 5. Page 3, by striking lines 22 and 23.
 21 6. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chair

S-3398

- 1 Amend House File 372, 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 206.5, subsection 4, Code
 6 1991, is amended to read as follows:
 7 4. A commercial applicator who applies pesticides
 8 ~~to agricultural land~~ may, in lieu of the requirement
 9 of acting under the direct supervision of a certified
 10 applicator, elect to be exempt from the certification
 11 requirements for a commercial applicator for a period
 12 of twenty-one days, if the applicator meets the
 13 requirements of a private applicator. The commercial
 14 applicator may, in lieu of being reexamined for a
 15 renewal of certification, attend three hours of
 16 continuing education each year as provided by the
 17 secretary. The education program must be administered
 18 by an organization certified by the secretary. The
 19 organization may be an association representing
 20 commercial applicators. The test An examination or
 21 educational program administered under this subsection
 22 shall include, but is not limited to, the ~~area areas~~
 23 of safe handling of agricultural chemicals and the
 24 effects of these chemicals on groundwater. The
 25 secretary shall also adopt, by rule, the criteria for
 26 the allowance of the selection of the written or oral
 27 examination by a person requiring certification."
 28 2. Title page, by striking line 2 and inserting
 29 the following: "certification of pesticide
 30 applicators."

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chair

S-3399

- 1 Amend House File 675, 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 159.6, subsection 15, Code
 6 1991, is amended to read as follows:

7 15. The credit-sale contract grain indemnity fund
8 as provided in chapter 542B and grain depositors and
9 sellers indemnity fund as set forth in chapter 543A.
10 Sec. 2. Section 542.1, Code 1991, is amended by
11 adding the following new subsection:
12 NEW SUBSECTION. 10. "Board" means the same as
13 defined in section 543A.1.
14 Sec. 3. Section 542.3, Code 1991, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 9. The department shall not issue
17 or renew a license to a grain dealer who purchases
18 grain from a seller by a credit-sale contract unless
19 the grain dealer provides a bond, as required in
20 section 542.15.
21 Sec. 4. Section 542.4, Code 1991, is amended to
22 read as follows:
23 542.4 PARTICIPATION IN INDEMNITY FUND REQUIRED.
24 A person licensed to operate as a grain dealer
25 licensed under this chapter shall participate in and
26 comply with the grain depositors and sellers indemnity
27 fund provided in chapter 543A. The grain dealer
28 executing credit-sale contracts to sellers shall
29 participate in and comply with the credit-sale
30 contract grain indemnity fund provided in chapter
31 542B.
32 Sec. 5. Section 542.5, unnumbered paragraph 1,
33 Code 1991, is amended to read as follows:
34 Upon the filing of the application and compliance
35 with the terms and conditions of this chapter and
36 rules of the department, the department shall issue a
37 license to the applicant. The license shall terminate
38 on at the thirtieth of June of each year end of the
39 third calendar month following the close of the grain
40 dealer's fiscal year. A grain dealer's license may be
41 renewed annually by the filing of a renewal fee and a
42 renewal application on a form prescribed by the
43 department. An application for renewal shall be
44 received by the department on or before the thirtieth
45 of June end of the third calendar month following the
46 close of the grain dealer's fiscal year. A grain
47 dealer license which has terminated may be reinstated
48 by the department upon receipt of a proper renewal
49 application, the renewal fee, and the reinstatement
50 fee as provided in section 542.6 if filed within

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1 thirty days from the date of termination of the grain
2 dealer license. The department may cancel a license
3 upon request of the licensee unless a complaint or

4 information is filed against the licensee alleging a
5 violation of a provision of this chapter. Fees for
6 licenses issued for less than a full year shall be
7 prorated from the date of the application.

8 Sec. 6. Section 542.5, subsections 1 and 2, Code
9 1991, are amended to read as follows:

10 1. The applicant has caused liability to the Iowa
11 grain depositors and sellers indemnity fund ~~in regard~~
12 ~~to regarding~~ a license issued under this chapter or
13 chapter 543, and the liability has not been
14 discharged, settled, or satisfied.

15 2. The applicant is owned or controlled by a
16 person who has caused liability to the Iowa grain
17 depositors and sellers indemnity fund through
18 operations under a license issued under this chapter
19 or chapter 543 and the liability has not been
20 discharged, settled, or satisfied.

21 Sec. 7. Section 542.5, Code 1991, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 3. The applicant has caused
24 liability to the Iowa credit-sale contract grain
25 indemnity fund regarding a license issued under this
26 chapter and the liability has not been discharged,
27 settled, or satisfied.

28 NEW SUBSECTION. 4. The applicant is owned or
29 controlled by a person who has caused liability to the
30 credit-sale contract grain indemnity fund through
31 operations under a license issued under this chapter
32 and the liability has not been discharged, settled, or
33 satisfied.

34 Sec. 8. Section 542.9, Code 1991, is amended by
35 adding the following new unnumbered paragraphs:

36 NEW UNNUMBERED PARAGRAPH. The department may enter
37 into contracts or cooperative agreements with the
38 United States, or any of its agencies, including the
39 commodity credit corporation, to allow federal
40 warehouse examiners to conduct grain dealer
41 inspections for facilities which are licensed by the
42 federal government as warehouses and licensed by the
43 state as grain dealers. Grain dealer examinations
44 conducted under any such contract or agreement must be
45 in accordance with the requirements of state law.

46 NEW UNNUMBERED PARAGRAPH. Three employees from the
47 department shall serve as permanent field inspectors.
48 The field inspectors shall conduct statewide,
49 selective, and periodic inspections as provided in
50 this section. The order of conducting field

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1 inspections shall be prioritized based on information
2 or indications that a grain dealer is in violation of
3 this chapter or rules adopted by the department, or
4 the financial position of the grain dealer presents a
5 risk to the credit-sale contract grain indemnity fund
6 or the grain depositors and sellers indemnity fund.
7 The same three employees may serve as permanent field
8 inspectors under section 543.2.

9 Sec. 9. Section 542.11, subsection 2, Code 1991,
10 is amended to read as follows:

11 2. A person who engages in business as a grain
12 dealer without obtaining shall not do any of the
13 following:

14 a. Fail to obtain a license, or who refuses,

15 b. Fail to obtain a bond as required in section
16 542.15.

17 c. Refuse to permit inspection of licensed
18 premises, or books, accounts, records, or other
19 documents required by this chapter; or who uses,

20 d. Use a scale ticket, or credit-sale contract
21 that fails to satisfy requirements established by the
22 department.

23 A person who violates this subsection commits a
24 serious misdemeanor; except that, However, a person
25 who commits any of these offenses violates this
26 subsection after having been found guilty of the same
27 offense commits an aggravated misdemeanor.

28 Sec. 10. Section 542.11, subsection 4, Code 1991,
29 is amended to read as follows:

30 4. A person in violation of this chapter, or a in
31 violation of chapter 714 or 715A involving, which
32 violation involves the business of a grain dealer, is
33 subject to prosecution by the county attorney in the
34 county where the business is located. However, if the
35 county attorney fails to initiate prosecution within
36 thirty days and upon request by the department, the
37 attorney general shall initiate and carry out the
38 prosecution in cooperation, if possible, with the
39 county attorney. The violation may be restrained by
40 an injunction in an action brought by the department
41 or the attorney general upon request by the
42 department.

43 Sec. 11. Section 542.12, Code 1991, is amended to
44 read as follows:

45 542.12 CLAIMS -- NOTICE OF REVOCATION.

46 Upon revocation, termination, or cancellation of a
47 grain dealer license, any claim for the purchase price
48 of grain against the grain dealer shall be made in
49 writing and filed with the grain dealer and with the
50 issuer of a deficiency bond or of an irrevocable

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1 letter of credit and with the department within one
2 hundred twenty days after revocation, termination, or
3 cancellation. Failure to make this timely claim
4 relieves the issuer, ~~and~~ the grain depositors and
5 sellers indemnity fund provided in chapter 543A, ~~and~~
6 the credit-sale contract grain indemnity fund provided
7 in chapter 542B, of all obligations to the claimant.

8 Upon revocation of a grain dealer license, the
9 department shall cause notice of the revocation to be
10 published once each week for two consecutive weeks in
11 a newspaper of general circulation within the state of
12 Iowa and in a newspaper of general circulation within
13 the county of the grain dealer's principal place of
14 business when that dealer's principal place of
15 business is located in the state of Iowa. The notice
16 shall state include the name and address of the grain
17 dealer and the effective date of revocation. The
18 notice shall also state that any claims against the
19 grain dealer shall be made in writing and sent by
20 ordinary mail or delivered personally within one
21 hundred twenty days after revocation to the grain
22 dealer, to the issuer of a deficiency bond or of an
23 irrevocable letter of credit, and to the department;
24 ~~and the.~~ The notice shall describe that a seller may
25 have separate claims against the grain depositors and
26 sellers indemnity fund and the credit-sale contract
27 grain indemnity fund. The notice shall state that the
28 failure to make a timely claim does not relieve the
29 grain dealer from liability to the claimant.

30 Sec. 12. Section 542.15, subsection 8, Code 1991,
31 is amended by striking the subsection.

32 Sec. 13. Section 542.15, Code 1991, is amended by
33 adding the following new subsection:

34 **NEW SUBSECTION. 9.** A licensed grain dealer who
35 purchases grain by credit-sale contract shall furnish
36 the department with a bond. The bond shall be payable
37 to the credit-sale contract grain indemnity fund. The
38 bond shall be conditioned upon the payment of an
39 amount determined pursuant to section 542B.4, in
40 accordance with rules adopted by the department in
41 consultation with and subject to approval by the
42 board. The amount of the bond shall be fifty thousand
43 dollars.

44 A bond filed with the department pursuant to this
45 section shall not be canceled by the issuer on less
46 than ninety days' notice by certified mail to the
47 department and the principal. The total and aggregate
48 liability of the surety for all claims shall be

49 limited to the face of the bond.

50 Sec. 14. NEW SECTION. 542B.1 DEFINITIONS.

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1 1. "Board" means the same as defined in section
2 543A.1.

3 2. "Credit-sale contract" means a contract for the
4 sale of grain pursuant to which the sale price is to
5 be paid more than thirty days after the delivery of
6 the grain to the buyer, and includes but is not
7 limited to those contracts commonly referred to as
8 deferred-payment contracts, deferred-pricing
9 contracts, and price-later contracts.

10 3. "Department" means the department of
11 agriculture and land stewardship.

12 4. "Fund" means the credit-sale contract grain
13 indemnity fund established in section 542B.3.

14 5. "Grain" means wheat, corn, oats, barley, rye,
15 flaxseed, field peas, soybeans, grain sorghums, spelt,
16 and similar agricultural products, as defined in the
17 federal Grain Standards Act, but does not include
18 agricultural products other than bulk grain.

19 6. "Licensed grain dealer" means a person who has
20 obtained a license to engage in the business of a
21 grain dealer pursuant to section 542.3.

22 7. "Loss" means the amount of a claim held by a
23 seller against a grain dealer which has not been
24 recovered through other legal and equitable remedies
25 including the liquidation of assets.

26 8. "Seller" means a person who sells grain which
27 the person has produced or caused to be produced to a
28 licensed grain dealer. However, "seller" does not
29 include a person licensed as a grain dealer in any
30 jurisdiction who sells grain to a licensed grain
31 dealer.

32 Sec. 15. NEW SECTION. 542B.2 PERSONS
33 PARTICIPATING IN FUND.

34 All licensed grain dealers who purchase grain from
35 a seller by a credit-sale contract shall participate
36 in the fund.

37 Sec. 16. NEW SECTION. 542B.3 CREDIT-SALE
38 CONTRACT GRAIN INDEMNITY FUND.

39 1. The credit-sale contract grain indemnity fund
40 is created in the state treasury as a separate
41 account. The general fund of the state is not liable
42 for claims presented against the credit-sale contract
43 grain indemnity fund under section 542B.6. The fund
44 consists of a per-bushel fee on grain purchased by a
45 credit-sale contract and remitted by licensed grain

46 dealers; delinquency penalties; sums collected by the
47 department by legal action on behalf of the fund; and
48 interest, property, or securities acquired through the
49 use of moneys in the fund. The fiscal year of the
50 fund begins July 1. Fiscal quarters of the fund begin

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1 July 1, October 1, January 1, and April 1. The
2 finances of the fund shall be calculated on an accrual
3 basis in accordance with generally accepted accounting
4 principles. The moneys collected under this section
5 and deposited in the fund shall be used exclusively to
6 indemnify sellers and to pay the administrative costs
7 of this chapter.

8 2. A per-bushel fee shall be assessed on grain
9 purchased by a credit-sale contract. The per-bushel
10 fee shall be assessed at time of execution of the
11 contract. The assessment shall only be made on grain
12 purchased from a seller.

13 The grain dealer shall forward the per-bushel fee
14 to the department on a quarterly basis in the manner
15 and using forms prescribed by the department. A
16 licensee is delinquent if the licensee fails to submit
17 the full fee or quarterly forms when due, or if upon
18 examination, an underpayment of the fee is found by
19 the department. The grain dealer is subject to a
20 penalty of ten dollars for each day the grain dealer
21 is delinquent or an amount equal to the amount of the
22 deficiency, whichever is less. However, a licensee
23 who fails to submit the full fee or quarterly forms
24 when due, is subject to a minimum payment of ten
25 dollars. The department may establish and apply a
26 margin of error in determining whether a grain dealer
27 is delinquent. If the per-bushel fee and any penalty
28 due have not been received by the department within
29 thirty days after notice by the department, the grain
30 dealer's license shall be suspended. The per-bushel
31 fee on grain purchased by credit-sale contract shall
32 be assessed only once on each bushel of grain.

33 3. All disbursements from the fund shall be paid
34 by the treasurer of state pursuant to vouchers
35 authorized by the department.

36 4. The administrative costs shall be paid from the
37 fund after approval of the costs by the board.

38 5. A grain dealer may choose to pass on the cost
39 of a per-bushel fee to the seller.

40 Sec. 17. NEW SECTION. 542B.4 DUTIES OF BOARD AND
41 DEPARTMENT.

42 1. The duties of the board include the review and

43 determination of claims, and the review and approval
44 of administrative costs of the fund. To carry out
45 these duties, the board has the power to adopt rules
46 regarding its organization and procedures for
47 determining claims. The board shall approve rules
48 adopted by the department requiring that grain dealers
49 furnish the department with evidence of financial
50 responsibility consisting of a bond as provided in

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1 section 542.15. The board shall adopt rules for the
2 payment of moneys from the bond required to reimburse
3 the department for administrative or investigative
4 costs related to the grain dealer required to maintain
5 the bond. The remaining moneys shall be paid into the
6 fund. Further, the board shall approve rules proposed
7 by the department for the administration of per-bushel
8 fees prior to their adoption by the department. The
9 board may provide comment and advice to the department
10 in regard to the department's policies and rules that
11 may affect the exposure of the fund to liability.
12 However, the board shall not become actively involved
13 in a determination by the department as to whether
14 disciplinary action is to be taken against a
15 particular licensee. The board is not a forum for
16 review or appeal in regard to any particular action
17 taken by the department against a licensee.
18 2. The department through the grain warehouse
19 bureau shall perform the administrative functions
20 necessary for the operation of the board and the fund.
21 Administrative costs approved by the board relating to
22 the fund shall be paid from the fund. The rules of
23 the department shall contain the rules of the board
24 adopted for its organization and its procedures. The
25 secretary of agriculture, as president of the board as
26 well as head of the department of agriculture and land
27 stewardship, shall administer the department so as to
28 minimize the risk of loss to the fund while protecting
29 interests of sellers of grain. Policies and rules for
30 the administration of chapters 542 and 543 which, as
31 determined by the secretary of agriculture, may affect
32 the exposure of the fund, shall be presented to the
33 board for comment prior to their adoption by the
34 department.
35 3. The department shall make reports to the board
36 in regard to licensee investigations which may result
37 in disciplinary action against a licensee and exposure
38 of the fund. The reports may be discussed by the
39 board in closed session pursuant to section 21.5, and

40 are confidential. In making the report, the
41 department shall make available to the board records
42 of licensees which are otherwise confidential under
43 section 22.7, 542.16, or 543.24. However, a
44 determination to take disciplinary action against a
45 particular licensee shall be made exclusively by the
46 department. A report to the board is not a
47 prerequisite to disciplinary action against a
48 licensee. Review of any action against a licensee,
49 whether or not relating to either fund, shall be made
50 exclusively through the department.

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1 Sec. 18. NEW SECTION. 542B.5 ADJUSTMENTS TO FEE.

2 1. The board shall annually review the debits and
3 credits of the fund and shall make any adjustments in
4 the per-bushel fee required under section 542B.3, that
5 are necessary to maintain the fund within the limits
6 established under this section. Not later than May 1,
7 the board shall determine the proposed volume of grain
8 on which the fee is to be collected and that is likely
9 to be handled under this chapter. The board shall
10 make any changes in the previous year's fees in
11 accordance with chapter 17A. Changes in the fees
12 shall become effective on the following July 1. The
13 per-bushel fee shall not exceed one cent per bushel on
14 grain purchased from a seller by a credit-sale
15 contract. Until the per-bushel fee is adjusted or
16 waived as provided in this section, the per-bushel fee
17 is one cent on all grain purchased from a seller by
18 credit-sale contract.

19 2. If, at the end of any three-month period, the
20 assets of the fund less any encumbered balances or
21 pending or unsettled claims exceed six million
22 dollars, the per-bushel fee required under section
23 542B.3 shall be waived and the fees are not assessable
24 or owing. The board shall reinstate the fees if the
25 assets of the fund, less any unencumbered balances or
26 pending or unsettled claims, are three million dollars
27 or less. However, claims shall not be paid before the
28 cash balance of the fund initially reaches two hundred
29 fifty thousand dollars. The fund shall not pay out
30 claims if the cash balance of the fund is equal to or
31 less than one hundred thousand dollars.

32 Sec. 19. NEW SECTION. 542B.6 CLAIMS AGAINST
33 FUND.

34 1. PERSONS WHO MAY FILE CLAIMS -- TIME OF FILING.

35 A seller of grain by credit-sale contract may file a
36 claim with the department for indemnification of a

37 loss from the fund. A claim shall be filed in the
38 manner prescribed by the board. A claim shall not be
39 filed prior to the incurrence date, which is the
40 earlier of the following:

41 a. The revocation, termination, or cancellation of
42 the license of the grain dealer.

43 b. The filing of a petition in bankruptcy by a
44 grain dealer.

45 To be timely, a claim shall be filed within one
46 hundred twenty days of the incurrence date.

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 incurrence date. The notice
5 shall also state that any claims against the fund on
6 account of the licensee shall be sent by ordinary mail
7 to the department within one hundred twenty days after
8 the incurrence date, and that the failure to make a
9 timely claim relieves the fund from liability to the
10 claimant. This notice may be incorporated by the
11 department with a notice required by section 542.12,
12 543.14, or 543A.6.

13 3. DETERMINATION OF ELIGIBLE CLAIMS. The board
14 shall determine a claim to be eligible for payment
15 from the fund if the board finds all of the following:

16 a. That the claim was timely filed.

17 b. That the incurrence date was on or after
18 October 1, 1991.

19 c. That the claimant qualifies as a seller who has
20 sold grain by credit-sale contract.

21 d. That the claim derives from a covered
22 transaction. For purposes of this paragraph, a claim
23 derives from a covered transaction if the claimant is
24 a seller who transferred title to the grain to the
25 grain dealer by credit-sale contract on or after
26 October 1, 1991.

27 e. That there is adequate documentation to
28 establish the existence of a claim and to determine
29 the amount of the loss.

30 4. VALUE OF LOSS. The dollar value of a claim
31 incurred by a seller who has sold grain by credit-sale
32 contract for sale or exchange and who is a creditor of
33 the licensed grain dealer for all or part of the value

34 of the grain shall be based on the amount stated on
35 the credit-sale contract on the date of the sale. If
36 the sold grain was unpriced, the value of a claim
37 shall be presumed to be based upon the fair market
38 price, free-on-board from the site of the grain
39 dealer, being paid to producers for grain by the grain
40 terminal operator nearest the grain dealer on the date
41 of the license revocation or cancellation or the
42 filing of a petition in bankruptcy. If more than one
43 date applies to a claim, the board may choose between
44 the two. However, the board may accept an alternative
45 valuation of a claim upon a showing of just cause by
46 the seller or department. The value of the loss is
47 the outstanding balance on the validated claim at the
48 time of payment from the fund.
49 5. PROCEDURE -- APPEAL. The board, through the
50 department, shall provide for notice to each seller

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1 upon its determination of eligibility and value of
2 loss. Within twenty days of the notice, the seller
3 may request a hearing for the review of either
4 determination. The request shall be made in the
5 manner provided by the board. The hearing and any
6 further appeal shall be conducted as a contested case
7 subject to chapter 17A. A seller whose claim has been
8 refused by the board may appeal the refusal to either
9 the district court of Polk county or the district
10 court of the county in which the seller resides.
11 6. PAYMENT OF CLAIMS. Upon a determination that
12 the claim is eligible for payment, the board shall
13 provide for payment of ninety percent of a loss.
14 However, the board shall not pay more than one hundred
15 fifty thousand dollars per claimant. If the
16 unencumbered balance of the fund is less than six
17 million dollars, the board shall pay fifty percent of
18 the loss and defer payment of the remaining amount.
19 If at any time the board determines that there are
20 insufficient funds to make payment of all claims, the
21 board shall order payment to be made on a prorated
22 basis, and defer payment of the remaining amounts.
23 Payment shall be suspended when the unencumbered
24 balance of the fund is less than three million
25 dollars. The department, upon the board's
26 instruction, shall hold the portions of claims for
27 deferred payment until the board determines that the
28 fund again contains sufficient assets to remove
29 payment of all claims.
30 7. SUBROGATION OF FUND. In the event of payment

31 of a loss under this section, the fund is subrogated
32 to the extent of the amount of any payment, including
33 a deferred payment, to all rights, powers, privileges,
34 and remedies of the seller against any person
35 regarding the loss. The seller shall render all
36 necessary assistance to aid the department and the
37 board in securing the rights granted in this section.
38 No action or claim initiated by a seller and pending
39 at the time of payment from the fund shall be
40 compromised or settled without the consent of the
41 board.
42 Sec. 20. NEW SECTION. 542B.7 NO OBLIGATION OF
43 STATE.
44 This chapter does not imply any guarantee or
45 obligation on the part of the state, or any of its
46 agencies, employees, or officials, either elective or
47 appointive, in respect of any agreement or undertaking
48 to which this chapter relates.
49 Sec. 21. Section 543.1, Code 1991, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 26. "Board" means board as
2 defined in section 543A.1.
3 Sec. 22. Section 543.2, Code 1991, is amended by
4 adding the following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. Three employees from the
6 department shall serve as permanent field inspectors.
7 The field inspectors shall conduct statewide,
8 selective, and periodic inspections as provided in
9 this section. The order of conducting field
10 inspections shall be prioritized based on information
11 or indications that a warehouse operator is in
12 violation of this chapter or rules adopted by the
13 department, or the financial position of the warehouse
14 operator presents a risk to the grain depositors and
15 sellers indemnity fund. The same three employees may
16 serve as permanent field inspectors under section
17 542.9.
18 Sec. 23. Section 543.6, subsection 8, is amended
19 to read as follows:
20 8. The department may deny a license to an
21 applicant if any of the following apply:
22 a. The applicant has caused liability to the Iowa
23 grain depositors and sellers indemnity fund through
24 operations under a license issued under this chapter
25 or chapter 542, and the liability has not been
26 discharged, settled, or satisfied.
27 b. The applicant is owned or controlled by a

28 person who has caused liability to the Iowa grain
 29 depositors and sellers indemnity fund through
 30 operations under a license issued under this chapter
 31 or chapter 542, and the liability has not been
 32 discharged, settled, or satisfied.

33 c. The applicant has caused liability to the
 34 credit-sale contract grain indemnity fund through
 35 operations under a license issued under chapter 542,
 36 and the liability has not been discharged, settled, or
 37 satisfied.

38 d. The applicant is owned or controlled by a
 39 person who has caused liability to the credit-sale
 40 contract grain indemnity fund through operations under
 41 a license issued under chapter 542, and the liability
 42 has not been discharged, settled, or satisfied.

43 Sec. 24. NEW SECTION. 543.20A PENALTY FOR
 44 IMPROPER ISSUANCE OF WAREHOUSE RECEIPTS.

45 A warehouse receipt as provided in section 543.20
 46 shall not be issued by the warehouse operator, unless
 47 the warehouse operator owns sufficient agricultural
 48 products or interests in such products as are
 49 represented by the warehouse receipt. The issuance of
 50 a warehouse receipt purporting a warehouse ownership

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1 of agricultural products or interests in such products
 2 when the warehouse operator does not own or have an
 3 interest in sufficient agricultural products at the
 4 time of issuance is a class "D" felony. Each
 5 warehouse receipt so issued shall be a separate
 6 offense.

7 Sec. 25. Section 543.36, subsection 4, Code 1991,
 8 is amended to read as follows:

9 4. A person in violation of this chapter, or a in
 10 violation of chapter 714 or 715A involving, which
 11 violation involves the business of a warehouse
 12 operator, is subject to prosecution by the county
 13 attorney in the county where the business is located.
 14 However, if the county attorney fails to initiate
 15 prosecution within thirty days, and upon request by
 16 the department, the attorney general shall initiate
 17 and carry out the prosecution in cooperation, if
 18 possible, with the county attorney. The violation may
 19 be restrained by injunction in an action brought by
 20 the department or the attorney general upon request by
 21 the department.

22 Sec. 26. Section 543.37, Code 1991, is amended to
 23 read as follows:

24 543.37 FAILURE TO PAY FEE.

25 Failure to pay the annual license fee provided for
26 in section 543.33 on or before June 30 of the year for
27 which due the end of the third calendar month
28 following the close of the licensee's fiscal year
29 shall cause a license to terminate. A warehouse
30 license which has terminated may be reinstated by the
31 department upon receipt of a proper renewal
32 application, the renewal fee, and the reinstatement
33 fee as provided for in section 543.33, if filed within
34 thirty days from the date of termination of the
35 warehouse license. The department may cancel the
36 license upon request of the licensee unless a
37 complaint or information is filed against the licensee
38 alleging a violation of a provision of this chapter.
39 Sec. 27. Section 715A.2, subsection 2, paragraph
40 a, Code 1991, is amended to read as follows:
41 a. Forgery is a class "D" felony if the writing is
42 or purports to be part of an issue of money,
43 securities, postage or revenue stamps, or other
44 instruments issued by the government, or part of an
45 issue of stock, bonds, credit-sale contracts as
46 defined in section 542.1, or other instruments
47 representing interests in or claims against any
48 property or enterprise, or a check, draft, or other
49 writing which ostensibly evidences an obligation of
50 the person who has purportedly executed it or

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1 authorized its execution.
2 Sec. 28. TRANSITION PERIOD. There shall be a
3 transition period for implementing and enforcing
4 provisions of this Act relating to any license period
5 as provided in sections 542.5 and 543.37 as amended by
6 this Act. Within the transition period, the
7 department of agriculture and land stewardship may
8 issue or renew licenses under chapter 542 or 543 for a
9 period less than twelve consecutive months. The
10 department shall prorate the fees charged for issuing
11 or renewing the licenses for a period of less than
12 twelve consecutive months. A person required to be
13 licensed under chapter 542 or 543 shall not pay more
14 in twelve consecutive months than the total amount of
15 fees required to be paid if the person were similarly
16 licensed during 1990. The transition period shall
17 terminate on June 30, 1992.
18 Sec. 29. EFFECTIVE DATE. This Act takes effect
19 October 1, 1991. However, the department of
20 agriculture and land stewardship shall adopt rules
21 which shall be effective no later than October 1,

22 1991, which are necessary to implement this Act.”
 23 2. Title page, by striking lines 4 and 5, and
 24 inserting the following: “sellers, providing fees,
 25 making penalties applicable, and providing an
 26 effective date.”

COMMITTEE ON AGRICULTURE
 BERL PRIEBE, Chair

S-3400

1 Amend Senate File 451 as follows:
 2 1. Page 1, line 2, by striking the word
 3 “paragraph” and inserting the following:
 4 “paragraphs”.
 5 2. Page 2, by inserting after line 32 the
 6 following:
 7 **“NEW UNNUMBERED PARAGRAPH.** The additional amount
 8 imposed beginning July 1, 1991, shall not be imposed
 9 upon a person disposing of solid waste at a sanitary
 10 landfill if the person meets all of the following
 11 requirements:
 12 a. The person is a private agency which collects
 13 solid waste for the purpose of recycling, and the
 14 person provides documentation of this activity to the
 15 sanitary landfill owner or operator.
 16 b. The person provides documentation to the
 17 sanitary landfill owner or operator that, of the
 18 initial amount of solid waste collected by the private
 19 agency, the solid waste was recycled to the greatest
 20 extent possible, and that the remaining solid waste,
 21 for which the person seeks disposal at the sanitary
 22 landfill, is not recyclable by the private agency.
 23 The commission shall adopt rules to implement this
 24 paragraph including provisions for the form of
 25 documentation required.”

RICHARD VANDE HOEF
 JOHN P. KIBBIE
 WILLIAM W. DIELEMAN

S-3401

1 Amend House File 651, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 19, by inserting after the word
 4 “licensee.” the following: “However, a person who is
 5 less than twenty-one years of age and who is still
 6 enrolled in a secondary school shall not be employed
 7 in the area where gambling is conducted.”

MAGGIE TINSMAN
 PATRICK J. DELUHERY

S-3402

- 1 Amend House File 596, as amended and passed by the
2 House, as follows:
3 1. Page 1, line 4, by striking the figure "1."
4 2. Page 1, line 13, by striking the word "or" and
5 inserting the following: "or".
6 3. Page 1, line 13, by inserting after the word
7 "technician" the following: "or a volunteer
8 registered member of the national ski patrol system".
9 4. Page 1, by striking lines 22 through 33.
10 5. Title page, by striking line 2 and inserting
11 the following: "emergency care or assistance in good
12 faith."

COMMITTEE ON JUDICIARY
AL STURGEON, Chair

HOUSE AMENDMENT TO
SENATE FILE 382

S-3403

- 1 Amend Senate File 382 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 6, line 27 through page 7,
4 line 16, and inserting the following:
5 "A nonprofit corporation incorporated under the
6 laws of the state of Iowa chapter 504A for the
7 specific purpose of operating a rural water system may
8 petition the supervisors for incorporation of a
9 district, in the manner provided by section 357A.2.
10 The signatures of the corporation's officers on the
11 petition and a resolution adopted by the corporation's
12 board of directors approving the petition shall
13 suffice in lieu of signatures of owners of fifty
14 percent of the ~~land~~ real property in the proposed
15 district, ~~provided if~~ the corporation presents
16 evidence satisfactory to the supervisors that a
17 sufficient number of members of the proposed district
18 will subscribe to benefit units to make its operation
19 feasible. The procedure for hearing and determination
20 of disposition of the petition shall be as provided by
21 this chapter.
22 PARAGRAPH DIVIDED. In any district incorporated
23 upon the petition of a nonprofit corporation, the
24 following procedures shall apply:

- 25 1. After final approval of the petition by a board
 26 of supervisors, the secretary of the corporation shall
 27 file a notice with the secretary of state dissolving
 28 the nonprofit corporation in accordance with chapter
 29 504A.
- 30 2. Upon filing of the notice, the nonprofit
 31 corporation shall cease to exist as a chapter 504A
 32 entity and all assets and liabilities of the nonprofit
 33 corporation become the assets and liabilities of the
 34 newly organized district without a need for any
 35 further meetings, voting, notice to creditors, or
 36 other actions by the members or board.
- 37 3. The officers and board of directors of the
 38 corporation shall be the officers and board of the
 39 district.
- 40 4. The applicable laws of the state and the
 41 articles of incorporation and bylaws of the
 42 corporation shall control the initial size and initial
 43 term of office of such officers and board, in lieu of
 44 sections 357A.7, 357A.9, and 357A.10. At the first
 45 annual meeting of the participating members and board
 46 of directors, the
- 47 5. The district shall bring its operation and
 48 structure in compliance with sections 357A.7 to
 49 357A.10 at the first annual meeting of the
 50 participating members and board of directors."

HOUSE AMENDMENT TO
 SENATE FILE 257

S-3404

- 1 Amend Senate File 257, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 15, by inserting after the word
 4 "native" the following: "American".

S-3405

- 1 Amend House File 644 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 11, by striking the word
 4 "political" and inserting the following: "election".

MICHAEL E. GRONSTAL
 JOHN P. KIBBIE

S-3406

- 1 Amend Senate File 374 as follows:
- 2 1. Page 3, by striking lines 6 and 7, and
- 3 inserting the following: "least one-half of one
- 4 percent of the votes cast for governor in the last".
- 5 2. Page 3, line 10, by inserting after the word
- 6 "persons" the following: ", but in no case shall the
- 7 number be less than twenty-five persons".

BERL E. PRIEBE

S-3407

- 1 Amend House File 661, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 31, the
- 4 following:
- 5 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 2, by inserting after the
- 8 word "environment" the following: "and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

RALPH ROSENBERG

S-3408

- 1 Amend House File 610, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "protection" the following: "and one of whom shall
- 5 also be actively engaged in the business of farming".
- 6 2. Page 3, line 17, by inserting after the figure
- 7 "1993." the following: "As part of the authority's
- 8 planning and coordinating effort, the authority shall
- 9 consult, at least annually, with the Iowa boundary
- 10 commission and shall send copies of the minutes of all
- 11 meetings of the authority to the commission. Within
- 12 one year of the effective date of this Act, the
- 13 authority shall meet with the Iowa boundary
- 14 commission. Meetings with the Iowa boundary
- 15 commission shall be held at a time and a place agreed
- 16 to between the commission and the authority."

COMMITTEE ON NATURAL RESOURCES
WILLIAM PALMER, Chair

S-3409

1 Amend House File 634, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 33, the
4 following:

5 "Sec. ____ . NEW SECTION. 513A.1 PURPOSE.

6 The purpose of this chapter is to give the
7 commissioner jurisdiction over third-party payors of
8 health care benefits; to indicate how a third-party
9 payor of health care benefits may show the
10 jurisdiction to which the third-party payor is
11 subject, to allow for examinations by the commissioner
12 if the third-party payor of health care benefits is
13 unable to establish that a third-party payor is
14 subject to another jurisdiction, to make a third-party
15 payor of health care benefits subject to the laws of
16 this state if the third-party payor cannot show that
17 it is subject to another jurisdiction, and to disclose
18 to purchasers of such health care benefits whether or
19 not the plans are fully insured.

20 Sec. ____ . NEW SECTION. 513A.2 AUTHORITY AND
21 JURISDICTION OF COMMISSIONER.

22 Except as provided in this chapter, a third-party
23 payor providing coverage in this state for medical,
24 surgical, chiropractic, physical therapy, speech
25 pathology, audiology, professional mental health,
26 dental, hospital, or optometric expenses, whether the
27 coverage is by direct payment, reimbursement, or
28 otherwise, is presumed to be subject to the
29 jurisdiction of the commissioner of insurance, unless
30 the person shows that while providing such services
31 the person is subject to the jurisdiction of another
32 agency of the state or the federal government.

33 Sec. ____ . NEW SECTION. 513A.3 HOW TO SHOW
34 JURISDICTION.

35 A third-party payor may establish that the third-
36 party payor is subject to the jurisdiction of another
37 agency of the state, any subdivision of the state, or
38 the federal government, by providing to the insurance
39 commissioner the appropriate certificate, license, or
40 other document issued by the agency which permits or
41 qualifies the third-party payor to provide those
42 services.

43 Sec. ____ . NEW SECTION. 513A.4 EXAMINATION.

44 A third-party payor unable to establish under
45 section 513A.3 that the third-party payor is subject
46 to the jurisdiction of another agency of the state,
47 any subdivision of the state, or the federal
48 government, shall submit to an examination by the

49 insurance commissioner to determine the organization
50 and solvency of the third-party payor or the entity,

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1 and to determine whether or not the third-party payor
2 complies with the applicable provisions of state law.
3 Sec. ____ . NEW SECTION. 513A.5 SUBJECT TO STATE
4 LAWS.

5 A third-party payor unable to establish that the
6 third-party payor is subject to the jurisdiction of
7 another agency of the state, any subdivision of the
8 state, or the federal government, is subject to all
9 appropriate provisions of Title XX regarding the
10 conduct of the business of the third-party payor.

11 Sec. ____ . NEW SECTION. 513A.6 DISCLOSURE.

12 A production agency or administrator which
13 advertises, sells, transacts, or administers the
14 coverage in this state as defined in section 513A.2
15 and which is required to submit to an examination by
16 the insurance commissioner under section 513A.4,
17 shall, if the coverage is not fully insured or
18 otherwise fully covered by an admitted life or
19 disability insurer, nonprofit hospital service plan,
20 or nonprofit health care plan, advise every purchaser,
21 prospective purchaser, and covered person of the lack
22 of insurance or other coverage.

23 An administrator which advertises or administers
24 the coverage in this state as defined in section
25 513A.2 and which is required to submit to an
26 examination by the insurance commissioner under
27 section 513A.4, shall advise any production agency of
28 the elements of the coverage, including the amount of
29 stop-loss insurance in effect."

30 2. Page 8, by inserting after line 6, the
31 following:

32 "Sec. ____ . NEW SECTION. 514C.6 UNIFORMITY OF
33 TREATMENT -- EMPLOYEE WELFARE BENEFIT PLANS.

34 1. A statutory provision to mandate a health care
35 coverage or service, or to mandate the offering of a
36 health care coverage or service, applies to all state-
37 regulated third-party payors and to employee welfare
38 benefit plans described in 29 U.S.C. § 1001 et seq.
39 However, if an employee welfare benefit plan subject
40 to federal regulation is not subject to a
41 substantially similar requirement, the statutory
42 provision does not apply to a state-regulated third-
43 party payor until the employee welfare benefit plans
44 are subject to a substantially similar standard under
45 federal regulations as determined by the commissioner.

- 46 2. For purposes of this section unless the context
47 otherwise requires, a third-party payor means:
48 a. An accident and sickness insurer, subject to
49 chapter 509 or 514A.
50 b. A nonprofit health service corporation, subject

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- 1 to chapter 514.
2 c. A health maintenance organization, subject to
3 chapter 514B.
4 d. Any other entity engaged in the business of
5 insurance, risk transfer, or risk retention, which is
6 subject to the jurisdiction of the commissioner.
7 Sec. ____ . Section 514G.7, subsection 2, Code 1991,
8 is amended by adding the following new paragraph:
9 NEW PARAGRAPH. d. Be issued without obtaining one
10 or more of the following:
11 (1) A report of a physical examination.
12 (2) An assessment of functional capacity.
13 (3) An attending physician's statement.
14 (4) Copies of medical records.
15 Sec. ____ . Section 514G.7, subsection 4, paragraph
16 a, subparagraph (1), Code 1991, is amended by adding
17 the following new subparagraph subdivisions:
18 NEW SUBPARAGRAPH SUBDIVISION. (a) Effective July
19 1, 1991, any holder of a long-term care insurance
20 policy, which is not noncancelable or guaranteed
21 renewable, was issued before July 1, 1989, and
22 conditions eligibility for benefits on a requirement
23 of prior hospitalization, shall, unless it has
24 previously been offered by the insurer, be offered by
25 the insurer a rider or endorsement that waives the
26 requirement of prior hospitalization. If the rider or
27 endorsement results in a concomitant increase in
28 premium during the policy term, then it must be agreed
29 to in writing and signed by the insured to become
30 effective.
31 NEW SUBPARAGRAPH SUBDIVISION. (b) The rider or
32 endorsement under subparagraph subdivision (a) shall
33 be subject to the insurer's underwriting guidelines as
34 proof of insurability at the time of application for
35 the rider or endorsement.
36 NEW SUBPARAGRAPH SUBDIVISION. (c) Effective July
37 1, 1991, any holder of a noncancelable or guaranteed
38 renewable long-term care insurance policy issued
39 before July 1, 1989, which conditions eligibility for
40 benefits on a requirement of prior hospitalization,
41 shall, unless the holder has previously been notified
42 by the insurer, be notified by the insurer in writing

43 prior to or at the time of delivery of the next
 44 premium statement of the existence of the condition
 45 and that new policies issued by any insurance carrier
 46 may not condition benefits on a requirement of prior
 47 hospitalization. The insurer shall not solicit the
 48 replacement of the noncancelable or guaranteed
 49 renewable policy at the same time as the delivery of
 50 notice under this subparagraph subdivision.

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1 Sec. ____ . Section 514G.7, subsection 4, paragraph
 2 d, Code 1991, is amended to read as follows:
 3 d. A long-term care insurance policy which
 4 conditions shall not condition eligibility for
 5 noninstitutional benefits on the prior receipt of
 6 institutional care ~~shall not require a prior~~
 7 ~~institutional stay of more than thirty days for which~~
 8 ~~benefits are paid.~~
 9 Sec. ____ . NEW SECTION. 514G.10 LONG-TERM CARE
 10 CONSUMER GUIDE.

11 An insurer offering a long-term care insurance
 12 policy to any person shall provide to the applicant
 13 the current long-term care insurance consumer guide
 14 prescribed by the insurance division of the department
 15 of commerce. The commissioner of insurance may by
 16 reference adopt or permit the use of the long-term
 17 care insurance consumer guide developed by the
 18 national association of insurance commissioners, the
 19 blue cross and blue shield association, or the health
 20 insurance association of America. Delivery of the
 21 long-term care insurance consumer guide shall be made
 22 if a policy is advertised, solicited, or issued as a
 23 policy as defined in this chapter, or if it is subject
 24 to this chapter, regardless of the label applied by
 25 the insurer. Except in the case of direct response
 26 insurers, delivery of the long-term care insurance
 27 consumer guide shall be made to the applicant at the
 28 time of application, and acknowledgement of receipt of
 29 the long-term care insurance consumer guide shall be
 30 obtained by the insurer. A direct response insurer
 31 shall deliver the long-term care insurance consumer
 32 guide to the applicant at the time the policy is
 33 delivered. An insurance company required to
 34 distribute the guide shall reimburse the state for all
 35 costs associated with the guide."

36 3. Renumber as necessary.

HOUSE AMENDMENT TO
SENATE FILE 313

S-3410

1 Amend Senate File 313, as passed by the Senate, as
2 follows:

3 1. Page 2, by striking lines 6 and 7.

4 2. Page 3, by inserting after line 6 the
5 following:

6 "Sec. ____ MANDATE REVIEW. The department of
7 education shall review all functions that school
8 districts are required to perform in order to receive
9 state or local funds or to remain accredited. The
10 department shall evaluate the utility of and the need
11 for each of the functions and assign a priority to
12 each function that reflects whether the function must
13 be retained, could be modified or combined with other
14 functions, or is no longer necessary and can be
15 abolished. The department shall submit its review,
16 along with the evaluation of functions and assignment
17 of priorities, in a report to the general assembly by
18 January 1, 1993."

19 3. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

S-3411

1 Amend House File 232, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 15, the
4 following:

5 "Sec. ____ Section 98A.6, Code 1991, is amended to
6 read as follows:

7 98A.6 CIVIL PENALTY FOR VIOLATION -- UNIFORM
8 APPLICATION.

9 A person who smokes in those areas prohibited in
10 section 98A.2, or who violates section 98A.4, shall
11 pay a civil fine and court costs pursuant to section
12 805.8, subsection 11 for each violation.

13 Judicial magistrates shall hear and determine
14 violations of this chapter. The civil penalties paid
15 pursuant to this chapter shall be deposited in the
16 county treasury except as otherwise provided in this
17 section.

18 Enforcement of this chapter shall be implemented in
19 an equitable manner throughout the state. For the
20 purpose of equitable and uniform implementation,
21 application, and enforcement of state and local laws

22 and regulations, the provisions of this chapter shall
23 supersede any local law or regulation which is
24 inconsistent with or conflicts with the provisions of
25 this chapter. However, this section shall not
26 prohibit a city from enacting an ordinance for which a
27 violation is a civil or criminal penalty in an amount
28 not exceeding the amount specified in section 364.3,
29 subsection 2, or section 364.22. Civil penalties paid
30 for violation of a city ordinance shall not be
31 deposited in the county treasury."

32 2. Page 5, by inserting after line 28, the
33 following:

34 "Sec. ____ . Section 805.8, subsection 11, Code
35 1991, is amended to read as follows: "

36 11. SMOKING VIOLATIONS. For violations of section
37 98A.6, the scheduled fine is twenty-five dollars, and
38 is a civil penalty, and the criminal penalty surcharge
39 under section 911.2 shall not be added to the penalty;
40 and, However, the court costs pursuant to section
41 805.9; subsection 6; shall not be imposed. If the
42 civil fine is not paid in a timely manner, a citation
43 shall be issued for the violation in the manner
44 provided in section 804.1. The complainant shall not
45 be charged a filing fee."

46 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-3412

1 Amend House File 583, as passed by the House, as
2 follows:

3 1. Page 5, line 2, by inserting after the word
4 "district." the following: "For those districts, in
5 which the fifth year of sharing will take place during
6 the school year commencing July 1, 1990, and ending
7 June 30, 1991, and which will reorganize effective
8 during the school year commencing July 1, 1993, the
9 additional pupils added under the supplementary
10 weighting plan shall be equal to the pupils added by
11 the application of the supplementary weighting plan in
12 the fifth year of the contract for sharing."

RAY TAYLOR
EMIL J. HUSAK
BERL E. PRIEBE
JOHN W. JENSEN

S-3413

- 1 Amend House File 232, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 30, by striking the words
- 4 "tobacco products and".
- 5 2. Page 4, lines 31 and 32, by striking the words
- 6 "tobacco products and".

AL STURGEON
FLORENCE BUHR
MARY KRAMER

S-3414

- 1 Amend House File 489, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Sec. ____ . Section 422.7, Code 1991, is amended by
- 6 adding the following new subsection:
- 7 **NEW SUBSECTION.** 24. Subtract to the extent
- 8 included, active duty pay received by a person in the
- 9 national guard or armed forces military reserve for
- 10 services performed on or after August 2, 1990,
- 11 pursuant to military orders related to the Persian
- 12 Gulf Conflict."
- 13 2. Page 2, by inserting after line 2 the
- 14 following:
- 15 "Sec. ____ . APPLICATION. Any taxpayer entitled to
- 16 a refund for the tax year beginning in the 1990
- 17 calendar year as a result of the exclusion of active
- 18 duty military pay under section 422.7, subsection 24,
- 19 as enacted in this Act, shall receive the refund in
- 20 the form of a tax credit to be applied against taxes
- 21 due in the tax year beginning in the 1991 calendar
- 22 year. The director of revenue and finance shall
- 23 credit the amount of the refund against taxes due in
- 24 the tax year beginning in the 1991 calendar year and
- 25 shall notify the applicable taxpayers of the credit.
- 26 Any amount of refund remaining after the credit has
- 27 been applied shall be refunded to the taxpayer."
- 28 3. Title page, line 4, by inserting after the
- 29 word "overseas," the following: "exempting from
- 30 taxation active duty military pay of certain national
- 31 guard personnel and armed forces reserve personnel,".
- 32 4. By renumbering as necessary.

WILLIAM DIELEMAN

S-3415

1 Amend House File 612, as passed by the House, as
 2 follows:
 3 1. Page 1, line 1, by striking the word and
 4 figure "subsection 3" and inserting the following:
 5 "subsections 3 and 6".
 6 2. Page 1, by inserting after line 13 the
 7 following:
 8 "6. The board shall appropriate, by resolution,
 9 the amounts deemed necessary for each of the different
 10 county officers and departments during the ensuing
 11 fiscal year. Increases or decreases in these
 12 appropriations do not require a budget amendment, but
 13 may be provided by resolution at a regular meeting of
 14 the board, as long as each class of proposed
 15 expenditures contained in the budget summary published
 16 under subsection 3 of this section is not increased.
 17 However, decreases in appropriations for a county
 18 officer or department of more than ten percent or five
 19 thousand dollars, whichever is greater, shall not be
 20 effective unless the board sets a time and place for a
 21 public hearing on the proposed decrease and publishes
 22 notice of the hearing not less than ten nor more than
 23 twenty days prior to the hearing in ~~one or more~~
 24 ~~newspapers which meet the requirements of section~~
 25 ~~618-14 the county newspapers selected under chapter~~
 26 ~~349."~~

ALVIN V. MILLER

S-3416

1 Amend Senate File 532 as follows:
 2 1. Page 45, line 32, by striking the letter "b"
 3 and inserting the following: "c".

LEONARD L. BOSWELL
DALE L. TIEDEN

S-3417

1 Amend House File 455, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 16, by striking lines 15 through 33.
 4 2. By renumbering as necessary.

JOHN W. JENSEN

S-3418

1 Amend Senate File 532 as follows:

2 1. Page 11, by inserting after line 26 the
3 following:

4 "Sec. 306. Section 13B.1, subsection 1, Code 1991,
5 is amended to read as follows:

6 1. "Appointed Assigned attorney" means an attorney
7 appointed assigned by the local public defender or the
8 court and compensated by the state to represent an
9 indigent defendant.

10 Sec. 307. Section 13B.4, Code 1991, is amended by
11 striking the section and inserting in lieu thereof the
12 following:

13 13B.4 DUTIES AND POWERS OF STATE PUBLIC DEFENDER.

14 1. The state public defender shall coordinate the
15 provision of legal representation of all indigents
16 under arrest or charged with a crime, on appeal in
17 criminal cases, and on appeal in proceedings to obtain
18 postconviction relief when ordered to do so by the
19 district court in which the judgment or order was
20 issued, and may provide for the representation of
21 indigents in proceedings instituted pursuant to
22 chapter 908. In indigency matters, all cases, whether
23 criminal or juvenile in nature, shall be assigned by
24 the court to the state public defender or its
25 designee. The state public defender shall not engage
26 in the private practice of law.

27 2. The state public defender shall file with the
28 court in each county a designation of which local
29 public defender office shall receive notice of
30 assignment of cases.

31 Sec. 308. Section 13B.8, subsection 1, unnumbered
32 paragraph 2, Code 1991, is amended to read as follows:

33 Before establishing or abolishing a local public
34 defender office, the state public defender shall
35 provide a written report detailing the reasons for the
36 action to be taken to the justice systems regulation
37 appropriations subcommittee, the chairperson, vice
38 chairperson, and ranking member of the senate
39 committee on judiciary, and the chairperson, vice
40 chairperson, and ranking member of the house of
41 representatives committee on judiciary and law
42 enforcement. The report shall contain a statement of
43 the estimated fiscal impact of the action taken. Any
44 action taken in establishing or abolishing a local
45 public defender office shall only take effect upon the
46 approval of the general assembly. If the state public
47 defender proposes to abolish a local public defender
48 office prior to the beginning of any regular session
49 of the general assembly and the general assembly takes
50 no action regarding that proposal during the first

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1 ninety days of the first regular session occurring
2 after the proposal is made, the office shall be
3 abolished.

4 Sec. 309. Section 13B.9, Code 1991, is amended to
5 read as follows:

6 13B.9 POWERS AND DUTIES OF LOCAL PUBLIC DEFENDERS.

7 1. The local public defender shall do all of the
8 following:

9 a. Represent without fee an indigent person who is
10 under arrest or charged with a crime if the indigent
11 person requests ~~it~~ representation or the court orders
12 ~~it~~ representation. The local public defender shall
13 counsel and defend an indigent defendant at every
14 stage of the criminal proceedings and prosecute before
15 or after conviction any appeals or other remedies
16 which the local public defender considers to be in the
17 interest of justice unless the ~~court appoints case is~~
18 assigned to other counsel.

19 b. Represent an indigent party, without fee and
20 upon an order of the court, in child in need of
21 assistance, family in need of assistance, delinquency,
22 and termination of parental rights proceedings
23 pursuant to chapter 232. The local public defender
24 shall counsel and represent an indigent party in all
25 proceedings pursuant to chapter 232 and prosecute
26 before or after judgment any appeals or other remedies
27 which the local public defender considers to be in the
28 interest of justice unless the ~~court appoints case is~~
29 assigned to other counsel. The state public defender
30 shall be reimbursed by the counties for services
31 rendered by employees of the local public defenders'
32 offices under this subsection, pursuant to section
33 232.141.

34 c. Make an initial determination of indigence as
35 required under section 815.9 prior to the initial
36 arraignment or other initial court appearance.

37 d. Make an annual report to the state public
38 defender. The report shall include all cases handled
39 by the local public defender during the preceding
40 calendar year.

41 2. An ~~appointed~~ assigned attorney under this
42 section is not liable to a person represented by the
43 attorney pursuant to this chapter for damages as a
44 result of a conviction unless the court determines in
45 a postconviction appeal that the person's conviction
46 resulted from ineffective assistance of counsel.

47 3. The local public defender may appoint the
48 number of assistant public defenders, clerks,

49 investigators, stenographers, and other employees as
50 approved by the state public defender. An assistant

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1 local public defender must be an attorney licensed to
2 practice before the Iowa supreme court. Appointments
3 shall be made in the manner prescribed by the state
4 public defender.

5 4. The state public defender or the state public
6 defender's designee may contract with private
7 attorneys in the judicial election district to handle
8 assignments of indigent cases. The local public
9 defender shall handle every case assigned to the local
10 public defender that the local public defender can
11 reasonably handle.

12 5. If a conflict of interest arises or if the
13 local public defender is unable to handle a case
14 because of a temporary overload of cases, the local
15 public defender shall assign the case to a contract
16 attorney in the county where the case is pending if
17 one exists. The assignment shall be on a rotational
18 or equalizational basis, also considering the
19 experience of the contract attorneys available and the
20 difficulty of the case.

21 6. If no contract attorney exists or if a conflict
22 of interest or overload prevents the contract
23 attorneys from handling a case, the local public
24 defender shall return the case to the court for
25 assignment to a private noncontracting attorney, who
26 has agreed to take such case, on a rotational or
27 equalizational basis, also considering the experience
28 of the attorney and the difficulty of the case.

29 Sec. 310. Section 815.10, Code 1991, is amended to
30 read as follows:

31 815.10 APPOINTMENT OF COUNSEL BY COURT.

32 1. The court, for cause and upon its own motion or
33 upon application by an indigent person or a public
34 defender, may shall appoint a public defender or any
35 attorney who is admitted to the practice of law in
36 this state the state public defender, the state public
37 defender's designee, or an attorney who is admitted to
38 the practice of law in this state in accordance with
39 section 13B.9 to represent an indigent person at any
40 state stage of the criminal or juvenile proceedings or
41 on appeal of any criminal or juvenile action in which
42 the indigent person is entitled to legal assistance at
43 public expense. However, in juvenile cases the court
44 may directly appoint an existing nonprofit corporation
45 established for and engaged in the provision of legal

46 services for juveniles. An appointment shall not be
47 made unless the person is determined to be indigent
48 under section 815.9.

49 2. If a court finds that a person desires legal
50 assistance and is not indigent, but refuses to employ

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1 an attorney, the court shall appoint ~~a public defender~~
2 ~~or another attorney the state public defender or the~~
3 ~~state public defender's designee~~ to represent the
4 person at public expense. If an attorney other than a
5 public defender is ~~appointed~~ assigned by the court in
6 accordance with section 13B.9, the fee paid to the
7 attorney shall be taxed as a court cost against the
8 person.

9 3. An attorney other than a public defender who is
10 ~~appointed by the court assigned by the court~~ under
11 ~~subsection 1 or 2~~ this section shall apply to the
12 district court for compensation and for reimbursement
13 of costs incurred. The amount of compensation due
14 shall be determined in accordance with section 815.7.

15 Sec. 311. Sections 306 through 310 of this
16 division are repealed effective July 1, 1993, and the
17 Code editor shall return the language in the Code
18 sections amended in this Act to the language appearing
19 in the 1991 Code."

LEONARD L. BOSWELL
DALE L. TIEDEN

S-3419

1 Amend Senate File 532 as follows:

2 1. Page 18, line 26, by striking the figure
3 "1,238,000" and inserting the following: "1,130,170".

4 2. Page 22, line 22, by striking the figure
5 "306,500" and inserting the following: "371,500".

6 3. Page 24, by striking lines 1 through 6.

7 4. Page 48, by inserting after line 4 the
8 following:

9 \ "Sec. ____ . IOWA INTERNATIONAL DEVELOPMENT
10 FOUNDATION. There is appropriated from the general
11 fund of the state to the Iowa international
12 development foundation for the fiscal year beginning
13 July 1, 1990, and ending June 30, 1991, the following
14 amount, or so much thereof as is necessary, to be used
15 for the purpose designated:

16 To provide funding to the Iowa international
17 development foundation for the purposes for which the

18 foundation was created:

19 \$ 50,000".

JIM RIORDAN

S-3420

- 1 Amend House File 520, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 1 through 19.
- 4 2. By renumbering as necessary.

RICHARD VARN
JACK RIFE

S-3421

- 1 Amend the amendment, S-3399, to House File 675, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 13, by inserting after line 1, the
- 5 following:
- 6 "Sec. ____ . TEMPORARY COVERAGE OF CREDIT-SALE
- 7 CONTRACTS BY THE GRAIN DEPOSITORS AND SELLERS
- 8 INDEMNITY FUND.
- 9 1. Notwithstanding chapter 542, 543, or 543A, the
- 10 department of agriculture and land stewardship and the
- 11 Iowa grain indemnity fund board shall honor all
- 12 qualified claims resulting from grain sold to a grain
- 13 dealer by credit-sale contract as provided in chapter
- 14 543A. Payment of claims shall be made from the grain
- 15 depositors and sellers indemnity fund. Procedures for
- 16 filing claims, valuing losses, appealing deter-
- 17 minations of eligibility and losses, paying claims,
- 18 and subrogating rights shall comply with section
- 19 543A.6, except as provided in subsection 2.
- 20 2. The board shall determine that a claim is
- 21 eligible for payment from the fund if the board finds
- 22 all of the following:
- 23 a. That the claim was timely filed.
- 24 b. That the incurrence date was on or after
- 25 November 1, 1990, but before October 1, 1991.
- 26 c. That the claimant qualifies as a seller
- 27 pursuant to chapter 543A.
- 28 d. The claimant is a seller who transferred title
- 29 to the grain to the grain dealer by credit-sale
- 30 contract before October 1, 1991.
- 31 The claim required to be filed pursuant to sections
- 32 542.12, and 543A.6, is valid if filed with the
- 33 department by October 1, 1991. The department shall

34 file the claim for the purchase price of grain against
 35 the grain dealer and with the issuer of a deficiency
 36 bond or of an irrevocable letter of credit on behalf
 37 of the claimant. The department shall cause notice to
 38 be given of the opening of the claim period which
 39 describes the requirements of this section according
 40 to procedures provided in section 543A.6, subsection
 41 2.

42 Upon determination that the claim is eligible for
 43 payment, the board shall provide for payment of fifty
 44 percent of the loss, as determined by section 543A.6,
 45 subsection 5, but not more than one hundred fifty
 46 thousand dollars per claimant.

47 3. This section does not imply any guarantee or
 48 obligation on the part of the state of Iowa, or any of
 49 its agencies, employees, or officials, either elective
 50 or appointive, in respect of any agreement or

Page 2

1 undertaking to which this section relates.”

JOHN W. JENSEN
 ALLEN BORLAUG
 RAY TAYLOR

S-3422

1 Amend the amendment, S-3419, to Senate File 532 as
 2 follows:
 3 1. Page 1, line 3, by striking the figure
 4 “1,130,170” and inserting the following: “1,082,170”.

JAMES R. RIORDAN

S-3423

1 Amend Senate File 532 as follows:
 2 1. Page 3, line 26, by striking the figure
 3 “37,915” and inserting the following: “30,580”.
 4 2. Page 4, line 23, by striking the figure
 5 “1,436,646” and inserting the following: “1,443,981”.

FLORENCE BUHR
 MAGGIE TINSMAN

S-3424

1 Amend House File 566, as amended and passed by the
 2 House, as follows:

3 1. Page 17, line 14, by striking the word "A" and
4 inserting the following: "Subsequent to December 31,
5 1991, a".

RICHARD VARN

S-3425

1 Amend the House amendment, S-3360, to Senate File
2 276, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 "___ . Page 1, by inserting before line 1, the
7 following:

8 "Section 1. NEW SECTION. 497.35 FINANCIAL
9 STATEMENT TO ESTATE OF STOCKHOLDER.

10 The board of directors, upon receiving actual
11 notice of a stockholder's death, shall provide a
12 financial statement to the administrator or executor
13 of the stockholder's estate, or to the attorney
14 representing the stockholder's estate. The financial
15 statement shall include information relating to the
16 following:

17 1. The number of shares owned by the stockholder.

18 2. The par value of shares owned by the
19 stockholder.

20 3. Unpaid dividends earned by the stockholder.

21 4. Outstanding obligations owed to the association
22 by the stockholder.

23 5. Uncompleted contracts executed by the
24 stockholder and the association.

25 6. Property owned by the stockholder which is in
26 the association's possession.

27 This section shall not require an association to
28 conduct a search of the status of its stockholders.
29 The association shall exercise reasonable diligence in
30 determining to whom the financial statement must be
31 delivered. The statement shall be delivered to the
32 administrator, executor, or attorney, within thirty
33 days following a determination as to whom the
34 financial statement must be delivered. An association
35 is not required to deliver a financial statement to a
36 person later than the final settlement of an estate,
37 or one year after the death of the stockholder,
38 whichever is later.

39 Sec. 2. NEW SECTION. 498.37 FINANCIAL STATEMENT
40 TO ESTATE OF STOCKHOLDER.

41 The board of directors, upon receiving actual
42 notice of a member's death, shall provide a financial

43 statement to the administrator or executor of the
44 member's estate, or to the attorney representing the
45 member's estate. The financial statement shall
46 include information relating to the following:
47 1. The value of the membership certificate of the
48 member.
49 2. Unpaid dividends earned by the member.
50 3. Outstanding obligations owed to the association

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1 by the member.
2 4. Uncompleted contracts executed by the member
3 and the association.
4 5. Property owned by the member which is in the
5 association's possession.
6 This section shall not require an association to
7 conduct a search of the status of its members. The
8 association shall exercise reasonable diligence in
9 determining to whom the financial statement must be
10 delivered. The statement shall be delivered to the
11 administrator, executor, or attorney, within thirty
12 days following a determination as to whom the
13 financial statement must be delivered. An association
14 is not required to deliver a financial statement to a
15 person later than the final settlement of an estate,
16 or one year after the death of the member, whichever
17 is later.

18 Sec. 3. NEW SECTION. 499.72 FINANCIAL STATEMENT
19 TO ESTATE OF MEMBERS AND STOCKHOLDERS.

20 The board of directors, upon receiving actual
21 notice of the death of a member or stockholder, shall
22 provide a financial statement to the administrator or
23 executor of the member's or stockholder's estate, or
24 to the attorney representing such estate. The
25 financial statement shall include information relating
26 to the following:

27 1. The value of the certificate of membership
28 owned by the member.
29 2. The number of shares owned by the stockholder.
30 3. The par value of shares owned by the
31 stockholder.
32 4. Unpaid dividends earned by the member or
33 stockholder.
34 5. Outstanding obligations owed to the association
35 by the member or stockholder.
36 6. Uncompleted contracts executed by the member or
37 stockholder and the association.
38 7. Property owned by the member or stockholder
39 which is in the association's possession.

40 This section shall not require an association to
 41 conduct a search of the status of its members or
 42 stockholders. The association shall exercise
 43 reasonable diligence in determining to whom the
 44 financial statement must be delivered. The statement
 45 shall be delivered to the administrator, executor, or
 46 attorney, within thirty days following a determination
 47 as to whom the financial statement must be delivered.
 48 An association is not required to deliver a financial
 49 statement to a person later than the final settlement
 50 of an estate, or one year after the death of the

Page 3

1 member or stockholder, whichever is later.””

2 2. Title page, line 1, by striking the words “An
 3 Act amending the Iowa Uniform Securities Act, by” and
 4 inserting the following: “An Act relating to
 5 financial requirements of cooperative associations, by
 6 providing for the delivery of certain statements.”

7 3. Title page, line 3, by inserting before the
 8 word “Act” the following: “Iowa Uniform Securities”.

RAY TAYLOR

S-3426

1 Amend Senate File 513 as follows:

2 1. By striking everything after the enacting
 3 clause, and inserting the following:

4 “Section 1. Section 175.4, Code 1991, is amended
 5 by adding the following new subsection:

6 NEW SUBSECTION. 23. Agricultural producers sell

7 grain to grain dealers by credit-sale contracts, as

8 provided in chapter 542, which is recognized as an
 9 established part of doing business. There is a

10 serious problem regarding defaults of credit-sale

11 contracts which jeopardize the financial position of

12 agricultural producers selling grain by such contracts

13 which creates serious obstacles to these agricultural

14 producers in obtaining affordable operating loans for

15 reasonable and necessary expenses and meeting cash

16 flow requirements relating to farming. It is

17 necessary to create a program in this state to provide

18 economic assistance to agricultural producers who have

19 suffered losses resulting from the default of credit-

20 sale contracts.

21 Sec. 2. NEW SECTION. 175.13B FINANCIAL

22 ASSISTANCE TO CREDIT-SALE CONTRACT SELLERS.

23 The authority may establish a program to provide

24 economic assistance to agricultural producers who have
25 sold grain to grain dealers by credit-sale contracts,
26 as provided in chapter 542, if the agricultural
27 producer has suffered a loss resulting from the
28 default of the credit-sale contracts. The authority
29 shall adopt rules to provide direct or indirect
30 economic assistance to the agricultural producers,
31 including the making of loan guarantees, interest buy-
32 downs, secured or unsecured direct loans, secondary
33 market purchases of loans or mortgages, loans to
34 mortgage lenders, lending institutions, other
35 agricultural lenders as designated by rules adopted by
36 the authority, or entities that provide funds or
37 credits to such lenders or institutions, to assist
38 agricultural producers in the state. The assistance
39 shall be provided only if all the following criteria
40 are satisfied:

- 41 1. The agricultural producer is a resident of the
42 state.
- 43 2. The agricultural producer has sold grain to a
44 grain dealer by credit-sale contract as provided in
45 chapter 542, and the agricultural producer has
46 suffered a loss resulting from the default on the
47 credit-sale contract by the grain dealer.
- 48 3. The agricultural producer has not been
49 reimbursed by a state fund for a loss resulting from
50 the default of the credit-sale contract by the grain

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1 dealer.

- 2 4. The agricultural producer's land and farm
3 operations are located within the state.
- 4 5. Based upon the agricultural producer's net
5 worth, cash flow, debt-to-asset ratio, and other
6 criteria as prescribed by rules adopted by the
7 authority, the authority determines that without such
8 assistance the agricultural producer could not
9 reasonably be expected to be able to obtain financing
10 for operating expenses or maintain cash flow
11 requirements upon a reasonable and affordable basis.
- 12 6. Other criteria as the authority prescribes by
13 rule.

14 Sec. 3. **NEW SECTION. 175.13C ASSISTANCE TO**
15 **CREDIT-SALE CONTRACT SELLERS RESERVE FUND.**

- 16 1. An assistance to credit-sale contract sellers
17 reserve fund is created in the state treasury under
18 the control of the authority. The fund is composed of
19 moneys appropriated by the general assembly, and
20 moneys available to and obtained or accepted by the

21 authority from any public or private source.
 22 2. Moneys in the fund shall be used and are
 23 appropriated to support the assistance to credit-sale
 24 contract sellers program established pursuant to
 25 section 175.13B.

26 3. Moneys in the fund shall be subject to an
 27 annual audit by the auditor of the state. The fund
 28 shall be subject to warrants drawn by the director of
 29 revenue and finance upon the written requisition of
 30 the executive director or a person authorized by the
 31 executive director.

32 4. In administering the fund, the board may do all
 33 of the following:

34 a. Contract, sue and be sued, and adopt rules
 35 necessary to administer this section. However, the
 36 authority shall not in any manner, directly or
 37 indirectly, pledge the credit of the state.

38 b. Authorize payment from the fund for
 39 administrative costs, attorney fees, and other
 40 reasonable expenses related to and necessary for
 41 administering the fund.

42 c. Section 8.33 does not apply to moneys in the
 43 fund.

44 Sec. 4. APPROPRIATION TO THE ASSISTANCE TO CREDIT-
 45 SALE CONTRACT SELLERS RESERVE FUND. There is
 46 appropriated from the general fund of the state to the
 47 agricultural development authority for the fiscal year
 48 beginning July 1, 1991, and ending June 30, 1992, the
 49 following amount, to be used for the purpose
 50 designated:

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1 For deposit into the assistance to credit-sale
 2 contract sellers reserve fund:
 3 \$ 1,000,000".
 4 2. Title page, line 1, by inserting after the word
 5 "assistance" the following: ", and providing an
 6 appropriation".

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chair

S-3427

1 Amend House File 594 as follows:
 2 1. Page 2, by inserting after line 20 the
 3 following:
 4 "Sec. ____ . Section 622.10, Code 1991, is amended
 5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. This section shall not
7 be construed to allow release of information to or
8 communication with any person not specifically
9 authorized by the person whose rights are waived.”
10 2. By renumbering as necessary.

AL STURGEON

S-3428

1 Amend Senate File 532 as follows:
2 1. Page 11, by inserting after line 26 the
3 following:
4 “Sec. 306. Section 13B.1, subsection 1, Code 1991,
5 is amended to read as follows:
6 1. “Appointed attorney” means an attorney
7 appointed by the court and compensated by the state to
8 represent an indigent defendant.
9 Sec. 307. Section 13B.4, Code 1991, is amended by
10 striking the section and inserting in lieu thereof the
11 following:
12 13B.4 DUTIES AND POWERS OF STATE PUBLIC DEFENDER.
13 1. The state public defender shall coordinate the
14 provision of legal representation of all indigents
15 under arrest or charged with a crime, on appeal in
16 criminal cases, and on appeal in proceedings to obtain
17 postconviction relief when ordered to do so by the
18 district court in which the judgment or order was
19 issued, and may provide for the representation of
20 indigents in proceedings instituted pursuant to
21 chapter 908. In indigency matters, all cases, whether
22 criminal or juvenile in nature, shall be appointed by
23 the court to the state public defender or its
24 designee. The state public defender shall not engage
25 in the private practice of law.
26 2. The state public defender shall file with the
27 court in each county a designation of which local
28 public defender office shall receive notice of
29 appointment of cases.
30 Sec. 308. Section 13B.8, subsection 1, unnumbered
31 paragraph 2, Code 1991, is amended to read as follows:
32 Before establishing or abolishing a local public
33 defender office, the state public defender shall
34 provide a written report detailing the reasons for the
35 action to be taken to the justice systems regulation
36 appropriations subcommittee, the chairperson, vice
37 chairperson, and ranking member of the senate
38 committee on judiciary, and the chairperson, vice
39 chairperson, and ranking member of the house of
40 representatives committee on judiciary and law

41 enforcement. The report shall contain a statement of
42 the estimated fiscal impact of the action taken. Any
43 action taken in establishing or abolishing a local
44 public defender office shall only take effect upon the
45 approval of the general assembly. If the state public
46 defender proposes to abolish a local public defender
47 office prior to the beginning of any regular session
48 of the general assembly and the general assembly takes
49 no action regarding that proposal during the first
50 ninety days of the first regular session occurring

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1 after the proposal is made, the office shall be
2 abolished.

3 Sec. 309. Section 13B.9, Code 1991, is amended to
4 read as follows:

5 13B.9 POWERS AND DUTIES OF LOCAL PUBLIC DEFENDERS.

6 1. The local public defender shall do all of the
7 following:

8 a. Represent without fee an indigent person who is
9 under arrest or charged with a crime if the indigent
10 person requests ~~it~~ representation or the court orders
11 ~~it~~ representation. The local public defender shall
12 counsel and defend an indigent defendant at every
13 stage of the criminal proceedings and prosecute before
14 or after conviction any appeals or other remedies
15 which the local public defender considers to be in the
16 interest of justice unless the ~~court appoints case is~~
17 appointed to other counsel.

18 b. Represent an indigent party, without fee and
19 upon an order of the court, in child in need of
20 assistance, family in need of assistance, delinquency,
21 and termination of parental rights proceedings
22 pursuant to chapter 232. The local public defender
23 shall counsel and represent an indigent party in all
24 proceedings pursuant to chapter 232 and prosecute
25 before or after judgment any appeals or other remedies
26 which the local public defender considers to be in the
27 interest of justice unless the ~~court appoints case is~~
28 appointed to other counsel. The state public defender
29 shall be reimbursed by the counties for services
30 rendered by employees of the local public defenders'
31 offices under this subsection, pursuant to section
32 232.141.

33 c. Make an initial determination of indigence as
34 required under section 815.9 prior to the initial
35 arraignment or other initial court appearance.

36 d. Make an annual report to the state public
37 defender. The report shall include all cases handled

38 by the local public defender during the preceding
39 calendar year.

40 2. An appointed attorney under this section is not
41 liable to a person represented by the attorney
42 pursuant to this chapter for damages as a result of a
43 conviction unless the court determines in a
44 postconviction appeal that the person's conviction
45 resulted from ineffective assistance of counsel.

46 3. The local public defender may appoint the
47 number of assistant public defenders, clerks,
48 investigators, stenographers, and other employees as
49 approved by the state public defender. An assistant
50 local public defender must be an attorney licensed to

Page 3

1 practice before the Iowa supreme court. Appointments
2 shall be made in the manner prescribed by the state
3 public defender.

4 4. The state public defender or the state public
5 defender's designee may contract with private
6 attorneys in the judicial election district to handle
7 appointments of indigent cases. The local public
8 defender shall handle every case appointed to the
9 local public defender that the local public defender
10 can reasonably handle.

11 5. If a conflict of interest arises or if the
12 local public defender is unable to handle a case
13 because of a temporary overload of cases, the local
14 public defender shall return the case to the court.
15 If a contract attorney exists in the county where the
16 case is pending, the court shall first appoint a
17 contract attorney. The appointment shall be on a
18 rotational or equalizational basis, also considering
19 the experience of the contract attorneys available and
20 the difficulty of the case.

21 6. If no contract attorney exists or if a conflict
22 of interest or overload prevents the contract
23 attorneys handling a case, the court shall appoint a
24 private noncontracting attorney, who has agreed to
25 take such case, on a rotational or equalizational
26 basis, also considering the experience of the attorney
27 and the difficulty of the case.

28 Sec. 310. Section 815.10, Code 1991, is amended to
29 read as follows:

30 815.10 APPOINTMENT OF COUNSEL BY COURT.

31 1. The court, for cause and upon its own motion or
32 upon application by an indigent person or a public
33 defender, may shall appoint a public defender or any
34 attorney who is admitted to the practice of law in

35 ~~this state the state public defender or the state~~
36 ~~public defender's designee, or an attorney in~~
37 ~~accordance with section 13B.9~~ to represent an indigent
38 person at any ~~state~~ stage of the criminal or juvenile
39 proceedings or on appeal of any criminal or juvenile
40 action in which the indigent person is entitled to
41 legal assistance at public expense. However, in
42 juvenile cases the court may directly appoint an
43 existing nonprofit corporation established for and
44 engaged in the provision of legal services for
45 juveniles. An appointment shall not be made unless
46 the person is determined to be indigent under section
47 815.9.
48 2. If a court finds that a person desires legal
49 assistance and is not indigent, but refuses to employ
50 an attorney, the court shall appoint a ~~public defender~~

Page 4

1 ~~or another attorney the state public defender or the~~
2 ~~state public defender's designee~~ to represent the
3 person at public expense. If an attorney other than a
4 public defender is appointed by the court in
5 accordance with section 13B.9, the fee paid to the
6 attorney shall be taxed as a court cost against the
7 person.
8 3. An attorney other than a public defender or a
9 contract attorney who is appointed by the court under
10 subsection 1 or 2 this section shall apply to the
11 district court for compensation and for reimbursement
12 of costs incurred. The amount of compensation due
13 shall be determined in accordance with section 815.7.
14 Sec. 311. Sections 306 through 310 of this
15 division are repealed effective July 1, 1993, and the
16 Code editor shall return the language in the Code
17 sections amended in this Act to the language appearing
18 in the 1991 Code."

LEONARD L. BOSWELL
DALE TIEDEN

S-3429

1 Amend the amendment, S-3419, to Senate File 532 as
2 follows:
3 1. Page 1, line 3, by striking the figure
4 "1,130,170" and inserting the following: "1,083,670".

JAMES R. RIORDAN

S-3430

1 Amend Senate file 532 as follows:

2 1. Page 24, lines 19 and 20, by striking the
3 words and figure: "and 7, as item vetoed by the
4 governor" and inserting the following: "6, and 9".

5 2. Page 24, line 28, by striking the figure
6 "422,149" and inserting the following: "424,535".

7 3. Page 24, line 35, by striking the figure
8 "1,088,805" and inserting the following: "1,141,387".

9 4. Page 25, by striking lines 8 through 12.

10 5. Page 25, line 18, by striking the figure
11 "2,532,496" and inserting the following: "2,580,676".

12 6. Page 25, line 25, by striking the figure
13 "2,111,976" and inserting the following: "2,148,750".

14 7. Page 26, line 4, by striking the figure
15 "6,363,914" and inserting the following: "6,451,414".

16 8. Page 26, by striking lines 6 through 9 and
17 inserting the following:

18 "6. TERRACE HILL COMMISSION

19 For salaries, support, maintenance, miscellaneous
20 purposes, for the operation of Terrace Hill and for
21 not more than the following full-time equivalent
22 positions:

23	\$	<u>204,240</u>
24		<u>203,321</u>
25	FTEs	5.25

26 9. For planning and programming for the community
27 cultural grants program established under section
28 303.89:

29	\$	<u>805,000</u>
30		<u>801,522</u> ".

31 9. Page 26, line 19, by striking the figure
32 "314,271" and inserting the following: "290,271".

33 10. Page 29, line 1, by striking the figure
34 "2,093,893" and inserting the following: "2,184,390".

35 11. Page 30, line 3, by striking the figure
36 "3,460,631" and inserting the following: "3,568,742".

37 12. Page 30, by inserting after line 30 the
38 following:

39 "Sec. ____ . 1990 Iowa Acts, chapter 1272, section
40 8, subsection 12, unnumbered paragraph 1 and
41 paragraphs a through o, as amended by 1991 Iowa Acts,
42 House File 173, section 912, are amended to read as
43 follows:

44 For general state financial aid to merged areas as
45 defined in section 280A.2, for vocational education
46 programs in accordance with chapters 258 and 280A, to
47 purchase instructional equipment for vocational and
48 technical courses of instruction in such schools, and

49 for salary increases, the amount of ~~\$84,679,234~~
 50 84,352,875 to be allocated as follows:

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1	a. Merged Area I	\$ 3,861,450
2		<u>3,846,568</u>
3	b. Merged Area II	\$ 4,816,369
4		<u>4,797,806</u>
5	c. Merged Area III	\$ 4,556,783
6		<u>4,539,221</u>
7	d. Merged Area IV	\$ 2,258,078
8		<u>2,249,375</u>
9	e. Merged Area V	\$ 4,620,616
10		<u>4,602,808</u>
11	f. Merged Area VI	\$ 4,644,143
12		<u>4,626,244</u>
13	g. Merged Area VII	\$ 6,531,633
14		<u>6,506,460</u>
15	h. Merged Area IX	\$ 7,198,011
16		<u>7,170,269</u>
17	i. Merged Area X	\$ 11,229,974
18		<u>11,186,693</u>
19	j. Merged Area XI	\$ 12,121,021
20		<u>12,074,306</u>
21	k. Merged Area XII	\$ 5,044,871
22		<u>5,025,428</u>
23	l. Merged Area XIII	\$ 4,981,908
24		<u>4,962,707</u>
25	m. Merged Area XIV	\$ 2,209,640
26		<u>2,201,124</u>
27	n. Merged Area XV	\$ 6,739,065
28		<u>6,713,092</u>
29	o. Merged Area XVI	\$ 3,865,672
30		<u>3,850,773"</u>
31	13. Page 31, line 14, by striking the figure	
32	" <u>1,134,134</u> " and inserting the following: " <u>1,096,134</u> ".	
33	14. Page 31, line 25, by striking the figure	
34	" <u>5,733,548</u> " and inserting the following: " <u>5,731,438</u> ".	
35	15. Page 31, line 32, by striking the figure	
36	" <u>3,176,871</u> " and inserting the following: " <u>3,175,253</u> ".	
37	16. Page 32, line 6, by striking the figure	
38	"\$709,356" and inserting the following: "\$754,601".	
39	17. Page 32, line 17, by striking the figure	
40	"\$578,120" and inserting the following: "\$596,692".	
41	18. Page 32, line 27, by striking the figure	
42	"\$182,963" and inserting the following: "\$193,678".	
43	10. Page 33, by inserting after line 32 the	
44	following:	
45	"Sec. ____ . Section 303.79, subsection 11, Code	

46 1991, is amended to read as follows:

47 11. If the narrowcast system advisory committee
48 determines that an expansion of the number of sites
49 utilizing distance learning would benefit the
50 implementation of the state educational

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1 telecommunications system by demonstrating its
2 capabilities to a greater number of individuals, the
3 advisory committee may recommend that the board
4 establish a demonstration program. Notwithstanding
5 section 18.136, the board may allocate not more than
6 one hundred thousand dollars funds from the state
7 communications network fund for each of the fiscal
8 years beginning July 1, 1990, and July 1, 1991, to be
9 used to equip additional classrooms activate existing
10 distance learning television facilities."

RICHARD VARN
JIM LIND

S-3431

1 Amend the amendment, S-3430, to Senate File 532 as
2 follows:
3 1. Page 3, by striking line 10 and inserting the
4 following: "ITFS narrowcast towers."

MIKE CONNOLLY

S-3432

1 Amend the amendment, S-3430, to Senate File 532 as
2 follows:
3 1. Page 3, by striking lines 5 and 6 and
4 inserting the following: "section 18.136, the board
5 may allocate not more than one two hundred fifty
6 thousand dollars from the state".

MAGGIE TINSMAN
RICHARD J. VARN

S-3433

1 Amend House File 662, 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 188.1, subsection 1, Code

6 1991, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 1. "Animal" means a domesticated animal belonging
9 to the bovine, equine, ovine, or porcine species, or
10 poultry.

11 Sec. 2. Section 188.49, subsection 1, Code 1991,
12 is amended to read as follows:

13 1. A person peace officer as defined in section
14 801.4, subsection 7, paragraphs "a" and "b", or an
15 individual employed as an animal warden by a county or
16 city, may take charge of an animal when the owner
17 fails to properly take care and provide for it, ~~and~~
18 the animal. Upon request by the peace officer or
19 animal warden, a licensed veterinarian, or an
20 individual employed by the department of agriculture
21 and land stewardship who is an animal health
22 authority, may accompany and provide advice or
23 assistance to the peace officer or animal warden. The
24 county or city may furnish the animal with proper
25 care, either on the ~~person's own~~ premises provided by
26 the county or city or on the premises of the owner.
27 ~~The person has~~ county or city may file a lien on the
28 animal for ~~the its~~ care, ~~and the,~~ The reasonable
29 value of the care may be collected by the ~~person~~
30 county or city from the owner.

31 Sec. 3. Section 351.8, Code 1991, is amended to
32 read as follows:

33 351.8 USE OF LICENSE TAG.

34 ~~Said A~~ A license tag shall be attached by the owner
35 to a substantial collar and, during the term of the
36 license, shall be at all times kept on the dog for
37 which the license is issued. Upon the expiration of
38 the license the owner shall remove ~~said the~~ tag from
39 the dog. The tag may either be worn attached to the
40 collar by a link or affixed to the collar by rivets.

41 Sec. 4. Section 351.35, Code 1991, is amended to
42 read as follows:

43 351.35 HOW AND WHEN.

44 The rabies vaccination required by section 351.33
45 shall be an injection of antirabies vaccine approved
46 by the state department of agriculture and land
47 stewardship, and the frequency of revaccination
48 necessary for approved vaccinations shall be as
49 established by such department. The vaccine shall be
50 administered by a licensed veterinarian and shall be

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1 given as approved by the state department of
2 agriculture and land stewardship. The veterinarian

3 shall issue a tag with the certificate of vaccination,
4 and such tag shall at all times be attached to the
5 collar of the dog. The tag may either be worn
6 attached to the collar by a link or affixed to the
7 collar by rivets.

8 Sec. 5. Section 351.42, Code 1991, is amended to
9 read as follows:

10 351.42 EXEMPT DOGS.

11 Dogs that are under the control of the owner or
12 handlers and which are in transit; ~~or are to be~~
13 ~~exhibited~~ shall be exempt from the vaccination
14 provisions of these sections if they are within the
15 state for less than thirty days. Dogs assigned to a
16 research institution or a like facility shall be
17 exempt from the provisions of sections 351.33 to
18 351.43."

19 2. Title page, line 1, by inserting after the
20 words "relating to" the following: "animals, by
21 providing for the maintenance of animals, providing
22 for".

DONALD V. DOYLE

S-3434

1 Amend House File 655, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 7, line 27, by striking the figure "11"
4 and inserting the following: "13".

AL STURGEON

S-3435

1 Amend House File 500, as passed by the House, as
2 follows:

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

5 "Section 1. Section 237A.3, subsection 1, Code
6 1991, is amended to read as follows:

7 1. A person who operates or establishes a family
8 day care home may apply to the department for
9 registration under this chapter. The department shall
10 issue a certificate of registration upon receipt of a
11 statement from the family day care home that the home
12 complies with rules adopted by the department. The
13 registration certificate shall be posted in a
14 conspicuous place in the family day care home, shall
15 state the name of the registrant, the number of
16 individuals who may be received for care at any one

17 time, and the address of the home, and shall include a
18 check list of registration compliances. No greater
19 number of children than is authorized by the
20 certificate shall be kept in the family day care home
21 at any one time. However, a registered or
22 unregistered family day care home may provide care for
23 more than six but less than twelve children at any one
24 time for a period of less than two hours, but shall
25 not do so unless the home does not provide care at any
26 one time for more than six children who are not
27 attending school full-time on a regular basis. In
28 determining the number of children cared for at any
29 one time in a registered or unregistered family day
30 care home, if the person who operates or establishes
31 the home is a child's parent, guardian, relative, or
32 custodian and the child is not attending school full-
33 time on a regular basis or is not receiving child day
34 care full-time on a regular basis from another person,
35 the child shall be considered to be receiving child
36 day care from the person and shall be counted as one
37 of the children cared for in the home. The
38 registration process may be repeated on an annual
39 basis. A child day care provider or program which is
40 not a family day care home by reason of the definition
41 of child day care in section 237A.1, subsection 7, but
42 which provides care, supervision or guidance to a
43 child may be issued a certificate of registration
44 under this chapter."

- 45 2. Title page, line 1, by inserting after the
46 word "care" the following: "family homes, and".
47 3. By renumbering as necessary.

BEVERLY HANNON

S-3436

1 Amend the amendment, S-3389, to House File 500, as
2 passed by the House, as follows:

3 1. Page 1, line 8, by inserting after the word
4 "A" the following: "nonprofit".

5 2. Page 1, line 9, by striking the words "in a
6 nonprofit facility".

7 3. Page 1, line 17, by inserting before the word
8 "including" the following: "and programs".

RAY TAYLOR

HOUSE AMENDMENT TO
SENATE FILE 268

S-3437

1 Amend Senate File 268, as passed by the Senate, as
2 follows:

3 1. Page 1, line 32, by inserting after the figure
4 "303C.2" the following: ", which consists of funds
5 received from private sources, and which may include
6 funds appropriated by the general assembly".

7 2. Page 2, line 1, by inserting after the figure
8 "303C.2" the following: ", which consists, upon the
9 making of an appropriation by the general assembly, of
10 public funds".

11 3. By striking page 2, line 16, through page 3,
12 line 14, and inserting the following:

13 "1. ENHANCEMENT ACCOUNT. The enhancement account
14 shall be administered by the arts division of the
15 department for purposes of the enhancement program
16 described in section 303C.3.

17 Upon the making of an appropriation by the general
18 assembly for deposit in the enhancement account, funds
19 in the enhancement account shall be used as follows:
20 eighty percent shall be available for distribution on
21 a matching basis to nonprofit organizations pursuant
22 to section 303C.4; fifteen percent shall be available
23 for distribution as block grants to qualified
24 organizations pursuant to section 303C.5; and five
25 percent shall be available to the arts division for
26 the administration of the regional conferences and the
27 statewide caucus on arts and cultural enhancement
28 pursuant to section 303C.6 and for the administration
29 of the enhancement program.

30 2. ENDOWMENT ACCOUNT. The endowment account shall
31 be administered by the endowment foundation
32 established in section 303C.7, subsection 2, for
33 purposes of the endowment program established in
34 section 303C.7, subsection 1.

35 Beginning in 1993, the endowment foundation shall,
36 annually, on July 1, certify to the department of
37 management and the legislative fiscal bureau, the
38 amount of funds received from private sources for use
39 in the endowment program. The general assembly may
40 appropriate funds to the endowment account. However,
41 the use of funds in the endowment account described in
42 this subsection is not contingent upon the making of
43 an appropriation by the general assembly.

44 Only the interest on the funds in the endowment
45 account is available for use for the endowment

46 program, and shall be allocated as follows: ninety-
 47 five percent for distribution for grants, fellowships,
 48 and scholarships to nonprofessional, professional, and
 49 student artists pursuant to section 303C.7, subsection
 50 1; and five percent to the endowment foundation

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- 1 established in section 303C.7, subsection 2, for the
 2 administration of the endowment program.”
- 3 4. Page 3, line 20, by striking the word “Funds”
 4 and inserting the following: “Upon the making of an
 5 appropriation by the general assembly, funds”.
- 6 5. Page 4, line 15, by inserting after the word
 7 “arts” the following: “and cultural”.
- 8 6. Page 4, line 24, by inserting after the word
 9 “persons,” the following: “senior citizens.”
- 10 7. Page 5, line 11, by inserting after the word
 11 “association,” the following: “the chairperson of the
 12 statewide caucus, the department of education,”.
- 13 8. Page 6, by striking lines 9 through 11 and
 14 inserting the following: “resolution. The persons
 15 attending each conference shall elect six persons to
 16 serve as delegates to the caucus, and one person to
 17 serve as chairperson of the region. The selection of
 18 persons at each conference to serve as delegates to
 19 the caucus shall conform to the gender balance
 20 requirements of section 69.16A.”
- 21 9. Page 6, line 35, by striking the word “are”
 22 and inserting the following: “is”.
- 23 10. Page 7, line 3, by striking the word
 24 “amateur” and inserting the following:
 25 “nonprofessional”.
- 26 11. Title page, line 1, by striking the words
 27 “and allocating moneys to”.

HOUSE AMENDMENT TO
 SENATE FILE 182

S-3438

- 1 Amend Senate File 182, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
 4 “subdivision” the following: “, or an entity
 5 representing the affected political subdivision.”

HOUSE AMENDMENT TO
SENATE FILE 115

S-3439

- 1 Amend Senate File 115, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by inserting after line 26 the
4 following:
5 "Sec. ____ . Section 255A.14, Code 1991, is
6 repealed."
7 2. Title page, line 1, by inserting after the
8 word "to" the following: "the obstetrical and newborn
9 indigent patients care program by providing for the
10 reversion of the unencumbered balance to the state
11 general fund and by increasing".
12 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 355

S-3440

- 1 Amend Senate File 355, as passed by the Senate, as
2 follows:
- 3 1. Page 1, lines 8 and 9, by striking the words
4 "~~; and the instrument or power of attorney sets out the
5 legal description of the homestead~~" and inserting
6 the following: ", and the instrument or power of attorney
7 sets out the legal description of the homestead".

HOUSE AMENDMENT TO
SENATE FILE 479

S-3441

- 1 Amend Senate File 479, as amended, passed, and re-
2 printed by the Senate, as follows:
- 3 1. Page 3, line 15, by inserting after the word
4 "house" the following: "after consultation with the
5 majority leader and the minority leader of the house".
6 2. Page 3, line 25, by striking the word "seven"
7 and inserting the following: "six".
8 3. Page 3, line 27, by inserting after the word
9 "appointment." the following: "Of the members
10 appointed under paragraph "b", at least two members
11 shall be members of a minority race. For purposes of
12 this section, Hispanics shall be considered a racial
13 group."
14 4. By renumbering, relettering, or redesignating

15 and correcting internal references as necessary.

S-3442

1 Amend House File 610, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 13, by striking the words
4 "exclusive right and".
5 2. Page 1, line 19, by striking the words "to
6 exercise the exclusive power".
7 3. Page 1, line 23, by striking the words
8 "acquisition and" and inserting the following:
9 "acquisition."
10 4. Page 1, by striking line 24, and inserting the
11 following: "Planning and implementation activities
12 shall be coordinated with plans and implementation
13 activities of the department of natural resources for
14 lands owned or acquired by the department. The".
15 5. Page 2, line 21, by striking the words "all
16 Iowa".
17 6. Page 4, line 3, by inserting after the word
18 "state." the following: "The authority may transfer
19 jurisdiction over any lands the authority acquires to
20 the department of natural resources, or may enter into
21 agreements with the department or the appropriate
22 county conservation board, for the management of the
23 lands."
24 7. Page 4, lines 10 and 11, by striking the words
25 "same manner as other state-owned parks" and inserting
26 the following: "manner provided under agreements
27 between the authority and the agency responsible for
28 management of the property".

JOHN P. KIBBIE
AL STURGEON

S-3443

1 Amend House File 558, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 31, the
4 following:
5 "Sec. ____ . ASSISTANCE OF THE CHILD SUPPORT
6 ADVISORY COMMITTEE.
7 The child support enforcement program advisory
8 committee established pursuant to section 252B.18
9 shall assist the department of human services in
10 examining the impact and advisability of developing
11 procedures providing for the suspension, revocation,
12 or denial of a license to persons practicing

13 professions licensed or certified under chapters 80A,
 14 258A, 260, 321, and 602, or any other chapter, when
 15 such persons are delinquent in the payment of child
 16 support and of procedures to ensure the timely payment
 17 of child support by those persons who are financially
 18 able to make payments."

BEVERLY HANNON

S-3444

1 Amend House File 479, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 "DIVISION I

6 DEPARTMENT OF HUMAN SERVICES

7 Section 101. AID TO FAMILIES WITH DEPENDENT
 8 CHILDREN. There is appropriated from the general fund
 9 of the state to the department of human services for
 10 the fiscal year beginning July 1, 1991, and ending
 11 June 30, 1992, the following amount, or so much
 12 thereof as is necessary, to be used for the purpose
 13 designated:

14 For aid to families with dependent children:

15 \$ 41,589,415

16 1. The department may fund the cash bonus program
 17 from unspent funds under the appropriation in this
 18 section and shall continue to evaluate the program.

19 2. As a condition, limitation, and qualification
 20 of the funds appropriated in this section, the
 21 department shall continue to contract for services in
 22 developing and monitoring a demonstration waiver
 23 program to facilitate providing assistance in self-
 24 employment investment to aid to dependent children
 25 families. The demonstration waiver program shall be
 26 provided for the fiscal period beginning July 1, 1991,
 27 and ending June 30, 1993, or for as long as federal
 28 approval of the program continues. Of the funds
 29 appropriated in this section, up to \$99,592 shall be
 30 used to provide technical assistance for aid to
 31 dependent children families seeking self-employment.
 32 The technical assistance may be provided through the
 33 department or through a contract with the division of
 34 job training of the Iowa department of economic
 35 development and through a contract with the
 36 corporation for enterprise development.

37 3. As a condition, limitation, and qualification
 38 of the funds appropriated in this section, the
 39 department shall apply the self-employment investment

40 demonstration waiver project statewide during the
 41 fiscal period delineated in the federal waiver
 42 submitted to operate the waiver project statewide,
 43 provided training is available to a recipient through
 44 a recognized self-employment training program.
 45 However, if the application for the federal waiver is
 46 denied and funding is available, the department may
 47 determine the counties in which it is feasible to
 48 operate the project and shall provide the project in
 49 those counties. The department may adopt emergency
 50 rules to implement the provisions of this subsection.

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1 4. As a condition, limitation, and qualification
 2 of the funds appropriated in this section, the
 3 department shall continue the special needs program
 4 under the aid to families with dependent children
 5 program.

6 5. As a condition, limitation, and qualification
 7 of the funds appropriated in this section, the
 8 department may use unspent funds under the
 9 appropriation in this section to continue development
 10 of the "X-PERT" eligibility determination system.

11 6. As a condition, limitation, and qualification
 12 of the funds appropriated in this section, \$42,620
 13 shall be used to expand the AFDC electronic benefits
 14 transfer (EBT) program beyond the pilot program county
 15 and to implement EBT for the food stamp program.

16 Sec. 102. EMERGENCY ASSISTANCE. There is
 17 appropriated from the general fund of the state to the
 18 department of human services for the fiscal year
 19 beginning July 1, 1991, and ending June 30, 1992, the
 20 following amount, or so much thereof as is necessary,
 21 to be used for the purpose designated:

22 For emergency assistance to families with dependent
 23 children under Title IV-A of the federal Social
 24 Security Act to match federal funding for homeless
 25 prevention programs:

26 \$ 500,000

27 The emergency assistance provided for in this
 28 section shall be available beginning November 1, 1991,
 29 and shall be provided only if all other publicly
 30 funded resources have been exhausted. The emergency
 31 assistance includes, but is not limited to, assisting
 32 people who face eviction, potential eviction, or
 33 foreclosure, utility shutoff or fuel shortage, loss of
 34 heating energy supply or equipment, homelessness,
 35 utility or rental deposits, or other specified crisis
 36 which threatens family or living arrangements. The

37 emergency assistance shall be available to migrant
 38 families who would otherwise meet eligibility
 39 criteria. The department shall notify each emergency
 40 assistance recipient that the recipient may report to
 41 the department any pressure or intimidation of the
 42 recipient resulting from the recipient's eligibility
 43 for emergency assistance. The department shall report
 44 quarterly to the legislative fiscal committee
 45 concerning the reports received by the department
 46 regarding pressure or intimidation of recipients of
 47 emergency assistance. The department may adopt
 48 emergency rules to implement the beginning date and
 49 notice provisions of this section.
 50 Sec. 103. MEDICAL ASSISTANCE. There is

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1 appropriated from the general fund of the state to the
 2 department of human services for the fiscal year
 3 beginning July 1, 1991, and ending June 30, 1992, the
 4 following amount, or so much thereof as is necessary,
 5 to be used for the purpose designated:
 6 For medical assistance, including reimbursement for
 7 abortion services, which shall be available under the
 8 medical assistance program only for those abortions
 9 which are medically necessary:
 10 \$227,029,182
 11 1. Medically necessary abortions are those
 12 performed under any of the following conditions:
 13 a. The attending physician certifies that
 14 continuing the pregnancy would endanger the life of
 15 the pregnant woman.
 16 b. The attending physician certifies that the
 17 fetus is physically deformed, mentally deficient, or
 18 afflicted with a congenital illness.
 19 c. The pregnancy is the result of a rape which is
 20 reported within 45 days of the incident to a law
 21 enforcement agency or public or private health agency
 22 which may include a family physician.
 23 d. The pregnancy is the result of incest which is
 24 reported within 150 days of the incident to a law
 25 enforcement agency or public or private health agency
 26 which may include a family physician.
 27 e. Any spontaneous abortion, commonly known as a
 28 miscarriage, if not all of the products of conception
 29 are expelled.
 30 2. Of the funds appropriated in this section,
 31 \$100,000 is allocated until January 31, 1992, for
 32 contingency assistance for the federal nutrition
 33 program for women, infants, and children and shall be

34 transferred to the Iowa department of public health as
35 necessary in order to fully utilize funding available
36 for the program. The allocated funds shall be
37 transferred as necessary to restore a reduction in
38 federal funding for the federal fiscal year ending
39 September 30, 1991, required to adjust for federal
40 financial assistance provided during the federal
41 fiscal year ending September 30, 1990, in excess of
42 the federal funding allocation to the state for this
43 program or to finance any state match expenditure in
44 excess of the federal funding allocation for this
45 program during the federal fiscal year ending
46 September 30, 1991. Any moneys allocated in this
47 subsection which are unexpended or unobligated on
48 January 31, 1992, shall be available during the
49 remainder of the fiscal year to the department of
50 human services for the purposes of this section.

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1 3. Notwithstanding section 8.39, the department
2 may transfer funds appropriated in this section to a
3 separate account established in the department's case
4 management unit for expenditures required to provide
5 case management services pursuant to the appropriation
6 in this Act for enhanced mental health, mental
7 retardation, and developmental disabilities services,
8 pending final settlement of the expenditures. Funds
9 received by the case management unit in settlement of
10 the expenditures shall be used to replace the
11 transferred funds and are available for the purposes
12 for which the funds were appropriated in this section.

13 4. As a condition, limitation, and qualification
14 of the funds appropriated in this section, the
15 department shall analyze the cost to benefits ratio
16 associated with utilizing the medical review system
17 offered by Value Health Sciences, Inc., and if the
18 ratio is found to be favorable, shall implement that
19 system or a system with a comparable cost to benefit
20 ratio under the medical assistance program.

21 5. If a medical assistant recipient is receiving
22 care which is reimbursed under a federally approved
23 home and community-based services waiver but would
24 otherwise be approved for care in an intermediate care
25 facility for the mentally retarded, the recipient's
26 county of legal settlement shall reimburse the
27 department on a monthly basis for the portion of the
28 recipient's cost of care which is not paid from
29 federal funds.

30 6. As a condition, limitation, and qualification

31 of the funds appropriated in this section, the
32 department shall develop methods to reduce recipient
33 usage of ambulance services for reasons other than
34 medical necessity, including notification of
35 recipients who have received ambulance services that
36 were not considered to be a medical necessity and
37 ambulance services that have provided such services.
38 The department may adopt emergency rules to implement
39 the provisions of this subsection.

40 7. Of the funds appropriated in this section, up
41 to \$70,929,582 shall be used for medical assistance
42 reimbursement of nursing facilities.

43 8. As a condition, limitation, and qualification
44 of the funds appropriated in this section,
45 notwithstanding the adoption of an administrative rule
46 limiting coverage of organ transplants under the
47 medical assistance program, the department shall
48 continue to provide medical assistance coverage for
49 organ transplants of the pancreas and the liver until
50 the department establishes criteria for the coverage

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1 of these transplants. The criteria shall include but
2 are not limited to health status and anticipated
3 outcomes, including expected quality of life. The
4 department may adopt emergency rules to implement the
5 provisions of this subsection.

6 9. As a condition, limitation, and qualification
7 of the funds appropriated in this section, if Senate
8 File 342 is enacted by the Seventy-fourth General
9 Assembly, 1991 Session, \$28,000 of the funds
10 appropriated in this section shall be provided to the
11 prevention of disabilities policy board or council for
12 fulfillment of the federal matching funds requirement
13 for use of the Iowa governor's planning council for
14 developmental disabilities funds, for the purpose of
15 section 225D.7.

16 10. It is the intent of the general assembly that
17 the following programs under the medical assistance
18 program shall be expanded which it is estimated will
19 result in the indicated medical assistance expenditure
20 savings: Iowa foundation for medical care utilization
21 review, \$1,400,000; Unisys utilization review,
22 \$105,000; and the "lock-in" program involving
23 recipients with a history of seeking services from
24 more than one provider, \$66,000. The department may
25 adopt emergency rules to implement the provisions of
26 this subsection.

27 11. As a condition, limitation, and qualification

28 of the funds appropriated in this section, effective
29 July 1, 1991, optional medical assistance coverage of
30 dental services shall no longer include dentures and
31 crowns. The department may adopt emergency rules to
32 implement the provisions of this subsection.

33 12. As a condition, limitation, and qualification
34 of the funds appropriated in this section, if Senate
35 File 343, or another provision providing for group
36 health plan cost-sharing under the medical assistance
37 program is enacted by the Seventy-fourth General
38 Assembly, 1991 Session, the department may adopt
39 emergency rules to implement the cost-sharing in
40 accordance with federal requirements.

41 Sec. 104. MEDICAL CONTRACTS. There is
42 appropriated from the general fund of the state to the
43 department of human services for the fiscal year
44 beginning July 1, 1991, and ending June 30, 1992, the
45 following amount, or so much thereof as is necessary,
46 to be used for the purpose designated:

47 For medical contracts:
48 \$ 4,000,000

49 As a condition, limitation, and qualification of
50 the funds appropriated in this section, the department

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1 shall continue to contract for drug utilization review
2 under the medical assistance program.

3 Sec. 105. HIV-AIDS INSURANCE CONTINUATION
4 ASSISTANCE PILOT PROGRAM. There is appropriated from
5 the general fund of the state to the department of
6 human services for the fiscal year beginning July 1,
7 1991, and ending June 30, 1992, the following amount,
8 or so much thereof as is necessary, to be used for the
9 purpose designated:

10 For HIV-AIDS insurance continuation assistance
11 pilot program:
12 \$ 60,000

13 1. The department shall establish an HIV and AIDS
14 insurance continuation assistance pilot program to be
15 administered by the medical services division to
16 provide insurance continuation assistance to persons
17 with AIDS or HIV-related illnesses who are unable to
18 maintain health insurance premium payments due to
19 illness. The pilot program shall operate for a 2-year
20 period beginning July 1, 1991, and ending June 30,
21 1993. The funds shall be made available in a manner
22 that provides the assistance to a recipient from the
23 time of enrollment until the end of the fiscal year as
24 needed by the recipient.

25 2. The department shall publicize the program for
26 enrollment of potential participants through provision
27 of information through the Iowa department of public
28 health, the regional AIDS coalitions funded by the
29 Iowa department of public health, physicians,
30 hospitals, social workers, and social service
31 providers and gay and AIDS-related groups identified
32 by the coalitions.

33 3. The program shall provide all of the following:

34 a. That an applicant is eligible for participation
35 in the program if all of the following conditions are
36 met:

37 (1) The applicant is a resident of the state.

38 (2) The applicant suffers from AIDS or an HIV-
39 related illness.

40 (3) The applicant has an income of no more than
41 300 percent of the federal poverty level as defined by
42 the most recently revised poverty income guidelines
43 published by the United States department of health
44 and human services and cash assets of no more than
45 \$10,000.

46 (4) The applicant is enrolled in an individual or
47 group private health insurance plan.

48 (5) The applicant is unable, due to AIDS or the
49 HIV-related illness, to continue employment in order
50 to pay the costs of insurance premiums.

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1 (6) Enrollment in the program is the most cost-
2 effective, available means of providing the applicant
3 with health insurance coverage.

4 b. That an applicant is required to provide the
5 following to verify eligibility for participation in
6 the program:

7 (1) Documentation of income and assets, as
8 required by rule of the department.

9 (2) Documentation through submission of a
10 statement by the applicant's physician that the
11 applicant suffers from AIDS or an HIV-related illness
12 and that the applicant is, or will within a period of
13 6 months be, unable to continue employment.

14 c. An expedited eligibility determination process
15 to ensure that an eligible applicant is not denied
16 coverage under the applicant's existing policy due to
17 nonpayment of premiums during the determination
18 process period. This may include but is not limited
19 to accepting preapplications from any HIV-infected
20 person or the making of payments based on preliminary
21 determinations.

22 d. A requirement that following enrollment in the
 23 program of a person with group-based coverage, the
 24 person must apply for medical assistance, if the
 25 department determines that the person is likely to be
 26 eligible for payment of premiums under medical
 27 assistance program pursuant to the federal Omnibus
 28 Budget Reconciliation Act of 1990, section 4402, Pub.
 29 L. No. 101-508.

30 e. A requirement that, if the state elects to pay
 31 premiums for individual-based coverage under, and if
 32 the department determines that the person would be
 33 eligible for payment of premiums under medical
 34 assistance program under the provisions of the federal
 35 Omnibus Budget Reconciliation Act of 1990, section
 36 4402, Pub. L. No. 101-508, following enrollment in the
 37 program of a person with such coverage, the person
 38 must apply for medical assistance.

39 f. That all information relating to an applicant
 40 is confidential information and the provisions of
 41 chapter 141 are applicable to the information.
 42 4. The department shall provide a preliminary
 43 report to the general assembly by January 1, 1992, and
 44 a final report to the general assembly by January 1,
 45 1993, regarding the cost-effectiveness of the pilot
 46 program, the impact of the requirements of federal law
 47 on the pilot program, and the current and projected
 48 costs to the state for payment of medical assistance
 49 for the health care costs of persons with AIDS or HIV-
 50 related illnesses.

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1 5. For the purposes of this section, "AIDS" and
 2 "HIV" mean "AIDS" and "HIV" as defined in section
 3 141.21.

4 6. For the purposes of this subsection, "health
 5 insurance plan" includes nonprofit health service
 6 cooperation contracts regulated under chapter 514 and
 7 health maintenance organization evidences of coverage
 8 regulated under chapter 514B.

9 Sec. 106. STATE SUPPLEMENTARY ASSISTANCE. There
 10 is appropriated from the general fund of the state to
 11 the department of human services for the fiscal year
 12 beginning July 1, 1991, and ending June 30, 1992, the
 13 following amount, or so much thereof as is necessary,
 14 to be used for the purpose designated:

15 For state supplementary assistance:
 16 \$ 18,605,530

17 The department shall increase the personal needs
 18 allowance for residents of residential care facilities

19 by the same percentage and at the same time as federal
20 supplemental security and federal social security
21 benefits are increased due to a recognized increase in
22 the cost of living. The department may adopt
23 emergency rules to implement the provisions of this
24 paragraph.

25 Sec. 107. AID TO INDIANS. There is appropriated
26 from the general fund of the state to the department
27 of human services for the fiscal year beginning July
28 1, 1991, and ending June 30, 1992, the following
29 amount, or so much thereof as is necessary, to be used
30 for the purpose designated:

31 For aid to Indians under section 252.43:
32 \$ 38,000

33 The tribal council shall not use more than 5
34 percent of the funds for administration purposes. The
35 department may adopt emergency rules to implement the
36 provisions of this paragraph.

37 Sec. 108. CHILD DAY CARE ASSISTANCE. There is
38 appropriated from the general fund of the state to the
39 department of human services for the fiscal year
40 beginning July 1, 1991, and ending June 30, 1992, the
41 following amount, or so much thereof as is necessary,
42 to be used for the purposes designated:

43 For protective child day care assistance and state
44 child care assistance:
45 \$ 7,100,000

46 1. It is the intent of the general assembly that
47 \$3,105,646 of the funds appropriated in this section
48 be used for protective child day care assistance.

49 2. It is the intent of the general assembly that
50 \$3,735,423 of the funds appropriated in this section

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1 be used for state child care assistance.

2 3. a. The funds allocated in this section for
3 protective and state child care assistance shall be
4 allocated to the department of human services
5 districts and each district shall distribute the
6 allocation to the counties within the district. If a
7 district determines that a specified portion of the
8 funds provided to a county is sufficient to meet the
9 county's current demand and projected growth, the
10 district may transfer the excess amount of funds to
11 another county. If the district determines that a
12 specified portion of the funds provided to the
13 district is sufficient to meet the district's current
14 demand and projected growth for the remainder of the
15 fiscal year, the excess amount may be transferred for

16 use in another district.

17 b. For state child care assistance, eligibility
18 shall be limited to children whose family income is
19 equal to or less than 150 percent of the federal
20 office of management and budget poverty guidelines.
21 However, on or after October 1, 1991, the department
22 may increase the income eligibility limit to be equal
23 to or less than 75 percent of the Iowa median family
24 income. Every effort shall be made to provide
25 assistance for the entire fiscal year to families
26 remaining eligible before providing assistance to
27 eligible families who have not received assistance
28 previously. For the entire fiscal year, the
29 department shall develop a priority ranking of
30 requirements for families who receive assistance, with
31 special priority given to foster care families within
32 the income guidelines. The requirements may include
33 but are not limited to all of the following:

34 (1) Families with an income equal to or less than
35 150 percent of the federal office of management and
36 budget poverty guidelines.

37 (2) Single parent families who are at risk of
38 becoming eligible for the aid to families with
39 dependent children programs.

40 (3) Families who have exhausted eligibility for
41 transitional child care assistance.

42 (4) Adolescent parents attending school.

43 (5) Families who have children with special needs.

44 (6) Families who are providing foster care if both
45 foster parents are employed and child day care is
46 consistent with the case plan.

47 (7) Families with an income greater than 150
48 percent of the federal office of management and budget
49 poverty guidelines but no more than 75 percent of the
50 Iowa median family income.

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1 c. The department may adopt emergency rules
2 necessary to qualify to receive funding from the
3 federal child care development block grant and the
4 federal at-risk child care program. If required as a
5 condition of receiving these funds, the rules may
6 provide for eligibility, health and safety
7 requirements, parental access to children,
8 reimbursement rates, types of service provided,
9 licensing standards, complaint registration
10 procedures, or other rules necessary to establish a
11 simplified or consolidated child day care policy.

12 d. Nothing in this section shall be construed or

13 is intended as, or shall imply, a grant of entitlement
14 for services to persons who are eligible for
15 assistance due to an income level consistent with the
16 requirements of this section. Any state obligation to
17 provide services pursuant to this section is limited
18 to the extent of the funds appropriated under this
19 section.

20 4. Of the funds appropriated in this section,
21 \$258,931 is allocated for the fiscal year beginning
22 July 1, 1991, for the statewide program for child day
23 care resource and referral services under section
24 237A.26.

25 5. The department may use any of the funds
26 appropriated in this section as a match to obtain
27 federal grants for use in expanding child day care
28 assistance and related programs.

29 Sec. 109. TRANSITIONAL CHILD CARE ASSISTANCE.

30 There is appropriated from the general fund of the
31 state to the department of human services for the
32 fiscal year beginning July 1, 1991, and ending June
33 30, 1992, the following amount, or so much thereof as
34 is necessary, to be used for the purpose designated:

35 For transitional child care assistance:
36 \$ 314,125

37 Notwithstanding section 239.21, the department of
38 human services shall provide the transitional child
39 care program in accordance with the federal Family
40 Support Act of 1988, Pub. L. No. 100-485, § 302, and
41 applicable federal regulations. Reimbursement for
42 services shall be limited to registered or licensed
43 child day care providers and programs providing care,
44 supervision, or guidance of a child which is not
45 included under the definition of "child day care"
46 pursuant to section 237A.1, subsection 7.

47 Sec. 110. JOBS PROGRAM. There is appropriated
48 from the general fund of the state to the department
49 of human services for the fiscal year beginning July
50 1, 1991, and ending June 30, 1992, the following

Page 11.

1 amount, or so much thereof as is necessary, to be used
2 for the purposes designated:

3 For the JOBS program:
4 \$ 4,647,305

5 1. Of the funds appropriated in this section,
6 \$3,960,305 is allocated for the JOBS program. If in
7 accordance with federal requirements, effective
8 September 1, 1991, reimbursement under the JOBS
9 program for child day care services shall be limited

10 to registered or licensed child day care providers and
11 programs providing care, supervision, or guidance of a
12 child which is not included under the definition of
13 "child day care" pursuant to section 237A.1,
14 subsection 7. However, this requirement shall not
15 apply to persons specified by rule as an aid to
16 families with dependent children relative or as
17 otherwise eligible for reimbursement because a
18 licensed or registered child day care provider or
19 program is not available.

20 2. Of the funds appropriated in this section,
21 \$480,000 is allocated to the family development and
22 self-sufficiency grant program as provided under
23 section 217.12. This funding shall be used to extend
24 current grantee funding from December 31, 1991, to
25 June 30, 1992.

26 a. No more than 5 percent of the funds
27 appropriated in this section shall be used for
28 administration of the program and this percentage
29 shall be determined for the entire fiscal year rather
30 than on a 6-month basis. Federal financial
31 participation received by the department for the
32 family development and self-sufficiency grant program
33 shall be used for the grant program or the JOBS
34 program.

35 b. Based upon the annual evaluation report
36 concerning each grantee funded by this appropriation,
37 the family development and self-sufficiency council
38 may use funds allocated to renew grants. Grant
39 renewals shall be awarded on or before January 1,
40 1992, for a 6-month extension to June 30, 1992.

41 3. Of the funds allocated in this section,
42 \$132,000 is allocated for the food stamp employment
43 and training program.

44 4. It is the intent of the general assembly that
45 the department of human services apply to the
46 corporation for enterprise development for Iowa's
47 participation in the study phase of a "state human
48 investment policy" demonstration project. Of the
49 funds appropriated in this section, up to \$75,000
50 shall be used for costs associated with Iowa's

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1 participation in the project. The department shall
2 make efforts to obtain additional private and federal
3 funding for the project, and shall submit quarterly
4 reports on the status of the project to the
5 legislative fiscal bureau.

6 Sec. 111. CHILD SUPPORT RECOVERY. There is

7 appropriated from the general fund of the state to the
 8 department of human services for the fiscal year
 9 beginning July 1, 1991, and ending June 30, 1992, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purposes designated:

12 For child support recovery, including salaries,
 13 support, maintenance, miscellaneous purposes, and for
 14 not more than the following full-time equivalent
 15 positions:

16 \$ 3,134,277
 17 FTEs 253.50

18 1. The director of human services, within the
 19 limitations of the funds appropriated in this section,
 20 or funds transferred from the aid to families with
 21 dependent children program for this purpose, may
 22 establish new positions and add additional employees
 23 to the child support recovery unit when the director
 24 determines that both the current and additional
 25 employees together can reasonably be expected to
 26 recover for the aid to families with dependent
 27 children program and the nonpublic assistance support
 28 recovery program more than twice the amount of money
 29 required to pay the salaries and support for both the
 30 current and additional employees or the new positions
 31 are necessary for compliance with federal requirements
 32 and the anticipated increased recovery amount exceeds
 33 the cost of salaries and support for the new
 34 positions. In the event the director adds additional
 35 employees, the department shall demonstrate the cost-
 36 effectiveness of the current and additional employees
 37 by reporting to the joint human services
 38 appropriations subcommittee the ratio of the total
 39 amount of administrative costs for child support
 40 recoveries to the total amount of the child support
 41 recovered.

42 2. Notwithstanding any other provision in law,
 43 nonpublic assistance application and user fees
 44 received by the child support recovery program are
 45 appropriated and shall be used for the purposes of the
 46 program. The department may adopt emergency rules as
 47 necessary to implement the provisions of this
 48 subsection. The director of human services may exceed
 49 the full-time equivalent position limit authorized in
 50 this section if fees collected relating to the new

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1 positions are sufficient to pay the salaries and
 2 support for the positions. The director shall report
 3 any new positions added pursuant to this section to

4 the chairpersons and ranking members of the joint
5 human services appropriations subcommittee and the
6 legislative fiscal bureau. The department may adopt
7 emergency rules as necessary to implement the
8 provisions of this subsection.

9 3. The director of human services, in consultation
10 with the department of management and the legislative
11 fiscal committee, is authorized to receive and deposit
12 state child support incentive earnings in the manner
13 specified under applicable federal requirements.

14 4. The director of human services may establish
15 new positions and add additional state employees to
16 the child support recovery unit if the director
17 determines the employees are necessary to replace
18 county-funded positions eliminated due to termination,
19 reduction, or nonrenewal of a chapter 28E contract.
20 However, the director must also determine that the
21 resulting increase in the state share of child support
22 recovery incentives exceeds the cost of the positions,
23 the positions are necessary to ensure continued
24 federal funding of the program, or the new positions
25 can reasonably be expected to recover more than twice
26 the amount of money to pay the salaries and support
27 for the new positions.

28 5. As a condition, limitation, and qualification
29 of the funds appropriated in this section, the child
30 support recovery unit may establish a pilot project
31 involving employers and access to employer records.
32 The duration of the pilot project shall be limited to
33 the period beginning July 1, 1991, and ending June 30,
34 1992. In implementing the project, the unit may enter
35 into a written agreement with a participating employer
36 in which the employer provides the unit with access to
37 information concerning the employer's new and current
38 employees. The access may be provided either by
39 manual or automated means. The unit shall not use or
40 make the information available for any other purpose
41 other than the establishment of or enforcement of a
42 support obligation. Notwithstanding any other
43 provision in law, an employer who enters into a
44 written agreement for the purposes of the pilot
45 project shall be held harmless from any violation of
46 legal requirements for confidentiality or release of
47 records which is in accordance with the agreement. An
48 evaluation of the pilot project, including
49 recommendations for its continuation, revision,
50 cancellation, or expansion shall be submitted to the

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1 chairpersons and ranking members of the joint human
 2 services appropriations subcommittee and the
 3 legislative fiscal bureau.

4 Sec. 112. JUVENILE INSTITUTIONS. There is
 5 appropriated from the general fund of the state to the
 6 department of human services for the fiscal year
 7 beginning July 1, 1991, and ending June 30, 1992, the
 8 following amounts, or so much thereof as is necessary,
 9 to be used for the purposes designated:

10 For the operation of the state training school and
 11 the Iowa juvenile home, including salaries, support,
 12 maintenance, miscellaneous purposes, and for not more
 13 than the following full-time equivalent positions:

14 For the state juvenile institutions:

15 \$ 12,774,025
 16 FTEs 357.50

17 1. The following amounts of the funds appropriated
 18 and FTEs authorized in this section are allocated for
 19 the Iowa juvenile home at Toledo:

20 \$ 4,703,508
 21 FTEs 128.50

22 2. The following amounts of the funds appropriated
 23 and FTEs authorized in this section are allocated for
 24 the state training school at Eldora:

25 \$ 8,070,517
 26 FTEs 229.00

27 3. It is the intent of the general assembly that
 28 during the fiscal year beginning July 1, 1991, the
 29 population levels at the state juvenile institutions
 30 shall not exceed the population guidelines established
 31 under 1990 Iowa Acts, chapter 1239, section 21. It is
 32 also the intent of the general assembly that the state
 33 juvenile institutions apply for an adolescent
 34 pregnancy prevention grant for the fiscal year
 35 beginning July 1, 1991.

36 4. Within the funds appropriated in this section,
 37 the department may reallocate funds as necessary to
 38 best fulfill the needs of the institutions provided
 39 for in this appropriation.

40 5. The department shall report to the legislative
 41 fiscal bureau, on or before the 20th day of each
 42 month, the department's current expenditures for the
 43 institutions receiving allocations under this
 44 appropriation. The report shall include a comparison
 45 of actual to budgeted expenditures for each
 46 institution.

47 Sec. 113. FOSTER CARE. There is appropriated from
 48 the general fund of the state to the department of
 49 human services for the fiscal year beginning July 1,
 50 1991, and ending June 30, 1992, the following amount,

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1 or so much thereof as is necessary, to be used for the
2 purpose designated:

3 For foster care:

4 \$ 53,629,282

5 1. As a condition, limitation, and qualification
6 of the funds appropriated in this section, the
7 department shall use moneys appropriated in this
8 section to establish 30 or more enhanced service group
9 care facility beds during the fiscal year beginning
10 July 1, 1991. The department may use moneys
11 appropriated in this section to provide enhanced
12 funding of services to family foster homes to avert
13 placement of children in group care facilities and may
14 continue to provide enhanced funding of services to
15 group care facilities to avert placement of children
16 in more expensive, less appropriate out-of-state
17 facilities or in a state juvenile institution. The
18 department shall give priority to serving children
19 whose placement at the state training school or the
20 Iowa juvenile home would cause the state juvenile
21 institution to exceed the population guidelines
22 established under 1990 Iowa Acts, chapter 1239,
23 section 21.

24 2. The department may transfer a portion of the
25 funds appropriated in this section to provide
26 subsidized adoption services or to purchase adoption
27 services, if funds allocated in this section for
28 adoption services are insufficient.

29 3. The department and state court administrator
30 shall work together in implementing an agreement which
31 enables the state to receive funding for eligible
32 cases under the federal Social Security Act, Title IV-
33 E.

34 4. Not more than 25 percent of the children placed
35 in foster care funded under the federal Social
36 Security Act, Title IV-E, shall be placed in foster
37 care for a period of more than 24 months.

38 5. Of the funds appropriated in this section,
39 \$92,000 is allocated for the foster home insurance
40 fund. Notwithstanding section 237.13, the department
41 may use funds appropriated in this section to purchase
42 liability insurance for licensed foster parents in
43 lieu of providing payment for claims filed against the
44 foster home insurance fund, if comparable coverage can
45 be obtained through private insurance.
46 Notwithstanding section 8.33, funds remaining in the
47 foster home insurance fund on June 30, 1992, shall not
48 revert to the general fund but shall remain available

49 for expenditure in the fiscal year beginning July 1,
50 1992, for the purposes designated.

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1 6. As a condition, limitation, and qualification
2 of the funds appropriated in this section, the
3 department shall review the need to provide additional
4 day treatment alternatives within the child welfare
5 system and the potential to provide additional
6 services by including day treatment provided by
7 psychiatric medical institutions for children as a
8 service reimbursed under medical assistance. The
9 department shall identify the effect of providing day
10 treatment services reimbursement under medical
11 assistance upon state expenditures for residential
12 treatment and other foster care services. The
13 department may use funds appropriated in this Act for
14 medical assistance to pay the nonfederal share of
15 costs for services reimbursed under medical assistance
16 which are provided in a psychiatric medical
17 institution for children.

18 7. The department may use \$30,000 of the funds
19 appropriated in this section to contract for a study
20 of the effectiveness of needs-based and therapeutic
21 family foster care and enhanced residential care.

22 8. As a condition, limitation, and qualification
23 of the funds appropriated in this section, the
24 department shall develop a therapeutic foster care
25 program in at least 1 district in the state. The
26 program's foster care worker support staff shall serve
27 not more than 7 foster families and shall provide
28 respite and special support services to foster parents
29 to enable them to serve in an active treatment
30 capacity with the children under their care. Of the
31 funds appropriated in this section, up to \$200,000
32 shall be used for therapeutic foster care
33 reimbursement and \$284,667 for 8.00 FTEs under the
34 appropriation in this Act for field operations.

35 9. Funds appropriated in this section may be used
36 to recruit foster parents and to provide preservice
37 and in-service training for foster parents.

38 10. Of the funds appropriated in this section, up
39 to \$140,000 may be used to develop and maintain the
40 state's implementation of the national adoption and
41 foster care information system pursuant to the
42 requirements of Pub. L. No. 99-509.

43 11. As a condition, limitation, and qualification
44 of the funds appropriated in this section, the
45 department shall continue a family foster care

46 advisory committee to examine department practices and
47 policies to improve the recruitment and retention of
48 foster parents, provide training and professional
49 guidance where appropriate, and seek the involvement
50 of family foster care providers in designing,

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1 developing, and participating in the creation of
2 therapeutic foster family homes. The department shall
3 review initiatives of other states in recruiting
4 foster parents from appropriate families who are
5 recipients of public assistance. In consultation with
6 the advisory committee, the department shall seek
7 federal waivers and make program modifications as
8 necessary to develop a similar program for Iowa upon
9 receiving federal approval to do so.

10 12. As a condition, limitation, and qualification
11 of the funds appropriated in this section, the
12 department shall establish specialized family foster
13 care homes and provide specialized support and respite
14 services to qualifying foster care families who accept
15 infants with chemical addictions from intrauterine
16 transmission who would otherwise remain in a hospital.

17 13. As a condition, limitation, and qualification
18 of the funds appropriated in this section, the
19 department shall continue the demonstration program to
20 decategorize child welfare services in the 4 counties
21 in which the program has commenced. The department
22 may approve additional applications from a county or
23 consortium of counties to initiate a demonstration
24 program providing the department, the boards of
25 supervisors in the counties, and the affected judicial
26 districts agree to implement the program. The
27 schedule for implementing the demonstration program in
28 additional counties shall provide that the program be
29 implemented on or after January 1, 1992. The
30 department shall establish for the demonstration
31 project counties a child welfare fund composed of all
32 or part of the amount that would otherwise be expected
33 to be used for residents of the counties for foster
34 care, family-centered services, subsidized adoption,
35 child day care, local purchase of services, state
36 juvenile institution care, mental health institute
37 care, state hospital-school care, juvenile detention,
38 department-direct services, and court-ordered
39 evaluation and treatment of juvenile services and
40 notwithstanding any other provision of law, the fund
41 shall be considered encumbered. Notwithstanding other
42 service funding provisions in law, the department

43 shall establish the fund by transferring funds from
 44 the budgets affected, except for the funds
 45 appropriated for the state mental health institutes,
 46 the state hospital-schools, the state training school,
 47 and the Iowa juvenile home which shall remain on
 48 account for the county at these institutions. The
 49 child welfare fund may be used to support services and
 50 payment rates not allowable within historical program

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1 or service categories. A limited amount of the fund
 2 may be used to support services and reimbursement
 3 rates not allowable within historical program or
 4 service categories and administrative rule. In
 5 addition, a limited amount of the child welfare fund
 6 may be used for the family assistance fund to provide
 7 resources for a family to remain together or to be
 8 unified. It is the intent of the general assembly
 9 that the demonstration program be designed to operate
 10 in a county for a 3-year period. The 3-year time
 11 period for a decategorization project in Dubuque,
 12 Polk, Pottawattamie, or Scott county shall be
 13 considered to begin on January 1 in the first year
 14 following the year in which the county's
 15 decategorization project was approved by the
 16 department.

17 14. As a condition, limitation, and qualification
 18 of the funds appropriated in this section, effective
 19 July 1, 1991, foster care shall not be provided to
 20 persons who are 18 years of age or older. The
 21 department may adopt emergency rules to implement the
 22 provisions of this subsection.

23 Sec. 114. CHILD PROTECTIVE SYSTEM IMPROVEMENTS.

24 There is appropriated from the general fund of the
 25 state to the department of human services for the
 26 fiscal year beginning July 1, 1991, and ending June
 27 30, 1992, the following amount, or so much thereof as
 28 is necessary, to be used for the purposes designated:

29 For improvements in the state system for child
 30 protection:

31 \$ 587,500

32 The funding appropriated in this section shall be
 33 used as determined by the department for any of the
 34 following purposes:

- 35 1. For general administration of the department to
 36 improve staff training efforts.
- 37 2. For oversight of termination of parental rights
 38 and permanency planning efforts on a statewide basis
 39 on the condition that regular reports regarding the

40 statewide program efforts shall be provided to the
41 legislative fiscal bureau.

42 3. For use by the department in general
43 administration to promote innovative treatment
44 programs, write grants to obtain federal and private
45 funding, and promote public and private efforts to
46 treat and prevent child abuse.

47 4. For personnel, assigned by the attorney
48 general, to provide additional services relating to
49 termination of parental rights and child in need of
50 assistance cases.

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1 5. For funding of the state multidisciplinary team
2 to assist with difficult cases within the child abuse
3 and foster care system and with respect to child
4 protective investigation and initial case planning and
5 to develop and coordinate local multidisciplinary
6 teams.

7 6. For use by the department in conducting
8 outcome-oriented evaluations of child protection,
9 prevention, and treatment programs.

10 7. For specialized foster care permanency planning
11 field operations staff.

12 Sec. 115. HOME-BASED SERVICES. There is
13 appropriated from the general fund of the state to the
14 department of human services for the fiscal year
15 beginning July 1, 1991, and ending June 30, 1992, the
16 following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:

18 For home-based services on the condition that
19 family planning services are funded, provided that if
20 the department amends the allocation to a program
21 funded under this section, then the department shall
22 promptly notify the legislative fiscal bureau of the
23 change:

24 \$ 19,414,903

25 1. Of the funds appropriated in this section,
26 \$30,000 shall be used by the department to contract
27 with universities to provide ongoing research and
28 evaluation assistance to programs and initiatives of
29 the department involving family-centered services and
30 foster care. The contracts shall make maximum use of
31 any matching resources available from the universities
32 with which the department contracts.

33 2. Of the funds appropriated in this section,
34 \$5,086,204 shall be used for family preservation and
35 reunification services and training. A limited amount
36 of the funds may be used for the family assistance

37 fund to provide other resources required for a family
 38 participating in a project to stay together or to be
 39 reunified. The payment system for the project shall
 40 not be based upon units of time, but may be based upon
 41 the cost to serve a family, including adjustments
 42 according to the provider's performance and the
 43 outcome of the services provided to each family. The
 44 department shall use the statewide family preservation
 45 and decategorization committee to assist in selecting
 46 additional projects.

47 Sec. 116. COMMUNITY-BASED PROGRAMS. There is
 48 appropriated from the general fund of the state to the
 49 department of human services for the fiscal year
 50 beginning July 1, 1991, and ending June 30, 1992, the

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1 following amount, or so much thereof as is necessary,
 2 to be used for the purpose designated:

3 For community-based programs on the condition that
 4 the prevention grants relating to adolescent pregnancy
 5 are funded:

6 \$ 2,662,421

7 1. As a condition, limitation, and qualification
 8 of the funds appropriated in this section, up to
 9 \$19,095 shall be used by the department as the
 10 financial aid from the state under section 232.142,
 11 subsection 3, for the cost of the establishment,
 12 improvement, operation, and maintenance of approved
 13 county or multicounty juvenile homes. Notwithstanding
 14 section 232.142, subsection 3, the amount provided in
 15 this subsection shall be the maximum amount of
 16 financial aid the state is obligated to provide
 17 pursuant to that provision.

18 2. Of the funds appropriated in this section,
 19 \$261,750 shall be used for adolescent pregnancy
 20 prevention grants. At least 75 percent of the funds
 21 shall be used for programs which incorporate family
 22 planning and pregnancy prevention services as the
 23 major component of the program. The department shall
 24 not expend more than 7 percent of the funds for
 25 administrative costs. The department shall adopt
 26 rules to implement this subsection. A grant may be
 27 awarded to a public school corporation, a maternal and
 28 child health center, an adolescent services provider,
 29 a project involving a state juvenile institution, or a
 30 nonprofit organization which is involved in adolescent
 31 issues. Grants shall be awarded for a 1-year period
 32 and shall be based on the demonstrated need for
 33 adolescent pregnancy prevention and adolescent parent

34 services. Preference in awarding grants shall be
35 given to projects for children placed at a state
36 juvenile institution and projects which utilize a
37 variety of community resources and agencies and the
38 department may adopt emergency rules to implement the
39 preference.

40 a. As used in this subsection, "adolescent" means
41 a person who is less than 18 years of age or a person
42 who is attending an accredited high school or pursuing
43 a course of study which will lead to a high school
44 diploma or its equivalent. The department shall
45 establish guidelines which permit a grant recipient to
46 continue providing services to a person who receives
47 services under the grant as an adolescent and becomes
48 18 years of age or older.

49 b. A grant shall only be awarded to a project
50 which provides 1 or more of the following services:

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1 (1) Workshops and information programs for
2 adolescents and parents of adolescents to improve
3 communication between children and parents regarding
4 human sexuality issues.

5 (2) Development and distribution of informational
6 material designed to discourage adolescent sexual
7 activity, to provide information regarding acquired
8 immune deficiency syndrome and sexually transmitted
9 diseases, and to encourage male and female adolescents
10 to assume responsibility for their sexual activity and
11 parenting.

12 (3) Early pregnancy detection, prenatal services
13 including chlamydia testing, and counseling regarding
14 decision-making options for pregnant adolescents.

15 (4) Case management and child care services
16 provided to male and female adolescent parents.

17 c. Additional services may be offered by a grantee
18 pursuant to a purchase of service contract with the
19 department including child day care services; child
20 development and parenting instruction; services to
21 support high school completion, job training, and job
22 placement; prevention of additional pregnancies during
23 adolescence; and other personal services.

24 3. As a condition, limitation, and qualification
25 of the funds appropriated in this section, at least
26 \$125,000 shall be used to provide grants administered
27 in accordance with the provisions for adolescent
28 pregnancy prevention grants, except for requirements
29 to target certain specific geographic areas of the
30 state. The grants shall be awarded to fund any of the

31 following purposes:

32 a. Programs targeted to children. A program shall
 33 include the following: components for parental
 34 involvement; parental education, including techniques
 35 for encouraging sexual abstinence; outreach services
 36 for recruiting parents and children into the program;
 37 and the provision of transportation to program staff
 38 and participants necessary for recruiting and
 39 encouraging program participation.

40 b. Programs intended to prevent an additional
 41 pregnancy by a parent who is less than 19 years of
 42 age. Preference in grant awards shall be given to
 43 programs which provide financial incentives to clients
 44 for their program participation and success in
 45 avoiding an additional pregnancy.

46 c. Providing additional pregnancy prevention
 47 grants. Preference in grant awards shall be given to
 48 programs which, in addition to other services, provide
 49 counseling to mixed gender groups of adolescents.

50 d. Programs intended to educate adolescents

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1 concerning the risks associated with alcohol and other
 2 drug use during pregnancy, including health,
 3 financial, emotional, and other potential long-term
 4 effects for mother and child.

5 4. As a condition, limitation, and qualification
 6 of the funds appropriated in this section, \$275,343
 7 shall be used by the department for child abuse
 8 prevention grants.

9 Sec. 117. BLOCK GRANT SUPPLEMENTATION. There is
 10 appropriated from the general fund of the state to the
 11 department of human services for the fiscal year
 12 beginning July 1, 1991, and ending June 30, 1992, the
 13 following amount, or so much thereof as is necessary,
 14 to be used for the purpose designated:

15 For supplementation of federal social services
 16 block grant funds and for allocation to counties for
 17 the purchase of local services:

18 \$ 4,935,958

19 The funds appropriated in this section shall be
 20 allocated to counties pursuant to the rules of the
 21 department in effect on January 1, 1985. The
 22 department shall increase the income guidelines for
 23 income eligible persons receiving services funded with
 24 federal social services block grant funds for the
 25 fiscal year beginning July 1, 1991, by the same
 26 percentage and at the same time as federal social
 27 security benefits are increased due to a recognized

28 increase in the cost of living. The department may
29 adopt emergency rules to implement the provisions of
30 this subsection relating to an increase in the cost of
31 living.

32 Sec. 118. COURT-ORDERED SERVICES PROVIDED TO
33 JUVENILES. There is appropriated from the general
34 fund of the state to the department of human services
35 for the fiscal year beginning July 1, 1991, and ending
36 June 30, 1992, the following amount, or so much
37 thereof as is necessary, to be used for the purpose
38 designated:

39 Payment of the expenses of court-ordered services
40 provided to juveniles which are a charge upon the
41 state pursuant to section 232.141, subsection 4:
42 \$ 3,755,000

43 1. It is the intent of the general assembly that
44 the funds appropriated in this section shall be used
45 in a manner that allows provision of court-ordered
46 services to juveniles for the entire specified fiscal
47 period without the need for supplemental funding. The
48 court shall consider the overall cost-effectiveness of
49 services ordered by the court for juveniles under
50 chapter 232.

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1 2. As a condition, limitation, and qualification
2 of the funds appropriated in this section, and
3 notwithstanding any other provision of law, \$6,150,000
4 of the funds appropriated in this Act for home-based
5 services shall be used in providing court-ordered
6 family-centered, family preservation and family
7 reunification services designed to achieve the goals
8 contained in a juvenile's foster care case permanency
9 plan. The department shall develop policies and
10 procedures to ensure that priority for these services
11 is given to juveniles who are at-risk of being
12 adjudicated as a delinquent, being found to be a child
13 in need of assistance, or being involuntarily
14 committed under chapter 125 or 229.

15 3. As a condition, limitation, and qualification
16 of the funds appropriated in this section, and
17 notwithstanding section 232.141 or any other provision
18 of law, the funds appropriated in this section shall
19 be allocated to the department of human services'
20 districts as provided in this subsection. The
21 allocations to the districts shall be made according
22 to a formula developed pursuant to recommendations of
23 a committee consisting of a representative of the
24 director of human services, a representative of the

25 state court administrator, a representative of the
26 Iowa state association of counties, and a
27 representative of service providers selected by the
28 director of human services. The director of human
29 services shall make the final decision on the
30 allocations on or before June 15, 1991.

31 4. Each department of human services' district
32 shall establish a planning group for the court-ordered
33 services for juveniles provided in that district. A
34 district planning group shall be appointed by the
35 district administrator and shall include local
36 representatives of the department of human services,
37 youth advocates, public defenders where appropriate,
38 the judicial department, county officials or staff,
39 and service providers. A district planning group
40 shall meet at least quarterly and shall perform all of
41 the following activities:

42 a. Establish service priorities for spending the
43 court-ordered services funds allocated to the
44 district.

45 b. Develop procedures to evaluate and improve the
46 quality and effectiveness of the services being
47 provided.

48 c. Make recommendations concerning changes in the
49 child welfare system that are needed to ensure that
50 children and families receive the services necessary

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1 to meet their unique needs. Each district planning
2 group shall submit an annual report to the department
3 of human services. The department shall compile these
4 reports and submit the reports to the chairpersons and
5 ranking members of the joint human services
6 appropriations subcommittee and the legislative fiscal
7 bureau.

8 5. On or before June 15, 1991, the department of
9 human services shall develop policies and procedures
10 to ensure that the funds appropriated in this section
11 are spent only after all reasonable efforts have been
12 made to utilize other funding sources and community-
13 based services. The policies and procedures shall be
14 designed to achieve the following objectives relating
15 to services provided under chapter 232:

16 a. Maximize the utilization of funds which may be
17 available from the medical assistance program
18 including usage of the early preventive, screening,
19 diagnosis, and treatment (EPSDT) program.

20 b. Recover payments from any third-party insurance
21 coverage which is liable for coverage of the services,

22 including health insurance coverage.

23 6. The department of human services, in
24 consultation with district administrators, shall
25 compile a report describing spending in the districts
26 for court-ordered services for juveniles, including
27 the utilization of the medical assistance program.
28 The reports shall be submitted on or before the
29 twentieth day of each month to the chairpersons and
30 ranking members of the joint human services
31 appropriations subcommittee and the legislative fiscal
32 bureau.

33 7. Notwithstanding chapter 232 or any other
34 provision of law, a district or juvenile court in a
35 department of human services district shall not order
36 any service which is a charge upon the state pursuant
37 to section 232.141 if there are insufficient funds
38 available in the district allocation to pay for the
39 service. The district administrator shall work with
40 the district planning group to encourage use of the
41 funds appropriated in this section such that there are
42 sufficient funds during the entire year.

43 8. Notwithstanding any provision of law, a
44 district or juvenile court shall not order a county to
45 pay for any service provided to a juvenile pursuant to
46 an order entered under chapter 232 which is a charge
47 upon the state under section 232.141.

48 9. As a condition, limitation, and qualification
49 of the funds appropriated in this section, and
50 notwithstanding any provision of law to the contrary,

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1 \$50,000 of the funds appropriated in this section may
2 be used by the department for the administration of
3 the programs and services provided pursuant to orders
4 entered under chapter 232, as a supplement to funds
5 provided in other appropriations. The department
6 shall cooperate with the legislative fiscal bureau in
7 developing a management information system for
8 spending for services ordered under chapter 232.

9 10. The department may adopt emergency rules to
10 implement the provisions of this section.

11 Sec. 119. IOWA VETERANS HOME. There is
12 appropriated from the general fund of the state to the
13 department of human services for the fiscal year
14 beginning July 1, 1991, and ending June 30, 1992, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purposes designated:

17 For operation of the Iowa veterans home, including
18 salaries, support, maintenance, miscellaneous

19 purposes, and for not more than the following full-
20 time equivalent positions:

21 \$ 29,522,461
22 FTEs 821.80

23 The department may use the gifts accepted by the
24 director of human services pursuant to section 218.96
25 and other resources available to the department for
26 use at the Iowa veterans home for purposes identified
27 by the department.

28 Sec. 120. MENTAL HEALTH INSTITUTES. There is
29 appropriated from the general fund of the state to the
30 department of human services for the fiscal year
31 beginning July 1, 1991, and ending June 30, 1992, the
32 following amounts, or so much thereof as is necessary,
33 to be used for the purposes designated:

34 For the state mental health institutes for
35 salaries, support, maintenance, miscellaneous
36 purposes, and for not more than the following full-
37 time equivalent positions:
38 \$ 47,255,753
39 FTEs 1,226.28

40 1. The following amounts of the funds appropriated
41 and full-time equivalent positions authorized in this
42 section are allocated for the state mental health
43 institute at Cherokee:

44 \$ 14,928,541
45 FTEs 389.75

46 2. The following amounts of the funds appropriated
47 and full-time equivalent positions authorized in this
48 section are allocated for the state mental health
49 institute at Clarinda:

50 \$ 7,638,209

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1 FTEs 189.16

2 3. The following amounts of the funds appropriated
3 and full-time equivalent positions authorized in this
4 section are allocated for the state mental health
5 institute at Independence:

6 \$ 15,573,504
7 FTEs 436.27

8 4. The following amounts of the funds appropriated
9 and full-time equivalent positions authorized in this
10 section are allocated for the state mental health
11 institute at Mount Pleasant:

12 \$ 9,115,499
13 FTEs 211.50

14 5. Within the funds appropriated in this section,
15 the department may reallocate funds as necessary to

16 best fulfill the needs of the institutions provided
17 for in this appropriation.

18 6. The department shall report to the legislative
19 fiscal bureau, on or before the 20th day of each
20 month, the department's current expenditures for the
21 institutions receiving allocations under this
22 appropriation. The report shall include a comparison
23 of actual to budgeted expenditures for each
24 institution.

25 Sec. 121. HOSPITAL-SCHOOLS. There is appropriated
26 from the general fund of the state to the department
27 of human services for the fiscal year beginning July
28 1, 1991, and ending June 30, 1992, the following
29 amounts, or so much thereof as is necessary, to be
30 used for the purposes designated:

31 For the state hospital-schools, for salaries,
32 support, maintenance, miscellaneous purposes, and for
33 not more than the following full-time equivalent
34 positions:

35 \$ 71,197,941
36 FTEs 2,088.85

37 1. The following amounts of the funds appropriated
38 and full-time equivalent positions authorized in this
39 section are allocated for the state hospital-school at
40 Glenwood:

41 \$ 39,142,956
42 FTEs 1,157.00

43 2. The following amounts of the funds appropriated
44 and full-time equivalent positions authorized in this
45 section are allocated for the state hospital-school at
46 Woodward:

47 \$ 32,054,985
48 FTEs 931.85

49 3. Within the funds appropriated in this section,
50 the department may reallocate funds as necessary to

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1 best fulfill the needs of the institutions provided
2 for in this appropriation.

3 4. The department shall report to the legislative
4 fiscal bureau, on or before the 20th day of each
5 month, the department's current expenditures for the
6 institutions receiving allocations under this
7 appropriation. The report shall include a comparison
8 of actual to budgeted expenditures for each
9 institution.

10 Sec. 122. MENTAL HEALTH AND MENTAL RETARDATION
11 SERVICES FUND. There is appropriated from the general
12 fund of the state to the state community mental health

13 and mental retardation services fund established in
14 section 225C.7 for the fiscal year beginning July 1,
15 1991, and ending June 30, 1992, the following amount,
16 or so much thereof as is necessary:

17 \$ 2,000,000

18 Notwithstanding 1990 Iowa Acts, chapter 1250,
19 section 18, \$1,200,000 of the funds appropriated to
20 the special mental health services fund established in
21 that section shall be transferred to the state
22 community mental health and mental retardation
23 services fund established in section 225C.7 and shall
24 be used in addition to the funds appropriated in this
25 section for the purposes designated. The amount
26 transferred pursuant to this section and section 123
27 of this Act shall not be subject to the formula
28 provided in 1990 Iowa Acts, chapter 1250, section 18,
29 subsection 4.

30 Sec. 123. ENHANCED SERVICES -- COUNTY PAYMENT.

31 Notwithstanding 1990 Iowa Acts, chapter 1250, section
32 18, \$2,360,000 of the funds appropriated to the
33 special mental health services fund established in
34 that section, or so much thereof as is necessary,
35 shall be transferred to supplement the appropriation
36 in section 127 of this Act for the state candidate
37 services fund for the purpose of providing funds to
38 counties pursuant to section 127, subsection 5. The
39 amount transferred pursuant to this section and
40 section 122 of this Act shall not be subject to the
41 formula provided in 1990 Iowa Acts, chapter 1250,
42 section 18, subsection 4.

43 Sec. 124. MENTAL HEALTH -- MENTAL RETARDATION --

44 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
45 appropriated from the general fund of the state to the
46 department of human services for the fiscal year
47 beginning July 1, 1991, and ending June 30, 1992, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purpose designated:

50 For mental health, mental retardation, and

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1 developmental disabilities special services:
2 \$ 425,000

3 1. The department and the Iowa finance authority
4 shall develop methods to implement the financing for
5 existing community-based facilities and to implement
6 financing for small community-based facilities,
7 including those facilities which may be developed
8 under a federally approved home and community-based
9 waiver for services provided under the medical

10 assistance program. The department shall develop
 11 criteria for these facilities which may include
 12 provisions to restrict placements to current state
 13 hospital-school clients or to avert the placement of
 14 persons in a state hospital-school. The department
 15 shall assure that clients are referred to these
 16 facilities upon their development.

17 2. Of the funds appropriated in this section,
 18 \$284,750 is allocated to provide supplemental per
 19 diems to community-based residential care facilities
 20 and community living arrangements. The per diem is
 21 restricted to clients placed from the state hospital-
 22 schools and persons averted from placement in a state
 23 hospital-school who meet the appropriate level of
 24 functioning for this type of care.

25 3. Of the funds appropriated in this section,
 26 \$140,250 is allocated to provide funds for
 27 construction and start-up costs to develop community
 28 living arrangements to provide for persons who are
 29 mentally ill and homeless. These funds may be used to
 30 match federal Stewart B. McKinney Homeless Assistance
 31 Act grant funds.

32 4. As a condition, limitation, and qualification
 33 of the funds appropriated in this section, the
 34 department shall adopt rules pursuant to chapter 17A
 35 providing for reimbursement under state supplementary
 36 assistance to pay for supervised apartment living and
 37 cooperative housing arrangements for persons with
 38 disabilities. The rules shall take effect July 1,
 39 1992.

40 Sec. 125. FAMILY SUPPORT SUBSIDY PROGRAM. There
 41 is appropriated from the general fund of the state to
 42 the department of human services for the fiscal year
 43 beginning July 1, 1991, and ending June 30, 1992, the
 44 following amount, or so much thereof as is necessary,
 45 to be used for the purpose designated:

46 For the family support subsidy program:
 47 \$ 590,000

48 Sec. 126. SPECIAL NEEDS GRANTS. There is
 49 appropriated from the general fund of the state to the
 50 department of human services for the fiscal year

1 beginning July 1, 1991, and ending June 30, 1992, the
 2 following amount, or so much thereof as is necessary,
 3 to be used for the purpose designated:

4 To provide special needs grants to families with a
 5 family member at home who has a developmental
 6 disability or to a person with a developmental

7 disability:

8 \$ 55,000

9 Grants must be used by a family to defray special
10 costs of caring for the family member to prevent out-
11 of-home placement of the family member or to provide
12 for independent living costs. A grant may provide up
13 to \$5,000 per person for costs associated with an
14 assistive animal. The grants may be administered by a
15 private nonprofit agency which serves people statewide
16 provided that no administrative costs are received by
17 the agency. Regular reports regarding coordination of
18 the special needs grants with the family support
19 subsidy program shall be provided to the legislative
20 fiscal bureau.

21 Sec. 127. ENHANCED MENTAL HEALTH -- MENTAL
22 RETARDATION -- DEVELOPMENTAL DISABILITIES SERVICES.

23 There is appropriated from the general fund of the
24 state to the department of human services for the
25 fiscal year beginning July 1, 1991, and ending June
26 30, 1992, the following amount, or so much thereof as
27 is necessary, to be used for the purpose designated:

28 For the state candidate services fund:
29 \$ 2,630,000

30 1. The enhanced mental health, mental retardation,
31 and developmental disabilities services plan oversight
32 committee is continued, as established under 1988 Iowa
33 Acts, chapter 1276, section 14, subsection 1, for the
34 fiscal year which begins July 1, 1991, and ends June
35 30, 1992. The oversight committee shall issue a final
36 decision regarding any issue of disagreement between a
37 county and the department relating to expenditures for
38 candidate services or the county's maintenance of
39 effort.

40 2. For purposes of this section, "candidate
41 services" means day treatment, partial
42 hospitalization, and case management.

43 3. a. The county of legal settlement shall be
44 billed for 50 percent of the nonfederal share of the
45 cost of case management provided to adults, day
46 treatment, and partial hospitalization provided under
47 the medical assistance program for persons with mental
48 retardation, a developmental disability, or chronic
49 mental illness.

50 b. If the department has contracted with a county

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1 or a consortium of counties to be the provider of case
2 management services, the department is responsible for
3 any costs included within the unit rate for case

4 management services which are disallowed for
5 reimbursement pursuant to Title XIX of the federal
6 Social Security Act by the federal health care
7 financing administration. The department shall use
8 funds appropriated under this section to credit a
9 county for the county's share of any amounts overpaid
10 due to the disallowed costs. If certain costs are
11 disallowed due to requirements or preferences of a
12 particular county in the provision of case management
13 services the county shall not receive credit for the
14 amount of the costs.

15 c. Case management services provided to children
16 shall only be reimbursed under the medical assistance
17 program if the services are provided in a county
18 approved by the department to implement the program to
19 decategorize child welfare services. In addition, the
20 county's decategorization plan must demonstrate that
21 the amount necessary for payment of the nonfederal
22 share of the cost for the services is available within
23 funds allocated for the purpose of decategorization.
24 The department may adopt emergency rules to implement
25 the provisions of this paragraph.

26 4. A county is responsible to continue to expend
27 at least the agreed upon amount expended for services
28 in the fiscal year which ended June 30, 1987, for the
29 fiscal year beginning July 1, 1991, for services to
30 persons with mental retardation, a developmental
31 disability, or chronic mental illness.
32 Notwithstanding section 8.33, if a county does not
33 expend the agreed upon amount in the fiscal year, the
34 balance not expended shall not revert to the general
35 fund of the county, but shall be carried over to the
36 next fiscal year to be expended for the provision of
37 services to persons with mental retardation, a
38 developmental disability, or mental illness including,
39 but not limited to, the chronically mentally ill, and
40 shall be used as additional funds. The additional
41 funds shall be used, to the greatest extent possible,
42 to meet unmet needs of persons with mental
43 retardation, a developmental disability, or mental
44 illness. This subsection does not relieve the county
45 from any other funding obligations required by law,
46 including but not limited to the obligations in
47 section 222.60.

48 5. The department, in conjunction with the
49 oversight committee, and with the agreement of each
50 county, shall establish the actual amount expended for

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1 each candidate service for persons with mental
2 retardation, a developmental disability, or chronic
3 mental illness in the fiscal year which ended June 30,
4 1987, and this amount shall be deemed each county's
5 base year expenditure for the candidate service. A
6 disagreement between the department and a county as to
7 the actual amount expended shall be decided by the
8 oversight committee.

9 The department, in conjunction with the oversight
10 committee, and with the agreement of each county,
11 shall determine the expenditures in the fiscal year
12 beginning July 1, 1990, by each county for the
13 candidate services, including the amount the county
14 contributes under subsection 3. If the expenditures
15 in the fiscal year beginning July 1, 1990, exceed the
16 base year expenditures for candidate services, then
17 the county shall receive from the funds appropriated
18 under this section the least amount of the following:

19 a. The difference between the total expenditures
20 for the candidate services in the fiscal year
21 beginning July 1, 1990, and the base year
22 expenditures.

23 b. The amount expended by the county under
24 subsection 3.

25 c. The amount by which total expenditures for
26 persons with mental retardation, a developmental
27 disability, or chronic mental illness for the fiscal
28 year beginning July 1, 1990, less any carryover amount
29 from the fiscal year which began July 1, 1989, exceed
30 the maintenance of effort expenditures under
31 subsection 4.

32 6. Notwithstanding section 225C.20, case
33 management services shall be provided by the
34 department except when a county or a consortium of
35 counties contracts with the department to provide the
36 services. A county or consortium of counties may
37 contract to be the provider at any time and the
38 department shall agree to the contract so long as the
39 contract meets the standards for case management
40 adopted by the department. The county or consortium
41 of counties may subcontract for the provision of case
42 management services if the subcontract meets the same
43 standards. A mental health, mental retardation, and
44 developmental disabilities coordinating board may
45 change the provider of individual case management
46 services at any time. If the current or proposed
47 contract is with the department, the coordinating
48 board shall provide written notification of a proposed
49 change to the department on or before August 15 and
50 written notification of an approved change on or

1 before October 15 in the fiscal year which precedes
 2 the fiscal year in which the change will take effect.
 3 7. This section does not relieve the county from
 4 any other funding obligations required by law,
 5 including but not limited to the obligations in
 6 section 222.60.

7 8. Nothing in this Act is intended by the general
 8 assembly to be the provision of a fair and equitable
 9 funding formula specified in 1985 Iowa Acts, chapter
 10 249, section 9. Nothing in this Act shall be
 11 construed as, is intended as, or shall imply a claim
 12 of entitlement to any programs or services specified
 13 in section 225C.28.

14 9. For the purposes of this section only, persons
 15 with organic mental disorders shall not be considered
 16 chronically mentally ill.

17 10. Where the department contracts with a county
 18 or consortium of counties to provide case management
 19 services, the state shall appear and defend the
 20 department's employees and agents acting in an
 21 official capacity on the department's behalf and the
 22 state shall indemnify the employees and agents for
 23 acts within the scope of their employment. The
 24 state's duties to defend and indemnify shall not apply
 25 if the conduct upon which any claim is based
 26 constitutes a willful and wanton act or omission or
 27 malfeasance in office.

28 Sec. 128. FIELD OPERATIONS. There is appropriated
 29 from the general fund of the state to the department
 30 of human services for the fiscal year beginning July
 31 1, 1991, and ending June 30, 1992, the following
 32 amount, or so much thereof as is necessary, to be used
 33 for the purposes designated:

34 For field operations, including salaries, support,
 35 maintenance, miscellaneous purposes, and for not more
 36 than the following full-time equivalent positions:
 37 \$ 43,864,127
 38 FTEs 2,310.50

39 1. Staff who are designated as "Title XIX case
 40 management staff" are considered to be in addition to
 41 the limit for full-time equivalent positions and the
 42 funds appropriated for field operations. As a
 43 condition, limitation, and qualification of the funds
 44 appropriated in this section, the department shall
 45 report quarterly to the chairpersons and ranking
 46 members of the legislative fiscal committee of the
 47 legislative council, the members of the joint human
 48 services appropriations subcommittee, and the

49 legislative fiscal bureau regarding the total number
50 of Title XIX case management staff positions filled,

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1 including the number of positions which were filled by
2 persons who were already employed by the department in
3 another capacity.

4 2. As a condition, limitation, and qualification
5 of the funds appropriated in this section, upon the
6 request of a county, the department shall work with
7 the county to develop a funding plan for persons with
8 mental retardation, a developmental disability, or
9 chronic mental illness who are not eligible to receive
10 case management provided under the medical assistance
11 program and are receiving service management. With an
12 agreed upon funding plan, the department is authorized
13 to combine state funds that would otherwise be
14 expended on service management with county funds to
15 upgrade services provided to the persons from service
16 management to case management. Staff required to
17 implement this subsection are not subject to the
18 limitations on full-time equivalent positions and
19 funds appropriated for field operations.

20 3. As a condition, limitation, and qualification
21 of the funds appropriated in this section, if the
22 field operations staffing level meets the funded full-
23 time equivalent position limit authorized in this
24 section and a district identifies a critical position
25 vacancy or a position with a caseweight factor greater
26 than 120 percent of the budgeted caseweight factor for
27 the position, the director of human services may
28 exceed the full-time equivalent position limit
29 authorized under this section in the amount necessary
30 to fill the critical position vacancy or to reduce the
31 caseweight factor to the budgeted level. For purposes
32 of this subsection, "critical position vacancy"
33 includes a clerical position in an office limited to a
34 single clerical staff position. The budgeted
35 caseweight factor for the fiscal year beginning July
36 1, 1991, and ending June 30, 1992, is 196 for income
37 maintenance workers and 191 for service workers. If
38 the department is able to increase federal financial
39 participation relating to field operations, the moneys
40 shall be used to reduce budgeted caseweight factor
41 funded by the appropriation in this section for income
42 maintenance and service workers. In addition, if the
43 field operations staffing level meets the funded full-
44 time equivalent position limit authorized in this
45 section and there is a critical position vacancy in

46 the state or the statewide average caseweight factor
 47 for a particular type of position exceeds 105 percent
 48 of the budgeted caseweight factor for that type of
 49 position, the director of human services may exceed
 50 the full-time equivalent position limit authorized in

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1 this section in an amount necessary to fill the
 2 critical position vacancy or to reduce the caseweight
 3 factor to the budgeted level. The department shall
 4 report monthly to the chairpersons and ranking members
 5 of the joint human services appropriations
 6 subcommittee and to the legislative fiscal bureau
 7 regarding caseweight factor computations in each
 8 district, the statewide average caseweight factor, the
 9 existence of a critical position vacancy in any
 10 district, and action taken by the department to
 11 address any critical position vacancy problem or
 12 excess caseweight factor.

13 4. Notwithstanding the full-time equivalent
 14 position limit authorized in this section, a county
 15 implementing a decategorization project, consistent
 16 with the county's decategorization plan, may modify
 17 the staffing level in the county's human services
 18 office and the modification shall not affect other
 19 county or district human services staffing levels and
 20 shall not be considered to be subject to the full-time
 21 equivalent position limit in this section.

22 Sec. 129. GENERAL ADMINISTRATION. There is
 23 appropriated from the general fund of the state to the
 24 department of human services for the fiscal year
 25 beginning July 1, 1991, and ending June 30, 1992, the
 26 following amount, or so much thereof as is necessary,
 27 to be used for the purposes designated:

28 For general administration, including salaries,
 29 support, maintenance, miscellaneous purposes, and for
 30 not more than the following full-time equivalent
 31 positions:

32	\$ 9,056,673
33	FTEs 352.95

34 1. Full-time equivalent positions which are funded
 35 entirely with federal, public, or private grants are
 36 exempt from the limits on the number of full-time
 37 equivalent positions provided in this section, but are
 38 approved only for the period of time for which the
 39 federal funds or grants are available for the
 40 position.

41 2. As a condition, limitation, and qualification
 42 of the funds appropriated in this section, if a state

43 institution administered by the department is to be
 44 closed or reduced in size, prior to the closing or
 45 reduction the department shall initiate and coordinate
 46 efforts in cooperation with the Iowa department of
 47 economic development to develop new jobs in the area
 48 in which the state institution is located.
 49 3. As a condition, limitation, and qualification
 50 of the funds appropriated in this section, the

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1 department shall seek federal approval of home and
 2 community-based waivers for services provided under
 3 medical assistance to persons with mental retardation,
 4 mental illness, or developmental disabilities and
 5 effective February 1, 1992, contingent upon federal
 6 approval of the waivers, the department shall fill not
 7 more than 12 employee positions to perform duties as
 8 necessary to implement the waivers. The department
 9 shall fill the positions in a manner which results in
 10 the positions being equivalent to 4.00 FTEs for the
 11 fiscal year, however, the positions shall be
 12 annualized for the purposes of establishing the number
 13 of full-time equivalent positions in this
 14 appropriation for the fiscal year.

15 4. As a condition, limitation, and qualification
 16 of the funds appropriated in this section, \$30,000
 17 shall be transferred to the governor's planning
 18 council for developmental disabilities for use in
 19 contracting to continue operating a computerized
 20 information and referral project for Iowans with
 21 developmental disabilities and their families.

22 5. As a condition, limitation, and qualification
 23 of the funds appropriated in this section, 1.00 FTE
 24 shall be assigned to expand the AFDC electronic
 25 benefits transfer program (EBT) beyond the pilot
 26 program county and to implement EBT for the food stamp
 27 program.

28 Sec. 130. VOLUNTEERS. There is appropriated from
 29 the general fund of the state to the department of
 30 human services for the fiscal year beginning July 1,
 31 1991, and ending June 30, 1992, the following amount,
 32 or so much thereof as is necessary, to be used for the
 33 purpose designated:

34 For development and coordination of volunteer
 35 services:
 36 \$ 88,825

37 Sec. 131. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 38 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
 39 UNDER THE DEPARTMENT OF HUMAN SERVICES.

40 1. a. For the fiscal year beginning July 1, 1991,
41 the following providers shall not have their medical
42 assistance reimbursement rates increased over the
43 rates in effect on June 30, 1991: providers of
44 waived services under the home and community-based
45 programs, optometrists for service fees only,
46 opticians for service fees only, podiatrists,
47 dentists, chiropractors, physical therapists, birthing
48 centers, ambulance services, independent laboratories,
49 area education agencies, clinics, audiologists,
50 rehabilitation agencies, community mental health

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1 centers, family planning clinics, psychologists,
2 hearing aid dealers, orthopedic shoe dealers,
3 ambulatory surgery centers, and genetic counseling
4 clinics. Reimbursement for optometric products shall
5 not be increased. The department of human services
6 may utilize flexibility in allocating the increase for
7 durable medical products and supplies so that
8 equipment and supplies which have greater wholesale
9 cost increases may be reimbursed at a higher rate and
10 those which have a lower or no wholesale cost increase
11 may be reimbursed at a lower rate or have no increase.
12 Reimbursement rates for physicians and certified
13 registered nurse anesthetists shall not be increased.
14 Reimbursement rates for maternal health centers and
15 pediatric services shall not be increased.

16 b. For the fiscal year beginning July 1, 1991, the
17 following shall have their medical assistance
18 reimbursement rates established at the rates in effect
19 on February 28, 1991: psychiatric medical
20 institutions for children, early preventive screening,
21 diagnosis, and treatment providers, providers of
22 obstetric services when provided by physicians or
23 certified midwives, and durable medical products and
24 supplies.

25 c. The department shall provide a differential per
26 diem reimbursement rate to a psychiatric medical
27 institution for children for short-term treatment or
28 diagnosis services provided within a segregated unit
29 of the institution. The differential per diem
30 reimbursement rate shall not exceed 120 percent of the
31 per diem rate authorized in this section for
32 psychiatric medical institutions for children.

33 d. The dispensing fee for pharmacists shall remain
34 at the rate in effect on June 30, 1991. The
35 department shall adjust the average wholesale price of
36 drug product costs in accordance with federal

37 regulations. Dispensing fees for pharmacists shall be
38 further adjusted to reflect the adjustment to the
39 average wholesale price of drug product costs. Total
40 adjustments to reimbursements for prescription drugs
41 shall remain within funds appropriated.

42 e. Effective July 1, 1991, reimbursement rates to
43 hospitals shall not be increased over the rates in
44 effect on June 30, 1991.

45 f. Reimbursement rates for rural health clinics
46 shall be increased in accordance with increases under
47 the federal medicare program.

48 g. Home health agencies certified for the medical
49 assistance program, hospice services, and acute care
50 mental hospitals shall be reimbursed for their current

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1 federal medicare audited costs.

2 h. Effective July 1, 1991, the basis for
3 establishing the maximum medical assistance
4 reimbursement rate for nursing facilities shall be the
5 70th percentile of facility costs as calculated from
6 the June 30, 1991, unaudited compilation of cost and
7 statistical data. However, to the extent funds are
8 available under the allocation for reimbursement of
9 nursing facilities within the appropriation for
10 medical assistance in this Act, the basis shall be
11 increased to not more than the 74th percentile of
12 facility costs as calculated from the same data.

13 i. Effective July 1, 1991, the amount provided
14 under the medical assistance program to nursing
15 facilities during the fiscal year ending June 30,
16 1991, in addition to the approved per diem rate,
17 pursuant to 1990 Iowa Acts, chapter 1270, section 31,
18 subsection 1, paragraph "e", subparagraph (1), shall
19 no longer be provided.

20 2. For the fiscal year beginning July 1, 1991, the
21 maximum cost reimbursement rate for residential care
22 facilities reimbursed by the department shall be
23 \$20.01 per day. The flat reimbursement rate for
24 facilities electing not to file semiannual cost
25 reports shall be \$14.31 per day. For the fiscal year
26 beginning July 1, 1991, the maximum reimbursement rate
27 for providers reimbursed under the in-home health-
28 related care program shall not be increased over the
29 rates in effect on June 30, 1991.

30 3. For services provided by social service
31 providers reimbursed by the department in the fiscal
32 year beginning July 1, 1991, rates shall not be
33 increased over the unreduced rates in effect on June

34 30, 1991. Rates for foster care and shelter care
35 services, except for enhanced residential treatment
36 providers, shall be increased by 2 percent over the
37 rate in effect on June 30, 1991.

38 4. Notwithstanding the provisions of subsection 3,
39 the department may implement revisions of the
40 methodology for purchasing group foster care services
41 to establish rates for group foster care services
42 based on the study of these issues funded by the
43 general assembly in the fiscal year which began July
44 1, 1989, provided the overall budget amount for the
45 expenditures is not exceeded and the revisions of the
46 methodology are agreed to by the affected service
47 providers.

48 5. For services reimbursed under the federal
49 social services block grant in the fiscal year
50 beginning July 1, 1991, reimbursement rates shall be

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1 increased by 2 percent over the rates in effect on
2 June 30, 1991.

3 6. The department may adopt emergency rates to
4 implement the provisions of this section.

5 Sec. 132. ASSISTANCE TO GAMBLERS. There is
6 appropriated from the general fund of the state to the
7 department of human services for the fiscal year
8 beginning July 1, 1991, and ending June 30, 1992, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 For the gamblers assistance program, including
12 salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions:

15	\$	400,000
16	FTEs	3.00

17 The Iowa lottery board and the state racing and
18 gaming commission shall cooperate with the gamblers
19 assistance program to incorporate information
20 regarding the gamblers assistance program and its
21 toll-free telephone number in printed materials
22 distributed. The commission may require licensees to
23 have the information available in a conspicuous place
24 as a condition of licensure.

25 Sec. 133. REQUIREMENTS RELATING TO PERSONS WITH
26 DISABILITIES. Subject to the limitations of the
27 appropriations in this Act for the state mental health
28 institutes and for the state hospital-schools, the
29 department of human services shall modify staffing
30 structures at the state hospital-schools and the state

31 mental health institutes consistent with accreditation
32 and certification requirements and the findings of the
33 study on staffing commissioned by the general assembly
34 in order to improve the level of direct staffing,
35 reduce or simplify the levels of organizational
36 authority where appropriate, and reduce the use of
37 overtime. If, after review of the study
38 recommendations, the department of human services
39 decides to establish the position of "human resource
40 specialist" at the state hospital-schools, the
41 positions shall be established within the department
42 of personnel and the department of human services may
43 transfer to the department of personnel the associated
44 full-time equivalent positions and moneys equal to the
45 salary costs for the positions. The maintenance of
46 sufficient direct care staff to assure worker and
47 patient safety is of highest priority. The department
48 shall work with all levels of affected employees in
49 carrying out this staff restructuring. The department
50 shall work to assure that vacant positions in direct

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1 care are filled promptly and expeditiously.

2 **Sec. 134. FULL-TIME EQUIVALENT LIMIT NOTIFICATION.**

3 The Iowa veterans home, the state mental health
4 institutes, and the state hospital-schools may exceed
5 the number of full-time equivalent positions
6 authorized in this Act if the additional positions are
7 specifically related to licensing, certification, or
8 accreditation standards or citations. The department
9 shall notify the co-chairpersons and ranking members
10 of the joint human services appropriations
11 subcommittee and the legislative fiscal bureau if the
12 specified number is exceeded. The notification shall
13 include an estimate of the number of full-time
14 equivalent positions added and the fiscal effect of
15 the addition.

16 **Sec. 135. COMPUTERIZATION -- ASSESSMENT OF**

17 **FINANCIAL IMPACT.** In order to assess the financial
18 impact of computerizing functions within the
19 department of human services, the department of
20 general services, information services division, shall
21 monitor the utilization of the central processing unit
22 resources maintained by the division, and shall
23 provide quarterly reports to the legislative fiscal
24 committee of the legislative council and the
25 legislative fiscal bureau. The quarterly reports
26 shall contain an analysis of the central processing
27 unit resources utilized by the department of human

28 services by each computerized application within the
 29 department. The reports shall also contain
 30 information on computerized applications which are
 31 under development, and shall project the central
 32 processing unit utilization which will occur in 6, 12,
 33 18, and 24 months. The reports shall be designed to
 34 enable the legislative fiscal committee and the
 35 legislative fiscal bureau to assess the fiscal impact
 36 of various computerized applications, with emphasis
 37 upon the need for the division to purchase additional
 38 computer hardware.

39 Sec. 136. EMERGENCY RULES. If specifically
 40 authorized by a provision of this division, the
 41 department of human services may adopt administrative
 42 rules under section 17A.4, subsection 2, and section
 43 17A.5, subsection 2, paragraph "b", to implement the
 44 provisions and the rules shall become effective
 45 immediately upon filing, unless a later effective date
 46 is specified in the rules. In addition, the
 47 department may adopt administrative rules in
 48 accordance with the provisions of this section as
 49 necessary to comply with federal requirements or to
 50 adjust to a change in the level of federal funding

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1 which affect refugee programs during the fiscal period
 2 beginning July 1, 1990, and ending June 30, 1992. Any
 3 rules adopted in accordance with the provisions of
 4 this section shall also be published as notice of
 5 intended action as provided in section 17A.4.

6 Sec. 137. EFFECTIVE DATE. Section 103, subsection
 7 8, and section 136 of this Act, being deemed of
 8 immediate importance, take effect upon enactment.

DIVISION II

DEPARTMENT OF EDUCATION

11 Sec. 201. There is appropriated from the general
 12 fund of the state to the department of education for
 13 the fiscal year beginning July 1, 1991, and ending
 14 June 30, 1992, the following amounts, or so much
 15 thereof as may be necessary, to be used for the
 16 purposes designated:

17 1. GENERAL ADMINISTRATION

18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions:

21	.....	\$ 5,720,000
22	.....	FTEs 137.25

23 2. CORRECTIONS EDUCATION PROGRAM

24 For educational programs at state penal

25 institutions:
 26 \$ 2,120,000
 27 As a condition, limitation, and qualification of
 28 the appropriation in this subsection, the utilization
 29 of educational technology in the prison education
 30 system shall be expanded and a tracking system shall
 31 be developed and implemented to provide information
 32 regarding the effects of recidivism and employment
 33 success.
 34 Persons employed to provide instructional services
 35 under this paragraph who were previously employed
 36 through the department of corrections to provide
 37 instructional services to inmates under programs under
 38 the jurisdiction of the department of corrections
 39 shall be given credit for all unused sick leave that
 40 the persons accrued while employed through the
 41 department of corrections.
 42 3. BOARD OF EDUCATIONAL EXAMINERS
 43 For salaries, support, maintenance, miscellaneous
 44 purposes and for not more than the following full-time
 45 equivalent positions:
 46 \$ 128,000
 47 FTEs 2.00
 48 4. SCHOOL FOOD SERVICE
 49 For use as state matching funds for federal
 50 programs which shall be disbursed according to federal

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1 regulations, including salaries, support, maintenance,
 2 miscellaneous purposes, and for not more than the
 3 following full-time equivalent positions:
 4 \$ 2,980,000
 5 FTEs 14.00
 6 5. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
 7 To provide funds for costs of providing textbooks
 8 to each resident pupil who attends a nonpublic school
 9 as authorized by section 301.1. The funding is
 10 limited to \$20 per pupil and shall not exceed the
 11 comparable services offered to resident public school
 12 pupils:
 13 \$ 600,000
 14 6. VOCATIONAL EDUCATION ADMINISTRATION
 15 For salaries, support, maintenance, miscellaneous
 16 purposes, and for not more than the following full-
 17 time equivalent positions:
 18 \$ 893,000
 19 FTEs 39.60
 20 7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION
 21 To assist a vocational agriculture youth

22	organization sponsored by the schools to support the	
23	foundation established by that vocational agriculture	
24	youth organization:	
25	.....	\$ 39,000
26	8. VOCATIONAL REHABILITATION DIVISION	
27	a. For salaries, support, maintenance,	
28	miscellaneous purposes, and for not more than the	
29	following full-time equivalent positions:	
30	.....	\$ 3,680,000
31	.....	FTEs 319.50
32	b. For matching funds for programs to enable	
33	severely physically or mentally disabled persons to	
34	function more independently, including salaries and	
35	support, and for not more than the following full-time	
36	equivalent positions:	
37	.....	\$ 21,303
38	.....	FTEs 1.50
39	9. COMMUNITY COLLEGES	
40	Notwithstanding chapter 286A, for general state	
41	financial aid to merged areas as defined in section	
42	280A.2, for vocational education programs in	
43	accordance with chapters 258 and 280A, to purchase	
44	instructional equipment for vocational and technical	
45	courses of instruction in community colleges, and for	
46	salary increases:	
47	.....	\$ 88,100,576
48	The funds appropriated in this subsection shall be	
49	allocated as follows:	
50	a. Merged Area I	\$ 4,102,609

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1	b. Merged Area II	\$ 4,977,600
2	c. Merged Area III	\$ 4,815,675
3	d. Merged Area IV	\$ 2,261,745
4	e. Merged Area V	\$ 4,773,379
5	f. Merged Area VI	\$ 4,496,944
6	g. Merged Area VII	\$ 6,170,827
7	h. Merged Area IX	\$ 7,752,617
8	i. Merged Area X	\$ 11,990,368
9	j. Merged Area XI	\$ 12,882,530
10	k. Merged Area XII	\$ 5,084,076
11	l. Merged Area XIII	\$ 5,235,629
12	m. Merged Area XIV	\$ 2,314,451
13	n. Merged Area XV	\$ 7,180,989
14	o. Merged Area XVI	\$ 4,061,137
15	Sec. 202. There is appropriated from the general	
16	fund of the state to the department of education for	
17	the fiscal year beginning July 1, 1992, and ending	
18	June 30, 1993, the following amounts, or so much	

19 thereof as is necessary, to be used for the purposes
20 designated:

21 1. Notwithstanding chapter 286A for state
22 financial aid to merged areas to be accrued as income
23 and used for expenditures incurred by the community
24 colleges during the fiscal year beginning July 1,
25 1991, and ending June 30, 1992:

26 \$ 17,133,590

27 The funds appropriated in this section shall be
28 allocated as follows:

29	a. Merged Area I	\$ 797,866
30	b. Merged Area II	\$ 968,032
31	c. Merged Area III	\$ 936,541
32	d. Merged Area IV	\$ 439,859
33	e. Merged Area V	\$ 928,315
34	f. Merged Area VI	\$ 874,555
35	g. Merged Area VII	\$ 1,200,088
36	h. Merged Area IX	\$ 1,507,711
37	i. Merged Area X	\$ 2,331,857
38	j. Merged Area XI	\$ 2,505,363
39	k. Merged Area XII	\$ 988,739
40	l. Merged Area XIII	\$ 1,018,213
41	m. Merged Area XIV	\$ 450,109
42	n. Merged Area XV	\$ 1,396,542
43	o. Merged Area XVI	\$ 789,800

44 2. Funds appropriated by this section shall be
45 allocated pursuant to this section and paid on or
46 about August 15, 1992.

47 Sec. 203. Moneys allocated to community colleges
48 under section 201, subsection 9 of this division, for
49 expenditures incurred during the fiscal year beginning
50 July 1, 1991, and ending June 30, 1992, shall be paid

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1 by the department of revenue and finance in
2 installments due on or about November 15, February 15,
3 and May 15 of that fiscal year. The installments
4 shall be as nearly equal as possible as determined by
5 the department of management, taking into
6 consideration the relative budget and cash position of
7 the state resources. The payments received by
8 community colleges on or about August 15 under section
9 202 of this division are accounts receivable for the
10 previous fiscal year.

11 Sec. 204. Notwithstanding the appropriation
12 provided in section 294A.25, subsection 1, there is
13 appropriated from the general fund of the state to the
14 department of education for the fiscal year beginning
15 July 1, 1991, and ending June 30, 1992, the following

16 amount, or so much thereof as may be necessary, to be
17 used for the purpose designated and for not more than
18 the following full-time equivalent position:

19 For the educational excellence program:
20 \$ 90,745,875
21 FTEs 1.00

22 As a condition, limitation, and qualification of
23 the funds appropriated in this section, and
24 notwithstanding the allocation specified for phase III
25 under section 294A.25, subsection 6, from the moneys
26 appropriated under this section and available for
27 expenditure for phase III, the department shall,
28 subject to the review of the chairpersons and ranking
29 members of the education committees of the general
30 assembly, expend \$250,000 to provide demonstration
31 projects in comprehensive school transformation in no
32 more than ten public school districts. The objective
33 of the projects shall be to demonstrate how public
34 schools can be transformed from corporate to collegial
35 learning environments for teachers, students, and
36 administrators for the purpose of maximizing student
37 learning and to diffuse information about the process
38 of transformation to neighboring schools. The
39 projects shall also demonstrate how phase III funds
40 can be used to promote school transformation by
41 providing focus to phase III efforts in such areas as
42 technology, individualization of instruction, and
43 decentralization of decision-making. However, funds
44 allocated to districts under this section shall not be
45 used to supplant funds available to a district under
46 phase III. Districts participating in a project may
47 use phase III funds to supplement the purposes and
48 activities of the project in the manner provided under
49 section 294A.14. Districts participating in a project
50 may also pool funds to provide conferences and to

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1 contract with consultants and facilitators to provide
2 services to support the goals of the project.
3 Projects shall use the school building as the basic
4 administrative and clinical unit for demonstration.
5 The department may expend up to \$10,000 for purposes
6 of developing guidelines and administering the
7 selection, approval, and evaluation process for
8 proposed projects. In developing a selection process
9 for demonstration projects, the department of
10 education shall establish an eleven-member selection
11 committee, which shall include, but is not limited to,
12 licensed practitioners and ex officio nonvoting

13 members of the general assembly. A majority of the
 14 members of the committee shall consist of licensed
 15 teachers and principals. The committee shall select
 16 projects which give promise of accomplishing
 17 comprehensive school transformation at the building
 18 level during the time that the project is in place.
 19 Each project shall contain an evaluation component,
 20 which provides for self-evaluation by participating
 21 districts and evaluation by the department of
 22 education. The selection committee shall establish
 23 criteria for ascertaining a particular district's
 24 readiness for comprehensive change and give preference
 25 in the project selection process to districts which
 26 meet the readiness criteria. Each participating
 27 district shall, at the conclusion of a project, submit
 28 a copy of the district's self-evaluation in a report
 29 to the department of education. The department shall
 30 compile the reports, along with the department's
 31 evaluations of each of the projects, and submit the
 32 results in a report to the general assembly by March
 33 1, 1994.

34 Sec. 205. There is appropriated from the general
 35 fund of the state to the department of education for
 36 the fiscal year beginning July 1, 1992, and ending
 37 June 30, 1993, the following amounts, or so much
 38 thereof as is necessary, to be used for the purposes
 39 designated:

40 For expenditures incurred by school districts
 41 during the previous fiscal year for vocational
 42 education aid to secondary schools:
 43 \$ 3,666,360

44 Funds appropriated by this section shall be used
 45 for expenditures made by school districts to meet the
 46 standards set in sections 256.11, 258.4, and 280A.23
 47 as a result of the enactment of 1989 Iowa Acts,
 48 chapter 278. Funds shall be used as reimbursement for
 49 vocational education expenditures made by secondary
 50 schools in the manner provided by the department of

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1 education for implementation of the standards set in
 2 1989 Iowa Acts, chapter 278. The department shall
 3 inform school districts by July 1, 1991, of the
 4 criteria for reimbursement with funds appropriated
 5 under this section.

6 COLLEGE STUDENT AID COMMISSION

7 Sec. 206. There is appropriated from the general
 8 fund of the state to the college student aid
 9 commission for the fiscal year beginning July 1, 1991,

10 and ending June 30, 1992, the following amounts, or so
11 much thereof as may be necessary, to be used for the
12 purposes designated:

13 1. GENERAL ADMINISTRATION

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17 \$ 346,000
18 FTEs 8.05

19 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
20 SCIENCES

21 a. For grants to juniors and seniors and for
22 forgivable loans to freshmen and sophomores, who are
23 Iowa students attending the university of osteopathic
24 medicine and health sciences, under the grant program
25 pursuant to section 261.18 and the forgivable loan
26 program pursuant to section 261.19A:

27 \$ 400,000

28 b. For the university of osteopathic medicine and
29 health sciences for the admission and education of
30 Iowa students in each of the 4 years of classes at the
31 university of osteopathic medicine and health sciences
32 pursuant to section 261.19:

33 \$ 407,000

34 3. STUDENT AID PROGRAMS

35 For payments to students for student aid programs:

36 \$ 1,976,000

37 As a condition, limitation, and qualification of
38 the funds appropriated in this subsection, \$1,474,062
39 shall be expended for an Iowa grant program, with
40 funds to be allocated to institutions pursuant to
41 section 261.93A.

42 4. NATIONAL GUARD LOAN REPAYMENT

43 For payments to students for the national guard
44 loan repayment program in section 261.49:

45 \$ 237,000

46 Sec. 207. There is appropriated from the loan
47 reserve account to the college student aid commission
48 for the fiscal year beginning July 1, 1991, and ending
49 June 30, 1992, the following amount, or so much
50 thereof as may be necessary, to be used for the

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1 purposes designated:

2 For operating costs of the Stafford loan program
3 including salaries, support, maintenance,
4 miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:

6 \$ 3,671,016

7 FTEs 36.52
 8 STATE BOARD OF REGENTS
 9 Sec. 208. There is appropriated from the general
 10 fund of the state to the state board of regents for
 11 the fiscal year beginning July 1, 1991, and ending
 12 June 30, 1992, the following amounts, or so much
 13 thereof as may be necessary, to be used for the
 14 purposes designated:
 15 1. OFFICE OF STATE BOARD OF REGENTS
 16 a. For salaries, support, maintenance,
 17 miscellaneous purposes, and for not more than the
 18 following full-time equivalent positions:
 19 \$ 1,131,000
 20 FTEs 19.08
 21 As a condition, limitation, and qualification of
 22 the moneys appropriated in this paragraph, the state
 23 board of regents shall not use reimbursements from the
 24 institutions under the control of the state board of
 25 regents for funding the office of the state board of
 26 regents.
 27 As a condition, limitation, and qualification of
 28 the funds appropriated in this paragraph, the state
 29 board of regents shall permit KUNI to broadcast from
 30 the greater Des Moines area if KUNI acquires a
 31 transmitter at no cost to the university of northern
 32 Iowa or the state for the basis of simulcasting KUNI's
 33 programming, receives an assigned frequency, and
 34 obtains necessary federal communication commission
 35 (FCC) licensing.
 36 b. For allocation by the state board of regents to
 37 the state university of Iowa, the Iowa state
 38 university of science and technology, and the
 39 university of northern Iowa to reimburse the
 40 institutions for deficiencies in their operating funds
 41 resulting from the pledging of tuitions, student fees
 42 and charges, and institutional income to finance the
 43 cost of providing academic and administrative
 44 buildings and facilities and utility services at the
 45 institutions:
 46 \$ 19,381,162
 47 c. For funds to be allocated to the southwest Iowa
 48 graduate studies center located in Council Bluffs:
 49 \$ 37,000
 50 d. For funds to be allocated to the siouxland

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1 interstate metropolitan planning council for the
 2 tristate graduate center under section 262.9,
 3 subsection 21:

4 \$ 71,000
 5 e. For funds to be allocated to the quad-cities
 6 graduate studies center:

7 \$ 145,000

8 2. STATE UNIVERSITY OF IOWA

9 a. General university, including lakeside

10 laboratory

11 For salaries, support, maintenance, equipment,
 12 miscellaneous purposes, and for not more than the
 13 following full-time equivalent positions:

14 \$168,455,000
 15 FTEs 4,287.37

16 To the extent the appropriation made in this
 17 paragraph is a reduction in the total amount budgeted
 18 for the fiscal year beginning July 1, 1991, and ending
 19 June 30, 1992, and the state university of Iowa
 20 determines the amount is insufficient to fund all of
 21 the university's budgetary units, consideration shall
 22 be given to adjustments reducing budgetary units in
 23 the following order of priority:

- 24 (1) University administrative moneys.
- 25 (2) Equipment and maintenance.
- 26 (3) Short-term furloughs of administrative
- 27 personnel.
- 28 (4) Short-term furloughs of other personnel.
- 29 (5) Other operating budget expenditures.
- 30 (6) Force reduction.

31 As a condition, limitation, and qualification of
 32 the funds appropriated in this paragraph, if the state
 33 university of Iowa receives total funds in excess of
 34 \$90,201,000 from federal support, interest, tuition
 35 fees, reimbursement for indirect costs, sales and
 36 service, and any other income source not appropriated
 37 by the state, the funds in excess of that amount in
 38 fiscal year 1992 shall be allocated to a one-time
 39 expenditure account. Notwithstanding the provisions
 40 of section 8.33, all moneys from this account shall be
 41 available for expenditure or encumbrance during the
 42 fiscal year ending June 30, 1992, and if there is a
 43 balance in this account at the end of that fiscal
 44 year, the balance may be carried forward and expended
 45 or encumbered during the fiscal year ending June 30,
 46 1993. All moneys deposited in this account shall be
 47 expended for the one-time, nonrecurring costs of the
 48 priorities of the state board of regents for the
 49 fiscal year 1992 requests which are listed separately
 50 from restoration packages, annualization, inflation,

1 utilities, and opening new buildings in the order
 2 established by the state board of regents. Funds
 3 shall not be expended to complete a project in the
 4 next level of priority before funding of a project in
 5 the prior category is completed. The state board of
 6 regents shall submit a report listing the moneys
 7 available in the one-time expenditure account and the
 8 completed projects and anticipated projects funded to
 9 the department of management and the legislative
 10 fiscal bureau by August 1, 1991.

11 As a condition, limitation, and qualification of
 12 moneys appropriated in this paragraph, from moneys
 13 available to the state university of Iowa, \$50,000
 14 shall be awarded to faculty members and teaching
 15 assistants who have been recognized for exceptional
 16 teaching. An exceptional teaching recognition award
 17 is for a one-year period and is in addition to the
 18 faculty member's or teaching assistant's salary. Not
 19 later than December 15, 1991, the state board of
 20 regents shall report the names of recipients of
 21 teaching excellence awards, and the amounts of the
 22 awards granted, to the joint education appropriations
 23 subcommittee and to the legislative fiscal bureau.

24 It is the intent of the general assembly to provide
 25 sufficient funding necessary to ensure the university
 26 of Iowa receives federal matching funds for the
 27 university of Iowa driving simulation center if funds
 28 from federal and private sources are available for
 29 expenditure by the center.

30 b. Child care

31 For salaries for child care center directors:

32 \$ 60,000

33 c. University hospitals

34 For salaries, support, maintenance, equipment,
 35 miscellaneous purposes, and for not more than the
 36 following full-time equivalent positions for medical
 37 and surgical treatment of indigent patients as
 38 provided in chapter 255:

39 \$ 27,425,000

40 FTEs 5,319.83

41 d. Psychiatric hospital

42 For salaries, support, maintenance, equipment,
 43 miscellaneous purposes, and for not more than the
 44 following full-time equivalent positions and for the
 45 care, treatment, and maintenance of committed and
 46 voluntary public patients:

47 \$ 6,538,000

48 FTEs 284.57

49 e. Hospital-school

50 For salaries, support, maintenance, miscellaneous

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1 purposes, and for not more than the following full-
 2 time equivalent positions:

3	.....	\$ 5,161,000
4	.....	FTEs 184.44

5 f. Oakdale campus

6 For salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:

9	.....	\$ 2,747,000
10	.....	FTEs 67.55

11 g. State hygienic laboratory

12 For salaries, support, maintenance, miscellaneous
 13 purposes, and for not more than the following full-
 14 time equivalent positions:

15	.....	\$ 2,861,000
16	.....	FTEs 106.25

17 h. Family practice program

18 For allocation by the dean of the college of
 19 medicine, with approval of the advisory board, to
 20 qualified participants, to carry out chapter 148D of
 21 the family practice program, including salaries and
 22 support, and for not more than the following full-time
 23 equivalent positions:

24	.....	\$ 1,718,000
25	.....	FTEs 177.27

26 i. Child health care services

27 For specialized child health care services,
 28 including childhood cancer diagnostic and treatment
 29 network programs; rural comprehensive care for
 30 hemophilia patients; and Iowa high-risk infant follow-
 31 up program, including salaries and support, and for
 32 not more than the following full-time equivalent
 33 positions:

34	.....	\$ 407,000
35	.....	FTEs 12.51

36 j. Agricultural health and safety programs

37 For agricultural health and safety programs:

38	\$ 236,000
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39 k. For the statewide tumor registry and for not
 40 more than the following full-time positions:

41	.....	\$ 180,000
42	.....	FTEs 5.05

43 l. As a condition, limitation, and qualification
 44 of the appropriation made in paragraph "c", funds
 45 appropriated in that paragraph shall not be used to
 46 perform abortions except medically necessary

47 abortions, and shall not be used to operate the early
48 termination of pregnancy clinic except for the
49 performance of medically necessary abortions. For the
50 purpose of this paragraph, an abortion is the

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1 purposeful interruption of pregnancy with the
2 intention other than to produce a live-born infant or
3 to remove a dead fetus, and a medically necessary
4 abortion is one performed under one of the following
5 conditions:

6 (1) The attending physician certifies that
7 continuing the pregnancy would endanger the life of
8 the pregnant woman.

9 (2) The attending physician certifies that the
10 fetus is physically deformed, mentally deficient, or
11 afflicted with a congenital illness.

12 (3) The pregnancy is the result of a rape which is
13 reported within 45 days of the incident to a law
14 enforcement agency or public or private health agency
15 which may include a family physician.

16 (4) The pregnancy is the result of incest which is
17 reported within 150 days of the incident to a law
18 enforcement agency or public or private health agency
19 which may include a family physician.

20 (5) The abortion is a spontaneous abortion,
21 commonly known as a miscarriage, wherein not all of
22 the products of conception are expelled.

23 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

24 a. General university

25 For salaries, support, maintenance, equipment,
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:

28 \$137,109,000
29 FTEs 3,737.83

30 To the extent the appropriation made in this
31 paragraph is a reduction in the total amount budgeted
32 for the fiscal year beginning July 1, 1991, and ending
33 June 30, 1992, and the Iowa state university of
34 science and technology determines the amount is
35 insufficient to fund all of the university's budgetary
36 units, consideration shall be given to adjustments
37 reducing budgetary units in the following order of
38 priority:

- 39 (1) University administrative moneys.
- 40 (2) Equipment and deferred maintenance.
- 41 (3) Short-term furloughs of administrative
- 42 personnel.
- 43 (4) Short-term furloughs of other personnel.

44 (5) Other operating budget expenditures.
45 (6) Force reduction.
46 As a condition, limitation, and qualification of
47 the funds appropriated under this paragraph, if the
48 Iowa state university of science and technology
49 receives total funds in excess of \$69,503,000 from
50 federal support, interest, tuition fees, reimbursement

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1 for indirect costs, sales and service, and any other
2 income not appropriated by the state, the funds in
3 excess of that amount in fiscal year 1992 shall be
4 allocated to a one-time expenditure account.
5 Notwithstanding the provisions of section 8.33, all
6 moneys from this account shall be available for
7 expenditure or encumbrance during the fiscal year
8 ending June 30, 1992, and if there is a balance in
9 this account at the end of that fiscal year, the
10 balance may be carried forward and expended or
11 encumbered during the fiscal year ending June 30,
12 1993. All moneys deposited in this account shall be
13 expended for the one-time, nonrecurring costs of the
14 priorities of the state board of regents for the
15 fiscal year 1992 requests which are listed separately
16 from restoration packages, annualization, inflation,
17 utilities, and opening new buildings in the order
18 established by the state board of regents. Funds
19 shall not be expended to complete a project in the
20 next level of priority before funding of a project in
21 the prior category is completed. The state board of
22 regents shall submit a report listing the moneys
23 available in the one-time expenditure account and the
24 completed projects and anticipated projects funded to
25 the department of management and the legislative
26 fiscal bureau by August 1, 1991.

27 As a condition, limitation, and qualification of
28 moneys appropriated in this paragraph, from moneys
29 available to Iowa state university of science and
30 technology, \$50,000 shall be awarded to faculty
31 members and teaching assistants who have been
32 recognized for exceptional teaching. An exceptional
33 teaching recognition award is for a one-year period
34 and is in addition to the faculty member or teaching
35 assistant's salary. Not later than December 1, 1991,
36 the state board of regents shall report the names of
37 recipients of teaching excellence awards, and the
38 amounts of the awards granted, to the joint education
39 appropriations subcommittee and to the legislative
40 fiscal bureau.

41 b. Child care
 42 For subsidized evening child care:
 43 \$ 60,000
 44 FTEs 2.00
 45 c. Agricultural experiment station
 46 For salaries, support, maintenance, miscellaneous
 47 purposes, and for not more than the following full-
 48 time equivalent positions:
 49 \$ 17,067,000
 50 FTEs 546.92

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1 d. Comprehensive agricultural research
 2 For conducting the comprehensive agricultural
 3 research program:
 4 \$ 3,787,000
 5 e. Cooperative extension service in agriculture
 6 and home economics
 7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:
 10 \$ 15,991,000
 11 FTEs 475.94
 12 f. Fire service education
 13 For salaries and support and for not more than the
 14 following full-time equivalent positions:
 15 \$ 394,000
 16 FTEs 11.00
 17 g. Leopold center
 18 For agricultural research grants at Iowa state
 19 university under section 266.39B:
 20 \$ 568,000
 21 4. UNIVERSITY OF NORTHERN IOWA
 22 a. For salaries, support, maintenance, equipment,
 23 miscellaneous purposes, and for not more than the
 24 following full-time equivalent positions:
 25 \$ 55,387,000
 26 FTEs 1,411.68
 27 To the extent the appropriation made in this
 28 paragraph is a reduction in the total amount budgeted
 29 for the fiscal year beginning July 1, 1991, and ending
 30 June 30, 1992, and the university of northern Iowa
 31 determines the amount is insufficient to fund all of
 32 the university's budgetary units, consideration shall
 33 be given to adjustments reducing budgetary units in
 34 the following order of priority:
 35 (1) University administrative moneys.
 36 (2) Equipment and deferred maintenance.
 37 (3) Short-term furloughs of administrative

38 personnel.

39 (4) Short-term furloughs of other personnel.

40 (5) Other operating budget expenditures.

41 (6) Force reduction.

42 As a condition, limitation, and qualification of
43 the funds appropriated under this paragraph, if the
44 university of northern Iowa receives total funds in
45 excess of \$22,146,000 from federal support, interest,
46 tuition fees, reimbursement for indirect costs, sales
47 and service, and any other income not appropriated by
48 the state, the funds in excess of that amount in
49 fiscal year 1992 shall be allocated to a one-time
50 expenditure account. Notwithstanding the provisions

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1 of section 8.33, all moneys from this account shall be
2 available for expenditure or encumbrance during the
3 fiscal year ending June 30, 1992, and if there is a
4 balance in this account at the end of that fiscal
5 year, the balance may be carried forward and expended
6 or encumbered during the fiscal year ending June 30,
7 1993. All moneys deposited in this account shall be
8 expended for the one-time, nonrecurring costs of the
9 priorities of the state board of regents for the
10 fiscal year 1992 requests which are listed separately
11 from restoration packages, annualization, inflation,
12 utilities, and other new buildings in the order
13 established by the state board of regents. Funds
14 shall not be expended to complete a project in the
15 next level of priority before funding of a project in
16 the prior category is completed. The state board of
17 regents shall submit a report listing the moneys
18 available in the one-time expenditure account and the
19 completed projects and anticipated projects funded to
20 the department of management and the legislative
21 fiscal bureau by August 1, 1991.

22 As a condition, limitation, and qualification of
23 the funds appropriated in paragraph "a", from moneys
24 available for salaries at the university of northern
25 Iowa, the university shall expend \$25,000 for teaching
26 excellence awards to teaching faculty members and
27 teaching assistants. Teaching excellence awards shall
28 be granted to faculty members and teaching assistants
29 for excellence in the quality of classroom
30 instruction. Awards may either be built into a
31 faculty member's or teaching assistant's base salary
32 or given as a one-time award and shall not be in
33 conflict with a collective bargaining agreement
34 between an employee organization and the university.

35 Not later than December 1, 1991, the state board of
 36 regents shall report the names of the recipients of
 37 teaching excellence awards, and the amounts of the
 38 awards granted to the joint education appropriations
 39 subcommittee of the general assembly, and to the
 40 legislative fiscal bureau.

41 b. Child care

42 For staff positions and building structure
 43 modifications to meet state child care facility
 44 standards:

45	\$	60,000
46	FTEs	1.50

47 5. STATE SCHOOL FOR THE DEAF

48 For salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1	\$	5,743,000
2	FTEs	131.53

3 6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

4 For salaries, support, maintenance, miscellaneous
 5 purposes, and for not more than the following full-
 6 time equivalent positions:

7	\$	3,196,000
8	FTEs	92.45

9 Sec. 209. Reallocations of sums received under
 10 section 208, subsections 2, 3, 4, 5, and 6, of this
 11 division, including sums received for salaries, shall
 12 be reported on a quarterly basis to the co-
 13 chairpersons and ranking members of both the
 14 legislative fiscal committee and the joint education
 15 appropriations subcommittee.

16 DEPARTMENT OF CULTURAL AFFAIRS

17 Sec. 210. There is appropriated from the general
 18 fund of the state to the department of cultural
 19 affairs for the fiscal year beginning July 1, 1991,
 20 and ending June 30, 1992, the following amounts, or so
 21 much thereof as is necessary, to be used for the
 22 purposes designated:

23 1. ARTS DIVISION

24 For salaries, support, maintenance, miscellaneous
 25 purposes, including funds to match federal grants, and
 26 for not more than the following full-time equivalent
 27 positions:

28	\$	1,167,000
29	FTEs	13.00

30 2. HISTORICAL DIVISION

31 For salaries, support, maintenance, miscellaneous

32 purposes, and for not more than the following full-
 33 time equivalent positions:
 34 \$ 2,643,000
 35 FTEs 76.00
 36 3. TERRACE HILL COMMISSION
 37 For salaries, support, maintenance, miscellaneous
 38 purposes, for the operation of Terrace Hill and for
 39 not more than the following full-time equivalent
 40 positions:
 41 \$ 200,000
 42 FTEs 5.75
 43 4. LIBRARY DIVISION
 44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:
 47 \$ 2,179,000
 48 FTEs 42.00
 49 5. REGIONAL LIBRARY SYSTEM
 50 For state aid:

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1 \$ 1,607,000
 2 6. ADMINISTRATION DIVISION
 3 For salaries, support, maintenance, miscellaneous
 4 purposes, and for not more than the following full-
 5 time equivalent positions:
 6 \$ 427,000
 7 FTEs 10.00
 8 7. COMMUNITY CULTURAL GRANTS
 9 For planning and programming for the community
 10 cultural grants program established under section
 11 303.89:
 12 \$ 784,000
 13 From the amount appropriated in this subsection,
 14 \$40,000 or so much thereof as may be necessary, may be
 15 used for commemorative art memorializing veterans of
 16 the Persian Gulf War or other recent wars or police
 17 actions, under guidelines defined in section 303.3.
 18 The grant may be increased to \$50,000 if the Iowa arts
 19 council determines that the work has original or
 20 historical significance. No more than \$25,000 shall
 21 be expended per project and at least three projects
 22 shall be funded with grant moneys.
 23 8. TOWN SQUARE PROJECT
 24 For the Iowa town square project:
 25 \$ 66,000
 26 9. PUBLIC BROADCASTING DIVISION
 27 For salaries, support, maintenance, capital
 28 expenditures, miscellaneous purposes, and for not more

29 than the following full-time equivalent positions:

30 \$ 6,365,000
 31 FTEs 103.00

32 Sec. 211. The legislative council is requested to
 33 consider the recommendations of the higher education
 34 task force and other methods designed to focus the
 35 attention of the general assembly on higher education,
 36 to receive and discuss the strategic plans developed
 37 by the higher education strategic planning council,
 38 and to develop policies and address issues related to
 39 higher education.

40 Sec. 212. Notwithstanding section 8.33, funds
 41 appropriated in 1990 Iowa Acts, chapter 1272, section
 42 14, subsection 1, paragraph "b", remaining
 43 unencumbered or unobligated on June 30, 1991, shall
 44 not revert to the general fund of the state but shall
 45 be available for expenditure for the purposes listed
 46 in section 208, subsection 1, paragraph "b", of this
 47 division during the fiscal year beginning July 1,
 48 1991, and ending June 30, 1992.

49 Sec. 213. Notwithstanding sections 258.16 and
 50 282.7 effective July 1, 1992, community colleges,

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1 local education agencies, and area education agencies
 2 may establish by mutual agreement area vocational
 3 consortia to assume and exercise the duties and
 4 responsibilities established for regional vocational
 5 education planning boards under those sections.

6 Sec. 214. Section 261.25, subsections 1, 2, and 3,
 7 Code 1991, as amended by 1991 Iowa Acts, House File
 8 173, section 908, are amended to read as follows:

9 1. There is appropriated from the general fund of
 10 the state to the commission for each fiscal year the
 11 sum of thirty-two million ~~six~~ four hundred ~~eight~~
 12 eighty thousand ~~seven hundred ninety-five~~ dollars for
 13 tuition grants.

14 2. There is appropriated from the general fund of
 15 the state to the commission for each fiscal year the
 16 sum of eight hundred thirteen thousand ~~eight hundred~~
 17 forty dollars for scholarships.

18 3. There is appropriated from the general fund of
 19 the state to the commission for each fiscal year the
 20 sum of one million three hundred fifteen thousand ~~six~~
 21 hundred forty-seven dollars for vocational-technical
 22 tuition grants.

23 Sec. 215. Section 261.38, subsection 5, Code 1991,
 24 is amended to read as follows:

25 5. The treasurer of state shall invest any funds,

26 including those in the loan reserve account, and the
27 interest income earned shall be credited back to the
28 loan reserve account. The treasurer may invest up to
29 forty percent of the funds in the loan reserve account
30 in tax-exempt investments issued by a political
31 subdivision of the state of Iowa.

32 Sec. 216. Section 261.85, unnumbered paragraph 1,
33 Code 1991, as amended by 1991 Iowa Acts, House File
34 173, section 909, is amended to read as follows:

35 There is appropriated from the general fund of the
36 state to the commission for each fiscal year the sum
37 of three million eighty-five thousand ~~six hundred~~
38 ~~eighty-four~~ dollars for the work-study program.

39 Sec. 217. Notwithstanding the allocation of phase
40 III moneys under sections 294A.14 and 294A.25, for the
41 fiscal year beginning July 1, 1991, prior to the
42 allocation to school districts and area education
43 agencies, \$125,000 of the moneys allocated for phase
44 III shall be retained by the department of education
45 to continue to contract with the regional educational
46 laboratory for this state to establish and monitor an
47 independent evaluation of the operation of phase III
48 of the educational excellence program. The results of
49 the evaluation shall be reported to the department of
50 education and to the general assembly by January 1,

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1 1992.

2 Sec. 218. In the event that the anticipated
3 unexpended and unencumbered ending balance of the
4 general fund of the state for the fiscal year ending
5 June 30, 1992, as certified by the director of the
6 department of management, exceeds the ending balance
7 projected on the effective date of this division,
8 \$600,000, or so much thereof as may be available or
9 necessary, shall be used for purposes of awarding
10 funds to community colleges for approved program or
11 administrative sharing agreements under section
12 280A.46.

13 Sec. 219. Notwithstanding sections 302.1 and
14 302.1A, for the fiscal year beginning July 1, 1991,
15 and ending June 30, 1992, the portion of the interest
16 earned on the permanent school fund that is not
17 transferred to the credit of the first in the nation
18 in education foundation and not transferred to the
19 credit of the national center for gifted and talented
20 education shall be credited as a payment by the
21 historical division of the department of cultural
22 affairs of the principal and interest due on moneys

23 loaned to the historical division under section
24 303.18.

25 Sec. 220. Section 11.6, subsection 1, unnumbered
26 paragraph 1, Code 1991, is amended to read as follows:
27 The financial condition and transactions of all
28 cities and city offices, counties, county hospitals
29 organized under chapters 347 and 347A, memorial
30 hospitals organized under chapter 37, entities
31 organized under chapter 28E having gross receipts in
32 excess of one hundred thousand dollars in a fiscal
33 year, merged areas, area education agencies, and all
34 school offices in school districts, shall be examined
35 at least once each year, except that cities having a
36 population of seven hundred or more but less than two
37 thousand shall be examined at least once every four
38 years, and cities having a population of less than
39 seven hundred may be examined as otherwise provided in
40 this section. The examination shall cover the fiscal
41 year next preceding the year in which the audit is
42 conducted. The examination of school offices shall
43 include an audit of ~~activity~~ all school funds, the
44 certified annual financial report, and the certified
45 enrollment as provided in section 257.11.
46 Examinations of community colleges shall include an
47 audit of eligible and noneligible contact hours as
48 defined in section 286A.2. Eligible and noneligible
49 contact hours and the certified enrollment shall be
50 certified to the department of management.

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1 Sec. 221. Section 255.1, Code 1991, is amended by
2 adding the following new unnumbered paragraph:
3 **NEW UNNUMBERED PARAGRAPH.** The county general
4 relief director shall ascertain from the local office
5 of human services if an applicant for the indigent
6 patient program would qualify for medical assistance
7 or the medically needy program under chapter 249A
8 without the spend-down provision required pursuant to
9 section 249A.3, subsection 2, paragraph "g". If the
10 applicant qualifies, the patient shall be certified
11 for medical assistance and shall not be counted under
12 chapter 255.

13 Sec. 222. Section 255.16, Code 1991, is amended to
14 read as follows:
15 **255.16 COUNTY QUOTAS.**
16 Subject to subsequent qualifications in this
17 section, there shall be treated at the university
18 hospital during each fiscal year a number of committed
19 indigent patients from each county which bears the

20 same a relation to the total number of committed
21 indigent patients admitted during the year as the
22 population of the county bears to the total population
23 of the state according to the last preceding official
24 census, but shall not be lower than the total quota
25 allocated to the counties for the prior fiscal year.
26 This standard shall apply to indigent patients, the
27 expenses of whose commitment, transportation, care and
28 treatment shall be borne by appropriated funds and
29 shall not govern the admission of obstetrical patients
30 under chapter 255A, obstetrical or orthopedic patients
31 under this chapter in accordance with eligibility
32 standards pursuant to section 255A.5. If the number
33 of patients admitted from any county exceeds by more
34 than ten percent the county quota as fixed and
35 ascertained under the first sentence of this section,
36 the charges and expenses of the care and treatment of
37 such patients in excess of ten percent of the quota
38 shall be paid from the funds of such county at actual
39 cost; but if the number of excess patients from any
40 county does not exceed ten percent, all costs,
41 expenses, and charges incurred in their behalf shall
42 be paid from the appropriation for the support of the
43 hospital. Notwithstanding the quota established for a
44 county under this section, the governor, upon a
45 finding of necessity due to a regional or statewide
46 economic emergency, may increase a county's quota of
47 the number of committed indigent patients admitted to
48 the university hospital.
49 Sec. 223. Section 255.26, unnumbered paragraph 3,
50 Code 1991, is amended to read as follows:

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1 The state auditor shall certify the total cost of
2 commitment, ~~transportation~~ and caring for each
3 indigent patient under the terms of this statute to
4 the county auditor of such patient's legal residence,
5 and such certificate shall be preserved by the county
6 auditor and shall be a debt due from the patient or
7 the persons legally responsible for the patient's
8 care, maintenance or support; and whenever in the
9 judgment of the board of supervisors the same or any
10 part thereof shall be collectible, the said board may
11 in its own name collect the same and is hereby
12 authorized to institute suits for such purpose; and
13 after deducting the county's share of such cost shall
14 cause the balance to be paid into the state treasury
15 to reimburse the university hospital fund.
16 Transportation shall be provided at no charge to a

17 patient who is certified for medical assistance under
 18 chapter 249A, and shall be reimbursed from the
 19 university hospital fund.

20 Sec. 224. Section 257.37, subsection 2, as enacted
 21 by 1991 Iowa Acts, Senate File 141, section 2, is
 22 amended by striking the subsection and inserting in
 23 lieu thereof the following:

24 2. Thirty percent of the budget of an area for
 25 media services shall be expended for media resource
 26 material which shall only be used for the purchase or
 27 replacement of material required in section 273.6,
 28 subsection 1. Funds shall be paid to area education
 29 agencies as provided in section 257.35.

30 Sec. 225. Section 261.19, unnumbered paragraph 2,
 31 Code 1991, is amended to read as follows:

32 The college student aid commission shall determine
 33 a subvention amount per resident student by dividing
 34 the funds appropriated for this section by a number
 35 equal to the total of twenty-two percent of the total
 36 students enrolled. If fewer than twenty-two percent
 37 of the total number of students enrolled are Iowa
 38 residents, the college student aid commission shall
 39 deduct from the ~~funds appropriated~~ subvention amount
 40 for total Iowa students enrolled an amount equal to
 41 the product of two times the product of the subvention
 42 amount per resident student multiplied by the number
 43 of students required to equal twenty-two percent of
 44 the total students enrolled.

45 Sec. 226. Section 261.50, subsection 3, Code 1991,
 46 is amended to read as follows:

47 3. Agrees to practice in an eligible community of
 48 fewer than five thousand population for a minimum
 49 period of four consecutive years or is practicing in a
 50 federally approved community health center or health

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1 manpower shortage area.

2 Sec. 227. NEW SECTION. 261.93A APPROPRIATION --
 3 PERCENTAGES.

4 Of the funds appropriated to the college student
 5 aid commission to be allocated for the Iowa grant
 6 program for each fiscal year, thirty-seven and six-
 7 tenths percent shall be reserved for students
 8 attending regents' institutions, twenty-five and nine-
 9 tenths percent shall be reserved for students
 10 attending community colleges, and thirty-six and five-
 11 tenths percent shall be reserved for students
 12 attending private colleges and universities. Funds
 13 appropriated for the Iowa grant program shall be used

14 to supplement, not supplant, funds appropriated for
15 other existing programs at the eligible institutions.
16 Sec. 228. Section 262.9, Code 1991, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 27. Develop and adopt a policy
19 that shall govern any future asset sale of the Iowa
20 state university of science and technology's
21 television station, WOI-TV. The policy shall provide
22 for the sale of the station only if anticipated
23 revenues from the sale exceed the benefits of
24 continued operation and the cost for the university to
25 purchase or acquire comparable services to those that
26 are being provided to the university by the station at
27 the time of any sale. The policy shall further
28 provide that the revenues received from the sale shall
29 be placed in an endowment to be held and managed by
30 the university. The proceeds from the endowment shall
31 be used only for the specifically stated missions of
32 the university.

33 a. "Station" shall be defined to include the li-
34 cense, any share of a transmission facility, any
35 programming contracts, any booked sales revenues, and
36 the network affiliation agreement.

37 b. "Comparable services" shall be defined to
38 include, but not be limited to, use of modern
39 communications equipment by faculty, staff, and
40 students; access to trained communications
41 specialists; availability to internships by and
42 employment opportunities for students; and provision
43 for antenna location, transmission line placement, and
44 transmitter space for the university's radio stations.

45 Sec. 229. NEW SECTION. 262.9A PROHIBITION ON
46 CONTROLLED SUBSTANCES.

47 The state board of regents shall adopt a policy
48 that prohibits unlawful possession, use, or
49 distribution of controlled substances by students and
50 employees on property owned or leased by an

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1 institution or in conjunction with activities
2 sponsored by an institution governed by the board.
3 Each institution shall provide information about the
4 policy to all students and employees. The policy
5 shall include a clear statement of sanctions for
6 violation of the policy and information about
7 available drug or alcohol counseling and
8 rehabilitation programs. In carrying out this policy,
9 the institutions shall provide substance abuse
10 prevention programs for students and employees.

11 Sec. 230. NEW SECTION. 263A.14 INDIGENT PATIENT
12 PROGRAM REPORT.

13 Funds shall not be allocated to the university
14 hospital fund until the superintendent of the
15 university of Iowa hospitals and clinics has filed
16 with the department of revenue and finance and the
17 legislative fiscal bureau a quarterly report
18 containing the account required in section 255.24.
19 The report shall include information required in
20 section 255.24 for patients by the type of service
21 provided.

22 Sec. 231. NEW SECTION. 268.5 IOWA ACADEMY OF
23 SCIENCE APPROPRIATION LIMITATIONS.

24 The university shall use no more than twenty
25 percent of the funds allocated to the university for
26 the Iowa academy of science for administrative
27 purposes for the Iowa academy of science or for
28 publication of the Iowa academy of science journal.
29 The university shall expend the remainder of the
30 moneys appropriated for research projects and studies
31 awarded by the Iowa academy of science. The Iowa
32 academy of science shall permit all grant recipients
33 to publish the results of the recipients' research
34 projects and studies in the Iowa academy of science
35 journal at no cost to the grant recipient.

36 Sec. 232. Section 279.51, subsection 1, paragraph
37 f, Code 1991, is amended by adding the following new
38 unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. In succeeding fiscal
40 years, notwithstanding section 256A.3, subsection 6,
41 of the amount appropriated for a fiscal year, less the
42 amount allocated under paragraph "a", three and
43 thirty-three hundredths percent may be used for
44 administrative costs. However, if the amount
45 appropriated for the fiscal year, less the amount
46 allocated under paragraph "a", times three and thirty-
47 three hundredths percent is greater than the amount
48 received for use for administrative costs during the
49 fiscal year beginning July 1, 1990, then the amount to
50 be used for administrative costs shall be reduced to

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1 equal the amount received during the fiscal year
2 beginning July 1, 1990.

3 Sec. 233. Section 280A.34, Code 1991, is amended
4 to read as follows:

5 280A.34 CERTAIN USES OF FUNDS PROHIBITED.

6 Funds obtained pursuant to section 280A.17;
7 subsections 3, 4, and 5 of section 280A.18; section

8 280A.19; and section 280A.22 shall not be used for the
9 construction or maintenance of athletic buildings or
10 grounds but may be used for a project under section
11 280A.56.

12 Sec. 234. NEW SECTION. 280A.40 PROHIBITION ON
13 CONTROLLED SUBSTANCES.

14 Each merged area school shall adopt a policy that
15 prohibits unlawful possession, use, or distribution of
16 controlled substances by students and employees on
17 property owned or leased by the merged area school or
18 in conjunction with activities sponsored by a merged
19 area school. Each merged area school shall provide
20 information about the policy to all students and
21 employees. The policy shall include a clear statement
22 of sanctions for violation of the policy and
23 information about available drug or alcohol counseling
24 and rehabilitation programs. In carrying out this
25 policy, the merged area school shall provide substance
26 abuse prevention programs for students and employees.

27 Sec. 235. Section 280A.56, subsection 3, Code
28 1991, is amended to read as follows:

29 3. "Project" means the acquisition by purchase,
30 lease in accordance with section 280A.38, or
31 construction of buildings for use as student residence
32 halls and dormitories, including dining and other
33 incidental facilities therefor, and additions to such
34 buildings, the reconstruction, completion, equipment,
35 improvement, repair or remodeling of residence halls,
36 dormitories, or additions or incidental facilities,
37 and the acquisition of property of every kind and
38 description, whether real, personal, or mixed, by
39 gift, purchase, lease, condemnation, or otherwise and
40 the improvement of the property.

41 Sec. 236. Section 280A.56, Code 1991, is amended
42 by adding the following new subsection:

43 NEW SUBSECTION. 4. "Bonds or notes" means revenue
44 bonds or revenue notes which are payable solely from
45 net rents, profits, and other income derived from the
46 operation of residence halls, dormitories, incidental
47 facilities, and additions.

48 Sec. 237. Section 280A.58, unnumbered paragraph 1,
49 Code 1991, is amended to read as follows:

50 To pay all or any part of the cost of carrying out

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1 any project at any institution the board is authorized
2 to borrow money and to issue and sell negotiable bonds
3 or notes and to refund and refinance bonds or notes
4 issued for any project or for refunding purposes at a

5 lower rate, the same rate, or a higher rate or rates
6 of interest and from time to time as often as the
7 board shall find it to be advisable and necessary so
8 to do. Bonds or notes issued to refund other bonds or
9 notes issued by the board for residence hall or
10 dormitory purposes at any institution, including
11 dining or other facilities and additions, or issued
12 for refunding purposes, may either be sold in the
13 manner specified for the selling of certificates under
14 section 280B.6 and the proceeds applied to the payment
15 of the obligations being refunded, or the refunding
16 bonds or notes may be exchanged for and in payment and
17 discharge of the obligations being refunded. A
18 finding by the board in the resolution authorizing the
19 issuance of the refunding bonds or notes, that the
20 bonds or notes being refunded were issued for a
21 purpose specified in this division and constitute
22 binding obligations of the board, shall be conclusive
23 and may be relied upon by any holder of any refunding
24 bond or note issued under the provisions of this
25 division. The refunding bonds or notes may be sold or
26 exchanged in installments at different times or an
27 entire issue or series may be sold or exchanged at one
28 time. Any issue or series of refunding bonds or notes
29 may be exchanged in part or sold in parts in
30 installments at different times or at one time. The
31 refunding bonds or notes may be sold or exchanged at
32 any time on, before, or after the maturity of any of
33 the outstanding notes, bonds or other obligations to
34 be refinanced thereby and may be issued for the
35 purpose of refunding a like or greater principal
36 amount of bonds or notes, except that the principal
37 amount of the refunding bonds or notes may exceed the
38 principal amount of the bonds or notes to be refunded
39 to the extent necessary to pay any premium due on the
40 call of the bonds or notes to be refunded ~~or~~, to fund
41 interest in arrears or about to become due, or to
42 allow for sufficient funding of the escrow account on
43 the bonds to be refunded.

44 Sec. 238. Section 280A.59, Code 1991, is amended
45 to read as follows:

46 280A.59 RATES AND TERMS OF BONDS OR NOTES.

47 The bonds or notes may bear a date or dates, may
48 bear interest at such rate or rates, ~~payable~~
49 ~~semiannually~~, may mature at such time or times, may be
50 in such form, carry such registration privileges, may

2 such terms of redemption prior to maturity with or
3 without premium, if so stated on the face of the
4 bonds, and may contain any terms and covenants as may
5 be provided by the resolution of the board authorizing
6 the issuance of the bonds or notes. In addition to
7 the estimated cost of construction, the cost of the
8 project shall be deemed to include interest upon the
9 bonds or notes during construction and for six months
10 after the estimated completion date, the compensation
11 of a fiscal agent or adviser, any underwriter
12 discount, and engineering, administrative and legal
13 expenses. The bonds or notes shall be executed by the
14 president of the board of trustees and attested by the
15 secretary and the coupons attached to the bonds or
16 notes shall be executed with the original or facsimile
17 signatures of said president and secretary. Any bonds
18 or notes bearing the signatures of officers in office
19 on the date of the signing shall be valid and binding
20 for all purposes, notwithstanding that before delivery
21 of the bonds or notes any or all persons whose
22 signatures appear on the bonds or notes shall have
23 ceased to be officers. Each bond or note shall state
24 upon its face the name of the institution on behalf of
25 which it is issued, that it is payable solely and only
26 from the net rents, profits and income derived from
27 the operation of residence halls or dormitories,
28 including dining and other incidental facilities, at
29 the institution named, and that it does not constitute
30 a charge against the state of Iowa within the meaning
31 or application of any constitutional or statutory
32 limitation or provision. The issuance of bonds or
33 notes shall be recorded in the office of the treasurer
34 of the institution on behalf of which the bonds or
35 notes are issued, and a certificate by such treasurer
36 to this effect shall be printed on the back of each
37 such bond or note.

38 Sec. 239. Section 280A.60, Code 1991, is amended
39 to read as follows:

40 280A.60 REFUNDING ISSUANCE RESOLUTION.

41 Upon the determination by the board to undertake
42 and carry out any project or to refund outstanding
43 bonds or notes, the board shall adopt a resolution
44 generally describing the contemplated project and
45 setting forth the estimated cost, or describing the
46 obligations to be refunded, fixing the amount of bonds
47 or notes to be issued, the maturity or maturities, the
48 interest rate or rates and all details of the project.
49 The resolution shall contain any covenants as may be
50 determined by the board as to the issuance of

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1 additional bonds or notes that may be issued payable
2 from the net rents, profits and income of the
3 residence halls or dormitories, the amendment or
4 modification of the resolution authorizing the
5 issuance of any bonds or notes, the manner, terms and
6 conditions and the amount or percentage of assenting
7 bonds or notes necessary to effectuate the amendment
8 or modification, and any other covenants as may be
9 deemed necessary or desirable. In the discretion of
10 the board any bonds or notes issued under the terms of
11 this division may be secured by a trust indenture by
12 and between the board and a corporate trustee, which
13 may be any trust company or bank having the powers of
14 a trust company within or without the boundaries of
15 the state of Iowa; ~~but no such trust indenture shall~~
16 ~~convey or mortgage the buildings or facilities or any~~
17 ~~part of the buildings or facilities.~~ The provisions
18 of this division and of any resolution or other
19 proceedings authorizing the issuance of bonds or notes
20 and providing for the establishment and maintenance of
21 adequate rates, fees or rentals and the application of
22 the proceeds thereof shall constitute a contract with
23 the holders of the bonds or notes.

24 Sec. 240. Section 286A.11, Code 1991, is amended
25 by adding the following new subsection:
26 NEW SUBSECTION. 5. Thirty-eight thousand dollars
27 if the northwest Iowa technical college has filed a
28 request with the department of education for the
29 lease, purchase, or lease-purchase of equipment for
30 the heavy equipment program.

31 Sec. 241. Section 286A.14A, unnumbered paragraph
32 1, Code 1991, is amended to read as follows:

33 The department of education shall provide for the
34 establishment of a community college excellence 2000
35 account in the office of the treasurer of state for
36 deposit of moneys appropriated to the account for
37 purposes of funding quality instructional centers and
38 program and administrative sharing agreements under
39 sections 280A.45 and 280A.46. ~~There is appropriated~~
40 ~~from the general fund of the state to the department~~
41 ~~of education, for the fiscal year beginning July 1,~~
42 ~~1991, one million two hundred thousand dollars.~~ There
43 is appropriated from the general fund of the state to
44 the department of education for the fiscal year
45 beginning July 1, 1992, an amount equal to two and
46 five-tenths percent of the total state general aid
47 generated for all community colleges during the budget
48 year under this chapter for deposit in the community

49 college excellence 2000 account. In the next
50 succeeding two fiscal years, the percent multiplier

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1 shall be increased in equal increments until the
2 multiplier reaches seven and one-half percent of the
3 total state general aid generated for all community
4 colleges during the budget year.

5 Sec. 242. Section 286A.19, Code 1991, is repealed.

6 Sec. 243. Sections 205 and 212 of this division,
7 being deemed of immediate importance, take effect upon
8 enactment.

9 DIVISION III

10 ECONOMIC DEVELOPMENT APPROPRIATIONS

11 Sec. 301. There is appropriated from the general
12 fund of the state to the department of economic
13 development for the fiscal year beginning July 1,
14 1991, and ending June 30, 1992, the following amounts,
15 or so much thereof as is necessary, to be used for the
16 purposes designated:

17 1. ADMINISTRATIVE SERVICES DIVISION

18 a. General administration

19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-
21 time equivalent positions:

22	\$	878,350
23	FTEs	22.00

24 b. Rural resource coordination

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions for rural resource
28 coordination and the rural enterprise fund:

29	\$	600,000
30	FTEs	2.50

31 As a condition, limitation, and qualification of
32 the appropriation under this subsection, \$425,000
33 shall be allocated to the rural enterprise fund.

34 c. Primary research and computer center

35 For salaries, support, maintenance, miscellaneous
36 purposes, and for not more than the following full-
37 time equivalent positions:

38	\$	350,000
39	FTEs	6.50

40 d. Film office

41 For salaries, support, maintenance, miscellaneous
42 purposes, and for not more than the following full-
43 time equivalent positions:

44	\$	200,000
45	FTEs	2.00

46 2. BUSINESS DEVELOPMENT DIVISION
 47 a. Business development operations
 48 For salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1	\$	885,000
2	FTEs	18.00
3 As a condition, limitation, and qualification of		
4 the appropriation made in this subsection, the		
5 appropriation shall not be used for advertising		
6 placement contracts for out-of-state national		
7 marketing programs.		
8 As a condition, limitation, and qualification of		
9 the appropriation made by this paragraph, the		
10 department shall establish a marketing initiative to		
11 assist Iowa companies producing recycling or		
12 reclamation equipment or services to expand into		
13 national markets.		
14 b. Marketing advertising		
15 For contracting exclusively for marketing and		
16 promotion programs and services and advertising		
17 contracts for business expansion and development		
18 programs, for electronic media, print media, and		
19 printed materials:		
20	\$	2,425,000
21 c. Small business programs		
22 For salaries, support, maintenance, miscellaneous		
23 purposes, and for not more than the following full-		
24 time equivalent positions for the small business		
25 program and the small business advisory council:		
26	\$	235,000
27	FTEs	4.50
28 d. Federal procurement office		
29 For salaries, support, maintenance, miscellaneous		
30 purposes, and for not more than the following full-		
31 time equivalent positions:		
32	\$	100,000
33	FTEs	2.00
34 e. Incubators:		
35	\$	70,000
36 The department may establish criteria to provide		
37 funding beyond the initial three-year start-up period		
38 to existing small business and rural incubators. The		
39 department shall consider the incubator's progress		
40 toward becoming self-sufficient during the initial		
41 award period and the incubator's plan to become self-		
42 sufficient from the need for further grants.		

43 f. Strategic investment fund
 44 For deposit in the strategic investment fund
 45 created in section 15.313 and for salaries and support
 46 for not more than the following full-time equivalent
 47 positions:
 48 \$ 4,680,000
 49 FTEs 9.40
 50 g. Targeted small business program

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1 For the salary, support, maintenance, miscellaneous
 2 purposes, and for not more than the following full-
 3 time equivalent position:
 4 \$ 50,000
 5 FTEs 1.00

6 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

7 a. Community development block grant
 8 For administration and related federal housing and
 9 urban development grant administration for salaries,
 10 support, maintenance, miscellaneous purposes, and for
 11 not more than the following full-time equivalent
 12 positions:
 13 \$ 320,855
 14 FTEs 14.00

15 b. Rural community 2000 program
 16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-
 18 time equivalent positions:
 19 \$ 1,600,000
 20 FTEs 1.25

21 Notwithstanding section 15.283, subsection 4, for
 22 the fiscal year beginning July 1, 1991, and ending
 23 June 30, 1992, all funds allocated under this
 24 paragraph shall be used for traditional and new
 25 infrastructure and planning as specified under
 26 sections 15.284, 15.285, and 15.286A.
 27 As a condition, limitation, and qualification of
 28 the appropriation under this paragraph, not more than
 29 \$300,000 shall be allocated for the planning category.

30 c. Community progress
 31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-
 33 time equivalent positions for administration of the
 34 community economic preparedness program, and the Iowa
 35 community betterment program:
 36 \$ 410,000
 37 FTEs 6.50

38 d. Councils of governments
 39 To provide to Iowa's councils of governments funds

40 for planning and technical assistance funds to assist
 41 local governments to develop community development
 42 strategies for addressing long-term and short-term
 43 community needs:
 44 \$ 300,000
 45 e. Main street/rural main street program
 46 For salaries and support for not more than the
 47 following full-time equivalent positions:
 48 \$ 365,000
 49 FTEs 3.00
 50 Notwithstanding section 8.33, moneys committed to

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1 grantees under contract that remain unexpended on June
 2 30 of any fiscal year shall not revert to any fund but
 3 shall be available for expenditure for purposes of the
 4 contract during the succeeding fiscal year.
 5 f. Regional economic development centers
 6 For salaries, support, maintenance, and
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:
 9 \$ 1,102,000
 10 FTEs 3.00
 11 As a condition, limitation, and qualification of
 12 the appropriation under this paragraph, not more than
 13 2 percent shall be used by the department for
 14 administration of the program.
 15 4. INTERNATIONAL DIVISION
 16 a. International trade operations
 17 For salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:
 20 \$ 550,000
 21 FTEs 6.00
 22 As a condition, limitation, and qualification of
 23 the appropriation under this paragraph, \$50,000 shall
 24 be allocated for trade initiatives in Latin America.
 25 b. European trade office
 26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:
 29 \$ 285,000
 30 FTEs 2.50
 31 c. Asian trade office
 32 For salaries, support, maintenance, miscellaneous
 33 purposes, and for not more than the following full-
 34 time equivalent positions:
 35 \$ 255,000
 36 FTEs 2.00

37 d. Japan trade office
 38 For salaries, support, maintenance, miscellaneous
 39 purposes, and for not more than the following full-
 40 time equivalent positions:
 41 \$ 300,000
 42 FTEs 2.00
 43 e. Export trade activities program
 44 For export trade activities, including a program to
 45 encourage and increase participation in trade shows
 46 and trade missions by providing financial assistance
 47 to businesses for a percentage of their costs of
 48 participating in trade shows and trade missions, by
 49 providing for the lease/sublease of showcase space in
 50 existing world trade centers, by providing temporary

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1 office space for foreign buyers, international
 2 prospects, and potential reverse investors, and by
 3 providing other promotional and assistance activities,
 4 including salaries and support for not more than the
 5 following full-time equivalent position:
 6 \$ 350,000
 7 FTEs 0.25

8 f. Agricultural product advisory council
 9 For support, maintenance, and miscellaneous
 10 purposes:
 11 \$ 4,000

12 g. Partner state program:
 13 \$ 100,000
 14 The department may contract with private groups or
 15 organizations which are the most appropriate to
 16 administer this program. The groups and organizations
 17 participating in the program shall, to the fullest
 18 extent possible, provide the funds to match the
 19 appropriation made in this paragraph.

20 h. Peace institute
 21 For allocation to the Iowa peace institute
 22 established in chapter 38:
 23 \$ 200,000

24 5. TOURISM DIVISION

25 a. Tourism operations
 26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:
 29 \$ 685,000
 30 FTEs 15.97

31 As a condition, limitation, and qualification of
 32 the appropriation made in this paragraph, the
 33 appropriation shall not be used for advertising

34 placements for in-state and out-of-state tourism
 35 marketing.
 36 b. Tourism advertising
 37 For contracting exclusively for tourism advertising
 38 for in-state and out-of-state tourism marketing
 39 services, tourism promotion programs, electronic
 40 media, print media, and printed materials:
 41 \$ 3,000,000
 42 As a condition, limitation, and qualification of
 43 the appropriation made in this paragraph, the
 44 department shall develop public-private partnerships
 45 with Iowa businesses in the tourism industry, Iowa
 46 tour groups, Iowa tourism organizations, and political
 47 subdivisions in this state to assist in the
 48 development of advertising efforts. The department
 49 shall, to the fullest extent possible, develop
 50 cooperative efforts for advertising with contributions

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1 from other sources.
 2 c. Welcome center program:
 3 \$ 350,000
 4 Notwithstanding section 8.33, moneys committed to
 5 grantees under contract that remain unexpended on June
 6 30 of any fiscal year shall not revert to any fund but
 7 shall be available for expenditure for purposes of the
 8 contract during the succeeding fiscal year.
 9 As a condition, limitation, and qualification of
 10 the appropriations made in this subsection, moneys
 11 appropriated shall be used for implementation of the
 12 recommendations of the statewide long-range plan for
 13 developing and operating welcome centers throughout
 14 the state.
 15 Notwithstanding section 8.33, pursuant to 1990 Iowa
 16 Acts, chapter 1255, section 37, subsection 1, as
 17 amended by 1991 Iowa Acts, House File 173, section
 18 1001, the amount of \$275,000 shall be available for
 19 the fiscal year beginning July 1, 1991, for completion
 20 of contract negotiations for the establishment of the
 21 welcome center in the Council Bluffs area.
 22 d. Mississippi river parkway commission
 23 For support, maintenance, and miscellaneous
 24 purposes:
 25 \$ 19,000
 26 6. WORK FORCE DEVELOPMENT DIVISION
 27 a. Youth work force programs
 28 For purposes of the conservation corps, including
 29 salary, support, maintenance, miscellaneous purposes,
 30 and for not more than the following full-time

31 equivalent positions:

32	\$ 1,261,614
33	FTEs 1.90

34 Notwithstanding section 8.33, moneys committed to
 35 grantees under contract that remain unexpended on June
 36 30 of any fiscal year shall not revert to any fund but
 37 shall be available for expenditure for purposes of the
 38 contract during the succeeding fiscal year.

39 b. Iowa corps

40 For purposes of the Iowa corps, including salary,
 41 support, maintenance, miscellaneous purposes, and for
 42 not more than the following full-time equivalent
 43 positions:

44	\$ 107,500
45	FTEs 1.00

46 Notwithstanding section 8.33, moneys committed to
 47 grantees under contract that remain unexpended on June
 48 30 of any fiscal year shall not revert to any fund but
 49 shall be available for expenditure for purposes of the
 50 contract during the succeeding fiscal year.

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1 c. Job retraining program

2 To the Iowa employment retraining fund created in
 3 section 15.298 including salaries and support for not
 4 more than the following full-time equivalent
 5 positions:

6	\$ 1,000,000
7	FTEs 1.60

8 d. Work force investment program including
 9 salaries and support for not more than the following
 10 full-time equivalent position:

11	\$ 1,000,000
12	FTEs 0.90

13 This program shall be administered through the
 14 department of economic development in consultation
 15 with the state job training coordinating council. The
 16 program shall be operated on a competitive grant basis
 17 and funds shall be available for projects that
 18 increase Iowa's pool of available labor via training
 19 and support services. \$300,000 of the amount
 20 appropriated in this paragraph shall be available
 21 specifically for displaced homemaker programs.

22 e. Labor management councils

23 For salaries, support, maintenance, miscellaneous
 24 purposes, and for not more than the following full-
 25 time equivalent positions:

26	\$ 200,000
27	FTEs 1.05

28 As a condition, limitation, and qualification of
 29 receiving a grant from funds appropriated by this
 30 paragraph, grantees shall facilitate the active
 31 participation of labor as members of labor management
 32 councils. Grantees shall make a good faith effort to
 33 either schedule meetings during nonworking hours, or
 34 obtain voluntary agreements with employers to allow
 35 employees time off to attend labor management council
 36 meetings with no loss of pay or other benefits.
 37 Notwithstanding section 8.33, moneys committed to
 38 grantees under contract that remain unexpended on June
 39 30 of any fiscal year shall not revert to any fund but
 40 shall be available for expenditure for purposes of the
 41 contract during the succeeding fiscal year.
 42 Notwithstanding section 8.33, pursuant to 1990 Iowa
 43 Acts, chapter 1255, section 37, subsection 1, as
 44 amended by 1991 Iowa Acts, House File 173, section
 45 1001, moneys remaining unencumbered or unobligated
 46 shall be available for expenditure for the fiscal year
 47 beginning July 1, 1991, for the same purposes.
 48 Sec. 302. Notwithstanding section 28.120,
 49 subsections 5 and 6, there is appropriated from the
 50 Iowa community development loan fund to the department

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1 of economic development for the fiscal year beginning
 2 July 1, 1991, and ending June 30, 1992, the following
 3 amount, or so much thereof as is necessary, to be used
 4 for the purposes designated:

5 RURAL DEVELOPMENT FINANCING:
 6 \$ 50,000

7 Notwithstanding section 8.39, funds appropriated by
 8 this section shall not be subject to transfer.

9 Sec. 303. Notwithstanding section 15.251,
 10 subsection 2, there is appropriated from the job
 11 training fund created in the office of the treasurer
 12 of state for the fiscal year beginning July 1, 1991,
 13 and ending June 30, 1992, the following amount, or so
 14 much thereof as is necessary, to be used for the
 15 purposes designated:

16 1. For administration of chapter 280B, including
 17 salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:
 20 \$ 125,000
 21 FTEs 2.40

22 2. To the community colleges to supplement the
 23 coordination and instruction of apprentice related
 24 instruction, and instructional equipment for

25 apprenticeship programs as provided in section
 26 280A.44:
 27 \$ 125,000
 28 As a condition, limitation, and qualification of
 29 the appropriation under this subsection, funds shall
 30 be allocated to each community college on the basis of
 31 the percentage of total contact hours enrolled in
 32 apprenticeship training at community colleges as of
 33 July 1, 1991.
 34 Sec. 304. There is appropriated from the general
 35 fund of the state to the Iowa finance authority for
 36 the fiscal year beginning July 1, 1991, and ending
 37 June 30, 1992, the following amounts, or so much
 38 thereof as is necessary, to be used for the purposes
 39 designated:
 40 1. HOMELESS SHELTER PROGRAM
 41 To be deposited in the housing trust fund, for the
 42 operation, construction, and rehabilitation of
 43 homeless shelters under section 220.100, subsection 2,
 44 paragraph "a":
 45 \$ 1,000,000
 46 a. Of the amount appropriated in this subsection,
 47 as nearly as practicable, \$675,000 shall be used for
 48 operating costs, including utilities, maintenance,
 49 food, clothing, and other supplies, or staff support
 50 services for homeless shelters; \$225,000 shall be used

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1 for construction and rehabilitation of homeless
 2 shelters; and \$100,000 shall be used for assistance to
 3 homeless shelters that are facing closure. If the
 4 moneys allocated for any purposes in this paragraph
 5 are not used or dedicated by February 1 of the fiscal
 6 year, the moneys may be reallocated for the other
 7 purposes in this paragraph that have the most need as
 8 determined by the Iowa finance authority.
 9 b. As a condition, limitation, and qualification
 10 of the \$1,000,000 appropriation to the housing trust
 11 fund in this subsection and notwithstanding section
 12 220.100, subsection 6, from the moneys available for
 13 operating costs of and staff support services for
 14 homeless shelters in paragraph "a", the Iowa finance
 15 authority shall contract with a nongovernmental entity
 16 to administer the funds available for operating costs
 17 of and staff support services for homeless shelters.
 18 2. HOUSING ASSISTANCE PROGRAM
 19 a. To provide mortgage and finance assistance to
 20 individuals for the purchase or acquisition of homes:
 21 \$ 900,000

22 b. Of the amount appropriated in paragraph "a", an
 23 amount not to exceed 10 percent shall be used to
 24 finance the purchase or acquisition, in communities
 25 with a population of less than 10,000, of manufactured
 26 homes as defined in 42 U.S.C. § 5403.

27 c. Funds provided under paragraph "a" shall not be
 28 restricted to first-time home buyers but shall be for
 29 lower income and very low income families as defined
 30 in section 220.1. The assistance provided shall
 31 include at least one of the following kinds of
 32 assistance:

33 (1) Closing costs assistance.

34 (2) Down payment assistance.

35 (3) Home maintenance and repair assistance.

36 (4) Loan processing assistance through a loan
 37 endorser review contractor who would act on behalf of
 38 the authority in assisting lenders in processing loans
 39 that will qualify for government insurance or
 40 guarantee or for financing under the authority's
 41 mortgage revenue bond program.

42 (5) Mortgage insurance program.

43 Not more than 50 percent of the assistance provided
 44 by the authority shall be provided under subparagraphs
 45 (4) and (5). So long as at least one of the kinds of
 46 assistance described in subparagraphs (1) through (5)
 47 are provided, additional assistance not described in
 48 subparagraphs (1) through (5) may also be provided.

49 d. Assistance provided under paragraph "a" shall
 50 be limited to mortgages under \$55,000, except in those

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1 areas of the state where the median price of homes
 2 exceeds the state average.

3 3. RURAL COMMUNITY 2000 PROGRAM:

4 \$ 1,400,000

5 Notwithstanding section 15.283, subsection 4, for
 6 the fiscal year beginning July 1, 1991, and ending
 7 June 30, 1992, all funds allocated under this
 8 paragraph shall be used for the housing category as
 9 specified under section 15.286.

10 Sec. 305. There is appropriated from the general
 11 fund of the state to the Wallace technology transfer
 12 foundation for the fiscal year beginning July 1, 1991,
 13 and ending June 30, 1992, the following amount, or so
 14 much thereof as is necessary, to be used for the
 15 purposes designated:

16 1. For salaries, support, maintenance, and other
 17 operational purposes, for funding the small business
 18 innovation research program, and for funding

19 activities as provided in section 28.158:
20 \$ 2,700,000
21 2. For transfer to the Iowa product development
22 corporation fund established in section 28.89:
23 \$ 1,000,000
24 Sec. 306. There is appropriated from the general
25 fund of the state to INTERNET for the fiscal year
26 beginning July 1, 1991, and ending June 30, 1992, the
27 following amount, or so much thereof as is necessary,
28 to be used for the purposes designated:
29 For deposit in the international network on trade
30 fund created by the INTERNET board:
31 \$ 515,000
32 As a condition, limitation, and qualification of
33 the appropriation under this section, \$140,000 shall
34 be allocated to the department of economic development
35 for the Iowa international development foundation for
36 the salaries and support for not more than the
37 following full-time equivalent positions:
38 : FTEs 1.50
39 The full-time equivalent positions receiving moneys
40 from the allocation for the Iowa international
41 development foundation are employees of the department
42 of economic development.
43 Sec. 307. There is appropriated from the general
44 fund of the state to the following named institutions
45 for the fiscal year beginning July 1, 1991, and ending
46 June 30, 1992, the following amounts, or so much
47 thereof as is necessary, to be used for the purposes
48 designated:
49 1. To the university of northern Iowa for the
50 applied technology program:

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1 \$ 300,000
2 2. To the university of northern Iowa for the
3 decision-making science institute:
4 \$ 575,000
5 3. To the Iowa state university of science and
6 technology for funding the small business development
7 centers:
8 \$ 1,190,000
9 4. To the Iowa state university of science and
10 technology for the institute for physical research and
11 technology:
12 \$ 500,000
13 5. To the state university of Iowa for the center
14 for biocatalysis:
15 \$ 396,000

16 Sec. 308. There is appropriated from the community
17 college job training fund created in section 280C.6,
18 subsection 1, as amended by 1991 Iowa Acts, Senate
19 File 90, to the department of economic development for
20 the fiscal year beginning July 1, 1991, and ending
21 June 30, 1992, the following amount, or so much
22 thereof as is necessary, to be used for the purposes
23 designated:

24 For salaries, support, maintenance, and
25 miscellaneous purposes for the administration of the
26 Iowa small business new jobs training Act, and for not
27 more than the following full-time equivalent position:
28 \$ 38,954
29 FTEs .70

30 Sec. 309. Section 99E.31, subsection 2, Code 1991,
31 is amended by striking the subsection.

32 Sec. 310. Section 99E.32, subsection 2, Code 1991,
33 is amended by striking the subsection.

34 Sec. 311. Section 15.241, unnumbered paragraphs 1
35 and 2, Code 1991, are amended to read as follows:

36 ~~The department shall establish, contingent upon the~~
37 ~~availability of funds authorized for the program;~~
38 ~~There is established~~ a "self-employment loan program;
39 account" within the strategic investment fund created
40 in section 15.313 to provide funding for the self-
41 employment loan program which program is to be
42 conducted in coordination with the job training
43 partnership program and other programs administered
44 under section 15.108, subsection 6, paragraph "c".
45 The department may contract with local community
46 action agencies or other local entities in
47 administering the program, and shall work with the
48 department of employment services and the department
49 of human services in developing the program.
50 The self-employment loan program shall administer a

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1 low-interest loan program to provide loans to low-
2 income persons for the purpose of establishing or
3 expanding small business ventures. The terms of the
4 loans shall be determined by the department, but shall
5 not be in excess of five thousand dollars to any
6 single applicant or at a rate to exceed five percent
7 simple interest per annum. ~~A self-employment loan~~
8 ~~program revolving loan fund shall be established~~
9 ~~within the department.~~ The department shall maintain
10 records of all loans approved and the effectiveness of
11 those loans in establishing or expanding small
12 business ventures.

13 Sec. 312. Section 15.241, Code 1991, is amended by
14 adding the following new unnumbered paragraph:
15 NEW UNNUMBERED PARAGRAPH. Payments of interest and
16 repayments of moneys awarded under this program shall
17 be deposited into the strategic investment fund.

18 Sec. 313. Section 15.247, subsections 2 and 3,
19 Code 1991, are amended to read as follows:

20 ~~2. The department shall establish, contingent upon~~
21 ~~the availability of funds authorized for the program;~~
22 There is established a "targeted small business
23 financial assistance program account" within the
24 strategic investment fund created in section 15.313,
25 to provide for loans, loan guarantees, revolving
26 loans, loans secured by accounts receivable, or grants
27 to targeted small businesses. A targeted small
28 business in any year shall receive under this program
29 not more than twenty-five thousand dollars in a loan
30 or grant, and not more than forty thousand dollars in
31 a guarantee, or a combination of loans, grants, or
32 guarantees. The program shall provide guarantees not
33 to exceed seventy-five percent for loans made by
34 qualified lenders. The department shall establish a
35 financial assistance reserve account from funds
36 ~~provided for this allocated to the program account,~~
37 from which any default on a guaranteed loan under this
38 section shall be paid. In administering the program
39 the department shall not guarantee loan values in
40 excess of the amount credited to the reserve account
41 and only moneys set aside in the loan reserve account
42 may be used for the payment of a default.

43 3. All moneys designated for the targeted small
44 business financial assistance program shall be
45 credited to the financial assistance reserve program
46 account. The department shall also establish an
47 administrative account from which the operating costs
48 of the program shall be paid. The department may
49 transfer moneys between the reserve and the
50 administrative accounts except that not more than

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1 twenty-five percent of the moneys shall be used to
2 administer the fund. The department shall determine
3 the actuarially sound reserve requirement for the
4 amount of guaranteed loans outstanding.

5 Sec. 314. Section 15.247, Code 1991, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 6. Payments of interest and
8 repayments of moneys awarded under this program shall
9 be deposited into the strategic investment fund.

10 Sec. 315. Section 15.287, Code 1991, is amended to
11 read as follows:

12 15.287 REVOLVING FUND.

13 The Iowa finance authority shall establish a
14 revolving fund for the program and shall transfer to
15 the department moneys to be administered by the
16 department. The moneys in the revolving fund are
17 appropriated for purposes of the program.
18 Notwithstanding section 8.33, moneys in the fund at
19 the end of a fiscal year shall not revert to any other
20 fund but shall remain in the revolving fund. The fund
21 shall consist of all appropriations, grants, or gifts
22 received by the authority or the department
23 specifically for use under this part and all
24 repayments of loans or grants made under this part.
25 However, loan repayments from loans made under section
26 28.120, which are not allocated to another program,
27 shall be deposited in the revolving fund and shall be
28 available for allocation by the director for
29 categories administered by the department.

30 Sec. 316. NEW SECTION. 15.311 STRATEGIC
31 INVESTMENT FUND.

32 This part shall be known as the "Iowa Strategic
33 Investment Fund" program.

34 Sec. 317. NEW SECTION. 15.312 PURPOSE.

35 The purpose of this part shall be to provide a
36 mechanism for funding those programs listed in section
37 15.313, subsection 2, in order to more efficiently
38 meet the needs identified within those individual
39 programs.

40 Sec. 318. NEW SECTION. 15.313 STRATEGIC
41 INVESTMENT FUND.

42 1. There is created an "Iowa strategic investment
43 fund". The fund is a revolving fund and consists of
44 any money appropriated by the general assembly for
45 that purpose and any other moneys available to and
46 obtained or accepted by the department from the
47 federal government or private sources for placement in
48 the fund. The fund shall also include:

49 a. All unencumbered and unobligated funds from the
50 special community economic betterment program fund

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1 created under 1990 Iowa Acts, chapter 1262, section 1,
2 subsection 18, remaining on June 30, 1991, and all
3 repayments of loans or other awards made under the
4 community economic betterment account or under the
5 community economic betterment program during the
6 preceding fiscal years beginning July 1, 1985, and

7 subsequent fiscal years.

8 b. All unencumbered and unobligated funds from the
9 self-employment loan program, the targeted small
10 business financial assistance program, the
11 microenterprise development revolving fund, and the
12 value-added agricultural products and processes
13 financial assistance fund remaining on June 30, 1991,
14 and all repayments of loans or other awards made under
15 these programs during the fiscal year beginning July
16 1, 1991, and subsequent fiscal years.

17 2. The assets of the fund shall be used by the
18 department for carrying out the purposes of the
19 following programs:

20 a. The community economic betterment program
21 created in sections 15.315 through 15.320.

22 b. The value-added agricultural products and
23 processes financial assistance program created in
24 sections 28.111 through 28.112.

25 c. The business development finance corporation
26 created in sections 28.131 through 28.149.

27 d. The self-employment loan program created in
28 section 15.241.

29 e. The targeted small business financial
30 assistance program created in section 15.247.

31 3. Annually the director shall submit to the
32 economic development board at a regular or special
33 meeting preceding the beginning of the fiscal year
34 planned allocations to be made for that fiscal year to
35 the community economic betterment program, the value-
36 added agricultural products and processes financial
37 assistance program, the business development finance
38 corporation, the self-employment loan program, and the
39 targeted small business financial assistance program.
40 Plans may provide for increased or decreased
41 allocations if the demand in a program indicates that
42 the need exceeds the allocation for that program. The
43 director shall report to the board on the status of
44 the funds on a monthly basis and may present proposed
45 revisions for approval by the board in January and
46 April of each year. Unobligated and unencumbered
47 moneys remaining in the strategic investment fund or
48 any of its accounts on June 30 of each year shall be
49 considered part of the fund for purposes of the next
50 year's allocation.

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1 4. Notwithstanding section 8.33, moneys in this
2 fund at the end of each fiscal year shall not revert
3 to any other fund but shall remain in this strategic

4 investment fund.

5 Sec. 319. NEW SECTION. 15.315 COMMUNITY ECONOMIC
6 BETTERMENT PROGRAM.

7 This part shall be known as the "Community Economic
8 Betterment Program."

9 Sec. 320. NEW SECTION. 15.316 PURPOSE.

10 The purpose of this program is to assist
11 communities and rural areas of the state with their
12 economic development efforts and to increase
13 employment opportunities for Iowans by increasing the
14 level of economic activity and development within the
15 state.

16 Sec. 321. NEW SECTION. 15.317 PROGRAM.

17 1. The department shall establish a program to
18 effectuate the purposes of this part by providing
19 financial assistance for small business gap financing,
20 new business opportunities, and new product and
21 entrepreneurial development. These purposes may be
22 accomplished by providing the following types of
23 assistance:

24 a. Principal buy-down program to reduce the
25 principal of a business loan.

26 b. Interest buy-down program to reduce the
27 interest of a business loan.

28 c. Loans or forgivable loans to aid in economic
29 development.

30 d. Loan guarantees for business loans made by
31 commercial lenders.

32 e. Equity-like investments.

33 2. Only a political subdivision of this state may
34 apply to receive funds for any of the above purposes.

35 The political subdivision shall make application to
36 the department of economic development specifying the
37 purpose for which the funds will be used.

38 3. The department shall not provide more than one
39 million dollars for any project, unless at least two-
40 thirds of the members of the economic development
41 board vote for providing more.

42 Sec. 322. NEW SECTION. 15.318 RATING FACTORS AND
43 CRITERIA.

44 In ranking applications for funds, the department
45 shall consider a variety of factors including, but not
46 limited to:

47 1. The proportion of local match to be provided.

48 2. The proportion of private contribution to be
49 provided, including the involvement of financial
50 institutions.

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- 1 3. The total number of jobs to be created or
2 retained.
- 3 4. The size of the business receiving assistance.
- 4 The department shall award more points to small
5 businesses as defined by the United States small
6 business administration.
- 7 5. The potential for future growth in the industry
8 represented by the business being considered for
9 assistance.
- 10 6. The need of the business for financial
11 assistance from governmental sources. More points
12 shall be awarded to a business for which the
13 department determines that governmental assistance is
14 most necessary to the success of the project.
- 15 7. The quality of the jobs to be created. In
16 rating the quality of the jobs the department shall
17 award more points to those jobs that have a higher
18 wage scale, have a lower turnover rate, are full-time
19 or career-type positions, provide comprehensive health
20 benefits, or have other related factors which could be
21 considered to be higher in quality. Businesses that
22 have wage scales substantially below that of existing
23 Iowa businesses in that area should be rated as
24 providing the lowest quality of jobs and should
25 therefore be given the lowest ranking for providing
26 such assistance.
- 27 8. The level of need of the political subdivision.
- 28 9. The impact of the proposed project on the
29 economy of the political subdivision.
- 30 10. The impact of the proposed project on other
31 businesses in competition with the business being
32 considered for assistance. The department shall make
33 a good faith effort to identify existing Iowa
34 businesses within an industry in competition with the
35 business being considered for assistance. The
36 department shall make a good faith effort to determine
37 the probability that the proposed financial assistance
38 will displace employees of the existing businesses.
- 39 In determining the impact on businesses in competition
40 with the business being considered for assistance,
41 jobs created as a result of other jobs being displaced
42 elsewhere in the state shall not be considered direct
43 jobs created.
- 44 11. The impact to the state of the proposed
45 project. In measuring the economic impact the
46 department shall award more points for projects which
47 have greater consistency with the state strategic
48 plan, such as the following:
 - 49 a. A business with a greater percentage of sales
50 out-of-state or of import substitution.

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- 1 b. A business with a higher proportion of in-state
- 2 suppliers.
- 3 c. A project which would provide greater
- 4 diversification of the state economy.
- 5 d. A business with fewer in-state competitors.
- 6 e. A potential for future job growth.
- 7 f. A project which is not a retail operation.
- 8 12. If the business has a record of violations of
- 9 the law over a period of time that tends to show a
- 10 consistent pattern, the business shall be given the
- 11 lowest ranking for providing assistance. The
- 12 department shall make a good faith effort to compile
- 13 this information.
- 14 13. If a business has, within three years of
- 15 application for assistance, acquired or merged with an
- 16 Iowa corporation or company, the business shall make a
- 17 good faith effort to hire the workers of the acquired
- 18 or merged company.
- 19 14. To be eligible for assistance a business shall
- 20 provide for a preference for hiring residents of the
- 21 state or the economic development area, except for
- 22 out-of-state employees offered a transfer to Iowa or
- 23 the economic development area.
- 24 15. All known required environmental permits must
- 25 be granted and regulations met before moneys are
- 26 released.
- 27 Sec. 323. NEW SECTION. 15.319 MONITORING OF JOB
- 28 CREATION AND RETENTION.
- 29 1. The department shall develop definitions for
- 30 the terms "job creation" and "job retention" to
- 31 measure and identify the actual number of permanent,
- 32 full-time positions which the businesses actually
- 33 create or retain and which can be documented by
- 34 comparison of the payroll reports during the twenty-
- 35 four month period after the award.
- 36 2. The department shall document the actual job
- 37 creation and retention effects of all businesses
- 38 receiving financial assistance from the program in the
- 39 context of the employer contribution and payroll
- 40 reports filed by the business.
- 41 3. The department shall require businesses which
- 42 receive assistance from the program to submit
- 43 historical copies of the employer contributions and
- 44 payroll reports with the application for funds,
- 45 require businesses to submit the reports after an
- 46 award on a timely basis, and require businesses to
- 47 estimate the expected job creation and retention
- 48 effects for the twelve-month and twenty-four month

49 periods after an award in terms of the number of
50 employees and total wages as displayed in the payroll

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1 reports.

2 Sec. 324. NEW SECTION. 15.320 COMMUNITY ECONOMIC
3 BETTERMENT PROGRAM ACCOUNT.

4 1. A community economic betterment program account
5 is established within the strategic investment fund to
6 be used by the department of economic development for
7 the community economic betterment program. The
8 account shall consist of all appropriations, grants,
9 or gifts received by the department specifically for
10 use under this part and any moneys allocated to the
11 community economic betterment program account from the
12 strategic investment fund.

13 2. Payments of interest or repayments of moneys
14 awarded under the community economic betterment
15 program shall be deposited into the strategic
16 investment fund.

17 Sec. 325. Section 28.111, subsection 3, unnumbered
18 paragraph 1, Code 1991, is amended to read as follows:

19 The director of the department of economic
20 development may grant financial or technical
21 assistance to a person eligible to receive assistance
22 under this section, upon review and evaluation of the
23 person's application by the agricultural products
24 advisory council as established in section 15.203.
25 ~~The council shall make recommendations to approve or~~
26 ~~disapprove an application to the department. The~~
27 ~~department director~~ shall consider the ~~recommendations~~
28 council's evaluation in granting or denying
29 assistance. The ~~department director~~ shall not approve
30 an application for assistance under this section to
31 refinance an existing loan, or to finance traditional
32 agricultural operations. An application is eligible
33 for consideration if the application seeks assistance
34 for any of the following purposes:

35 Sec. 326. Section 28.112, subsection 1, Code 1991,
36 is amended to read as follows:

37 1. ~~The department may establish~~ There is
38 established a value-added agricultural products and
39 processes financial assistance ~~fund~~ account within the
40 strategic investment fund created in section 15.313.
41 The fund account shall be a revolving fund composed
42 consist of any money appropriated by the general
43 assembly for that purpose, moneys allocated to the
44 account from the strategic investment fund, any other
45 moneys available to and obtained or accepted by the

46 department from the federal government or private
47 sources for placement in the ~~fund~~; and ~~any earned~~
48 ~~interest account~~. Except as otherwise provided in
49 subsection 2, the assets of the ~~fund account~~ shall be
50 used by the department only for carrying out the

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1 purposes of section 28.111.
2 Sec. 327. Section 28.112, subsection 2, Code 1991,
3 is amended by adding the following new paragraph:
4 NEW PARAGRAPH. d. Payments of interest or
5 repayments of moneys awarded under the value-added
6 agricultural products and processes financial
7 assistance program shall be deposited into the
8 strategic investment fund.
9 Sec. 328. Section 28.120, Code 1991, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 8. Loan repayments made under
12 this section and unallocated in the special account in
13 subsection 5, shall be allocated to the revolving
14 account of the rural community 2000 program created in
15 section 15.287.
16 Sec. 329. Section 28.143, subsection 1, paragraph
17 e, Code 1991, is amended to read as follows:
18 e. The superintendent of ~~savings and loans credit~~
19 unions.
20 Sec. 330. Section 28.144, Code 1991, is amended by
21 striking the section and inserting in lieu thereof the
22 following:
23 28.144 PRESIDENT OF THE CORPORATION.
24 The director of the department shall appoint the
25 president of the corporation from the division within
26 the department that administers business financial
27 assistance programs. Administrative and staff support
28 shall be furnished by the department.
29 Sec. 331. Section 28.148, Code 1991, is amended to
30 read as follows:
31 28.148 STATE ASSISTANCE FUND.
32 There is created in the treasurer of state's office
33 a "business development finance corporation assistance
34 fund". The fund shall consist of all appropriations,
35 grants, or gifts received by the treasurer
36 specifically for assistance under this division and
37 moneys allocated from the strategic investment fund
38 created in section 15.313. Moneys in this fund are
39 appropriated to the corporation for the purposes
40 stated in this division. Moneys allocated to this
41 fund for purposes of the capital access program and
42 repayments of moneys from the capital access program

43 which remain unobligated at the end of a fiscal year
44 may be returned to the strategic investment fund upon
45 approval of the board.

46 Sec. 332. Notwithstanding the provision in section
47 15.313 granting the director of the department of
48 economic development discretion in the allocation of
49 the moneys to the various accounts in the strategic
50 investment fund, for the fiscal year beginning July 1,

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1 1991, a minimum of \$500,000 shall be allocated to the
2 targeted small business financial assistance program
3 account and a minimum of \$220,000 shall be allocated
4 to the self-employment loan program account. However,
5 any amounts of those two minimum allocations that have
6 not been committed on January 15, 1992, may be
7 reallocated to the other accounts in the strategic
8 investment fund.

9 Sec. 333. Section 15.286A, subsection 2, as
10 enacted by 1991 Iowa Acts, Senate File 254, section 9,
11 is amended to read as follows:

12 2. A city, cluster of cities, county, group of
13 counties, ~~unincorporated community, group of~~
14 ~~unincorporated communities~~, council of governments, or
15 regional planning commission, or one of these entities
16 on behalf of an unincorporated community or group of
17 unincorporated communities, is eligible to apply for
18 loans or grants from this category for planning
19 efforts related to the community builder program.

20 Sec. 334. Sections 15.232 and 15.240, Code 1991,
21 are repealed.

22 **DIVISION IV**
23 **JUSTICE SYSTEMS**

24 Sec. 401. There is appropriated from the general
25 fund of the state to the department of justice for the
26 fiscal year beginning July 1, 1991, and ending June
27 30, 1992, the following amounts, or so much thereof as
28 is necessary, to be used for the purposes designated:

29 1. For the general office of attorney general for
30 salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:

33 \$ 4,361,222
34 FTEs 175.00

35 2. Prosecuting attorney training program for
36 salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:

39 \$ 137,545

40 FTEs 4.75

41 In addition to the funds appropriated in this
42 subsection for the fiscal year beginning July 1, 1991,
43 and ending June 30, 1992, the attorney general shall
44 provide up to \$41,000 in state matching funds from
45 moneys retained by the attorney general from property
46 forfeited pursuant to section 809.13.

47 3. In addition to the funds appropriated under
48 subsection 1, there is appropriated from the general
49 fund of the state to the department of justice for the
50 fiscal year beginning July 1, 1991, and ending June

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1 30, 1992, an amount not exceeding \$95,000 to be used
2 for the enforcement of the Iowa competition law under
3 chapter 553. The expenditure of the funds
4 appropriated under this subsection is contingent upon
5 receipt by the general fund of the state of an amount
6 at least equal to either the expenditures from damages
7 awarded to the state or a political subdivision of the
8 state by a civil judgment under chapter 553, if the
9 judgment authorizes the use of the award for
10 enforcement purposes or costs or attorneys fees
11 awarded the state in state or federal antitrust
12 actions.

13 4. In addition to funds appropriated under
14 subsection 1, there is appropriated from the general
15 fund of the state to the department of justice for the
16 fiscal year beginning July 1, 1991, and ending June
17 30, 1992, an amount not exceeding \$50,000 to be used
18 for public education relating to consumer fraud and
19 for enforcement of section 714.16, and \$25,000 for
20 investigation, prosecution, and consumer education
21 relating to consumer and criminal fraud against older
22 Iowans. The expenditure of the funds appropriated
23 under this subsection is contingent upon receipt by
24 the general fund of the state of an amount at least
25 equal to the expenditures from damages awarded to the
26 state or a political subdivision of the state by a
27 civil consumer fraud judgment, if the judgment
28 authorizes the use of the award for public education
29 on consumer fraud. Notwithstanding section 8.33,
30 funds received in a previous fiscal year which have
31 not been expended shall be credited to this fiscal
32 year.

- 33 5. For the farm mediation service program:
- 34 \$ 100,000
- 35 6. For the legal assistance for farmers program:
- 36 \$ 100,000

37 7. For victim assistance grants:
 38 \$ 383,650
 39 As a condition, limitation, and qualification of
 40 this appropriation, \$312,675 shall be used to provide
 41 grants to care providers providing services to crime
 42 victims of domestic abuse, and \$70,975 shall be used
 43 to provide grants to care providers providing services
 44 to crime victims of rape and sexual assault.
 45 8. For the GASA prosecuting attorney program:
 46 \$ 103,400
 47 FTEs 1.00
 48 9. The balance of the fund created under section
 49 321J.17 may be used to provide salary and support of
 50 not more than 6 FTE positions and to provide

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1 maintenance for the victim compensation functions of
 2 the department of justice.
 3 10. The department of justice shall submit monthly
 4 financial statements to the legislative fiscal bureau
 5 and the department of management containing all
 6 appropriated accounts in the same manner as provided
 7 in the monthly financial status reports and personal
 8 services usage reports of the department of revenue
 9 and finance. The monthly financial statements shall
 10 include comparisons of the moneys and percentage spent
 11 of budgeted to actual revenues and expenditures on a
 12 cumulative basis for full-time equivalent positions
 13 and available moneys.

14 Sec. 402. There is appropriated from the general
 15 fund of the state to the office of consumer advocate
 16 of the department of justice for the fiscal year
 17 beginning July 1, 1991, and ending June 30, 1992, the
 18 following amount, or so much thereof as is necessary,
 19 to be used for the purposes designated:

20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for not more than the following full-
 22 time equivalent positions:
 23 \$ 2,000,000
 24 FTEs 32.00

25 Sec. 403. There is appropriated from the general
 26 fund of the state to the board of parole for the
 27 fiscal year beginning July 1, 1991, and ending June
 28 30, 1992, the following amount, or so much thereof as
 29 is necessary, to be used for the purposes designated:

30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:
 33 \$ 770,000

34 FTEs 18.00
 35 As a condition, limitation, and qualification of
 36 this appropriation the board of parole shall maintain
 37 an automated docket and shall maintain the board's
 38 automated risk assessment model.
 39 As a condition, limitation, and qualification of
 40 the appropriation the board of parole shall employ 2
 41 statistical research analysts to assist with the
 42 application of the risk assessment model in the parole
 43 decision-making process. The board of parole shall
 44 also require the board's administrative staff to be
 45 cross-trained to assure that each individual on that
 46 staff is familiar with all tasks performed by the
 47 staff.
 48 It is the intent of the general assembly that the
 49 department of corrections and the board of parole
 50 shall review, and implement as necessary, the findings

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1 and recommendations contained in the final report
 2 prepared by the consultant and presented to the
 3 corrections system review task force which was
 4 established by 1988 Iowa Acts, chapter 1271, as they
 5 relate to the department of corrections and the board
 6 of parole. The board shall report to the justice
 7 system appropriations subcommittee during the 1992
 8 legislative session, at the request of the
 9 subcommittee, steps taken to implement any of those
 10 recommendations, or the reasons for failing to
 11 implement such recommendations.

12 Sec. 404. There is appropriated from the general
 13 fund of the state to the department of corrections for
 14 the fiscal year beginning July 1, 1991, and ending
 15 June 30, 1992, the following amounts, or so much
 16 thereof as is necessary, to be used for the purposes
 17 designated:

18 1. For the operation of adult correctional
 19 institutions, to be allocated as follows:

20 a. For the operation of the Fort Madison
 21 correctional facility, including salaries, support,
 22 maintenance, miscellaneous purposes, and for not more
 23 than the following full-time equivalent positions:

24 \$ 21,432,590
 25 FTEs 502.50

26 b. For the operation of the Anamosa correctional
 27 facility, including salaries, support, maintenance,
 28 miscellaneous purposes, and for not more than the
 29 following full-time equivalent positions:

30 \$ 15,803,729

31 FTEs 356.00
 32 (1) As a condition, limitation, and qualification
 33 of this appropriation, the facility shall employ a
 34 part-time chaplain of a minority race.
 35 (2) Of the funds appropriated, the department's
 36 budget for Anamosa shall include funding for 2 full-
 37 time substance abuse counselors for the Luster Heights
 38 facility, for the purpose of certification of a
 39 substance abuse program at that facility.
 40 c. For the operation of the Oakdale correctional
 41 facility, including salaries, support, maintenance,
 42 miscellaneous purposes, and for not more than the
 43 following full-time equivalent positions:
 44 \$ 13,737,933
 45 FTEs 307.53
 46 d. For the operation of the Newton correctional
 47 facility, including salaries, support, maintenance,
 48 miscellaneous purposes, and for not more than the
 49 following full-time equivalent positions:
 50 \$ 4,149,032

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1 FTEs 91.72
 2 e. For the operation of the Mt. Pleasant
 3 correctional facility, including salaries, support,
 4 maintenance, miscellaneous purposes, and for not more
 5 than the following full-time equivalent positions:
 6 \$ 11,369,469.
 7 FTEs 267.15
 8 As a condition, limitation, and qualification of
 9 this appropriation, the facility shall employ a full-
 10 time chaplain to provide religious counseling at the
 11 Oakdale and Mt. Pleasant correctional facilities.
 12 f. For the operation of the Rockwell City
 13 correctional facility, including salaries, support,
 14 maintenance, miscellaneous purposes, and for not more
 15 than the following full-time equivalent positions:
 16 \$ 3,988,999
 17 FTEs 82.89
 18 g. For the operation of the Clarinda correctional
 19 facility, including salaries, support, maintenance,
 20 miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:
 22 \$ 5,318,793
 23 FTEs 137.20
 24 As a condition, limitation, and qualification of
 25 this appropriation, the facility shall employ 6
 26 additional counselors to expand "The Other Way"
 27 substance abuse treatment program. The facility may

28 provide up to \$205,250 as a state match requirement to
 29 receive federal substance abuse treatment grants.
 30 h. For the operation of the Mitchellville
 31 correctional facility, including salaries, support,
 32 maintenance, miscellaneous purposes, and for not more
 33 than the following full-time equivalent positions:
 34 \$ 4,760,300
 35 FTEs 112.14
 36 2. The department of corrections shall provide a
 37 report to the co-chairpersons and ranking members of
 38 the justice system appropriations subcommittee and the
 39 legislative fiscal bureau on or before January 15,
 40 1992, outlining the implementation of the centralized
 41 education program for the correctional system. The
 42 report shall include a listing of the educational
 43 institutions that are involved, the amount of any
 44 federal funds received for use with these programs,
 45 and any other pertinent information.
 46 3. If the inmate tort claim fund for inmate claims
 47 of less than \$50 is exhausted during the fiscal year,
 48 sufficient funds shall be transferred from the
 49 institutional budgets to pay approved tort claims for
 50 the balance of the fiscal year. The warden or

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1 superintendent of each institution or correctional
 2 facility shall designate an employee to receive,
 3 investigate, and recommend whether to pay any properly
 4 filed inmate tort claim for less than the above
 5 amount. The designee's recommendation shall be
 6 approved or denied by the warden or superintendent and
 7 forwarded to the department of corrections for final
 8 approval and payment. The amounts appropriated to
 9 this fund pursuant to 1987 Iowa Acts, chapter 234,
 10 section 304, subsection 2, are not subject to
 11 reversion under section 8.33.
 12 Tort claims denied at the institution shall be
 13 forwarded to the state appeal board for their
 14 consideration as if originally filed with that body.
 15 This procedure shall be used in lieu of chapter 25A
 16 for inmate tort claims of less than \$50.
 17 Sec. 405. There is appropriated from the general
 18 fund of the state to the department of corrections for
 19 the fiscal year beginning July 1, 1991, and ending
 20 June 30, 1992, the following amounts, or so much
 21 thereof as is necessary, to be used for the purposes
 22 designated:
 23 1. For general administration, including salaries,
 24 support, maintenance, miscellaneous purposes, and for

25 not more than the following full-time equivalent
 26 positions:
 27 \$ 2,141,828
 28 FTEs 43.52
 29 As a condition, limitation, and qualification of
 30 this appropriation the department shall employ an
 31 education director and clerk to administer a
 32 centralized education program for the correctional
 33 system.
 34 The department shall monitor the use of the
 35 classification model by the judicial district
 36 departments of correctional services and has the
 37 authority to override a district department's decision
 38 regarding classification of community-based clients.
 39 The department shall notify a district department of
 40 the reasons for the override.
 41 2. For reimbursement of counties for temporary
 42 confinement of work release and parole violators, as
 43 provided in sections 246.908, 901.7, and 906.17 and
 44 for offenders confined pursuant to section 246.513:
 45 \$ 250,000
 46 3. For federal prison reimbursement and
 47 miscellaneous contracts:
 48 \$ 360,000
 49 The department of corrections shall use funds
 50 appropriated by this subsection to continue to

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1 contract for the service of a Muslim imam.
 2 4. For salaries, support, maintenance,
 3 miscellaneous purposes, and for not more than the
 4 following full-time equivalent positions at the
 5 correctional training center at Mt. Pleasant:
 6 \$ 375,000
 7 FTEs 8.22
 8 5. For annual payment relating to the financial
 9 arrangement for the construction of expansion in
 10 prison capacity as provided in 1989 Iowa Acts, chapter
 11 316, section 7, subsection 6:
 12 \$ 625,860
 13 6. For annual payment relating to the financial
 14 arrangement for the construction of expansion in
 15 prison capacity as provided in 1990 Iowa Acts, chapter
 16 1257, section 24:
 17 \$ 3,143,250
 18 Sec. 406.
 19 1. There is appropriated from the general fund of
 20 the state to the department of corrections for the
 21 fiscal year beginning July 1, 1991, and ending June

22 30, 1992, the following amounts, or so much thereof as
23 is necessary, to be allocated as follows:

24 a. For the first judicial district department of
25 correctional services, the following amount, or so
26 much thereof as is necessary:

27 \$ 5,678,418

28 The district department shall continue the
29 intensive supervision program established within the
30 district in 1988 Iowa Acts, chapter 1271, section 6,
31 subsection 1, paragraph "a", and the sex offender
32 treatment program established within the district in
33 1989 Iowa Acts, chapter 316, section 8, subsection 1,
34 paragraph "a".

35 The district department, in cooperation with the
36 chief judge of the judicial district, shall continue
37 the implementation of a plan to divert low-risk
38 offenders to the least restrictive sanction available.

39 b. For the second judicial district department of
40 correctional services, the following amount, or so
41 much thereof as is necessary:

42 \$ 4,154,570

43 The district department shall continue the sex
44 offender treatment program established within the
45 district in 1988 Iowa Acts, chapter 1271, section 6,
46 subsection 1, paragraph "b".

47 The district department, in cooperation with the
48 chief judge of the judicial district, shall continue
49 the implementation of a plan to divert low-risk
50 offenders to the least restrictive sanction available.

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1 c. For the third judicial district department of
2 correctional services, the following amount, or so
3 much thereof as is necessary:

4 \$ 2,609,784

5 The district department shall continue the sex
6 offender treatment program established within the
7 district in 1988 Iowa Acts, chapter 1271, section 6,
8 subsection 1, paragraph "c", and the intensive
9 supervision program established within the district in
10 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
11 paragraph "d".

12 The district department, in cooperation with the
13 chief judge of the judicial district, shall continue
14 the implementation of a plan to divert low-risk
15 offenders to the least restrictive sanction available.

16 d. For the fourth judicial district department of
17 correctional services, the following amount, or so
18 much thereof as is necessary:

19 \$ 1,996,809

20 The district department shall continue the sex
21 offender treatment program established within the
22 district in 1988 Iowa Acts, chapter 1271, section 6,
23 subsection 1, paragraph "d".

24 The district department, in cooperation with the
25 chief judge of the judicial district, shall continue
26 the implementation of a plan to divert low-risk
27 offenders to the least restrictive sanction available.

28 e. For the fifth judicial district department of
29 correctional services, the following amount, or so
30 much thereof as is necessary:

31 \$ 7,288,870

32 The district department shall continue the
33 intensive supervision program established within the
34 district in 1988 Iowa Acts, chapter 1271, section 6,
35 subsection 1, paragraph "e", and shall continue to
36 provide for the rental of electronic monitoring
37 equipment.

38 The district department, in cooperation with the
39 chief judge of the judicial district, shall continue
40 the implementation of a plan to divert low-risk
41 offenders to the least restrictive sanction available.

42 f. For the sixth judicial district department of
43 correctional services, the following amount, or so
44 much thereof as is necessary:

45 \$ 5,697,838

46 The district department shall continue the
47 intensive supervision program established within the
48 district in 1988 Iowa Acts, chapter 1271, section 6,
49 subsection 1, paragraph "f", and the sex offender
50 treatment program established within the district in

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1 1989 Iowa Acts, chapter 316, section 8, subsection 1,
2 paragraph "f".

3 The district department, in cooperation with the
4 chief judge of the judicial district, shall continue
5 the implementation of a plan to divert low-risk
6 offenders to the least restrictive sanction available.

7 g. For the seventh judicial district department of
8 correctional services, the following amount, or so
9 much thereof as is necessary:

10 \$ 3,899,438

11 The district department shall continue the
12 intensive supervision program established within the
13 district in 1988 Iowa Acts, chapter 1271, section 6,
14 subsection 1, paragraph "g", and shall continue the
15 sex offender treatment program established within the

16 district in 1989 Iowa Acts, chapter 316, section 8,
17 subsection 1, paragraph "g".

18 The district department, in cooperation with the
19 chief judge of the judicial district, shall continue
20 the implementation of a plan to divert low-risk
21 offenders to the least restrictive sanction available.

22 h. For the eighth judicial district department of
23 correctional services, the following amount, or so
24 much thereof as is necessary:

25 \$ 3,252,985

26 The district department shall continue the
27 intensive supervision program established within the
28 district in 1988 Iowa Acts, chapter 1271, section 6,
29 subsection 1, paragraph "h", and shall continue the
30 sex offender treatment program established within the
31 district in 1989 Iowa Acts, chapter 316, section 8,
32 subsection 1, paragraph "h".

33 The district department, in cooperation with the
34 chief judge of the judicial district, shall continue
35 the implementation of a plan to divert low-risk
36 offenders to the least restrictive sanction available.

37 i. For the department of corrections for the
38 assistance and support of each judicial district
39 department of correctional services, the following
40 amount, or so much thereof as is necessary:

41 \$ 91,057

42 2. The department of corrections shall continue
43 the OWI facilities established in 1986 Iowa Acts,
44 chapter 1246, section 402, in compliance with the
45 conditions specified in that section.

46 3. The department of corrections shall continue to
47 contract with a judicial district department of
48 correctional services to provide for the rental of
49 electronic monitoring equipment which shall be
50 available statewide.

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1 4. Each judicial district department of
2 correctional services and the department of
3 corrections shall continue the treatment alternatives
4 to street crime programs established in 1989 Iowa
5 Acts, chapter 225, section 9.

6 5. The first, sixth, and eighth judicial district
7 departments of correctional services and the
8 department of corrections shall continue the job
9 training and development grant programs established in
10 1989 Iowa Acts, chapter 316, section 7, subsection 2.

11 6. The department of corrections shall not make an
12 intradepartmental transfer of moneys appropriated to

13 the department, unless notice of the intradepartmental
14 transfer is given prior to its effective date to the
15 legislative fiscal bureau. The notice shall include
16 information on the department's rationale for making
17 the transfer and details concerning the work load and
18 performance measures upon which the transfers are
19 based.

20 7. The governor's alliance on substance abuse
21 shall consider federal grants made to the department
22 of corrections for the benefit of each of the eight
23 judicial district departments of correctional services
24 as local government grants, as defined pursuant to
25 federal regulations.

26 Sec. 407. There is appropriated from the general
27 fund of the state to the judicial department for the
28 fiscal year beginning July 1, 1991, and ending June
29 30, 1992, the following amounts, or so much thereof as
30 is necessary, to be used for the purposes designated:

31 1. For salaries of supreme court justices,
32 appellate court judges, district court judges,
33 district associate judges, judicial magistrates and
34 staff, state court administrator, clerk of the supreme
35 court, district court administrators, clerks of the
36 district court, juvenile court officers, board of law
37 examiners and board of examiners of shorthand
38 reporters and judicial qualifications commission,
39 receipt and disbursement of child support payments,
40 and maintenance, equipment, and miscellaneous
41 purposes:

42 \$ 69,000,000

43 As a condition, limitation, and qualification of
44 this appropriation, the department shall reimburse the
45 auditor of state for expenses incurred in completing
46 audits of the offices of the clerks of the district
47 court during the fiscal year beginning July 1, 1991.

48 Notwithstanding section 602.5205, the judicial
49 department shall provide for the expenses of the
50 judges of the court of appeals located outside the

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1 seat of government.

2 As a condition, limitation, and qualification of
3 this appropriation, the judicial department, except
4 for purposes of internal processing, shall use the
5 current state budget system, the state payroll system,
6 and the Iowa finance and accounting system in
7 administration of programs and payments for services,
8 and shall not duplicate the state payroll, accounting,
9 and budgeting systems.

10 The judicial department shall submit monthly
 11 financial statements to the legislative fiscal bureau
 12 and the department of management containing all
 13 appropriated accounts in the same manner as provided
 14 in the monthly financial status reports and personal
 15 services usage reports of the department of revenue
 16 and finance. The monthly financial statements shall
 17 include a comparison of the dollars and percentage
 18 spent of budgeted versus actual revenues and
 19 expenditures on a cumulative basis for full-time
 20 equivalent positions and dollars.

21 Of the funds appropriated under this subsection,
 22 not more than \$1,800,000 may be transferred into the
 23 revolving fund established pursuant to section
 24 602.1302, subsection 3, to be used for the payment of
 25 jury and witness fees and mileage.

26 2. For the juvenile victim restitution program:
 27 \$ 100,000

28 Sec. 408. There is appropriated from the general
 29 fund of the state to the judicial department for the
 30 fiscal year beginning July 1, 1991, and ending June
 31 30, 1992, the following amount, or so much thereof as
 32 is necessary, to be used for the purpose designated:

33 For the Iowa court information system:
 34 \$ 875,000

35 1. As a condition, limitation, and qualification
 36 of this appropriation, the judicial department, except
 37 for purposes of internal processing, shall use the
 38 current state budget system, the state payroll system,
 39 and the Iowa finance and accounting system in
 40 administration of programs and payments for services,
 41 and shall not duplicate the state payroll, accounting,
 42 and budgeting systems.

43 2. The judicial department shall not change the
 44 appropriations from the amounts appropriated under
 45 this section, unless notice of the revisions is given
 46 prior to their effective date to the legislative
 47 fiscal bureau. The notice shall include information
 48 on the department's rationale for making the changes
 49 and details concerning the work load and performance
 50 measures upon which the changes are based.

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1 3. The judicial department shall conduct a
 2 comparable worth study concerning juvenile court
 3 officers. As used in this paragraph, "comparable
 4 worth" means comparable worth as defined in section
 5 602.1204. The judicial department shall report its
 6 findings and recommendations to the joint justice

7 system appropriations subcommittee by January 1, 1992.

8 Sec. 409. The department of corrections, judicial
9 district departments of correctional services, board
10 of parole, and the judicial department shall continue
11 to develop an automated data system for use in the
12 sharing of information between the department of
13 corrections, judicial district departments of
14 correctional services, board of parole, and the
15 judicial department. The information to be shared
16 shall concern any individual who may, as the result of
17 an arrest or infraction of any law, be subject to the
18 jurisdiction of the department of corrections,
19 judicial district departments of correctional
20 services, or board of parole.

21 Sec. 410. Section 13.15, unnumbered paragraph 2,
22 Code 1991, is amended to read as follows:

23 The rules shall provide for an hourly mediation fee
24 not to exceed ~~twenty-five dollars per hour per party~~
25 fifty dollars for the borrower and one hundred dollars
26 for the creditor. The hourly mediation fee may be
27 waived for any party demonstrating financial hardship
28 upon application to the farm mediation service.

29 Sec. 411. NEW SECTION. 13.26 FARM ASSISTANCE
30 FUND ESTABLISHED.

31 A farm assistance fund is established as a separate
32 fund in the state treasury under the control of the
33 department of justice. It is the intent of the
34 general assembly that the moneys deposited in the fund
35 shall be used for legal assistance to financially
36 distressed farmers. These funds shall be used only to
37 the extent appropriated by the general assembly.
38 Notwithstanding section 8.33, any balance in the fund
39 on June 30 of any fiscal year shall not revert to any
40 fund but shall remain in the fund for the subsequent
41 fiscal year.

42 Sec. 412. Section 312.2, subsection 13, Code 1991,
43 as amended by 1991 Iowa Acts, House File 173, section
44 1223, is amended to read as follows:

45 13. The treasurer of state, before making the
46 allotments provided for in this section, shall credit
47 annually to the department of justice from the road
48 use tax fund an amount equal to twenty-five cents on
49 each title issuance for motor vehicle fraud law
50 enforcement and prosecution purposes ~~including; but~~

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1 ~~not limited to~~, the enforcement of state and federal
2 odometer laws, the prosecution of highway-related
3 criminal matters, and the training of county attorney

4 and attorney general staff in the prosecution of
5 violations of chapters 321, 321A, and 321J, and
6 related offenses.

7 Notwithstanding the provisions of this subsection
8 directing that twenty-five cents on each title
9 issuance be annually credited to the department of
10 justice for deposit into the motor vehicle fraud
11 account, for the fiscal period beginning on July 1,
12 1991, and ending June 30, 1993, the twenty-five cents
13 on each title issuance shall be deposited into the
14 general fund of the state.

15 Sec. 413. Section 356.26, unnumbered paragraph 3,
16 Code 1991, is amended to read as follows:

17 The district court may also grant by order to any
18 person sentenced to a county jail the privilege of a
19 sentence of in-home detention where the county sheriff
20 has certified to the court that the jail has an in-
21 home detention program. The department of corrections
22 shall report to the legislative fiscal bureau on a
23 semiannual basis concerning utilization of in-home
24 detention, including the counties which have
25 established such programs and the number of prisoners
26 allowed in-home detention privileges.

27 Sec. 414. Section 602.1301, subsection 2,
28 paragraph a, subparagraph (1), Code 1991, is amended
29 by striking the subparagraph, and inserting in lieu
30 thereof, the following:

31 (1) Iowa court information system.

32 Sec. 415. Section 602.9204, Code 1991, is amended
33 to read as follows:

34 602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED
35 SENIOR JUDGE.

36 A senior judge or a retired senior judge shall not
37 be paid a salary. A senior judge or retired senior
38 judge shall be paid an annuity under the judicial
39 retirement system in the manner provided in section
40 602.9109, but computed under this section in lieu of
41 section 602.9107, as follows: The annuity paid to a
42 senior judge or retired senior judge shall be an
43 amount equal to three percent of the current basic
44 salary, as of the time each payment is made, of the
45 office in which the senior judge last served as a
46 judge before retirement as a judge or senior judge,
47 multiplied by the judge's years of service prior to
48 retirement as a judge of one or more of the courts
49 included under this article, for which contributions
50 were made to the system, except the annual annuity of

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1 the senior judge or retired senior judge shall not
2 exceed fifty percent an amount equal to the maximum
3 percentage established in section 602.9107 of the
4 current basic annual salary. In addition, if a senior
5 judge is under sixty-five years of age at the time the
6 judge becomes a senior judge, the state shall pay the
7 state's share of the senior judge's medical insurance
8 premium until the judge attains age sixty-five.

9 Sec. 416. Section 654.18, subsection 1, paragraph
10 d, Code 1991, is amended to read as follows:

11 d. The mortgagor and mortgagee shall file a
12 jointly executed document with the county recorder in
13 the county where the real property is located stating
14 that the mortgagor and mortgagee have elected to
15 follow the alternative voluntary foreclosure
16 procedures pursuant to this section. If the subject
17 property is agricultural land used for farming, as
18 defined in section 172C.1, in addition to the fee
19 collected pursuant to section 331.604, the recorder
20 shall collect a fee of sixty dollars for filing the
21 document, and shall remit the sixty-dollar fee to the
22 treasurer of state for deposit in the farm assistance
23 fund established in section 13.26.

24 Sec. 417. Section 654.19, Code 1991, is amended to
25 read as follows:

26 654.19 DEED IN LIEU OF FORECLOSURE -- AGRICULTURAL
27 LAND.

28 In lieu of a foreclosure action in court due to
29 default on a recorded mortgage or deed of trust of
30 real property, if the subject property is agricultural
31 land used for farming, as defined in section 172C.1,
32 the mortgagee and mortgagor may enter into an
33 agreement in which the mortgagor agrees to transfer
34 the agricultural land to the mortgagee in satisfaction
35 of all or part of the mortgage obligation as agreed
36 upon by the parties. The agreement may grant the
37 mortgagor a right to purchase the agricultural land
38 for a period not to exceed five years, and may entitle
39 the mortgagor to lease the agricultural land. The
40 agreement shall be recorded with the deed transferring
41 title to the mortgagee. In addition to the fee
42 collected pursuant to section 331.604, the recorder
43 shall collect a fee of sixty dollars for recording the
44 agreement and deed, and shall remit the sixty-dollar
45 fee to the treasurer of state for deposit in the farm
46 assistance fund established in section 13.26. A
47 transfer of title and agreement pursuant to this
48 section does not constitute an equitable mortgage.

49 Sec. 418. Section 656.5, Code 1991, is amended to

50 read as follows:

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1 656.5 PROOF AND RECORD OF SERVICE.

2 If the terms and conditions as to which there is
3 default are not performed within said thirty days, the
4 party serving said notice or causing the same to be
5 served, may file for record in the office of the
6 county recorder a copy of the notice aforesaid with
7 proofs of service attached or endorsed thereon (and,
8 in case of service by publication, a personal
9 affidavit that personal service could not be made
10 within this state), and when so filed and recorded,
11 the said record shall be constructive notice to all
12 parties of the due forfeiture and cancellation of said
13 contract. If the subject property is agricultural
14 land used for farming, as defined in section 172C.1,
15 in addition to the fee collected pursuant to section
16 331.604, the recorder shall collect a fee of sixty
17 dollars for filing the notice, and shall remit the
18 sixty-dollar fee to the treasurer of state for deposit
19 in the farm assistance fund established in section
20 13.26.

21 Sec. 419. Section 905.1, subsection 1, Code 1991,
22 is amended by striking the subsection.

23 Sec. 420. Section 905.4, subsection 3, Code 1991,
24 is amended by striking the subsection.

25 Sec. 421. Section 905.4, subsection 5, Code 1991,
26 is amended to read as follows:

27 5. Arrange for, by contract or on such alternative
28 basis as may be mutually acceptable, and equip
29 suitable quarters at one or more sites in the district
30 as may be necessary for the district department's
31 community-based correctional program, provided that
32 the board shall to the greatest extent feasible
33 utilize existing facilities and shall keep capital
34 expenditures for acquisition, renovation and repair of
35 facilities to a minimum. The district board shall not
36 enter into lease-purchase agreements for the purposes
37 of constructing, renovating, expanding, or otherwise
38 improving a community-based correctional facility or
39 office unless express authorization has been granted
40 by the legislative council, and sufficient funds are
41 available to the district department to make rental
42 payments owing under these lease-purchase agreements
43 in the current fiscal year.

44 Sec. 422. Section 905.5, Code 1991, is amended to
45 read as follows:

46 905.5 FUNCTIONS OF ADMINISTRATIVE AGENTS BUDGETS

47 AND PERSONNEL.

48 1. The county designated under section 905.4,
49 subsection 3, as administrative agent for each
50 district department, or the district department

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1 itself, if designated as administrative agent by the
2 district board, district department shall submit that
3 district department's its budget and supporting
4 information to the Iowa department of corrections in
5 accordance with the provisions of chapter 8. The
6 state department shall incorporate the budgets of each
7 of the district departments into its own budget
8 request, to be processed as prescribed by the uniform
9 budget, accounting, and administrative procedures
10 established by the department of management. Funds
11 appropriated pursuant to the budget requests of the
12 respective district departments shall be allocated on
13 a quarterly basis, and the department of management
14 shall authorize advancement of the funds so allocated
15 to each district department's administrative agent, or
16 to the district department itself if the district
17 department acts as administrative agent, at the
18 beginning of each fiscal quarter.

19 2. For all administrative purposes, all employees
20 of each district department shall be considered
21 employees of the district department. However, the
22 district departments shall follow the rules of
23 procedure in the administration of salaries and
24 benefits for employees adopted by the department of
25 personnel. The district boards shall maintain hiring
26 and termination authority.

27 3. A county designated as the administrative agent
28 shall perform only those administrative functions
29 assigned to it by the district board and shall not
30 perform any activity unless directed to do so by the
31 district board.

32 Sec. 423. Section 905.6, subsection 5, Code 1991,
33 is amended to read as follows:

34 5. Act as secretary to the district board, prepare
35 its agenda and record its proceedings. The director
36 shall provide a copy of minutes from each meeting of
37 the district board to the legislative fiscal bureau.

38 Sec. 424. Section 905.8, unnumbered paragraph 5,
39 Code 1991, is amended to read as follows:

40 The department of corrections shall report to the
41 legislative fiscal bureau on a quarterly monthly basis
42 the current expenditures of the department's various
43 allocations to the district departments of

44 correctional services with a comparison of actual to
45 budgeted expenditures. The district departments shall
46 use the Iowa finance and accounting system, the state
47 payroll system, and department of revenue and
48 finance's preaudit and postaudit system in the
49 administration of programs and payment for services.
50 The district departments shall follow the rules of the

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1 department of revenue and finance in utilizing these
2 state systems. Each director of a district department
3 shall maintain a permanent operating fund for the
4 district department's local receipts. Local receipts
5 shall be budgeted as separate organization codes
6 within the Iowa finance and accounting system. The
7 director of the district department shall budget each
8 local receipt with the accompanying expenditures and
9 full-time equivalent positions within the permanent
10 operating fund. The fund shall consist of the
11 receipts from work release client fees, the operating
12 while intoxicated program, residential services,
13 federal reimbursements, grants, county agreements,
14 interest earned on the fund, and miscellaneous items.
15 Any unspent balance in the operating fund shall carry
16 forward to the next fiscal year.

17 Sec. 425. 1990 Iowa Acts, chapter 1224, section 1,
18 unnumbered paragraph 1, is amended to read as follows:

19 In order to implement this Act, the department of
20 human services and the judicial department shall
21 mutually agree on a schedule to complete the transfer
22 of support payment collection and disbursement
23 responsibilities from the collection services center
24 to the clerks of the district court. The schedule
25 shall provide for the completion of the transfer of
26 the responsibilities for all affected orders by June
27 30, 1991-1993. The following procedure shall be used
28 for any order affected by the initial transfer of
29 responsibilities:

30 Sec. 426. 1990 Iowa Acts, chapter 1257, section
31 24, subsection 4, unnumbered paragraph 2, is amended
32 to read as follows:

33 As a condition, limitation, and qualification of
34 this appropriation, the beds shall be used for a 30-
35 to-60-day shock revocation program for parole and
36 probation violators who are male offenders. The beds
37 shall be administered by the state department of
38 corrections.

39 Sec. 427. 1990 Iowa Acts, chapter 1268, section 5,
40 subsection 2, is amended to read as follows:

41 2. For reimbursement of counties for temporary
 42 confinement of work release and parole violators, as
 43 provided in sections 246.908, 901.7, and 906.17 and
 44 for offenders confined pursuant to section 246.513:
 45 \$ 215,000
 46 Sec. 428. EFFECTIVE DATE AND RETROACTIVE
 47 APPLICABILITY PROVISIONS. Sections 425 and 427 of
 48 this Act, being deemed of immediate importance, take
 49 effect upon enactment. Section 427 of the Act applies
 50 retroactively to July 1, 1990.

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DIVISION V

RELATING TO STANDING APPROPRIATIONS AND TAXES

3 Sec. 501. Notwithstanding the standing
 4 appropriation in sections 425A.1 to the family farm
 5 tax credit fund and 426.1 to the agricultural land tax
 6 credit fund, there is appropriated from the general
 7 fund of the state to the agricultural land tax credit
 8 fund for the fiscal year beginning July 1, 1991, the
 9 sum of \$43,065,000 of which the first \$10,000,000
 10 shall be deposited into the family farm tax credit
 11 fund in lieu of the standing appropriation made in
 12 section 425A.1.

Sec. 502.

14 1. Notwithstanding the standing appropriation in
 15 section 405A.8 to the department of revenue and
 16 finance for personal property tax replacement under
 17 chapter 405A, there is appropriated from the general
 18 fund of the state under section 405A.8 for the fiscal
 19 year beginning July 1, 1991, the sum of \$67,059,630 of
 20 which \$10,000,000 shall be deposited into the family
 21 farm tax credit fund and \$12,000,000 shall be
 22 deposited into the extraordinary property tax credit
 23 and reimbursement fund created in section 425.39 for
 24 the purpose of claims for reimbursement of rent
 25 constituting property taxes paid.

26 2. Notwithstanding the standing appropriation in
 27 section 425.39, the amount appropriated from the
 28 general fund of the state under section 425.39, which
 29 is in addition to the amount deposited under
 30 subsection 1, for the fiscal year beginning July 1,
 31 1991, for purposes of implementing the extraordinary
 32 property tax and reimbursement division of chapter
 33 425, shall not exceed \$14,850,000. The director shall
 34 pay, in full, all claims to be paid during the fiscal
 35 year beginning July 1, 1991, for reimbursement of rent
 36 constituting property taxes paid. If the amount of
 37 claims for credit for property taxes due to be paid

38 during the fiscal year beginning July 1, 1991, exceed
 39 the amount remaining after payment to renters the
 40 director of revenue and finance shall prorate the
 41 payments to the counties for the property tax credit.
 42 Sec. 503. Notwithstanding the standing
 43 appropriation from the CLEAN fund under section
 44 99E.34, subsection 1, paragraph "a" and the standing
 45 appropriation from the general fund of the state under
 46 section 455A.18, there is appropriated from the
 47 general fund of the state, in lieu of the
 48 appropriations made in sections 99E.34 and 455A.18,
 49 for the fiscal year beginning July 1, 1991, to the
 50 Iowa resources enhancement and protection fund the sum

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1 of \$7,524,000.

2 Sec. 504. 1990 Iowa Acts, chapter 1250, section
 3 18, unnumbered paragraph 2, is amended to read as
 4 follows:

5 For the special mental health services fund:

6 \$ 10,500,000
 7 10,395,000

8 Sec. 505. DEPARTMENT OF HUMAN SERVICES. There is
 9 appropriated from the general fund of the state to the
 10 department of human services for the fiscal year
 11 beginning July 1, 1991, and ending June 30, 1992, the
 12 following amounts, or so much thereof as is necessary,
 13 to be used for the purposes designated:

14 1. For payment of expenses and compensation of
 15 commission of inquiry commissioners pursuant to
 16 section 229.35:
 17 \$ 1,000

18 2. For payment of transfer expenses of mentally
 19 ill persons with no county of legal settlement
 20 pursuant to section 230.8 and recovery of such
 21 persons' commitment costs pursuant to section 230.11:
 22 \$ 107,000

23 Sec. 506. STATE BOARD OF REGENTS. There is
 24 appropriated from the general fund of the state to the
 25 state board of regents for the fiscal year beginning
 26 July 1, 1991, and ending June 30, 1992, the following
 27 amount, or so much thereof as is necessary, to be used
 28 for the purpose designated:

29 For payment of local school boards for the tuition
 30 and transportation costs of students residing in the
 31 Iowa braille and sight saving school and the state
 32 school for the deaf pursuant to section 262.43 and for
 33 payment of certain clothing and transportation costs
 34 for students at these schools pursuant to section

35	270.5:		
36	.....	\$	7,500
37	Sec. 507. DEPARTMENT OF REVENUE AND FINANCE.		
38	There is appropriated from the general fund of the		
39	state to the department of revenue and finance for the		
40	fiscal year beginning July 1, 1991, and ending June		
41	30, 1992, the following amount, or so much thereof as		
42	is necessary, to be used for the purpose designated:		
43	For payment of recording fees pursuant to section		
44	422.26:		
45	.....	\$	50,000
46	Sec. 508. Notwithstanding the standing		
47	appropriations in the following designated sections		
48	for the fiscal year beginning July 1, 1991, the amount		
49	appropriated from the general fund of the state		
50	pursuant to those sections for the following		

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1	designated purposes shall not exceed the following		
2	amounts:		
3	1. For administering absentee ballots of state		
4	residents serving in the armed forces under section		
5	53.50:		
6	.....	\$	2,574
7	2. For the reimbursement of fees and charges		
8	presented to but not owed the state under section		
9	12.13:		
10	.....	\$	0
11	3. For the cost of printing or manufacturing of		
12	cigarette and little cigar tax stamps under section		
13	98.7:		
14	.....	\$	126,126
15	4. For deposit in and the use of the livestock		
16	disease fund under section 267.8:		
17	.....	\$	291,060
18	5. To pay the state's portion of the cost of		
19	benefits calculated in section 411.20, subsections 2		
20	and 3, under section 411.20, subsection 1:		
21	.....	\$	3,201,660
22	6. To reimburse counties for the loss of property		
23	tax revenues as follows:		
24	a. Homestead tax credit under section 425.1:		
25	.....	\$	102,960,000
26	b. Military service tax credit under section		
27	426A.1:		
28	.....	\$	3,069,000
29	c. Machinery and computer equipment tax		
30	replacement under section 427B.13:		
31	.....	\$	5,940,000

32 If the amounts of calculated county reimbursement
 33 exceed any of the amounts specified in this subsection
 34 the director of revenue and finance shall prorate the
 35 amount available.

36 7. For costs of postconviction relief proceedings
 37 pursuant to section 663A.5 and costs and fees of
 38 parole revocation proceedings and criminal cases
 39 brought against an inmate under section 815.1:

40 \$ 70,000

41 8. For state employees salary book printing under
 42 section 18.75, subsection 8:

43 \$ 4,950

44 9. To the expenses incurred or costs taxed to the
 45 state in a proceeding brought by or against a state
 46 department or agency under section 19.10:

47 \$ 81,180

48 10. To pay necessary expenses incurred to perform
 49 or cause to be performed any legal duty imposed on the
 50 executive council under section 19.29:

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1 \$ 1,881,000

2 11. To pay the cost of public improvement
 3 assessments against state-owned land under section
 4 307.45:

5 \$ 0

6 12. For payment of costs of habeas corpus
 7 proceedings where plaintiff is confined in a state
 8 institution under section 663.44:

9 \$ 0

10 13. To pay claims and awards against the state
 11 under sections 25.2 and 25A.11:

12 \$ 2,970,000

13 14. For the payment of salary and expenses of a
 14 deputy sheriff responsible for law enforcement on the
 15 Indian settlement under section 331.660:

16 \$ 24,255

17 15. For compensation of officers and enlisted men
 18 in and the expenses of the national guard under
 19 section 29A.29:

20 \$ 38,808

21 16. For payment of workers' compensation claims
 22 due employees of the state under section 85.57:

23 \$ 3,880,800

24 17. For deposit into the state communications
 25 network fund under section 18.137:

26 \$ 0

27 18. For payment of state school foundation aid,
 28 including state aid for increasing enrollment in

29 section 257.13, under section 257.16:
 30 \$ 1,137,510,000
 31 19. For the payment of claims of public school
 32 districts for transportation services to nonpublic
 33 school pupils under section 285.2:
 34 \$ 6,156,729
 35 If the claims exceed the amount available under
 36 this subsection, the director of the department of
 37 education shall prorate the claims of the school
 38 districts.
 39 20. For programs for at-risk children under
 40 section 279.51, subsection 1:
 41 \$ 8,613,000
 42 21. To pay instructional support state aid under
 43 section 257.20:
 44 \$ 11,880,000
 45 If the portion of the budget to be funded by
 46 instructional support state aid computed under section
 47 257.20 exceeds the amount available under this
 48 subsection, the director of the department of
 49 management shall prorate the amount available to the
 50 school districts entitled to such aid. School

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1 districts not receiving the full amount of such state
 2 aid shall not raise the lost state aid by property
 3 tax.
 4 22. For payment of franchise tax allocations to
 5 cities and counties under section 422.65:
 6 \$ 9,702,000
 7 If the amounts to be allocated as computed under
 8 section 422.65 to cities and counties exceed the
 9 amount available under this subsection, the director
 10 of revenue and finance shall prorate the amount to be
 11 paid to each city and county.
 12 Sec. 509. Section 97B.72, unnumbered paragraph 2,
 13 Code 1991, is amended to read as follows:
 14 There is appropriated from ~~the general fund of the~~
 15 ~~state to the department of personnel moneys available~~
 16 to the general assembly under section 2.12 an amount
 17 sufficient to pay the contributions of the employer
 18 based on service of the members in an amount equal to
 19 the contributions which would have been made if the
 20 members of the general assembly who made employee
 21 contributions had been members of the system during
 22 their service in the general assembly plus two percent
 23 interest plus interest dividends for all completed
 24 calendar years and for any completed calendar year for
 25 which the interest dividend has not been declared and

26 for completed months of partially completed calendar
27 years at two percent interest plus the interest
28 dividend rate calculated for the previous year,
29 compounded annually, from the end of the calendar year
30 in which contribution was made to the first day of the
31 month of such date.

32 Sec. 510. Section 98.6, subsection 1, Code 1991,
33 is amended to read as follows:

34 1. There is ~~hereby levied, assessed, and imposed,~~
35 and shall be collected and paid to the department, the
36 following taxes on all cigarettes used or otherwise
37 disposed of in this state for any purpose whatsoever:

38 Class A. On cigarettes weighing not more than
39 three pounds per thousand, ~~six and one-half~~ eighteen
40 mills on each such cigarette.

41 Class B. On cigarettes weighing more than three
42 pounds per thousand, ~~seven and one-half~~ eighteen mills
43 on each such cigarette.

44 Sec. 511. Section 98.6, subsection 2, Code 1991,
45 is amended by striking the subsection.

46 Sec. 512. Section 98.43, subsection 1, unnumbered
47 paragraph 1, Code 1991, is amended to read as follows:

48 A tax is imposed upon all tobacco products in this
49 state and upon any person engaged in business as a
50 distributor ~~thereof of tobacco products,~~ at the rate

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1 of ~~nineteen~~ twenty-two percent of the wholesale sales
2 price of the tobacco products, except little cigars as
3 defined in section 98.42. Little cigars shall be
4 subject to the same rate of tax imposed upon
5 cigarettes in section 98.6, payable at the time and in
6 the manner provided in section 98.6; and stamps shall
7 be affixed as provided in division I of this chapter.
8 The tax on tobacco products, excluding little cigars,
9 shall be imposed at the time the distributor does any
10 of the following:

11 Sec. 513. Section 98.43, subsection 2, unnumbered
12 paragraph 1, Code 1991, is amended to read as follows:

13 A tax is imposed upon the use or storage by
14 consumers of tobacco products in this state, and upon
15 the consumers, at the rate of ~~nineteen~~ twenty-two
16 percent of the cost of the tobacco products.

17 Sec. 514. Section 229.35, Code 1991, is amended to
18 read as follows:

19 229.35 COMMISSION OF INQUIRY -- COMPENSATION --
20 PAYMENT.

21 Said ~~The~~ commissioners of a commission of inquiry
22 shall be entitled to ~~their~~ necessary expenses and a

23 reasonable compensation, to be allowed by the judge,
24 who shall certify the same amounts to the director of
25 revenue and finance who shall ~~thereupon draw the~~
26 ~~proper warrants on any funds in the state treasury not~~
27 ~~otherwise appropriated~~ pay such amounts from moneys
28 appropriated to the department of human services. The
29 applicant shall pay said these costs and expenses if
30 the judge shall so order on a finding that the
31 complaint was filed without probable cause.

32 Sec. 515. Section 230.8, Code 1991, is amended to
33 read as follows:

34 230.8 TRANSFERS OF MENTALLY ILL PERSONS --
35 EXPENSES.

36 The transfer to state hospitals or to the places of
37 their legal settlement of mentally ill persons who
38 have no legal settlement in this state or whose legal
39 settlement is unknown, shall be made according to the
40 directions of the administrator, and when practicable
41 by employees of state hospitals, and the actual and
42 necessary expenses of such these transfers shall be
43 paid on itemized vouchers sworn to by the claimants
44 and approved by the administrator, from ~~any funds in~~
45 ~~the state treasury not otherwise appropriated to the~~
46 department of human services.

47 Sec. 516. Section 230.11, Code 1991, is amended to
48 read as follows:

49 230.11 RECOVERY OF COSTS FROM STATE.

50 Costs and expenses attending the taking into

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1 custody, care, and investigation of a person who has
2 been admitted or committed to a state hospital,
3 veterans administration hospital or other agency of
4 the United States government, for the mentally ill and
5 who has no legal settlement in this state or whose
6 legal settlement is unknown, including cost of
7 commitment, if any, shall be paid ~~out of any money in~~
8 ~~the state treasury not otherwise from moneys~~
9 appropriated to the department of human services, on
10 itemized vouchers executed by the auditor of the
11 county which has paid them, and approved by the
12 administrator.

13 Sec. 517. Section 262.43, Code 1991, is amended to
14 read as follows:

15 262.43 STUDENTS RESIDING ON STATE-OWNED LAND.

16 The state board of regents shall pay to the local
17 school boards the tuition payments and transportation
18 costs, as otherwise authorized by statutes for the
19 elementary or high school education of students

20 residing on land owned by the state and under the
21 control of the state board of regents. Such payments
22 for the three institutions of higher learning, the
23 state University of Iowa, the Iowa State University of
24 science and technology and the University of Northern
25 Iowa, shall be made from the funds of the respective
26 institutions other than state appropriations, and for
27 the ~~three~~ two noncollegiate institutions, the Iowa
28 braille and sight saving school, and the state school
29 for the deaf ~~and the state sanatorium, there is hereby~~
30 ~~appropriated out of any funds in the state treasury~~
31 ~~not otherwise appropriated a sum sufficient to make~~
32 ~~such payments~~ the payments and costs shall be paid
33 from moneys appropriated to the state board of
34 regents.

35 Sec. 518. Section 270.5, Code 1991, is amended to
36 read as follows:

37 270.5 CERTIFICATION TO DIRECTOR OF REVENUE AND
38 FINANCE.

39 The superintendent shall, on the first days of June
40 and December of each year, certify to the director of
41 revenue and finance the amounts due from the ~~several~~
42 counties pursuant to sections 270.4 and 270.6, and the
43 director of revenue and finance shall ~~thereupon pass~~
44 ~~the same to the credit of the institution~~ the amounts
45 due to the general fund of the state, and charge the
46 amount to the proper county.

47 Sec. 519. Section 422.26, unnumbered paragraph 6,
48 Code 1991, is amended to read as follows:

49 The department shall pay, from moneys appropriated
50 to the department for this purpose, a recording fee as

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1 provided in section 331.604, for the recording of the
2 lien, or for its satisfaction.

3 Sec. 520. Section 820.24, Code 1991, is amended to
4 read as follows:

5 820.24 EXPENSES -- HOW PAID.

6 When the punishment of the crime shall be the
7 confinement of the criminal in the penitentiary, the
8 expenses shall be paid out of ~~the state treasury funds~~
9 appropriated to the office of the governor, on the
10 certificate of the governor and warrant of the
11 director of revenue and finance; and in all other
12 cases they shall be paid out of the county treasury in
13 the county wherein the crime is alleged to have been
14 committed. The expenses shall be the fees paid to the
15 officers of the state on whose governor the
16 requisition is made, and all necessary and actual

17 traveling expenses incurred in returning the prisoner.

18 Sec. 521. Section 906.10, Code 1991, is repealed.

19 Sec. 522. Sections 510 through 513 of this

20 division take effect July 1, 1991."

21 2. Title page, by striking lines 1 through 8 and

22 inserting the following: "An Act relating to

23 appropriations for state departments, agencies,

24 programs, funds, including the department of human

25 services, education programs and agencies, the

26 department of economic development, justice-related

27 programs and agencies, and INTERNET, and adjusting the

28 school foundation aid program, adjusting certain

29 standing appropriations, increasing the cigarette and

30 tobacco products tax, and providing for effective and

31 applicability dates."

COMMITTEE ON APPROPRIATIONS
LEONARD BOSWELL, Chair

S-3445

1 Amend House File 420, 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 43.14, unnumbered paragraph 2,

6 Code 1991, is amended to read as follows:

7 "I, the undersigned, an eligible elector of
8 county or legislative district, and state of Iowa,
9 hereby nominate of county or
10 legislative district, state of Iowa, who has
11 ~~affiliated registered with and is a member of the~~
12 party, as a candidate for the office of
13 to be voted for at the primary election to be
14 held on"

15 Sec. ____ . Section 43.18, unnumbered paragraph 2,
16 Code 1991, is amended to read as follows:

17 I,, being duly sworn, say that I reside
18 at street, city of, county of
19 in the state of Iowa; that I am eligible to
20 the office for which I am a candidate, and that the
21 ~~political party with which I affiliate is I am~~
22 registered with the party; that I am a
23 candidate for nomination to the office of
24 to be made at the primary election to be held on
25, and hereby request that my name be printed
26 upon the official primary ballot as provided by law,
27 as a candidate of that party. I furthermore declare
28 that if I am nominated and elected I will qualify as
29 such officer."

- 30 2. Title page, line 3, by striking the words "and
 31 relating to" and inserting the following: "relating
 32 to election nomination papers and affidavits,".
 33 3. By renumbering as necessary.

MARK R. HAGERLA

S-3446

- 1 Amend the amendment, S-3444, to House File 479, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 93, by inserting after line 17, the
 5 following:
 6 "The district department shall continue the job
 7 development program established within the district in
 8 1990 Iowa Acts, chapter 1268, section 6, subsection 7,
 9 paragraph "e"."

MICHAEL E. GRONSTAL
 RICHARD VANDE HOEF

S-3447

- 1 Amend amendment, S-3399, to House File 675, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 1, line 5, through page 13,
 5 line 26, and inserting the following:
 6 ""Section 1. NEW SECTION. 159.38 GRAIN INDUSTRY
 7 PEER REVIEW PANEL.
 8 1. The department shall establish a grain industry
 9 peer review panel to assist the department in
 10 enforcing chapters 542 and 543. The panel shall be
 11 composed of the following persons appointed by the
 12 secretary:
 13 a. Two persons representing grain dealers as
 14 defined in section 542.1 who shall be active grain
 15 dealers.
 16 b. Two persons representing warehouse operators as
 17 defined in section 543.1 who shall be active warehouse
 18 operators.
 19 c. One person representing the department who
 20 shall have experience in administering and enforcing
 21 the provisions of chapters 542 and 543. The person
 22 shall serve as the chairperson of the panel.
 23 2. a. The members, other than the chairperson,
 24 shall serve staggered terms of three years. A term
 25 shall begin on July 1 and end on June 30. The
 26 secretary shall make initial appointments for less

27 than three years to provide for staggered terms and
28 the representatives are eligible for reappointment.
29 However, only an active grain dealer or warehouse
30 operator is eligible for reappointment. The members,
31 other than the chairperson, are eligible to be
32 compensated pursuant to section 7E.6, and receive
33 actual and necessary expenses for performing duties
34 provided in this section.

35 b. Three members constitute a quorum, and the
36 affirmative vote of three members is necessary for any
37 action taken by the panel, except that a lesser number
38 may adjourn a meeting. A vacancy in the membership of
39 the panel does not impair the rights of a quorum to
40 exercise all the rights and perform all the duties of
41 the panel.

42 3. The panel shall recommend to the department the
43 establishment or modification of civil penalties and
44 procedures to impose the penalties, as provided under
45 sections 542.22 and 543.36A. The panel shall propose
46 a schedule of penalties for minor and serious
47 violations. A civil penalty shall not exceed two
48 hundred fifty dollars for a minor violation and five
49 hundred dollars for a serious violation. The panel
50 shall also propose procedures to provide notice to

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1 persons in violation of this chapter, and establish a
2 period of time to cure minor violations before
3 penalties are imposed. The department shall adopt
4 rules based on the recommendations of the panel as
5 approved by the secretary.

6 4. The panel shall review cases by persons subject
7 to the imposition of civil penalties for violation of
8 serious violations under this section. The panel may
9 recommend to the department pursuant to procedures
10 adopted by the department, that a civil penalty be
11 modified or suspended.

12 Sec. 2. Section 542.2, Code 1991, is amended by
13 adding the following new unnumbered paragraph:
14 **NEW UNNUMBERED PARAGRAPH.** The department may enter
15 into contracts or cooperative agreements with the
16 United States, or any of its agencies, including the
17 commodity credit corporation, to allow federal
18 warehouse examiners to conduct grain dealer
19 inspections for facilities which are licensed by the
20 federal government as warehouses and licensed by the
21 state as grain dealers. Grain dealer examinations
22 conducted under any such contract or agreement must be
23 in accordance with the requirements of state law.

24 Sec. 3. Section 542.3, subsection 4, paragraph b,
25 Code 1991, is amended to read as follows:
26 b. The grain dealer shall submit, as required by
27 the department, a financial statement that is
28 accompanied by an unqualified opinion based upon an
29 audit performed by a certified public accountant
30 licensed in this state. However, the department may
31 accept a qualification in an opinion that is
32 unavoidable by any audit procedure that is permitted
33 under generally accepted accounting principles. An
34 opinion that is qualified because of a limited audit
35 procedure or because the scope of an audit is limited
36 shall not be accepted by the department. The
37 department shall not require that a grain dealer
38 submit more than one such unqualified opinion per
39 year. ~~The grain dealer may elect, however, to submit~~
40 ~~a financial statement that is accompanied by the~~
41 ~~report of a certified public accountant licensed in~~
42 ~~this state that is based upon a review performed by~~
43 ~~the certified public accountant in lieu of the audited~~
44 ~~financial statement specified in this paragraph.~~
45 However, at any time the department may require a
46 financial statement that is accompanied by the report
47 of a certified public accountant licensed in this
48 state that is based upon a review performed by a
49 certified public accountant if the department has good
50 cause to believe that the net worth or current asset

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1 to current liability ratio of a licensee presents a
2 danger to producers or sellers with whom the licensee
3 deals. "Good cause" means that the department has
4 evidence that the licensee issued checks on
5 insufficient funds, evidence of a quality or quantity
6 shortage in a warehouse facility, indications that the
7 licensee's financial position is unsound according to
8 a risk rating computed pursuant to the statistical
9 model as provided in section 542.9A, or evidence of
10 violations of recordkeeping requirements. ~~If a grain~~
11 ~~dealer making the election engages in credit sale~~
12 ~~contracts, the grain dealer shall also comply with the~~
13 ~~provisions of section 542.15, subsection 8.~~

14 Sec. 4. Section 542.3, subsection 5, paragraph b,
15 Code 1991, 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, indications that the
47 licensee's financial position is unsound according to
48 a risk rating computed pursuant to the statistical
49 model as provided in section 542.9A, or evidence of
50 violations of recordkeeping requirements. ~~If a grain~~

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1 dealer making the election engages in credit sale
2 contracts, the grain dealer shall also comply with the
3 provisions of section 542.15, subsection 8.
4 Sec. 5. Section 542.5, unnumbered paragraph 1,
5 Code 1991, is amended to read as follows:
6 Upon the filing of the application and compliance
7 with the terms and conditions of this chapter and
8 rules of the department, the department shall issue a
9 license to the applicant. The license shall terminate
10 on at the thirtieth of June of each year end of the
11 third calendar month following the close of the grain
12 dealer's fiscal year. A grain dealer's license may be
13 renewed annually by the filing of a renewal fee and a
14 renewal application on a form prescribed by the
15 department. An application for renewal shall be
16 received by the department on or before the thirtieth
17 of June end of the third calendar month following the

18 close of the grain dealer's fiscal year. A grain
 19 dealer license which has terminated may be reinstated
 20 by the department upon receipt of a proper renewal
 21 application, the renewal fee, and the reinstatement
 22 fee as provided in section 542.6 if filed within
 23 thirty days from the date of termination of the grain
 24 dealer license. The department may cancel a license
 25 upon request of the licensee unless a complaint or
 26 information is filed against the licensee alleging a
 27 violation of a provision of this chapter. Fees for
 28 licenses issued for less than a full year shall be
 29 prorated from the date of the application.
 30 Sec. 6. Section 542.6, subsection 1, Code 1991, is
 31 amended to read as follows:

32 1. For the issuance or renewal of a license for a
 33 grain dealer required under section 542.3, and for any
 34 inspection of a grain dealer, the fee shall be
 35 determined on the basis of dollar volume of all
 36 bushels of grain purchased during the grain dealer's
 37 previous calendar fiscal year as follows according to
 38 the grain dealer's financial statement required in
 39 section 542.3. The fee shall be calculated according
 40 to the following schedule:

41 a. If the total number of bushels purchased is one
 42 hundred thirty-five thousand dollars or less, the
 43 license fee is forty dollars and the inspection fee is
 44 fifty dollars.

45 b. If the total number of bushels purchased is
 46 more than one hundred thirty-five thousand dollars,
 47 but not more than seven two hundred fifty thousand
 48 dollars, the license fee is seventy dollars and the
 49 inspection fee is seventy-five dollars.

50 c. If the total number of bushels purchased is

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1 more than seven two hundred fifty thousand dollars,
 2 but not more than one million five hundred thousand
 3 dollars, the license fee is one hundred dollars and
 4 the inspection fee is one hundred fifteen dollars.

5 d. If the total number of bushels purchased is
 6 more than one million five hundred thousand dollars,
 7 but not more than three one million dollars, the
 8 license fee is one hundred seventy-five dollars and
 9 the inspection fee is one hundred fifty dollars.

10 e. If the total number of bushels purchased is
 11 more than three one million dollars, but not more than
 12 four one million seven eight hundred fifty thousand
 13 dollars, the license fee is three hundred dollars and
 14 the inspection fee is one hundred eighty-five dollars.

15 f. If the total number of bushels purchased is
 16 more than four one million seven eight hundred fifty
 17 thousand dollars, but not more than nine three million
 18 five two hundred thousand dollars, the license fee is
 19 four hundred twenty-five dollars and the inspection
 20 fee is two hundred twenty-five dollars.

21 g. If the total number of bushels purchased is
 22 more than nine three million five two hundred thousand
 23 dollars, the license fee is five hundred seventy-five
 24 dollars and the inspection fee is two hundred sixty-
 25 five dollars.

26 If the applicant did not purchase grain in the
 27 applicant's previous calendar fiscal year, the
 28 applicant ~~will~~ shall pay the fee specified in
 29 paragraph "a". If during the license period
 30 licensee's fiscal year the total number of bushels of
 31 grain actually purchased exceeds one hundred thirty-
 32 five thousand dollars, the licensee shall notify the
 33 department and the license and inspection fee shall be
 34 adjusted accordingly. Subsequent adjustments shall be
 35 made as necessary. An applicant may elect licensing
 36 in any category of this subsection. New Fees for new
 37 licenses issued for less than a full year shall be
 38 prorated from the date of application:

39 Sec. 7. NEW SECTION. 542.9A USE OF STATISTICAL
 40 MODELS TO PROVIDE RISK RATINGS.

41 The department shall utilize available statistical
 42 models to measure the financial condition of grain
 43 dealers, and especially grain dealers who execute
 44 credit-sale contracts. Procedures for utilizing the
 45 statistical models shall be adopted by departmental
 46 rules. The statistical model shall be used to provide
 47 risk ratings. A risk rating may be the basis of good
 48 cause to require the grain dealer to submit a
 49 financial statement that is accompanied by a report of
 50 a certified public accountant, as provided in section

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1 542.3.

2 Sec. 8. Section 542.11, subsection 4, Code 1991,
 3 is amended to read as follows:

4 4. A person in violation of this chapter, or a in
 5 violation of chapter 714 or 715A involving, which
 6 violation involves the business of a grain dealer, is
 7 subject to prosecution by the county attorney in the
 8 county where the business is located. However, if the
 9 county attorney fails to initiate prosecution within
 10 thirty days and upon request by the department, the
 11 attorney general may initiate and carry out the

12 prosecution in cooperation, if possible, with the
13 county attorney. The person in violation may be
14 restrained by an injunction in an action brought by
15 the department or the attorney general upon request by
16 the department.

17 Sec. 9. NEW SECTION. 542.12A LIEN ON GRAIN
18 DEALER ASSETS.

19 1. A statutory lien is imposed on all grain dealer
20 assets in favor of sellers who have surrendered
21 warehouse receipts or other written evidence of
22 ownership as part of a grain sale transaction or who
23 possess written evidence of the sale of grain to a
24 grain dealer, without receiving full payment for the
25 grain.

26 2. "Grain dealer assets" includes proceeds
27 received or due a grain dealer upon the sale,
28 including exchange, collection, or other disposition,
29 of grain sold by the grain dealer. As used in this
30 section, "proceeds" means noncash and cash proceeds as
31 provided in section 554.9306. "Grain dealer assets"
32 also includes any other funds or property of the grain
33 dealer which can be directly traced as being from the
34 sale of grain by the grain dealer, or which were
35 utilized in the business operation of the grain
36 dealer. A court, upon petition by an affected party,
37 may order that claimed grain dealer assets are not
38 grain dealer assets as defined in this section. The
39 burden of proof shall be upon the petitioner to
40 establish that the assets are not grain dealer assets
41 as defined in this section.

42 3. The lien shall arise at the time of surrender
43 of warehouse receipts or other written evidence of
44 ownership as part of a grain sale transaction or the
45 time of delivery of the grain for sale, and shall
46 terminate when the liability of the grain dealer to
47 the seller has been discharged. The lien of all
48 sellers is hereby assigned to the board, on behalf of
49 the fund.

50 4. To perfect the lien, the board must file a lien

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- 1 statement with the office of the secretary of state.
- 2 The lien statement is valid only if filed on or after
- 3 the date of suspension but not later than sixty days
- 4 after the incurrence date as provided in section
- 5 543A.6. The lien statement shall disclose the name of
- 6 the grain dealer, the address of the dealer's
- 7 principal place of business, a description of
- 8 identifiable grain dealer assets, and the amount of

9 the lien. The lien amount shall be the board's
10 estimate of the final cost of reimbursing the grain
11 depositors and sellers indemnity fund for the payment
12 of claims against the fund resulting from the breach
13 of the grain dealer's obligations. The board shall
14 correct the amount not later than one hundred eighty
15 days following the incurrence date. A court, upon
16 petition by an affected person, may correct the
17 amount. The board shall have the burden of proving
18 that the amount is an accurate estimate.

19 5. The board shall upon written demand of the
20 grain dealer file a termination statement with the
21 secretary of state, if the license of the grain dealer
22 is not revoked, terminated, or canceled after one
23 hundred eighty days from the date that the lien is
24 perfected. Upon filing the termination statement, the
25 lien becomes unperfected. The board shall also
26 deliver a copy of the termination statement to the
27 grain dealer.

28 6. The secretary of state shall note the filing of
29 a lien statement under this section in a manner
30 provided by chapter 554, the uniform commercial code.
31 The secretary shall note the filing of a termination
32 statement with the lien statement.

33 7. A lien perfected under this section is superior
34 to an interest which is perfected subsequent to the
35 time the lien statement is filed with the secretary of
36 state, except liens arising under chapters 570 through
37 571.

38 8. If the grain dealer is also licensed under
39 chapter 543, and in the event the department is
40 appointed as a receiver under section 543.3, assets
41 under the authority of the receiver are free from this
42 statutory lien. However, if there are receivership
43 assets in excess of those necessary to fully reimburse
44 depositors, the perfected lien will attach to those
45 excess assets.

46 9. The board may enforce the lien in the manner
47 provided in chapter 554, article 9, part 5, for the
48 enforcement of security interests. If, upon
49 enforcement of the lien, the lien amount is satisfied
50 in full without exhaustion of the grain dealer assets,

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1 the remaining assets shall be returned to the grain
2 dealer or, if there are competing claims to those
3 remaining assets by other creditors, shall place those
4 assets in the custody of the district court and
5 implead the known creditors.

6 For purposes of enforcement of the lien, the board
7 is deemed to be the secured party and the grain dealer
8 is deemed to be the debtor, and each has the
9 respective rights and duties of a secured party and a
10 debtor as provided in chapter 554, article 9, part 5.
11 If a right or duty under chapter 554, article 9, part
12 5, is contingent upon the existence of express
13 language in a security agreement, or may be waived by
14 express language in a security agreement, the
15 requisite language is deemed not to exist for purposes
16 of enforcement of the lien created by this section.

17 10. Actions relating to this section shall be
18 brought in the district court in the county in which
19 the grain dealer's primary place of business is
20 located or in Polk county.

21 Sec. 10. Section 542.15, subsection 7, Code 1991,
22 is amended to read as follows:

23 7. a. A grain dealer shall not purchase grain on
24 credit during any time period in which the grain
25 dealer's current assets are less than fifty one
26 hundred percent of current liabilities. A grain
27 dealer also shall not purchase grain on credit-sale
28 contract during any time period in which the grain
29 dealer fails to maintain fifty cents of net worth for
30 each outstanding bushel of grain purchased under
31 credit. The grain dealer may maintain a deficiency
32 bond or an irrevocable letter of credit in the amount
33 of two thousand dollars for each one thousand dollars
34 or fraction thereof of deficiency in current assets to
35 current liabilities.

36 b. A grain dealer holding a federal or state
37 warehouse license who does not have a sufficient
38 quantity or quality of grain to satisfy the warehouse
39 operator's obligations based on an examination by the
40 department or the United States department of
41 agriculture shall not purchase grain on credit-sale
42 contract to correct the shortage of grain.

43 Sec. 11. Section 542.15, Code 1991, is amended by
44 adding the following new subsections:

45 **NEW SUBSECTION. 9.** A licensed grain dealer who
46 purchases grain by credit-sale contract shall
47 conspicuously post a colored sign published by the
48 department which shall contain a message in at least
49 thirty-six point boldface type warning the seller that
50 grain purchased by credit-sale contract is not

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1 protected by the grain depositors and sellers
2 indemnity fund.

3 NEW SUBSECTION. 10. A licensed grain dealer who
4 makes an offer or offers to consider offers relating
5 to the purchase of grain by credit-sale contract in an
6 advertisement, shall also state in the advertisement
7 that grain purchased by credit-sale contract is not
8 protected by the grain depositors and sellers
9 indemnity fund.

10 As used in this subsection, "advertisement" means
11 the presentation of a commercial message to the
12 general public in any medium, including but not
13 limited to print, radio, television, sign, display,
14 label, tag, or articulation.

15 Sec. 12. NEW SECTION. 542.22 CIVIL PENALTIES.

16 1. A person violating a provision of this chapter
17 or a rule adopted or an order issued by the department
18 pursuant to this chapter is subject to a civil
19 penalty.

20 2. A civil penalty shall not exceed two hundred
21 fifty dollars for a minor violation and five hundred
22 dollars for a serious violation. Each day that the
23 person is in violation of this chapter or a rule
24 adopted or an order issued pursuant to this chapter
25 shall be considered a separate violation.

26 3. A penalty shall be assessed pursuant to rules
27 adopted by the department consistent with the process
28 established in section 159.38. A person who is
29 assessed a serious civil penalty may petition the
30 grain industry peer review panel to review the case
31 pursuant to section 159.38. Civil penalties assessed
32 under this section shall be collected by the
33 department for deposit into the general fund of the
34 state.

35 Sec. 13. Section 543.6, subsection 4, paragraph b,
36 Code 1991, is amended to read as follows:

37 b. The warehouse operator shall submit, as
38 required by the department, a financial statement that
39 is accompanied by an unqualified opinion based upon an
40 audit performed by a certified public accountant
41 licensed in this state. However, the department may
42 accept a qualification in an opinion that is
43 unavoidable by any audit procedure that is permitted
44 under generally accepted accounting principles. An
45 opinion that is qualified because of a limited audit
46 procedure or because the scope of an audit is limited
47 shall not be accepted by the department. The
48 department shall not require that a warehouse operator
49 submit more than one such unqualified opinion per
50 year. The warehouse operator may elect, however, to

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1 submit a financial statement that is accompanied by
2 the report of a certified public accountant licensed
3 in this state that is based upon a review performed by
4 the certified public accountant in lieu of the audited
5 financial statement specified in this paragraph.
6 However, at any time the department may require a
7 financial statement that is accompanied by the report
8 of a certified public accountant licensed in this
9 state that is based upon a review performed by a
10 certified public accountant if the department has good
11 cause to believe that the net worth or current asset
12 to current liability ratio of a licensee presents a
13 danger to producers or sellers with whom the licensee
14 deals. "Good cause" means that the department has
15 evidence that the licensee issued checks on
16 insufficient funds, evidence of a quality or quantity
17 shortage in a warehouse facility, indications that the
18 licensee's financial position is unsound according to
19 a risk rating computed pursuant to the statistical
20 model as provided in section 543.9A, or evidence of
21 violations of recordkeeping requirements.

22 Sec. 14. Section 543.6, subsection 5, paragraph b,
23 Code 1991, is amended to read as follows:

24 b. The warehouse operator shall submit, as
25 required by the department, a financial statement that
26 is accompanied by an unqualified opinion based upon an
27 audit performed by a certified public accountant
28 licensed in this state. However, the department may
29 accept a qualification in an opinion that is
30 unavoidable by any audit procedure that is permitted
31 under generally accepted accounting principles. An
32 opinion that is qualified because of a limited audit
33 procedure or because the scope of an audit is limited
34 shall not be accepted by the department. The
35 department shall not require that a warehouse operator
36 submit more than one such unqualified opinion per
37 year. ~~The warehouse operator may elect, however, to~~
38 ~~submit a financial statement that is accompanied by~~
39 ~~the report of a certified public accountant licensed~~
40 ~~in this state that is based upon a review performed by~~
41 ~~the certified public accountant in lieu of the audited~~
42 ~~financial statement specified in this paragraph.~~
43 However, at any time the department may require a
44 financial statement that is accompanied by the report
45 of a certified public accountant licensed in this
46 state that is based upon a review performed by a
47 certified public accountant if the department has good
48 cause to believe that the net worth or current asset
49 to current liability ratio of a licensee presents a
50 danger to producers or sellers with whom the licensee

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1 deals. "Good cause" means that the department has
2 evidence that the licensee issued checks on
3 insufficient funds, evidence of a quality or quantity
4 shortage in a warehouse facility, indications that the
5 licensee's financial position is unsound according to
6 a risk rating computed pursuant to the statistical
7 model as provided in section 543.9A, or evidence of
8 violations of recordkeeping requirements.

9 Sec. 15. NEW SECTION. 543.9A USE OF STATISTICAL
10 MODELS TO PROVIDE RISK RATINGS.

11 The department shall utilize available statistical
12 models to measure the financial condition of warehouse
13 operators. Procedures for utilizing the statistical
14 models shall be adopted by departmental rules. The
15 statistical model shall be used to provide risk
16 ratings. A risk rating may be the basis of good cause
17 to require the warehouse operator to submit a
18 financial statement that is accompanied by a report of
19 a certified public accountant, as provided in section
20 543.6.

21 Sec. 16. NEW SECTION. 543.12A LIEN ON WAREHOUSE
22 OPERATOR ASSETS.

23 1. A statutory lien is imposed on all warehouse
24 operator assets in favor of depositors possessing
25 warehouse receipts covering grain stored by the
26 warehouse operator and depositors with written
27 evidence of ownership other than warehouse receipts
28 disclosing a storage obligation of a warehouse
29 operator.

30 2. "Warehouse operator assets" includes proceeds
31 received or due a warehouse operator upon the sale,
32 including exchange, collection, or other disposition,
33 of grain sold by the warehouse operator. As used in
34 this section, "proceeds" means noncash and cash
35 proceeds as provided in section 554.9306. "Warehouse
36 operator assets" also includes storage payments
37 received or due to a warehouse operator, grain owned
38 by the warehouse operator, and any other funds or
39 property of the warehouse operator which can be
40 directly traced as being from the sale of grain by the
41 warehouse operator, or which were utilized in the
42 business operation of the warehouse operator. A
43 court, upon petition by an affected party, may order
44 that claimed warehouse operator assets are not
45 warehouse operator assets as defined in this section.
46 The burden of proof shall be upon the petitioner to
47 establish that the assets are not warehouse operator
48 assets as defined in this section.

49 3. The lien shall arise at the commencement of the
50 storage obligation, and shall terminate when the

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1 liability of the warehouse operator to the depositor
2 has been discharged. The lien of all depositors is
3 hereby assigned to the board, on behalf of the grain
4 depositors and sellers indemnity fund.

5 4. To perfect the lien, the board must file a lien
6 statement with the office of the secretary of state.
7 The lien statement is valid only if filed on or after
8 the date of suspension but not later than thirty days
9 after the incurrence date as provided in section
10 543A.6. The lien statement shall disclose the name of
11 the warehouse operator, the address of the warehouse
12 operator's principal place of business, a description
13 of identifiable warehouse operator assets, and the
14 amount of the lien. The lien amount shall be the
15 board's estimate of the final cost of reimbursing the
16 grain depositors and sellers indemnity fund for the
17 payment of claims made against the fund resulting from
18 the breach of the warehouse operator's obligations.
19 The board shall correct the amount not later than one
20 hundred eighty days following the incurrence date. A
21 court, upon petition by an affected person, may
22 correct the amount. The board shall have the burden
23 of proving that the amount is an accurate estimate.

24 5. The board shall upon written demand of the
25 warehouse operator file a termination statement with
26 the secretary of state, if the license of the
27 warehouse operator is not revoked, terminated, or
28 canceled after one hundred eighty days from the date
29 that the lien is perfected. Upon filing the
30 termination statement, the lien becomes unperfected.
31 The board shall also deliver a copy of the termination
32 statement to the warehouse operator.

33 6. The secretary of state shall note the filing of
34 a lien statement under this section in a manner
35 provided by chapter 554, the uniform commercial code.
36 The secretary shall note the filing of a termination
37 statement with the lien statement.

38 7. A lien perfected under this section is superior
39 to a lien or security interest which attaches
40 subsequent to the time the lien statement is filed
41 with the secretary of state, except liens arising
42 under chapters 570 through 571.

43 8. In the event the department is appointed as a
44 receiver under section 543.3, assets under the
45 authority of the receiver are free from this statutory

46 lien. However, if there are receivership assets in
47 excess of those necessary to fully reimburse
48 depositors, the perfected lien will attach to those
49 excess assets.
50 9. The board may enforce the lien in the manner

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1 provided in chapter 554, article 9, part 5, for the
2 enforcement of security interests. If, upon
3 enforcement of the lien, the lien amount is satisfied
4 in full without exhaustion of the warehouse operator
5 assets, the remaining assets shall be returned to the
6 warehouse operator or, if there are competing claims
7 to those remaining assets by other creditors, those
8 assets shall be placed in the custody of the district
9 court and the known creditors impleaded.

10 For purposes of enforcement of the lien, the board
11 is deemed to be the secured party and the warehouse
12 operator is deemed to be the debtor, and each has the
13 respective rights and duties of a secured party and a
14 debtor as provided in chapter 554, article 9, part 5.
15 If a right or duty under chapter 554, article 9, part
16 5, is contingent upon the existence of express
17 language in a security agreement, or may be waived by
18 express language in a security agreement, the
19 requisite language is deemed not to exist for purposes
20 of enforcement of the lien created by this section.

21 10. Actions relating to this section shall be
22 brought in the district court in the county in which
23 the warehouse operator's primary place of business is
24 located or in Polk county.

25 Sec. 17. Section 543.17, Code 1991, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 8. A grain dealer holding a
28 federal or state warehouse license who does not have a
29 sufficient quantity or quality of grain to satisfy the
30 warehouse operator's obligations based on an
31 examination by the department or the United States
32 department of agriculture shall not purchase grain on
33 credit-sale contract to correct the shortage of grain.

34 Sec. 18. NEW SECTION. 543.20A PENALTY FOR
35 IMPROPER ISSUANCE OF WAREHOUSE RECEIPTS.

36 A warehouse receipt as provided in section 543.20
37 shall not be issued by the warehouse operator, unless
38 the warehouse operator owns sufficient agricultural
39 products or interests in such products as are
40 represented by the warehouse receipt. The issuance of
41 a warehouse receipt purporting a warehouse ownership
42 of agricultural products or interests in such products

43 when the warehouse operator does not own or have an
44 interest in sufficient agricultural products at the
45 time of issuance is a class "D" felony. Each
46 warehouse receipt so issued shall be a separate
47 offense.

48 Sec. 19. Section 543.36, subsection 4, Code 1991,
49 is amended to read as follows:

50 4. A person in violation of this chapter, or a in

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1 violation of chapter 714 or 715A involving, which
2 violation involves the business of a warehouse
3 operator, is subject to prosecution by the county
4 attorney in the county where the business is located.
5 However, if the county attorney fails to initiate
6 prosecution within thirty days, and upon request by
7 the department, the attorney general may initiate and
8 carry out the prosecution in cooperation, if possible,
9 with the county attorney. The person in violation may
10 be restrained by injunction in an action brought by
11 the department or the attorney general upon request by
12 the department.

13 Sec. 20. NEW SECTION. 543.36A CIVIL PENALTIES.

14 1. A person violating a provision of this chapter
15 or a rule adopted or an order issued by the department
16 pursuant to this chapter is subject to a civil
17 penalty.

18 2. A civil penalty shall not exceed two hundred
19 fifty dollars for a minor violation and five hundred
20 dollars for a serious violation. Each day that the
21 person is in violation of this chapter or a rule
22 adopted or an order issued pursuant to this chapter
23 shall be considered a separate violation.

24 3. A penalty shall be assessed pursuant to rules
25 adopted by the department consistent with the process
26 established in section 159.38. A person who is
27 assessed a serious civil penalty may petition the
28 grain industry peer review panel to review the case
29 pursuant to section 159.38. Civil penalties assessed
30 under this section shall be collected by the
31 department for deposit into the general fund of the
32 state.

33 Sec. 21. Section 543.37, Code 1991, is amended to
34 read as follows:

35 543.37 FAILURE TO PAY FEE.

36 Failure to pay the annual license fee provided for
37 in section 543.33 on or before June 30 of the year for
38 which due the end of the third calendar month
39 following the close of the licensee's fiscal year

40 shall cause a license to terminate. A warehouse
41 license which has terminated may be reinstated by the
42 department upon receipt of a proper renewal
43 application, the renewal fee, and the reinstatement
44 fee as provided for in section 543.33, if filed within
45 thirty days from the date of termination of the
46 warehouse license. The department may cancel the
47 license upon request of the licensee unless a
48 complaint or information is filed against the licensee
49 alleging a violation of a provision of this chapter.
50 Sec. 22. NEW SECTION. 543A.5A LIEN ON LICENSEE'S

Page 15

1 ASSETS.

2 The board may enforce a lien attached to assets
3 held by a licensee under chapter 542 or 543. The lien
4 shall be perfected and enforced pursuant to section
5 542.12A or 543.12A.

6 Sec. 23. Section 554.9407, subsection 3, Code
7 1991, is amended by adding the following new
8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Upon written request,
10 the filing officer shall issue a certificate showing
11 whether there is on file on the date and hour stated,
12 an effective financing statement, lien statement, or
13 termination statement under chapter 542 or 543 naming
14 a grain dealer or warehouse operator as a debtor, the
15 address of the grain dealer's or warehouse operator's
16 principal place of business, and the grain indemnity
17 fund board as secured creditor, identifiable grain
18 proceeds subject to the lien, and the amount of the
19 lien. The uniform fee for a certificate is five
20 dollars if the request for the certificate is on a
21 form conforming to standards prescribed by the
22 secretary of state, or the fee is six dollars if the
23 request is not on a form conforming to the standards.

24 Sec. 24. Section 715A.2, subsection 2, paragraph
25 a, Code 1991, is amended to read as follows:

26 a. Forgery is a class "D" felony if the writing is
27 or purports to be part of an issue of money,
28 securities, postage or revenue stamps, or other
29 instruments issued by the government, or part of an
30 issue of stock, bonds, credit-sale contracts as
31 defined in section 542.1, or other instruments
32 representing interests in or claims against any
33 property or enterprise, or a check, draft, or other
34 writing which ostensibly evidences an obligation of
35 the person who has purportedly executed it or
36 authorized its execution.

37 Sec. 25. There shall be a transition period for
38 implementing and enforcing provisions of this Act
39 relating to any license period as provided in sections
40 542.5 and 543.37 as amended by this Act. Within the
41 transition period, the department of agriculture and
42 land stewardship may issue or renew licenses under
43 chapter 542 or 543 for a period less than twelve
44 consecutive months. The department shall prorate the
45 fees charged for issuing or renewing the licenses for
46 a period of less than twelve consecutive months. A
47 person required to be licensed under chapter 542 or
48 543 shall not pay more in twelve consecutive months
49 than the total amount of fees required to be paid if
50 the person were similarly licensed during 1990. The

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1 transition period shall terminate on June 30, 1992.

2 Sec. 26. DATES OF APPLICABILITY.

3 1. Notwithstanding sections 542.3 and 543.6 as
4 amended by this Act, a grain dealer or warehouse
5 operator may still submit a financial statement that
6 is accompanied by a report of a certified public
7 accountant licensed in this state that is based upon a
8 review performed by the certified public accountant in
9 lieu of an audited financial statement as provided in
10 sections 542.3 and 543.6 prior to the effective date
11 of this Act. However, this subsection shall not apply
12 to a grain dealer or warehouse operator required to
13 submit a financial statement as provided in section
14 542.3 or 543.6 after the end of the fiscal year of the
15 grain dealer or warehouse operator when the end of the
16 fiscal year is on or after January 1, 1992.

17 2. 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, 1991."''

JOHN KIBBIE
WILLIAM W. DIELEMAN
RICHARD V. RUNNING
JOHN N. NYSTROM
RICHARD VANDE HOEF
H. KAY HEDGE
LINN FUHRMAN
JACK W. HESTER
WILMER RENSINK
DALE L. TIEDEN
MARY E. KRAMER
ALLEN BORLAUG

JAMES B. KERSTEN
JAMES R. RIORDAN
BEVERLY A. HANNON
JEAN LLOYD-JONES
AL STURGEON
MARK R. HAGERLA
ALVIN V. MILLER
LEONARD L. BOSWELL

S-3448

1 Amend House File 469, 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 other appointing authority of a county".
5 2. Page 1, line 17, by inserting after the word
6 "gender." the following: "However, if a board of
7 supervisors finds that gender balance is not possible
8 or appropriate for a multimember appointive body, the
9 board may make appointments which are inconsistent
10 with gender balance, but the board shall file a
11 written report when making the appointments with the
12 clerk of the board stating the reasons for the
13 nongender balanced appointments. The report shall be
14 published with the official proceedings of the board
15 of supervisors."

16 3. Page 1, lines 23 and 24, by striking the words
17 "other appointing authority of a city" and inserting
18 the following: "city council".

19 4. Page 1, line 35, by inserting after the word
20 "gender." the following: "However, if a mayor or city
21 council finds that gender balance is not possible or
22 appropriate for a multimember appointive body, the
23 mayor or city council may make appointments which are
24 inconsistent with gender balance, but the mayor or
25 city council shall file a written report when making
26 the appointment with the city clerk stating the
27 reasons for the nongender balanced appointments. The
28 report shall be published with the official
29 proceedings of the city council."

SHELDON RITTMER

S-3449

1 Amend the amendment, S-3444, to House File 479, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 96, line 7, by inserting after the figure
5 "1992." the following: "No pay grade changes

6 resulting from the study shall be implemented prior to
7 July 1, 1992, subject to sufficient salary adjustment
8 funds being appropriated specifically for that
9 purpose."

MICHAEL E. GRONSTAL
RICHARD VANDE HOEF

S-3450

1 Amend the Committee amendment, S-3351, to House
2 File 651, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 2, by striking line 12 and inserting the
5 following: "percent, one-sixth of the tax liability
6 by the track during the".

JOHN P. KIBBIE
MICHAEL E. GRONSTAL
GEORGE R. KINLEY
JACK RIFE

S-3451

1 Amend House File 302, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by striking the figure "1979"
4 and inserting the following: "1979 1990".

MICHAEL E. GRONSTAL
MIKE CONNOLLY

S-3452

1 Amend House File 639, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 4 through 11 and
4 inserting the following: "by striking the subsection
5 and inserting in lieu thereof the following:
6 3. Notwithstanding section 8.33, moneys committed
7 to grantees under contract that remain unexpended on
8 June 30 of any fiscal year shall not revert but shall
9 be available for expenditure for purposes of the
10 contract until June 30 of the succeeding fiscal year."

JAMES RIORDAN

S-3453

1 Amend House File 618, as amended, passed, and

2 reprinted as follows:

- 3 1. By striking page 1, line 1 through page 2,
4 line 20.
5 2. Title page, lines 1 and 2, by striking the
6 words "and the lapse of state mineral interests".

MICHAEL GRONSTAL

S-3454

- 1 Amend amendment, S-3309, to House File 252, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting before line 3 the
5 following:
6 "____. Page 1, line 8, by striking the word and
7 figure "and 178" and inserting the following: and
8 178, and 180".

DON GETTINGS

S-3455

- 1 Amend the amendment, S-3399, to House file 675, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 29, the
5 following:
6 "Sec. ____ . Section 542.15, subsection 7, Code
7 1991, is amended to read as follows:
8 7. A grain dealer shall not purchase grain on
9 credit during any time period in which the grain
10 dealer's current assets are less than fifty one
11 hundred percent of current liabilities. A grain
12 dealer also shall not purchase grain on credit-sale
13 contract during any time period in which the grain
14 dealer fails to maintain fifty cents of net worth for
15 each outstanding bushel of grain purchased under
16 credit. The grain dealer may maintain a deficiency
17 bond or an irrevocable letter of credit in the amount
18 of two thousand dollars for each one thousand dollars
19 or fraction thereof of deficiency in current assets to
20 current liabilities."

EMIL J. HUSAK
EUGENE FRAISE
SHELDON RITTMER
JOHN E. SOORHOLTZ
DERRYL McLAREN

S-3456

- 1 Amend House File 580, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 16, by striking the words "board
- 4 of directors" and inserting the following: "board of
- 5 directors superintendent".
- 6 2. Page 1, line 17, by inserting after the figure
- 7 "279.27." the following: "Termination of contracts of
- 8 individuals who possess coaching authorizations shall
- 9 be preceded by at least thirty days' written notice."
- 10 3. Page 1, by inserting after line 18 the fol-
- 11 lowing:
- 12 "Sec. ____ . DEPARTMENTAL TASK FORCE. The depart-
- 13 ment of education shall establish a task force to
- 14 investigate and make recommendations to the board of
- 15 educational examiners for enhancement of eligibility
- 16 requirements for coaching authorizations.
- 17 Recommendations shall include recommendations relating
- 18 to requirements for course work in subject matter
- 19 areas including, but not limited to, child psychology,
- 20 adolescent psychology, and educational methods."
- 21 4. By numbering and renumbering as necessary.

WALLY HORN

S-3457

- 1 Amend House File 594, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 23, by striking the word "an" and
- 4 inserting the following: "a civil".

HARRY SLIFE
RALPH ROSENBERG

S-3458

- 1 Amend amendment, S-3444, to House File 479, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 94, line 49, by striking the word "shall"
- 5 and inserting the following: "may".

RICHARD VANDE HOEF
MICHAEL E. GRONSTAL

S-3459

- 1 Amend House File 610 as amended, passed and

2 reprinted by the House as follows:

- 3 1. Page 4, line 3, by inserting after the word
 4 "state" the following: " but no land shall be
 5 acquired through condemnation proceedings and all
 6 purchases shall be from willing sellers".

JACK W. HESTER
 BERL E. PRIEBE

S-3460

1 Amend the amendment, S-3444, to House File 479 as
 2 follows:

- 3 1. Page 25, line 21, by striking the figure
 4 "29,522,461" and inserting the following:
 5 "29,722,461".
 6 2. Page 54, by striking lines 36 through 42.
 7 3. Page 70, line 20, by inserting before the word
 8 "Peace" the following: "Iowa".
 9 4. Page 70, line 22, by inserting after the
 10 figure "38" the following: " , contingent upon
 11 matching funds from private sector contributions, up
 12 to".

JEAN LLOYD-JONES
 LARRY MURPHY
 MICHAEL W. CONNOLLY
 ELAINE SZYMONIAK
 JOE J. WELSH

S-3461

1 Amend the amendment, S-3444, to House File 479, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 25, line 21, by striking the figure
 5 "29,522,461" and inserting the following:
 6 "29,722,461".
 7 2. Page 25, line 22, by striking the figure
 8 "821.80" and inserting the following: "828.80".
 9 3. Page 25, by inserting after line 22, the
 10 following:
 11 "Of the moneys appropriated in this section,
 12 \$200,000 shall be used for 10 additional beds and for
 13 the salaries and support of 7.00 FTEs."
 14 4. Page 70, by striking lines 20 through 23.

BERL E. PRIEBE
 EMIL J. HUSAK
 WILLIAM D. PALMER

JOHN E. SOORHOLTZ
 RICHARD VANDE HOEF
 ALVIN V. MILLER
 JOHN A. PETERSON
 EUGENE S. FRAISE
 LINN FUHRMAN
 JOHN P. KIBBIE
 JAMES B. KERSTEN
 SHELDON RITTMER
 DERRYL MCLAREN
 JOE J. WELSH
 RAY TAYLOR
 DONALD V. DOYLE
 DON E. GETTINGS
 HARRY G. SLIFE
 JACK NYSTROM
 H. KAY HEDGE
 ALLEN BORLAUG
 WILMER RENSINK
 PAUL D. PATE
 JACK W. HESTER
 MARK R. HAGERLA

S-3462

- 1 Amend the amendment, S-3444, to House File 479, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 79, by inserting after line 30 the fol-
 5 lowing:
 6 "____. All grants, loans, and forgivable loans
 7 awarded under the programs within the strategic
 8 investment fund shall be approved by the board."
 9 2. By renumbering and correcting internal
 10 references as necessary.

JIM RIORDAN
 MARY E. KRAMER

HOUSE AMENDMENT TO
 SENATE FILE 453

S-3463

- 1 Amend Senate File 453, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by inserting after line 35, the
 4 following:
 5 "Sec. ____ . Section 229.13, Code 1991, is amended
 6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If, after placement and
 8 admission of a respondent in a hospital or other
 9 suitable facility, the respondent departs from the
 10 hospital or facility without prior proper
 11 authorization from the chief medical officer, upon
 12 receipt of notification of the respondent's departure
 13 by the chief medical officer, a peace officer of the
 14 state shall without further order of the court
 15 exercise all due diligence to take the respondent into
 16 protective custody and return the respondent to the
 17 hospital or facility."
 18 2. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 317

S-3464

1 Amend Senate File 317, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the fol-
 4 lowing:
 5 "Section 1. NEW SECTION. 477C.1 OPTIONAL
 6 INFORMATION ACCESS TELEPHONE SERVICE.
 7 The utilities board within the utilities division
 8 of the department of commerce shall establish rules
 9 directing all telephone companies which provide pay-
 10 per-call service, as defined in section 714A.1, to
 11 provide the service only as an optional additional
 12 service to the basic telephone service provided to
 13 customers and to provide for the transition of
 14 information access telephone service currently
 15 provided to customers to an optional service, and
 16 establishing a rate structure for the optional ser-
 17 vices."
 18 2. Page 3, by striking lines 23 through 26 and
 19 inserting the following: "service if such person has
 20 actual knowledge of the failure of the pay-per-call
 21 service to comply with the requirements of this
 22 chapter. A person is deemed to have such knowledge if
 23 upon receipt of a complaint, an investigation is
 24 conducted within thirty days of receipt of the
 25 complaint which establishes the failure of the pay-
 26 per-call service to comply with such requirements.
 27 Billing".
 28 3. Page 3, by inserting after line 30 the
 29 following:
 30 "Additionally, a person shall not bill or collect a
 31 charge for a pay-per-call service unless the call for
 32 which the charge is being made, is completed."

33 4. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 297

S-3465

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 15, by inserting after the figure
4 "206.2." the following: "The rules shall specify the
5 qualifications of individuals staffing an emergency
6 information system and shall specify the maximum
7 amount of time that a registrant may take to provide
8 the information to a poison control center or an
9 attending physician treating a patient exposed to the
10 registrant's product."
11 2. Page 1, line 17, by striking the word
12 "subsection" and inserting the following:
13 "subsections".
14 3. Page 1, by inserting after line 21 the
15 following:
16 "NEW SUBSECTION. 31. "Toxic to humans" means not
17 generally recognized as safe as provided by the United
18 States food and drug administration pursuant to 21
19 C.F.R. pt. 182."
20 4. Page 2, line 2, by inserting after the word
21 "provided" the following: "to".
22 5. Page 2, by inserting after line 31 the
23 following:
24 "This section shall not be construed to prohibit
25 the release of information independently obtained from
26 a source other than registrations filed under this
27 chapter which links an inert ingredient to a pesticide
28 registered in this state."

HOUSE AMENDMENT TO
SENATE FILE 211

S-3466

1 Amend Senate File 211, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause, and inserting the following:
5 "Section 1. NEW SECTION. 668B.1 CIVIL PENALTY
6 AND CAUSE OF ACTION FOR CONSUMER FRAUDS COMMITTED
7 AGAINST ELDERLY -- FUND ESTABLISHED.
8 1. If a person violates section 714.16, and the

9 violation is committed against an older person, in
10 addition to any other civil penalty, the court may
11 impose an additional civil penalty not to exceed five
12 thousand dollars for each such violation.

13 A civil penalty imposed pursuant to this section
14 shall be paid to the treasurer of state, who shall
15 deposit the money in the elderly victim fund, a
16 separate fund created in the state treasury and
17 administered by the attorney general for the
18 investigation and prosecution of frauds against the
19 elderly. Notwithstanding section 8.33, any balance in
20 the fund on June 30 of any fiscal year shall not
21 revert to the general fund of the state. An award of
22 restitution pursuant to section 714.16 has priority
23 over a civil penalty imposed by the court pursuant to
24 this subsection.

25 2. In determining whether to impose a civil
26 penalty under subsection 1, and the amount of any such
27 penalty, the court shall consider the following:

28 a. Whether the defendant's conduct was in willful
29 disregard of the rights of the older person.

30 b. Whether the defendant knew or should have known
31 that the defendant's conduct was directed to an older
32 person.

33 c. Whether the older person was substantially more
34 vulnerable to the defendant's conduct because of age,
35 poor health, infirmity, impaired understanding, re-
36 stricted mobility, or disability, than other persons.

37 d. Any other factors the court deems appropriate.

38 3. As used in this section, "older person" means a
39 person who is sixty-five years of age or older."

40 2. Title page, by striking lines 1 through 3, and
41 inserting the following: "An Act relating to consumer
42 frauds against the elderly, providing a civil penalty,
43 and creating a special fund."

HOUSE AMENDMENT TO SENATE FILE 114

S-3467

1 Amend Senate File 114, 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 152.1, subsection 6, Code
6 1991, is amended to read as follows:

7 6. "Physician" means a person licensed in this
8 state to practice medicine and surgery, osteopathy and
9 surgery, or osteopathy, or a person licensed in this

10 state to practice dentistry or podiatry when acting
 11 within the scope of the license. A physician licensed
 12 to practice medicine and surgery, osteopathic medicine
 13 and surgery, or osteopathy in a state bordering this
 14 state shall be considered a physician for purposes of
 15 this chapter unless previously determined to be
 16 ineligible for such consideration by the Iowa board of
 17 medical examiners."

HOUSE AMENDMENT TO
 SENATE FILE 205

S-3468

1 Amend Senate File 205, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 3 through 11 and
 4 inserting the following:
 5 "5. "Commercial mussel fisher" means a person who
 6 is licensed to take and sell freshwater mussels from
 7 waters of the state. A resident commercial mussel
 8 license holder must have resided in this state for one
 9 year preceding the person's application for a
 10 commercial mussel fishing license.

11 Sec. ____ . Section 109B.4, subsection 6, paragraphs
 12 g, h, and i, Code 1991, are amended to read as
 13 follows:

14 g. Commercial mussel <u>fisher</u> , resident	\$ 30.00
	<u>100.00</u>
16 h. Commercial mussel buyer, resident	\$ 300.00
	<u>1,000.00</u>
18 i. Commercial mussel buyer, nonresident	\$ 2,500.00
	<u>5,000.00</u>

20 Sec. ____ . Section 109B.4, subsection 6, Code 1991,
 21 is amended by adding the following new paragraphs:

22 <u>NEW PARAGRAPH</u> l. Commercial mussel fisher, nonresident	
23	\$2,500.00
24 <u>NEW PARAGRAPH</u> m. Commercial mussel helper, resident	
25	\$ 50.00
26 <u>NEW PARAGRAPH</u> n. Commercial mussel helper,	
27 nonresident	\$ 200.00

28 Sec. ____ . Section 109B.12, subsection 1, paragraph
 29 d, Code 1991, is amended by striking the paragraph and
 30 inserting in lieu thereof the following:

31 d. A commercial mussel helper license is required
 32 to assist commercial mussel fishers in the possessing,
 33 processing, or transporting of commercial freshwater
 34 mussels. The taking or sale of mussels or shells is
 35 not permitted with a commercial mussel helper license.

36 Sec. ____ . Section 109B.13, subsection 1, Code

37 1991, is amended to read as follows:

38 1. Reciprocal commercial fishing; and commercial
39 turtle fishing; and commercial freshwater mussel
40 fishing privileges are contingent upon a grant of
41 similar privileges by the appropriate state to
42 residents of this state.

43 Sec. ____ . Section 109B.13, subsection 3, Code
44 1991, is amended by striking the subsection.

45 Sec. ____ . Section 109B.14, Code 1991, is amended
46 to read as follows:

47 109B.14 REPORTS REQUIRED.

48 All commercial fishers, commercial turtle fishers,
49 and commercial mussel fishers, and commercial mussel
50 buyers shall submit a monthly report supplying all

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1 information requested on forms furnished by the
2 commission. Reports must be received by the
3 commission no later than the fifteenth day of the
4 following month.

5 Sec. ____ . APPLICABILITY.

6 1. The new fees established in this Act are
7 applicable to licenses applied for on or after the
8 effective date of this Act.

9 2. The residency requirement established in this
10 Act is applicable to licenses applied for on or after
11 the effective date of this Act."

12 2. Title page, by striking line 2 and inserting
13 the following: "fishers and providing effective and
14 applicability dates".

15 3. By renumbering sections as required.

HOUSE AMENDMENT TO SENATE FILE 323

S-3469

1 Amend Senate File 323, 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 256.34, subsection 1,
6 unnumbered paragraph 1, Code 1991, is amended to read
7 as follows:

8 A conservation education program board is created
9 in the department. The board shall have three five
10 members appointed as follows:

11 Sec. 2. Section 256.34, subsection 1, Code 1991,
12 is amended by adding the following new paragraphs:

13 NEW PARAGRAPH. d. One member appointed by the
14 president of the Iowa association of naturalists.

15 NEW PARAGRAPH. e. One member appointed by the
16 president of the Iowa conservation education council.

17 Sec. 3. Section 256.34, subsection 1, Code 1991,
18 is amended by adding the following new unnumbered
19 paragraph:

20 NEW UNNUMBERED PARAGRAPH. Section 69.16 does not
21 apply to appointments made pursuant to this subsec-
22 tion.

23 Sec. 4. Section 455A.19, subsection 1, paragraph
24 b, subparagraph (4), Code 1991, is amended to read as
25 follows:

26 (4) Funds allocated to the counties under
27 subparagraphs (1), (2), and (3) may be used for land
28 easements or acquisitions, capital improvements,
29 stabilization and protection of resources, repair and
30 upgrading of facilities, environmental education, and
31 equipment. However, expenditures are not allowed for
32 single or multipurpose athletic fields, baseball or
33 softball diamonds, tennis courts, golf courses,
34 swimming pools, and other group or organized sport
35 facilities. Funds may be used for county projects
36 located within the boundaries of a city.

37 Sec. 5. Section 455A.19, subsection 1, paragraph
38 b, subparagraph (5), Code 1991, is amended to read as
39 follows:

40 (5) Funds allocated pursuant to subparagraphs (2)
41 and (3) shall only be allocated to counties dedicating
42 property tax revenue at least equal to twenty-two
43 cents per thousand dollars of the assessed value of
44 taxable property in the county to county conservation
45 purposes. State funds received under this paragraph
46 shall not reduce or replace county tax revenues
47 appropriated for county conservation purposes. The
48 county ~~treasurer~~ auditor shall submit documentation
49 annually of the dedication of property tax revenue for
50 county conservation purposes. The annual audit of the

Page 2

1 financial transactions and condition of a county shall
2 certify compliance with requirements of this
3 subparagraph. Funds not allocated to counties not
4 qualifying for the allocations under subparagraph (2)
5 as a result of this subparagraph shall be held in
6 reserve for each county for two years. Counties
7 qualifying within two years may receive the funds held
8 in reserve. Funds not spent by a county within two
9 years shall revert to the general pool of county funds

10 for reallocation to other counties where needed.

11 Sec. 6. Section 455A.19, subsection 1, paragraph
12 d, Code 1991, is amended to read as follows:

13 d. Fifteen percent shall be allocated to a cities'
14 parks and open space account. The moneys allocated in
15 this paragraph may be used to fund competitive grants
16 to cities to acquire, establish, and maintain natural
17 parks, preserves, and open spaces. The grants may
18 include expenditures for multipurpose trails, restroom
19 facilities, shelter houses, and picnic facilities, but
20 expenditures for single or multipurpose athletic
21 fields, baseball or softball diamonds, tennis courts,
22 golf courses, swimming pools, and other group or
23 organized sport facilities requiring specialized
24 equipment are excluded. The grants may be used for
25 city projects located outside of a city's boundaries.
26 The natural resource commission, by rule, shall
27 establish procedures for application, review, and
28 selection of city projects on a competitive basis.
29 The rules shall provide for three categories of cities
30 based on population within which the cities shall
31 compete for grants. There is appropriated from the
32 cities' parks and open space account to the department
33 the amount in that account, or so much thereof as is
34 necessary, to carry out the competitive grant program
35 as provided in this paragraph.

36 Sec. 7. Section 455A.20, subsection 1, paragraph
37 c, Code 1991, is amended to read as follows:

38 c. The ~~chairperson~~ titular head or the
39 ~~chairperson's head's~~ designee of each recognized farm
40 organization having a county organization in the
41 county. The designee shall be a member of the
42 organization represented. The recognized farm
43 organizations are the following:

- 44 (1) The Iowa farm bureau federation; the
45 (2) The Iowa farmers union; the
46 (3) The Iowa grange; the
47 (4) The national farmers organization; and the
48 (5) The Iowa farm unity coalition.
49 (6) Any other recognized farm or farm commodity
50 group.

Page 3

1 Sec. 8. Section 455A.20, subsection 1, paragraph
2 d, subparagraph (9), Code 1991, is amended to read as
3 follows:

- 4 (9) Other recognized wildlife, conservation,
5 environmental, recreation, ~~or~~ conservation education,
6 or historical-cultural preservation groups, or a

7 nonpartisan governmental research or study group
8 limited to the league of women voters."

9 Sec. 9. Section 455A.20, subsection 1, paragraph
10 e, Code 1991, is amended to read as follows:

11 e. If a question arises as to whether a recognized
12 county organization exists under paragraph "c" or "d",
13 the question shall be decided by a majority vote of
14 the members selected under paragraphs "a" and "b"
15 excluding the representative of the county
16 conservation board. Sections 69.16 and 69.16A do not
17 apply to appointments made pursuant to this
18 subsection.

19 2. Title page, by striking line 1, and inserting
20 the following: "An Act relating to the resource".

21 3. Title page, line 2, by inserting after the
22 word "protection" the following: "program".

HOUSE AMENDMENT TO
SENATE FILE 471

S-3470

1 Amend Senate File 471, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. ____ . Section 232.22, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 6. If the court has waived its
8 jurisdiction over the child for the alleged commission
9 of a forcible felony offense pursuant to section
10 232.45, the child shall not be eligible for placement
11 in a facility under subsection 2, paragraph "a". The
12 child may be held in the county jail as any other
13 postarrest or pretrial detainee, notwithstanding the
14 provisions of section 232.22 for the detention of
15 juveniles.

16 Sec. ____ . NEW SECTION. 232.45A WAIVER TO AND
17 CONVICTION BY DISTRICT COURT - PROCESSING.

18 1. Once jurisdiction over a child has been waived
19 by the juvenile court as provided in section 232.45,
20 and a conviction is entered by the district court, the
21 clerk of the juvenile court shall immediately send a
22 certified copy of the findings required by section
23 232.45, subsection 8, and the judgment of conviction
24 to the department of public safety. The department
25 shall maintain a file on each child who has previously
26 been waived to and convicted by the district court in
27 a prosecution as an adult. The file shall be
28 accessible by law enforcement officers on a twenty-

29 four hour per day basis.

30 2. Once a child has been waived to and convicted
31 by district court, all criminal proceedings against
32 the child for any felony occurring subsequent to the
33 date of the conviction of the child shall begin in
34 district court, notwithstanding sections 232.8 and
35 232.45. A copy of the findings required by section
36 232.45, subsection 8, shall be made a part of the
37 record in the district court proceedings. The child
38 shall be subject to all arrest and citation provisions
39 and preappearance, postappearance, and pretrial bail
40 and detention provisions.

41 3. If proceedings against a child who has
42 previously been waived to and convicted by the
43 district court are mistakenly begun in the juvenile
44 court, the matter shall be transferred to district
45 court upon the discovery of the prior waiver and
46 conviction, notwithstanding sections 232.8 and
47 232.45."

48 2. Page 5, by striking lines 3 through 25 and
49 inserting the following:

50 "Sec. 9. Section 237A.2, Code 1991, is amended by

Page 2

1 adding the following new unnumbered paragraphs:

2 NEW UNNUMBERED PARAGRAPH. If the department has
3 denied or revoked a license because the applicant or
4 person has continually or repeatedly failed to operate
5 a licensed center in compliance with this chapter and
6 rules adopted pursuant to this chapter, the person
7 shall not own or operate a child care center for a
8 period of six months from the date the license is
9 denied or revoked. The department shall not act on an
10 application for a license submitted by the applicant
11 or person during the six-month period.

12 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
13 requirement established under this chapter, an
14 exception is provided for the period beginning on the
15 effective date of this Act and ending December 31,
16 1991, in accordance with the provisions of this
17 paragraph, to permit a center to care for one more
18 child than the amount of children authorized for the
19 center. The exception applies to any limit on the
20 number of children and to requirements for numerical
21 ratios of staff persons to children. The exception
22 applies only to a child who meets both of the
23 following circumstances: the child has a parent
24 serving in the United States armed services who is
25 stationed outside the state of Iowa due to the Persian

26 Gulf conflict and there is no charge for the care
27 provided to the child.
28 Sec. 10. Section 237A.3, Code 1991, is amended by
29 adding the following new subsections:
30 NEW SUBSECTION. 4. If the department has denied
31 or revoked a registration because the applicant or
32 person has continually or repeatedly failed to operate
33 a registered child day care facility in compliance
34 with this chapter and rules adopted pursuant to this
35 chapter, the person shall not own or operate a
36 registered facility for a period of six months from
37 the date the registration is denied or revoked. The
38 department shall not act on an application for
39 registration submitted by the applicant or person
40 during the six-month period.
41 NEW SUBSECTION. 5. Notwithstanding any
42 requirement established under this chapter, an
43 exception is provided for the period beginning on the
44 effective date of this Act and ending December 31,
45 1991, in accordance with the provisions of this
46 subsection, to permit a family day care home or group
47 day care home to care for one more child than the
48 amount of children authorized for the home. The
49 exception applies to any limit on the number of
50 children and to requirements for numerical ratios of

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1 staff persons to children. The exception applies only
2 to a child who meets both of the following
3 circumstances: the child has a parent serving in the
4 United States armed services who is stationed outside
5 the state of Iowa due to the Persian Gulf conflict and
6 there is no charge for the care provided to the
7 child."
8 3. By striking page 5, line 26, through page 6,
9 line 18.
10 4. Page 6, by inserting after line 18, the
11 following:
12 "Sec. ____ . EFFECTIVE DATE. Sections 9 and 10 of
13 this Act, being deemed of immediate importance, take
14 effect upon enactment."
15 5. Title page, line 1, by inserting after the
16 word "state" the following: "foster care, child care,
17 children waived to adult court, and adoption
18 registry".
19 6. Title page, lines 1 and 2, by striking the
20 words "affecting children".
21 7. Title page, line 2, by inserting after the
22 word "children" the following: "and providing an

23 effective date".

24 8. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 338

S-3471

1 Amend Senate File 338, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 16 the
4 following:

5 "Sec. ____ . Section 321E.9, subsection 1, Code
6 1991, is amended to read as follows:

7 1. Vehicles with indivisible loads having an
8 overall width not to exceed forty feet, zero inches,
9 an overall length not to exceed one hundred twenty
10 feet, zero inches, or a total gross weight not to
11 exceed one hundred thousand pounds may be moved,
12 provided the gross weight on any one axle shall not
13 exceed the maximum prescribed in section 321.463,
14 pursuant to rules adopted pursuant to chapter 17A.
15 The height of the vehicles and loads shall be limited
16 only to height limitations of underpasses, bridges,
17 power lines and other established height restrictions
18 on the specified route. ~~A mobile home shall not be~~
19 ~~moved under the provisions of this section if the~~
20 ~~actual mobile home width exceeds twelve feet, five~~
21 ~~inches or length exceeds sixty-seven feet, six inches,~~
22 ~~excluding hitch or any overhang. The vehicle with~~
23 ~~load shall be accompanied by an escort as required by~~
24 ~~rules adopted pursuant to chapter 17A."~~

25 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 411

S-3472

1 Amend Senate File 411, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "directors" the following: " and the salary of each
5 officer and director's fee of each director of the
6 corporation or nonprofit agency".

HOUSE AMENDMENT TO
SENATE FILE 210

S-3473

1 Amend Senate File 210, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, lines 11 and 12, by striking the words
4 "AND RETROACTIVE APPLICABILITY PROVISIONS" and
5 inserting the following: "PROVISION".
6 2. Page 1, line 13, by striking the figure: "1."
7 3. Page 1, by striking lines 16 through 26.
8, 4. Title page, by striking lines 3 and 4, and
9 inserting the following: "public policy, and
10 providing an effective date."

S-3474

1 Amend the amendment, S-3444, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 66, by inserting after line 4 the
5 following:
6 "Sec. ____ . Section 294A.14, unnumbered paragraph
7 6, Code 1991, is amended to read as follows:
8 For school districts, a performance-based pay plan
9 may provide for additional salary for individual
10 teachers, for teachers assigned to a specific
11 discipline, or for all teachers assigned to an
12 attendance center. For area education agencies, a
13 performance-based pay plan may provide for additional
14 salary for individual teachers, for additional salary
15 for all teachers assigned to a specific discipline
16 within an area education agency, or for additional
17 salary for individual teachers assigned to a
18 multidisciplinary team within an area education
19 agency. If the plan provides additional salary for
20 all teachers assigned to an attendance center,
21 specific discipline, or multidisciplinary team, the
22 receipt of additional salary by those teachers shall
23 be determined on the basis of whether that attendance
24 center, specific discipline, or multidisciplinary team
25 meets specific objectives adopted for that attendance
26 center, specific discipline, or multidisciplinary
27 team. For school districts, the objectives may
28 include, but are not limited to, decreasing the
29 dropout rate, increasing the attendance rate, or
30 accelerating the achievement growth of students
31 enrolled in that attendance center through use of
32 learning techniques including, but not limited to,
33 reading instruction using phonics techniques."

34 2. By numbering, renumbering, and changing
35 internal references as necessary.

RAY TAYLOR
JIM LIND
RICHARD VARN
LARRY MURPHY
MICHAEL W. CONNOLLY
DALE L. TIEDEN.

S-3475

1 Amend House File 353, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 3 and inserting the
4 following: "~~battery, buzzer, electrical, mechanical~~
5 ~~or other appliance device~~".
6 2. Page 1, lines 6 and 7, by striking the words
7 "or affecting its speed in" and inserting the
8 following: "~~or affecting its speed in~~ during".

BERL E. PRIEBE
PATRICK J. DELUHERY
LINN FUHRMAN

S-3476

1 Amend the amendment, S-3409, to House File 634, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 2, line 32, through page 3,
5 line 15, and inserting the following:
6 "'Sec. ____ . Section 514G.7, subsection 4,
7 paragraph".

MICHAEL E. GRONSTAL

S-3477

1 Amend the amendment, S-3444, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 5, by inserting after line 40 the
5 following:
6 "____ . As a condition, limitation, and
7 qualification of the funds appropriated in this
8 section, notwithstanding any time limitation
9 established in 1991 Iowa Acts, House File 173, section
10 105, the copayment provisions established in that
11 section shall be continued indefinitely."
12 2. Page 8, line 45, by striking the figure

13 "7,100,000" and inserting the following: "7,282,830".
 14 3. Page 8, line 47, by striking the figure
 15 "3,105,646" and inserting the following: "3,191,278".
 16 4. Page 8, line 50, by striking the figure
 17 "3,735,423" and inserting the following: "3,832,621".
 18 5. Page 10, line 36, by striking the figure
 19 "314,125" and inserting the following: "323,311".
 20 6. Page 15, line 4, by striking the figure
 21 "53,629,282" and inserting the following:
 22 "53,674,434".
 23 7. Page 18, line 20, by striking the figure "18"
 24 and inserting the following: "18.5".
 25 8. Page 19, line 24, by striking the figure
 26 "19,414,903" and inserting the following:
 27 "19,680,002".
 28 9. By striking page 20, line 3 through page 22,
 29 line 8, and inserting the following:
 30 "For community-based programs:
 31 \$ 2,000,328
 32 1. As a condition, limitation, and qualification
 33 of the funds appropriated in this section, up to
 34 \$19,095 shall be used by the department as the
 35 financial aid from the state under section 232.142,
 36 subsection 3, for the cost of the establishment,
 37 improvement, operation, and maintenance of approved
 38 county or multicounty juvenile homes. Notwithstanding
 39 section 232.142, subsection 3, the amount provided in
 40 this subsection shall be the maximum amount of
 41 financial aid the state is obligated to provide
 42 pursuant to that provision."
 43 10. Page 22, line 42, by striking the figure
 44 "3,755,000" and inserting the following: "4,013,271".
 45 11. Page 25, line 38, by striking the figure
 46 "47,255,753" and inserting the following:
 47 "47,520,990".
 48 12. Page 26, line 6, by striking the figure
 49 "15,573,504" and inserting the following:
 50 "15,706,123".

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1 13. Page 26, line 12, by striking the figure
 2 "9,115,499" and inserting the following: "9,248,117".
 3 14. Page 28, line 47, by striking the figure
 4 "590,000" and inserting the following: "621,860".
 5 15. Page 34, by inserting after line 21 the
 6 following:
 7 "____. As a condition, limitation, and
 8 qualification of the funds appropriated in this
 9 section, the department shall review the current field
 10 operations service delivery system structure. Within
 11 the funds budgeted and full-time equivalent positions

12 authorized under this appropriation, the department
13 shall make changes necessary to improve the system's
14 administrative efficiency and effectiveness and to
15 streamline these functions. Emphasis shall be placed
16 upon increasing the program support, training, and
17 supervision of staff who work directly with clients."

18 16. Page 35, line 36, by striking the figure
19 "88,825" and inserting the following: "93,283".

20 17. Page 37, line 28, by striking the words "not
21 be increased" and inserting the following: "be
22 increased by 2 percent".

23 18. Page 37, by striking lines 30 through 37 and
24 inserting the following:

25 "3. For services provided by social services
26 providers reimbursed by the department in the fiscal
27 year beginning July 1, 1991, rates shall be increased
28 by 2 percent over the unreduced rates in effect on
29 June 30, 1991. However, any increase provided under
30 this subsection shall not cause the provider's
31 reimbursement rate to exceed the provider's actual and
32 allowable cost plus 7 percent."

33 19. By striking page 37, line 48 through page 38,
34 line 2.

35 20. Page 38, by striking lines 5 through 16 and
36 inserting the following:

37 "Sec. 132. ASSISTANCE TO GAMBLERS. The department
38 shall use funds deposited in the gamblers assistance
39 fund established in section 99E.10 only for programs
40 to assist gamblers. Any unspent funds shall remain in
41 the fund and shall not be transferred or reverted to
42 the general fund of the state. The department shall
43 use gambler's assistance fund moneys for 3 FTEs to
44 support the assistance to gamblers programs."

45 21. By renumbering as necessary.

ELAINE SZYMONIAK
MARK R. HAGERLA

S-3478

1 Amend the amendment, S-3444, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 73, line 12, by inserting after the word
5 "state" the following: "to the department of economic
6 development".

7 2. Page 73, line 22, by striking the word "To"
8 and inserting the following: "For payment to".

9 3. Page 73, by inserting after line 33 the
10 following:

11 "3. For the target alliance program if funds
 12 remain in the job training fund after the
 13 appropriations in subsections 1 and 2 are made:
 14 \$ 30,000"

JIM RIORDAN
 MARY KRAMER

S-3479

1 Amend the amendment, S-3444, to House File 479, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by inserting after line 29 the
 5 following:
 6 " . As a condition, limitation, and
 7 qualification of the funds appropriated in this
 8 section, the department shall adopt rules pursuant to
 9 chapter 17A that establish criteria for intermediate
 10 care facilities for the mentally retarded, providing
 11 for family-scale size, location, and appropriate
 12 inclusion in the community. In determining whether a
 13 certificate of need for an intermediate care facility
 14 for the mentally retarded shall be issued under
 15 chapter 135, the health facilities council and the
 16 Iowa department of public health shall consider
 17 whether the proposed facility is in compliance with
 18 the rules adopted pursuant to this subsection."
 19 2. Page 35, line 6, by striking the word "fill"
 20 and inserting the following: "take all measures
 21 necessary to implement the waivers, including, but not
 22 limited to, filling".

ELAINE SZYMONIAK
 LARRY MURPHY
 JOE J. WELSH

S-3480

1 Amend the amendment, S-3444, to House File 479 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 96, by striking lines 29 through 41.
 4 2. Page 98, by striking line 9 through page 99,
 5 line 20.

MICHAEL E. GRONSTAL
 RICHARD VANDE HOEF

S-3481

- 1 Amend the amendment, S-3456, to House File 580, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "notice" the following: "provided that the reason
- 5 for termination does not relate to sexual misconduct
- 6 or controlled substances".

RAY TAYLOR

S-3482

- 1 Amend the amendment, S-3456, to House File 580, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 9, by striking the word "thirty"
- 4 and inserting the following: "ten".

RAY TAYLOR

S-3483

- 1 Amend the amendment, S-3444, to House File 479, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 106, line 32, through page
- 5 107, line 16.
- 6 2. Page 109, line 18, by striking the word
- 7 "repealed." and inserting the following: "repealed."
- 8 3. Page 109, by striking lines 19 and 20.
- 9 4. Page 109, lines 29 and 30, by striking the
- 10 words "increasing the cigarette and tobacco products
- 11 tax.".

LEONARD L. BOSWELL
DALE L. TIEDEN
EMIL J. HUSAK
EUGENE S. FRAISE
WILLIAM W. DIELEMAN
DON E. GETTINGS
RICHARD V. RUNNING
RICHARD F. DRAKE
JOHN W. JENSEN

S-3484

- 1 Amend the amendment, S-3444, to House File 479, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 21, line 14, by inserting after the word
- 5 "adolescents" the following: "which shall include,
- 6 when abortion is chosen as an option, appropriate

7 notification to the adolescent's parent or legal
 8 guardian, except when parental abuse is alleged. The
 9 department shall adopt rules to implement the
 10 provisions of this subparagraph".

RICHARD RUNNING
 JOHN P. KIBBIE
 RICHARD VANDE HOEF

S-3485

1 Amend House File 668, as passed by the House, as
 2 follows:
 3 1. Page 14, by striking line 28 and inserting the
 4 following:
 5 "Sec. ____ . Section 135.69, Code".
 6 2. Page 14, by inserting after line 29 the
 7 following:
 8 "COUNCIL TO MAKE FINAL DECISION."
 9 3. Page 15, by inserting after line 13 the
 10 following:
 11 "Failure by the council to issue a written decision
 12 on an application for a certificate of need within the
 13 time required by this section shall constitute denial
 14 of and final administrative action on the application;
 15 and is subject to appeal under section 135.70."
 16 4. Page 15, by striking lines 17 through 31 and
 17 inserting the following:
 18 "The council's decision on an application for
 19 certificate of need, when announced pursuant to
 20 section 135.69, is a final decision. Any dissatisfied
 21 party who is an affected person with respect to the
 22 application, and who participated or sought
 23 unsuccessfully to participate in the formal review
 24 procedure prescribed by section 135.66, may request a
 25 rehearing in accordance with chapter 17A and rules of
 26 the department. If a rehearing is not requested or an
 27 affected party remains dissatisfied after the request
 28 for rehearing, an appeal may be taken in the manner
 29 provided by chapter 17A. Notwithstanding the Iowa
 30 administrative procedures Act, chapter 17A, a request
 31 for rehearing is not required, prior to appeal under
 32 section 17A.19."
 33 5. By renumbering as necessary.

AL STURGEON

S-3486

1 Amend the amendment, S-3444, to House File 479, as

2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 70, line 29, by striking the figure

5 "685,000" and inserting the following: "745,000".

6 2. Page 70, line 41, by striking the figure

7 "3,000,000" and inserting the following: "2,940,000".

8 3. Page 71, by striking lines 46 through 50 and

9 inserting the following:

10 "Notwithstanding section 8.33, moneys obligated for

11 the payment of tuition credits under this program but

12 not expended at the end of the fiscal year shall not

13 revert to any fund but shall be available for

14 expenditure during succeeding fiscal years."

15 4. Page 84, line 45, by inserting after the word

16 "board" the following: "of directors of the business

17 development finance corporation of Iowa".

JIM RIORDAN

MARY E. KRAMER

S-3487

1 Amend House File 353, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by striking line 4 and inserting the

4 following: "~~battery, buzzer, electrical, mechanical~~

5 ~~or other appliance device~~".

6 2. Page 1, lines 6 and 7, by striking the words

7 "or affecting its speed in" and inserting the

8 following: "~~or affecting its speed in~~ during".

BERLE. PRIEBE

PATRICK J. DELUHERY

LINN FUHRMAN

S-3488

1 Amend amendment, S-3444, to House File 479, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 46, line 31, by inserting after the word

5 "transmitter" the following: "or translator".

6 2. By striking page 47, line 34, through page 48,

7 line 8, and inserting the following: "the amount

8 projected to be received by the university from

9 federal support, interest, tuition fees, reimbursement

10 for indirect costs, sales and service, and income

11 sources other than state appropriations, the

12 university shall report the amount received, which is

13 in excess of the amount projected, to".

14 3. Page 49, by inserting after line 42 the
15 following:

16 "1. As a condition, limitation, and qualification
17 of the appropriation made in paragraph "c", the total
18 quota allocated to the counties for indigent patients
19 for the fiscal year commencing July 1, 1991, shall not
20 be lower than the total quota allocated to the
21 counties for the fiscal year commencing July 1, 1990.
22 The total quota shall be allocated among the counties
23 on the basis of the 1990 census pursuant to section
24 255.16."

25 4. By striking page 50, line 49, through page 51,
26 line 24, and inserting the following: "receives total
27 funds in excess of the amount projected to be received.
28 by the university from federal support, interest,
29 tuition fees, reimbursement for indirect costs, sales
30 and service, and income sources other than state
31 appropriations, the university shall report the amount
32 received, which is in excess of the amount projected,
33 to".

34 5. By striking page 52, line 45, through page 53,
35 line 19, and inserting the following: "excess of the
36 amount projected to be received by the university from
37 federal support, interest, tuition fees, reimbursement
38 for indirect costs, sales and service, and income
39 sources other than state appropriations, the
40 university shall report the amount received, which is
41 in excess of the amount projected, to".

42 6. Page 55, by striking line 14 and inserting the
43 following: "moneys may be".

44 7. Page 55, by striking lines 18 through 22.

45 8. Page 56, line 30 by striking the words "a
46 political" and inserting the following: "an agency".

47 9. Page 56, by striking line 31 and inserting the
48 following: "of the state of Iowa. If any of the tax-
49 exempt investments are for purposes of financing the
50 construction or improvement of state facilities, the

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1 executive council, established under chapter 19, shall
2 review and approve the proposed construction or
3 improvement prior to the investment of loan reserve
4 account funds in the tax-exempt investments."

5 10. Page 57, by inserting after line 50 the
6 following:

7 "Sec. ____ . Section 73.17, Code 1991, is amended by
8 adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. A community college or
10 area education agency shall, on a quarterly basis, and

11 a school district shall, on an annual basis, review
12 the community college's, area education agency's, or
13 school district's anticipated purchasing requirements.
14 A community college, area education agency, or school
15 district shall notify the department of education,
16 which shall report to the department of economic
17 development, of their anticipated purchases and
18 recommended procurements with unit quantities and
19 total costs for procurement contracts designated to
20 satisfy the targeted small business procurement goal
21 not later than August 15 of each fiscal year and
22 quarterly thereafter, except that school districts
23 shall report annually.

24 Sec. ____ . Section 73.18, Code 1991, is amended to
25 read as follows:

26 73.18 NOTICE OF SOLICITATION FOR BIDS --
27 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

28 The director of each agency or department releasing
29 a solicitation for bids or request for proposal under
30 the targeted small business procurement goal program
31 shall notify the director of the department of
32 economic development prior to or upon release of the
33 solicitation. A community college, area education
34 agency, or school district shall notify the department
35 of education which shall notify the department of
36 economic development prior to or upon release of the
37 release of the solicitation. The director of the
38 department of economic development shall notify the
39 soliciting agency or department, or community college,
40 area education agency, or school district, of any
41 targeted small businesses which have been certified
42 pursuant to section 10A.104, subsection 8, and which
43 may be qualified to bid.

44 Sec. ____ . Section 73.19, Code 1991, is amended to
45 read as follows:

46 73.19 NEGOTIATED PRICE OR BID CONTRACT.

47 In awarding a contract under the targeted small
48 business procurement goal program, a director of an
49 agency or department, or community college, area
50 education agency, or school district, having

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1 purchasing authority may use either a negotiated price
2 or bid contract procedure. A director of an agency or
3 department, or community college, area education
4 agency, or school district, using a negotiated
5 contract shall consider any targeted small business
6 engaged in that business. The director of the
7 department of economic development or the director of

8 the department of management may assist in the
9 negotiation of a contract price under this section.
10 Surety bonds guaranteed by the United States small
11 business administration are acceptable security for a
12 construction award under this section."

13 11. By striking page 58, lines 13 through 48.

14 12. Page 59, line 24, by striking the word
15 "Thirty" and inserting the following: "Twenty-eight".

16 13. Page 66, by inserting after line 4, the
17 following:

18 "Sec. ____ . Section 303.3, subsection 3, Code 1991,
19 is amended by striking the subsection and inserting in
20 lieu thereof the following:

21 3. Notwithstanding section 8.33, moneys committed
22 to grantees under contract that remain unexpended on
23 June 30 of any fiscal year shall not revert but shall
24 be available for expenditure for purposes of the
25 contract until August 30 of the succeeding fiscal
26 year."

27 14. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

RICHARD VARN
JIM LIND

S-3489

1 Amend the amendment, S-3444, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 66, by inserting after line 4 the
5 following:

6 "Sec. ____ . Section 294A.14, unnumbered paragraph
7 6, Code 1991, is amended to read as follows:

8 For school districts, a performance-based pay plan
9 may provide for additional salary for individual
10 teachers, for teachers assigned to a specific
11 discipline, or for all teachers assigned to an
12 attendance center. For area education agencies, a
13 performance-based pay plan may provide for additional
14 salary for individual teachers, for additional salary
15 for all teachers assigned to a specific discipline
16 within an area education agency, or for additional
17 salary for individual teachers assigned to a
18 multidisciplinary team within an area education
19 agency. If the plan provides additional salary for
20 all teachers assigned to an attendance center,
21 specific discipline, or multidisciplinary team, the
22 receipt of additional salary by those teachers shall
23 be determined on the basis of whether that attendance

24 center, specific discipline, or multidisciplinary team
 25 meets specific objectives adopted for that attendance
 26 center, specific discipline, or multidisciplinary
 27 team. For school districts, the objectives may
 28 include, but are not limited to, decreasing the
 29 dropout rate, increasing the attendance rate, or
 30 accelerating the achievement growth of students
 31 enrolled in that attendance center through use of
 32 learning techniques which may include, but are not
 33 limited to, reading instruction using phonics
 34 techniques."
 35 2. By numbering, renumbering, and changing
 36 internal references as necessary.

RAY TAYLOR
 JIM LIND
 RICHARD VARN
 LARRY MURPHY
 MICHAEL CONNOLLY
 DALE L. TIEDEN

S-3490

1 Amend amendment, S-3444, to House File 479, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 75, by inserting after line 20 the
 5 following:
 6 "As a condition, limitation, and qualification of
 7 the appropriation under this section, \$150,000 of the
 8 funds appropriated in this subsection shall be
 9 transferred to the Iowa quality coalition for
 10 productivity enhancement projects."

RICHARD RUNNING
 JAMES RIORDAN
 LEONARD BOSWELL
 MARY KRAMER
 DALE L. TIEDEN

S-3491

1 Amend the amendment, S-3444, to House File 479, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 105, by inserting after line 30 the
 5 following:
 6 "Notwithstanding chapter 257, if the portion of the
 7 budget of a school district or area education agency
 8 for special education support services to be funded by

9 state aid appropriated under section 257.16 exceeds
10 the amount appropriated under this subsection, the
11 director of the department of management shall
12 allocate state aid payments in the manner provided in
13 this subsection:

14 a. In order to allocate the reduction in the state
15 aid to be paid to area education agencies for special
16 education support services, the director of the
17 department of management shall reduce the state aid
18 paid to each area education agency by one percent of
19 the special education support services foundation base
20 multiplied by the weighted enrollment in the area
21 education agency.

22 b. The director of the department of management
23 shall determine the amounts to be paid to school
24 districts as an advance for increasing enrollment
25 under section 257.13 and shall reduce those amounts by
26 one percent.

27 c. The director of the department of management
28 shall allocate the difference between the money
29 appropriated by this subsection and the total of the
30 state aid payments made to area education agencies for
31 special education support services and the amount paid
32 to school districts as an advance for increasing
33 enrollment. The difference shall be paid to school
34 districts as state school foundation aid. The
35 director of the department of management shall divide
36 the amount to be paid to school districts by the
37 weighted enrollment in the state to determine a per
38 pupil amount of state aid and shall multiply that per
39 pupil amount of state aid by one percent for the state
40 aid reduction per pupil. The state aid paid to each
41 school district under section 257.16 shall be reduced
42 by an amount equal to the state aid reduction per
43 pupil multiplied by the weighted enrollment of the
44 district. School districts not receiving the entire
45 amount of state school foundation aid under chapter
46 257 for the budget year beginning July 1, 1991, shall
47 not raise the lost state aid by a property tax levy or
48 a cash reserve levy under section 298.4 to replace the
49 state school foundation aid reduction.
50 Notwithstanding section 257.7, for the budget year

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1 beginning July 1, 1992, the actual unspent balance of
2 a school district shall be reduced by the difference
3 between the amount of state school foundation aid

4 generated under chapter 257 and the amount of state
5 school foundation aid received under this subsection."

LEONARD BOSWELL
DALE L. TIEDEN

S-3492

1 Amend the amendment, S-3444, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 102, line 41, by inserting after the word
5 "credit." the following: "In order for the director
6 to carry out the requirements of this subsection,
7 notwithstanding any provision to the contrary in
8 sections 425.16 through 425.39, claims for
9 reimbursement for rent constituting property taxes
10 paid filed before May 1, 1992, shall be eligible to be
11 paid in full during the fiscal year ending June 30,
12 1992, and those claims filed on or after May 1, 1992,
13 shall be eligible to be paid during the fiscal year
14 beginning July 1, 1992, and the director is not
15 required to make payments to counties for the property
16 tax credit before June 15, 1992."

LEONARD L. BOSWELL
DALE L. TIEDEN

S-3493

1 Amend the amendment, S-3444, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 38, by inserting after line 2, the
5 following:
6 "100. In determining reimbursement rates for
7 facilities reimbursed under this division, including
8 but not limited to foster care providers, residential
9 care facilities, nursing facilities, and community
10 living arrangements, the department shall not include
11 private moneys contributed to the facility in its
12 determination."
13 2. Page 38, line 4, by inserting after the word
14 "section" the following: "except for subsection 100
15 for which the department shall adopt nonemergency
16 rules pursuant to chapter 17A".
17 3. By renumbering as necessary.

RAY TAYLOR
MARK R. HAGERLA
ELAINE SZYMONIAK

S-3494

1 Amend the House amendment, S-3360, to Senate File
2 276, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 " — . Page 1, by inserting before line 1, the
7 following:

8 "Section 1. NEW SECTION. 497.35 STATEMENT TO
9 ESTATE OF STOCKHOLDER.

10 The board of directors, upon receiving actual
11 notice of a stockholder's death, shall provide a
12 statement to the administrator or executor of the
13 stockholder's estate, or to the attorney representing
14 the stockholder's estate. The statement shall
15 describe agricultural products owned by the
16 stockholder which are in the possession of the
17 association.

18 This section shall not require an association to
19 conduct a search of the status of its stockholders.
20 The association shall exercise reasonable diligence in
21 determining to whom the statement must be delivered.
22 The statement shall be delivered to the administrator,
23 executor, or attorney, within thirty days following a
24 determination as to whom the statement must be
25 delivered. A statement is not required to be prepared
26 or delivered, if the association is not notified of
27 the stockholder's death within one year after the date
28 of death, or by the date that the stockholder's estate
29 is closed, whichever is later.

30 Sec. 2. NEW SECTION. 498.37 STATEMENT TO ESTATE
31 OF STOCKHOLDER.

32 The board of directors, upon receiving actual
33 notice of a member's death, shall provide a statement
34 to the administrator or executor of the member's
35 estate, or to the attorney representing the member's
36 estate. The statement shall describe agricultural
37 products owned by the member which are in the
38 possession of the association.

39 This section shall not require an association to
40 conduct a search of the status of its members. The
41 association shall exercise reasonable diligence in
42 determining to whom the statement must be delivered.
43 The statement shall be delivered to the administrator,
44 executor, or attorney, within thirty days following a
45 determination as to whom the statement must be
46 delivered. A statement is not required to be prepared

47 or delivered, if the association is not notified of
 48 the member's death within one year after the date of
 49 death, or by the date that the member's estate is
 50 closed, whichever is later.

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1 Sec. 3. NEW SECTION. 499.72 STATEMENT TO ESTATE
 2 OF MEMBERS AND STOCKHOLDERS.

3 The board of directors, upon receiving actual
 4 notice of the death of a member or stockholder, shall
 5 provide a statement to the administrator or executor
 6 of the member's or stockholder's estate, or to the
 7 attorney representing such estate. The statement
 8 shall describe agricultural products owned by the
 9 member or stockholder which are in the possession of
 10 the association.

11 This section shall not require an association to
 12 conduct a search of the status of its members or
 13 stockholders. The association shall exercise
 14 reasonable diligence in determining to whom the
 15 statement must be delivered. The statement shall be
 16 delivered to the administrator, executor, or attorney,
 17 within thirty days following a determination as to
 18 whom the statement must be delivered. A statement is
 19 not required to be prepared or delivered, if the
 20 association is not notified of the member's or
 21 stockholder's death within one year after the date of
 22 death, or by the date that the member's or
 23 stockholder's estate is closed, whichever is later.”

24 2. Title page, line 1, by striking the words “An
 25 Act amending the Iowa Uniform Securities Act, by” and
 26 inserting the following: “An Act relating to
 27 financial requirements of cooperative associations, by
 28 providing for the preparation and delivery of certain
 29 statements.”

30 3. Title page, line 3, by inserting before the
 31 word “Act” the following: “Iowa Uniform Securities”.

RAY TAYLOR

HOUSE AMENDMENT TO
 SENATE FILE 42

S-3495

1 Amend Senate File 42, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 6, by striking the words “the
 4 supervising physician an authorized prescriber” and

- 5 inserting the following: "the supervising physician".
- 6 2. Page 1, line 16, by striking the word
- 7 "subsections" and inserting the following:
- 8 "subsection".
- 9 3. Page 1, lines 18 and 19, by striking the words
- 10 "or when it is in the best interests of the patient,".
- 11 4. By striking page 1, line 27, through page 2,
- 12 line 18, and inserting the following:
- 13 "Sec. 2. NEW SECTION. 147.108 DELEGATION OF
- 14 PRESCRIBING PRIVILEGE.
- 15 1. As used in this section, unless the context
- 16 otherwise requires:
- 17 a. "Physician assistant" means a physician
- 18 assistant licensed pursuant to chapter 148C.
- 19 b. "Physician" means a person licensed to practice
- 20 medicine and surgery pursuant to chapter 148, a person
- 21 licensed to practice osteopathy pursuant to chapter
- 22 150, or a person licensed to practice osteopathic
- 23 medicine and surgery pursuant to chapter 150A.
- 24 2. Notwithstanding section 147.107, a physician
- 25 may delegate the function of prescribing drugs and
- 26 medical devices to a physician assistant pursuant to
- 27 protocols and guidelines established by rule of the
- 28 board of medical examiners after consultation with the
- 29 board of physician assistant examiners and the board
- 30 of pharmacy examiners. The rules adopted under this
- 31 subsection shall address the types of substances which
- 32 may be prescribed, the level of supervision of a
- 33 physician assistant required, the education, training,
- 34 and experience required of a physician assistant; the
- 35 nature of the practice; and the documentation required
- 36 for prescriptions written pursuant to protocol.
- 37 Complementary rules to the rules adopted by the board
- 38 of medical examiners under this subsection shall be
- 39 adopted and administered by the board of physician
- 40 assistant examiners which shall have sole jurisdiction
- 41 over physician assistant compliance and disciplinary
- 42 action with respect to the rules. The rules shall be
- 43 adopted by the board of medical examiners in final
- 44 form no later than January 10, 1992. Rules adopted
- 45 under this subsection shall not be construed to limit
- 46 or restrict the privileges of physician assistants
- 47 which exist on January 1, 1991.
- 48 3. Health care providers shall consider the
- 49 instructions of a physician assistant to be instruc-
- 50 tions of the supervising physician if the instructions

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1 concern duties delegated to the physician assistant by

2 a supervising physician. If instructions exceed the
 3 scope of authority delegated by a supervising
 4 physician, the physician assistant shall defend,
 5 indemnify, and hold harmless any health care provider
 6 relying upon the physician assistant's apparent
 7 authority."

8 5. Page 2, by inserting after line 24 the fol-
 9 lowing:

10 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
 11 of immediate importance, takes effect upon enactment."

12 6. Title page, line 3, by inserting after the
 13 word "substances" the following: ", and providing an
 14 effective date".

15 7. By renumbering as necessary.

S-3496

1 Amend House File 517, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, line 20, by inserting after the word
 4 "denied." the following: "The additional benefits
 5 provided in this paragraph for unreasonable delay or
 6 denial shall be the exclusive and only rights and
 7 remedies of the employee for the acts of the employer
 8 or the employer's insurance carrier."

LINN FUHRMAN

S-3497

1 Amend the amendment, S-3399, to House File 675, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 4, by striking lines 30 and 31, and
 5 inserting the following:

6 "Sec. ____ . Section 542.15, subsection 8, Code
 7 1991, is amended by striking the subsection and
 8 inserting in lieu thereof the following:

9 8. A licensed grain dealer who purchases grain by
 10 credit-sale contract shall provide the seller with a
 11 credit-sale contract receipt, unless the seller elects
 12 to waive rights to indemnification from the credit-
 13 sale contract grain indemnity fund established in
 14 chapter 542B.

15 a. The credit-sale contract receipt shall be
 16 printed on colored paper and shall be on a form and
 17 contain information prescribed by the department. The
 18 receipt shall contain information stating the amount
 19 and quality of the sold grain. If the grain is
 20 priced, the credit-sale contract receipt shall state

21 the priced amount. The receipt shall also contain a
22 message in at least ten point boldface type warning
23 the seller that the receipt is necessary in order to
24 claim indemnification for a loss by the credit-sale
25 contract grain indemnity fund. The credit-sale
26 contract receipt must be signed by the seller and
27 grain dealer. The seller and grain dealer shall each
28 be provided a copy. A copy of the credit-sale
29 contract receipt shall be submitted to the department
30 as prescribed by the department.

31 b. If the seller elects to waive rights to
32 indemnification, the grain dealer shall furnish the
33 seller with a waiver contained on a form and including
34 information prescribed by the department. The form
35 shall be printed on paper colored differently than
36 provided for credit sale contract receipts. The
37 waiver shall contain a message in at least ten point
38 boldface type warning the seller that the grain is
39 purchased pursuant to credit-sale contract, that the
40 seller may be an unsecured creditor of the grain
41 dealer, and that the seller may jeopardize a financial
42 position by engaging in a credit-sale contract. The
43 form shall also contain a conspicuous message in at
44 least eighteen point boldface type warning the seller
45 that by waiving the assessment of a per-bushel fee the
46 grain purchased by credit-sale contract is not
47 protected by any indemnity fund administered by the
48 state. The waiver must be acknowledged in writing by
49 the seller. The grain dealer and the seller shall
50 each be provided a copy. A copy of the waiver shall

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1 be submitted to the department as prescribed by the
2 department."

3 2. Page 6, by striking lines 8 through 12, and
4 inserting the following:

5 "— . A per-bushel fee shall be assessed on grain
6 purchased by a credit-sale contract, unless the seller
7 elects to waive rights to indemnification from the
8 fund. The per-bushel fee shall be assessed at time of
9 execution of the contract. The assessment shall only
10 be made on grain purchased from a seller."

11 3. Page 9, by striking lines 21 through 35, and
12 inserting the following:

13 "— . That the claim derives from a covered
14 transaction. For purposes of this paragraph, a claim
15 derives from a covered transaction if both of the
16 following apply:

17 (1) The claimant is a seller who transferred title

18 to the grain to the grain dealer by credit-sale
 19 contract on or after October 1, 1991.
 20 (2) The seller received a credit-sale contract
 21 receipt and did not waive rights of indemnification.
 22 _____. That the board has received a credit-sale
 23 contract receipt and there is adequate documentation
 24 to determine the amount of the loss.
 25 _____. VALUE OF LOSS. The dollar value of a claim
 26 incurred by a seller who has sold grain by credit-sale
 27 contract for sale or exchange and who is a creditor of
 28 the licensed grain dealer for all or part of the value
 29 of the grain shall be based on the amount of grain
 30 sold as stated on the credit-sale contract receipt.
 31 If".
 32 4. By renumbering as necessary.

RAY TAYLOR
 JOHN W. JENSEN
 JAMES B. KERSTEN

S-3498

1 Amend the amendment, S-3399, to House File 675, as
 2 amended, passed, and reprinted, by the House, as
 3 follows:
 4 1. Page 9, by striking line 26, and inserting the
 5 following: "the effective date of this section."
 6 2. Page 13, by striking lines 18 through 22, and
 7 inserting the following:
 8 "Sec. 29. EFFECTIVE DATE.
 9 1. a. Sections 159.6, 542.1, 542.4, 542.5, 542.9,
 10 542.12, 542B.1, 542B.2, 542B.3, 542B.4, 542B.5,
 11 542B.6, 542B.7, and 543.1, and section 542.15,
 12 subsection 8, as amended or enacted in this Act, take
 13 effect as provided in paragraph "b" of this
 14 subsection.
 15 b. The provisions in paragraph "a" of this
 16 subsection take effect ninety days following a
 17 referendum election to initiate a one cent per bushel
 18 fee on grain purchased by credit-sale contract as
 19 provided in section 542B.3, as enacted in this Act.
 20 The referendum shall be administered by the department
 21 of agriculture and land stewardship in cooperation
 22 with the Iowa soybean promotion board established
 23 pursuant to chapter 185 and the Iowa corn promotion
 24 board established in chapter 185C. The referendum
 25 shall be conducted before September 1, 1991, and may
 26 be held in conjunction with a referendum provided
 27 under chapter 185C. The department shall establish
 28 voting districts throughout the state. Only producers

29 of grain as defined in section 542.1 are eligible to
30 vote in the referendum. A producer shall vote only in
31 the district in which the producer resides. A
32 producer shall sign an affidavit furnished by the
33 department at the time of voting certifying the
34 producer's eligibility to vote. Each qualified
35 producer shall be entitled to one vote.

36 Notice of the referendum shall be provided by
37 publication in a newspaper of general circulation in
38 this state at least ten days prior to the date of the
39 referendum and in any other reasonable manner as
40 determined by the department. The notice shall set
41 the period of time for voting and the voting places.
42 The department shall collect and disseminate such
43 other information as the department determines is
44 necessary.

45 At the close of the referendum voting period, the
46 department shall count and tabulate the ballots cast
47 during the period and validate the vote. A majority
48 of ballots voting to establish the per-bushel fee
49 shall constitute conclusive evidence of the validity
50 of establishing the per-bushel fee. A second

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1 referendum shall not be conducted after the department
2 certifies that a referendum vote is valid.

3 2. The department shall immediately adopt rules to
4 provide for the administration of the referendum
5 described in subsection 1. The department shall adopt
6 rules no later than October 1, 1991, which are
7 necessary to implement the provisions of this Act
8 relating to the assessment and collection of the per-
9 bushel fee, and the administration of chapter 542B.
10 3. This section takes effect upon enactment."

RICHARD VANDE HOEF
JAMES B. KERSTEN
JOHN P. KIBBIE
JACK W. HESTER
JOHN W. JENSEN
ALLEN BORLAUG

S-3499

1 Amend House File 668, as passed by the House, as
2 follows:

3 1. Page 8, line 14, by inserting after the word
4 "refunded." the following: "Notwithstanding the
5 required payment of an application fee under this

- 6 subsection, an applicant for a new institutional
 7 health service or a changed institutional health
 8 service offered or developed by an intermediate care
 9 facility for the mentally retarded or an intermediate
 10 care facility for the mentally ill as defined pursuant
 11 to section 135C.1 is exempt from payment of the
 12 application fee."
 13 2. Page 11, line 19, by inserting after the word
 14 "retarded" the following: "or an intermediate care
 15 facility for the mentally ill".

MARK HAGERLA

S-3500

- 1 Amend the amendment, S-3409, to House File 634, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, line 9, by inserting after the word
 5 "issued" the following: "to an individual".

MICHAEL E. GRONSTAL

S-3501

- 1 Amend House File 325, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 4 and 5.
 4 2. Page 3, by striking lines 8 and 9.
 5 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chair

HOUSE AMENDMENT TO
 SENATE FILE 56

S-3502

- 1 Amend Senate File 56, as passed by the Senate as
 2 follows:
 3 1. Page 1, by striking lines 7 and 8, and
 4 inserting the following: "statement to the county
 5 board of supervisors. The statement shall".

HOUSE AMENDMENT TO
 SENATE FILE 23

S-3503

- 1 Amend Senate File 23, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 4 through 6, and
4 inserting the following: "than American sign
5 language. Provision of instruction in American sign
6 language shall be in addition to and not in lieu of,
7 provision of instruction in other foreign languages.
8 The department may waive the third".

HOUSE AMENDMENT TO
SENATE FILE 429

S-3504

- 1 Amend Senate File 429, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 108.13, subsection 3, Code
6 1991, is amended to read as follows:
7 3. This section does not prevent a landowner from
8 utilizing the bed of a protected wetland for pasture
9 or cropland ~~during a period of drought~~ if there is no
10 construction of dikes, ditches, tile lines, or
11 buildings and the agricultural use does not result in
12 drainage."
13 2. Page 1, line 12, by striking the word "fifty"
14 and inserting the following: "fifty twenty-five".
15 3. Page 1, by inserting after line 17, the
16 following:
17 "Sec. ____ . Section 172C.4, Code 1991, is amended
18 by adding the following new subsection:
19 NEW SUBSECTION. 12. Agricultural land purchased
20 from an association organized as a cooperative
21 association in which another cooperative association
22 organized under chapter 497, 498, or 499, is a member,
23 if the association selling such land held the land on
24 July 1, 1975, and the association selling the land
25 operated or leased the land primarily for use as a
26 swine genetics facility until the date of the sale."
27 4. Page 1, line 24, by striking the word "fifty"
28 and inserting the following: "fifty twenty-five".
29 5. Page 2, line 2, by striking the word "fifty"
30 and inserting the following: "fifty twenty-five".
31 6. Page 3, by striking lines 13 and 14, and
32 inserting the following:
33 "The secretary of state shall do all things
34 necessary to implement this chapter. The secretary of
35 state shall notify".
36 7. Title page, line 1, by inserting after the

37 word "land" the following: ", by providing for land
38 use, and land".
39 8. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 314

S-3505

1 Amend Senate File 314, 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 281.15, subsection 7, Code
6 1991, is amended to read as follows:

7 7. All Except as otherwise provided in this
8 subsection, all reimbursements received by the area
9 education agencies for eligible services shall be paid
10 annually to the treasurer of state. The area
11 education agencies shall, after determining the
12 administrative costs associated with the
13 implementation of medical assistance reimbursement for
14 the eligible services, be permitted to retain up to
15 twenty-five percent of the total amount reimbursed to
16 pay for the administrative costs. Funds received
17 under this subsection shall not be considered or
18 included as part of the area education agencies'
19 budgets when calculating funds that are to be received
20 by area education agencies during a fiscal year.
21 Except as otherwise provided in this subsection, the
22 treasurer of state shall credit all receipts received
23 under this subsection to the general fund of the
24 state.

25 Sec. 2. Section 281.15, Code 1991, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 10. The department of human
28 services shall offer assistance to the area education
29 agencies in the identification of children eligible
30 for reimbursement for services under this section."

31 2. Title page, by striking lines 1 through 4 and
32 inserting the following: "An Act relating to federal
33 reimbursements for certain special education
34 services."

HOUSE AMENDMENT TO
SENATE FILE 97

S-3506

1 Amend Senate File 97, as passed by the Senate, as

2 follows:

3 1. Page 1, by striking lines 15 and 16 and
4 inserting the following: "relating to a stop sign or
5 a yield sign may be required to".

6 2. Page 1, by striking line 21 and inserting the
7 following: "by reason of the person's employment by
8 legal right or authority. Any person convicted of".

9 3. Page 1, by inserting after line 24 the
10 following:

11 "Sec. ____ . Section 321.423, subsection 1,
12 paragraph d, Code 1991, is amended by striking the
13 paragraph.

14 Sec. ____ . Section 321.423, subsection 2, paragraph
15 f, Code 1991, is amended to read as follows:

16 f. A flashing white light, ~~used in conjunction~~
17 ~~with hazard lights~~, is permitted on a vehicle pursuant
18 to subsection 7.

19 Sec. ____ . Section 321.423, subsection 7,
20 unnumbered paragraph 1, Code 1991, is amended to read
21 as follows:

22 7. Except as provided in section 321.373,
23 subsection 7, and subsection 2, paragraph "c" of this
24 section, a flashing white light shall only be used on
25 a vehicle ~~when used in conjunction with hazard lights~~
26 ~~and a flashing white light shall not be used on a~~
27 ~~vehicle except in any of the following circumstances:"~~

28 4. Title page, line 2, by inserting after the
29 word "device" the following: "and relating to the use
30 of flashing white lights".

31 5. By renumbering and relettering as necessary.

HOUSE AMENDMENT TO SENATE FILE 138

S-3507

1 Amend Senate File 138, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 261C.4, Code 1991, is amended
6 to read as follows:

7 261C.4 AUTHORIZATION.

8 An eligible pupil may make application to an
9 eligible institution to allow the eligible pupil to
10 enroll for academic or vocational-technical credit in
11 a nonsectarian course offered at that eligible
12 institution. A comparable course, as defined in rules
13 made by the board of directors of the public school
14 district, must not be offered by the school district

15 or accredited nonpublic school in which the pupil is
16 enrolled. If an eligible institution accepts an
17 eligible pupil for enrollment under this section, the
18 institution shall send written notice to the pupil,
19 the pupil's school district or accredited nonpublic
20 school, and the department of education. The notice
21 shall list the course, the clock hours the pupil will
22 be attending the course, and the number of hours of
23 postsecondary academic or vocational-technical credit
24 that the eligible pupil will receive from the eligible
25 institution upon successful completion of the course."

26 2. Page 1, line 8, by inserting after the word
27 "institution." the following: "Eligible pupils, who
28 have completed the eleventh grade but who have not yet
29 completed the requirements for graduation, may take up
30 to seven semester hours of credit during the summer
31 months when school is not in session and receive
32 credit for that attendance, if the pupil pays the cost
33 of attendance of those summer credit hours."

34 3. Page 1, by inserting after line 20, the
35 following:

36 "Sec. ____ . This Act, being deemed of immediate
37 importance, takes effect upon enactment."

38 4. Title page, line 1, by striking the word "a"
39 and inserting the following: "any".

40 5. Title page, line 4, by inserting after the
41 word "school" the following: "and providing an
42 effective date".

43 6. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO SENATE FILE 110

S-3508

1 Amend Senate File 110, as passed by the Senate, as
2 follows:

3 1. Page 1, line 3, by striking the word "twenty-
4 one" and inserting the following: "~~twenty-one~~
5 eighteen".

6 2. Page 1, by striking lines 6 through 8 and
7 inserting the following: "being conducted."

8 3. Page 1, by inserting after line 8, the
9 following:

10 "Sec. ____ . Section 99F.15, subsection 2, Code
11 1991, is amended to read as follows:

12 2. A person knowingly permitting a person under
13 the age of ~~twenty-one~~ eighteen years to make a wager
14 is guilty of a simple misdemeanor."

15 4. Title page, line 1, by striking the words "the

- 16 presence of certain" and inserting the following:
17 "wagers by".
18 5. Title page, line 2, by striking the word
19 "twenty-one" and inserting the following: "eighteen".
20 6. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 356

S-3509

- 1 Amend Senate File 356, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 1 through 9.
4 2. Page 10, by inserting after line 19, the
5 following:
6 "Sec. ____ . Section 422.45, Code 1991, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 46. The gross receipts from the
9 sale of property which the seller transfers to a
10 carrier for shipment to a point outside of Iowa,
11 places in the United States mail or parcel post
12 directed to a point outside of Iowa, or transports to
13 a point outside of Iowa by means of the seller's own
14 vehicles, and which is not thereafter returned to a
15 point within Iowa, except solely in the course of
16 interstate commerce or transportation. This exemption
17 shall not apply if the purchaser, consumer, or their
18 agent, other than a carrier, takes physical possession
19 of the property in Iowa."
20 3. By striking title page 1, line 1 through title
21 page 2, line 7, and inserting the following: "An Act
22 relating to the procedures, confidentiality,
23 penalties, refunds, and nonsubstantive changes for
24 taxes administered by the department of revenue and
25 finance, relating to refunds of the environmental
26 protection charge, and providing effective dates."
27 4. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 101

S-3510

- 1 Amend Senate File 101, 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 29A.27, unnumbered paragraph

6 1, Code 1991, is amended to read as follows:

7 Officers and enlisted persons while in active state
8 service shall receive the same pay, per diem, and
9 allowances as are paid for the same rank or grade for
10 service in the armed forces of the United States.
11 However, a person shall not be paid at a base rate of
12 pay of less than fifty seventy-five dollars per
13 calendar day of active state service."

14 2. Page 1, line 19, by inserting after the word
15 "hours." the following: "However, during the first
16 thirty days of a leave of absence, a public employer
17 shall pay a public officer or employee ordered to
18 active federal or state service only for the amount of
19 pay by which the pay normally received for civil
20 employment exceeds the pay received for military
21 service."

22 3. Page 1, line 19, by inserting after the word
23 "hours." the following: "During a military leave of
24 absence, a public officer or employee may retain all
25 health, disability, life, or other insurance benefits
26 which the public officer or employee received when
27 called to active state or federal service and at the
28 same cost, if any, at which the insurance benefits are
29 provided to other full-time public officers or
30 employees by the public employer. During a leave of
31 absence, a public officer or employee shall be
32 credited for the purpose of calculating retirement
33 benefits for public civil employment with the full
34 amount of pay which the officer or employee would have
35 received from civil employment if the officer or
36 employee had not been called to active state or
37 federal service."

38 4. Page 1, by inserting after line 21 the
39 following:

40 "Sec. ____ . Section 29A.57, subsection 3, Code
41 1991, is amended by adding the following new
42 paragraph:

43 NEW PARAGRAPH. d. Grant a temporary or permanent
44 easement with or without monetary consideration for
45 utility or public highway purposes if granting the
46 easement will not adversely affect use of the real
47 estate for military purposes."

48 5. Title page, line 1, by inserting after the
49 word "the" the following: "Iowa national guard by
50 increasing the minimum salary for active state

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1 service, by authorizing the granting of easements by
2 the state armory board, and by relating to the".

- 3 6. By renumbering, relettering, or redesignating
- 4 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 340

S-3511

- 1 Amend Senate File 340, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 14, by striking the figure "1987"
- 4 and inserting the following: "1987 1990".
- 5 2. Page 1, by striking line 19 and inserting the
- 6 following: "1990."
- 7 3. Page 2, line 3, by striking the figure "1987"
- 8 and inserting the following: "1990".

HOUSE AMENDMENT TO
SENATE FILE 329

S-3512

- 1 Amend Senate File 329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "installation." the following: "The rules shall
- 5 recognize emergency situations and the need for
- 6 immediate installation of service extensions subject
- 7 to the standards adopted by the department and the
- 8 utilities board."

HOUSE AMENDMENT TO
SENATE FILE 473

S-3513

- 1 Amend Senate File 473, as passed by the Senate as
- 2 follows:
- 3 1. Page 2, by inserting after line 21, the
- 4 following:
- 5 "Sec. 100. Section 3 of this Act does not apply to
- 6 funds received by a district for the instructional
- 7 support program as a result of a levy which was
- 8 authorized prior to the effective date of this Act.
- 9 Sec. ____ . Sections 3 and 100 of this Act, being
- 10 deemed of immediate importance, take effect upon
- 11 enactment."
- 12 2. Title page, line 7, by inserting after the
- 13 word "Act" the following: "and providing an effective
- 14 date".

15 3. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 172

S-3514

1 Amend Senate File 172, as passed by the Senate, as
2 follows:
3 1. Page 1, line 4, by striking the words
4 "challenge grant".
5 2. Page 1, line 11, by striking the words
6 "challenge grant".
7 3. Page 1, lines 18 and 19, by striking the words
8 "CHALLENGE GRANT".
9 4. Page 1, line 20, by striking the words
10 "challenge grant".
11 5. Title page, line 1, by striking the words
12 "challenge grant".

HOUSE AMENDMENT TO
SENATE FILE 324

S-3515

1 Amend Senate File 324, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 13, by striking the word "local"
4 and inserting the following: "a city or county which
5 maintains".
6 2. Page 1, line 15, by striking the word "assess"
7 and inserting the following: "provide".

S-3516

1 Amend House File 646, as passed by the House, as
2 follows:
3 1. Page 1, line 20, by striking the words "and
4 who" and inserting the following: ", who".
5 2. Page 1, line 21, by inserting after the figure
6 "259A" the following: ", and who are currently
7 enrolled or were previously enrolled in an alternative
8 education program in the district".
9 3. Page 2, by striking lines 2 through 4 and
10 inserting the following: "diploma under chapter
11 259A."
12 4. Page 2, by inserting after line 10 the follow-
13 ing:

14 "d. Community college remedial or high school
15 completion programs are not available to the persons."

JOHN P. KIBBIE

S-3517

1 Amend the House amendment, S-3508, to Senate File
2 110, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 19 and
4 inserting the following:

5 " ____ . Page 1, by inserting before line 1, the
6 following:

7 "Section 1. NEW SECTION. 99B.22 AGE REQUIREMENT
8 -- PENALTY.

9 A person knowingly permitting a person under the
10 age of twenty-one years to play bingo at a cost to the
11 player or purchase a raffle ticket is guilty of a
12 simple misdemeanor.

13 Sec. 2. Section 99D.24, subsection 2, Code 1991,
14 is amended to read as follows:

15 2. A person knowingly permitting a person under
16 the age of ~~eighteen~~ twenty-one years to make a pari-
17 mutuel wager is guilty of a simple misdemeanor.

18 Sec. 3. Section 99E.18, subsection 2, Code 1991,
19 is amended to read as follows:

20 2. A ticket or share shall not be sold to a person
21 who has not reached the age of ~~eighteen~~ twenty-one
22 years. This does not prohibit the lawful purchase of
23 a ticket or share for the purpose of making a gift to
24 a person who has not reached the age of ~~eighteen~~
25 twenty-one years. A licensee or a licensee's employee
26 who knowingly sells or offers to sell a lottery ticket
27 or share to a person who has not reached the age of
28 ~~eighteen~~ twenty-one years is guilty of a simple
29 misdemeanor. In addition the license of a licensee
30 shall be suspended. A prize won by a person who has
31 not reached the age of ~~eighteen~~ twenty-one years but
32 who purchases a winning ticket or share in violation
33 of this subsection shall be forfeited."

34 ____ . Title page, line 1, by striking the words
35 "the presence of certain" and inserting the following:
36 "gambling by".

37 ____ . Title page, line 2, by striking the words
38 "on excursion gambling boats" and inserting the
39 following: ", providing penalties".

WILLIAM W. DIELEMAN

HOUSE AMENDMENT TO
SENATE FILE 221

S-3518

1 Amend Senate File 221, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 1. Section 331.302, subsection 4, Code
6 1991, is amended to read as follows:

7 4. An amendment to an ordinance or to a code of
8 ordinances shall specifically repeal the ordinance or
9 code, or the section, ~~or~~ subsection, paragraph, or
10 subpart to be amended, and shall set forth in full the
11 ordinance, code, section, ~~or~~ subsection, paragraph, or
12 subpart as amended.

13 Sec. 2. Section 331.302, Code 1991, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 4A. a. A county may by ordinance

16 adopt by reference any portion of the Code of Iowa in
17 effect at the time of the adoption in the manner

18 provided in section 380.8 for adoption of a proposed
19 code of ordinances containing a proposed new ordinance
20 or amendment, subject to the following limitations:

21 (1) The ordinance shall describe the subject
22 matter and identify the portion of the Code of Iowa
23 adopted by chapter, section, and subsection or other
24 subpart, as applicable.

25 (2) A portion of the Code of Iowa may be adopted
26 by reference only if the criminal penalty provided by
27 the law adopted does not exceed thirty days'
28 imprisonment or a one hundred dollar fine.

29 (3) Amendments or other changes to those portions
30 of the Code of Iowa which have been adopted by
31 reference shall serve as an automatic modification of
32 the applicable ordinance.

33 b. An ordinance which adopts by reference any
34 portion of the Code of Iowa may provide that
35 violations of the ordinance are county infractions and
36 subject to the limitations of section 331.307."

37 2. Title page, line 1, by inserting after the
38 word "city" the following: "or county".

HOUSE AMENDMENT TO
SENATE FILE 363

S-3519

1 Amend Senate File 363, as passed by the Senate, as

2 follows:

- 3 1. Page 1, line 16, by inserting after the word
- 4 "nursing" the following: "in consultation with the
- 5 board of pharmacy examiners".

HOUSE AMENDMENT TO
SENATE FILE 412

S-3520

1 Amend Senate File 412, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 4, by inserting after line 7 the
- 4 following:
- 5 "3. The person conducts an activity constituting a
- 6 criminal offense in the food establishment and is
- 7 convicted of a serious misdemeanor or a more serious
- 8 offense as a result."
- 9 2. Page 4, by striking lines 8 through 16.
- 10 3. Page 4, by inserting after line 25 the
- 11 following:
- 12 "3. The person conducts an activity constituting a
- 13 criminal offense in the food service establishment and
- 14 is convicted of a serious misdemeanor or a more
- 15 serious offense as a result."
- 16 4. Page 4, by striking lines 26 through 34.
- 17 5. Page 5, by inserting after line 11 the
- 18 following:
- 19 "3. The person conducts an activity constituting a
- 20 criminal offense in the hotel and is convicted of a
- 21 serious misdemeanor or a more serious offense as a
- 22 result."
- 23 6. Page 5, by striking lines 12 through 28.
- 24 7. Page 6, by inserting after line 2 the
- 25 following:
- 26 "3. The person conducts an activity constituting a
- 27 criminal offense in the home food establishment and is
- 28 convicted of a serious misdemeanor or a more serious
- 29 offense as a result."
- 30 8. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 503

S-3521

1 Amend Senate File 503, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 2, by inserting after line 3, the
- 4 following:

5 "Sec. ____ . Section 91C.1, subsection 1, Code 1991,
6 is amended to read as follows:

7 1. As used in this chapter, unless the context
8 otherwise requires, "contractor" means a person who
9 engages in the business of construction, as the term
10 "construction" is defined in section 345-3.82 (96),
11 Iowa Administrative Code, for purposes of the Iowa
12 employment security law. However, a person who earns
13 less than one thousand dollars annually or who
14 performs work or has work performed on the person's
15 own property is not a contractor for purposes of this
16 chapter. The state, its boards, commissions,
17 agencies, departments, and its political subdivisions
18 including school districts and other special purpose
19 districts, are not contractors for purposes of this
20 chapter."

21 2. Page 4, line 19, by inserting after the word
22 "school." the following: "A written agreement, as
23 defined in section 92.11, subsection 1, shall not be
24 required for the issuance of a work permit under this
25 section."

26 3. Title page, line 4, by inserting after the
27 word "laws," the following: "the definition of a
28 contractor,".

29 4. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 502

S-3522

1 Amend Senate File 502, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1 through page 3,
4 line 11 and inserting the following:

5 "Section 1. SECOND INJURY FUND TASK FORCE
6 ESTABLISHED.

7 1. The second injury fund task force is
8 established. The following persons shall serve as
9 voting members of the task force:

10 a. The attorney general or the attorney general's
11 designee.

12 b. The industrial commissioner or the
13 commissioner's designee.

14 c. An employer insured under a workers'
15 compensation insurance policy, from the business
16 sector.

17 d. The director of the department of employment
18 services, or the director's designee.

19 e. Two attorneys from the Iowa workers'
20 compensation advisory committee, one of whom
21 represents claimants in workers' compensation cases,
22 and one of whom represents defendants in workers'
23 compensation cases.

24 f. The commissioner of insurance, or the
25 commissioner's designee.

26 g. A representative of a labor union,
27 organization, or association.

28 h. A representative of a workers' compensation
29 liability insurance carrier.

30 The voting members listed in paragraphs "c", "e",
31 "g", and "h" shall be appointed by the treasurer of
32 state.

33 The task force shall also consist of four ex
34 officio, nonvoting legislative members, one appointed
35 by the president of the senate, in consultation with
36 the majority leader of the senate, one appointed by
37 the minority leader of the senate, one appointed by
38 the speaker of the house of representatives, in
39 consultation with the majority leader of the house of
40 representatives, and one appointed by the minority
41 leader of the house of representatives.

42 2. The treasurer of state shall organize the task
43 force and perform administrative functions for the
44 task force.

45 3. The task force shall study the following issues
46 related to the workers' compensation second injury
47 fund:

48 a. The long-term needs and goals of the fund.

49 b. Whether current funding mechanisms are
50 sufficient to adequately finance the fund, and if not,

Page 2

1 what types of additional funding mechanisms would be
2 appropriate.

3 c. Recommendations for payment of administrative
4 costs associated with the fund.

5 d. Changes in the administrative structure
6 concerning the fund or a replacement payment
7 mechanism.

8 e. The role and purpose served by the second
9 injury fund within the workers' compensation system.

10 f. Any other related issues concerning the
11 operation, administration, purposes, and funding of
12 the second injury fund.

13 4. The task force may contract for professional
14 services necessary for completion of the charge of the
15 task force.

16 5. Actual and necessary expenses of the task force
17 shall be paid from the second injury fund.

18 6. In addition to organizing and administering the
19 task force, the treasurer of state, in consultation
20 with the legislative fiscal bureau, shall examine the
21 financial condition of the fund, including, but not
22 limited to, any trends concerning the fund. The
23 treasurer, in consultation with the legislative fiscal
24 bureau, shall prepare a report of the findings of the
25 examination and transmit the report to the task force.

26 7. The task force shall submit a report of its
27 findings and recommendations to the committee on
28 business and labor relations of the senate and the
29 committee on labor and industrial relations of the
30 house of representatives by January 15, 1992.

31 Sec. 2. SURCHARGE FOR 1991 AND 1992 FISCAL YEARS.

32 1. For the fiscal year commencing July 1, 1990,
33 the treasurer of state may assess a surcharge on
34 workers' compensation weekly benefits paid in the
35 state during the immediately preceding fiscal year.
36 The surcharge is payable by all self-insured employers
37 making weekly benefit payments and all insurers making
38 weekly benefit payments on behalf of insured
39 employers. The surcharge applies to all workers'
40 compensation insurance policies and self-insurance
41 coverages of employers approved for self-insurance by
42 the commissioner of insurance pursuant to section 87.4
43 or 87.11, and to the state of Iowa, its departments,
44 divisions, agencies, commissions, and boards, or any
45 political subdivision coverages whether insured or
46 self-insured. The surcharge shall not apply to any
47 reinsurance or retrocessional transaction under
48 section 520.4 or 520.9. The treasurer of state shall
49 base the surcharge for each payor upon the payor's pro
50 rata share of weekly benefits paid in the state during

Page 3

1 the immediately preceding fiscal year. The treasurer
2 may use reports of weekly benefits paid derived from
3 the last completed policy or reporting year, or other
4 consistent allocation methodology. The surcharge is
5 collectable by an insurer or from its policyholders if
6 the insured employer fails to pay the insurer. An
7 insurance carrier, its agent, or a third-party
8 administrator shall not be entitled to any portion of
9 the surcharge as a fee or commission for its
10 collection. The surcharge is not subject to any
11 taxes, licenses, or fees. The surcharge is not deemed
12 to be an assessment or tax, but shall be deemed an

- 13 additional benefit paid for injuries compensable under
14 the second injury fund. However, the treasurer of
15 state shall not collect over four hundred thousand
16 dollars in assessing the surcharge.
- 17 2. For the fiscal year commencing July 1, 1991,
18 the treasurer of state may assess a surcharge as
19 provided in subsection 1, except that the treasurer of
20 state shall not collect over eight hundred seventy
21 thousand dollars in assessing the surcharge, unless
22 the general assembly authorizes a greater amount to be
23 assessed.
- 24 3. The surcharges collected pursuant to this
25 section shall be deposited in the second injury fund,
26 and may be used for the payment of claims,
27 settlements, and administrative costs. The expenses
28 incurred by the treasurer of state, the attorney
29 general, the second injury fund, the task force, or
30 the department of revenue and finance, in connection
31 with the second injury fund and may be paid from the
32 fund."
- 33 2. Page 4, line 8, by striking the words "legal
34 contest" and inserting the following: "action".
- 35 3. Page 4, by inserting after line 13 the
36 following:
37 "____. An employer who fails to pay the surcharges
38 imposed under this section shall not be allowed to
39 purchase workers' compensation insurance coverage or
40 to renew a self-insurance authorization unless and
41 until the surcharge has been paid."
- 42 4. By renumbering as necessary.

S-3523

- 1 Amend the House amendment, S-3509, to Senate File
2 356, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 "'Sec. ____ . Section 422.43, subsection 11,
6 unnumbered paragraph 1, Code 1991, 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 or animals;
 38 termite, bug, roach, and pest eradicators; tin and
 39 sheet metal repair; turkish baths, massage, and
 40 reducing salons; weighing; welding; well drilling;
 41 wrapping, packing, and packaging of merchandise other
 42 than processed meat, fish, fowl and vegetables;
 43 wrecking service; wrecker and towing; pay television;
 44 campgrounds; carpet and upholstery cleaning; gun and
 45 camera repair; janitorial and building maintenance or
 46 cleaning; lawn care, landscaping and tree trimming and
 47 removal; pet grooming; reflexology; security and
 48 detective services; tanning beds or salons; and water
 49 conditioning and softening."

JIM LIND
 BERL E. PRIEBE

S-3524

1 Amend House File 325, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 2, by inserting after the word
 4 "contractor" the following: "appointed by the
 5 governor and subject to confirmation by the senate."
 6 2. Page 3, line 3, by inserting after the word
 7 "contractor" the following: "appointed by the
 8 governor and subject to confirmation by the senate."
 9 3. Page 3, line 4, by striking the word
 10 "representative" and inserting the following:
 11 "citizen member".
 12 4. Page 3, line 5, by inserting after the word

13 "successor" the following: ", appointed by the
14 governor and subject to confirmation by the senate".
15 5. Page 3, line 6, by inserting after the word
16 "One" the following: "citizen".
17 6. Page 3, line 7, by inserting after the word
18 "successor" the following: ", appointed by the
19 governor and subject to confirmation by the senate".
20 7. Page 3, by striking lines 8 through 35, and
21 inserting the following:
22 "(5) The director of the Iowa department of public
23 health or the director's designee.
24 (6) The state geologist or the state geologist's
25 designee.
26 (7) The director of the state hygienic laboratory
27 or the director's designee.
28 c. Citizen members of the council shall serve two-
29 year terms beginning and ending as provided in section
30 69.19. A citizen member of the council shall not
31 serve more than two consecutive terms. The council
32 shall be gender balanced, to the extent possible,
33 pursuant to section 69.16A.
34 d. The well contractors' council shall be
35 dissolved six months after completion of all of the
36 following:
37 (1) Publication of the consumer information
38 pamphlet.
39 (2) Adoption of rules by the commission.
40 (3) Administration of the second certification
41 examination."

ALVIN V. MILLER
ALLEN BORLAUG
RALPH ROSENBERG
MICHAEL E. GRONSTAL
JOHN W. JENSEN
EUGENE FRAISE
BEVERLY A. HANNON
H. KAY HEDGE
JOHN E. SOORHOLTZ
RICHARD VARN

S-3525

1 Amend the House amendment, S-3438, to Senate File
2 182, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting before line 3 the follow-
5 ing:
6 "____. Page 1, line 4, by inserting before the
7 word "A" the following: "A state agency or department

8 shall not propose or adopt an administrative rule
9 which exceeds its statutory authority by mandating
10 expenditures by political subdivisions, or agencies
11 and entities which contract with political
12 subdivisions to provide services."

13 ____ . Page 1, by striking line 5 and inserting the
14 following: "chapter 17A, which necessitates
15 additional annual expenditures exceeding one hundred
16 thousand dollars by".

17 2. Page 1, by inserting after line 5 the follow-
18 ing:

19 " ____ . Page 1, by inserting after line 14 the
20 following:

21 "The fiscal note shall also be submitted to the
22 legislative fiscal committee of the legislative
23 council. Beginning in the first full fiscal year
24 after adoption of the state administrative rule, the
25 fiscal committee shall annually prepare a report for
26 each fiscal note submitted detailing the fiscal impact
27 of the administrative rule on the affected political
28 subdivision, or agencies and entities which contract
29 with the political subdivision to provide services.
30 The report shall be transmitted to the governor and
31 the general assembly."

32 3. By renumbering as necessary.

H. KAY HEDGE
LINN FUHRMAN
RAY TAYLOR

S-3526

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 17 the
4 following:

5 "Sec. 2. Rule of civil procedure 8, Iowa Court
6 Rules, third edition, is amended to read as follows:

7 8. Injury or death of a minor child. A parent, or
8 the parents, may sue for the expense and actual loss
9 of services, companionship and society resulting from
10 injury to or death of a minor child or a dependent
11 adult child. A parent, or the parents, may sue for
12 the expense and actual loss of services, support,
13 companionship, and society resulting from injury to or
14 death of an adult child if the parent or parents are
15 dependent on the adult child for support."

HARRY SLIFE
RICHARD J. VARN

S-3527

1 Amend House File 430, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 22, the
4 following:
5 "Sec. ____ . Section 910A.11, subsection 1,
6 unnumbered paragraph 2, Code 1991, is amended to read
7 as follows:
8 A temporary restraining order may be issued under
9 this subsection without written or oral notice to the
10 adverse party or the party's attorney in a civil
11 action under this section or in a criminal case if the
12 court finds, upon written certification of facts, that
13 the notice should not be required and that there is a
14 reasonable probability that the party will prevail on
15 the merits. The temporary restraining order shall set
16 forth the reasons for the issuance of the order, be
17 specific in terms, and describe in reasonable detail
18 the act or acts being restrained.
19 Sec. ____ . Section 910A.11, Code 1991, is amended
20 by adding the following new subsections:
21 NEW SUBSECTION. 3. Violation of a restraining or
22 protective order issued under this section constitutes
23 contempt of court, and may be punished by contempt
24 proceedings.
25 NEW SUBSECTION. 4. An application may be made
26 pursuant to this section in a criminal case, and if
27 made, a district associate judge or magistrate having
28 jurisdiction of the highest offense charged in the
29 criminal case or a district judge shall have
30 jurisdiction to enter an order under this section."
31 2. Title page, line 1, by inserting after the
32 word "programs" the following: "and the jurisdiction
33 of the court to enter restraining orders under the
34 victim and witness protection Act".
35 3. By renumbering as necessary.

RALPH ROSENBERG
AL STURGEON

S-3528

1 Amend House File 109, 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 109.54, Code 1991, is amended
6 to read as follows:

7 109.54 SHOOTING RIFLE, SHOTGUN, PISTOL, OR
 8 REVOLVER OVER WATER OR HIGHWAY.
 9 1. No A person shall at any time not shoot any
 10 rifle on or over any of the public waters or public
 11 highways of the state or any railroad right of way.
 12 2. A person shall not shoot a shotgun with a slug
 13 load, pistol, or revolver on or over a public roadway
 14 as defined in section 321.1, subsection 50.
 15 3. This section does not apply to any peace
 16 officers or military personnel in the performance of
 17 their official duties."

WILMER RENSINK
 RICHARD VARN
 WILLIAM D. PALMER

S-3529

1 Amend House File 214, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 16, the
 4 following:
 5 "Sec. ____ . CONDITIONAL EFFECTIVENESS. This Act
 6 shall not take effect unless funds are appropriated to
 7 the department of human services for the fiscal year
 8 beginning July 1, 1991, and ending June 30, 1992, for
 9 community-based programs relating to adolescent
 10 pregnancy which provide grants for programs intended
 11 to educate adolescents concerning the risks associated
 12 with alcohol and other drug use during pregnancy,
 13 including health, financial, emotional, and other
 14 potential long-term effects for mother and child."
 15 2. Title page, line 2, by striking the words "and
 16 providing a penalty" and inserting the following:
 17 "providing a penalty, and providing for conditional
 18 effectiveness".

RICHARD RUNNING

S-3530

1 Amend the amendment, S-3524, to House File 325 as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 9 through 14, and
 5 inserting the following:
 6 "____ . Page 3, by striking lines 4 and 5."
 7 2. Page 1, by striking lines 22 and 23.
 8 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-3531

1 Amend amendment, S-3528, to House File 109, as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 1, by inserting after line 17, the
 5 following:
 6 "Sec. ____ . NEW SECTION. 109.125 INTENTIONAL
 7 OBSTRUCTION OF LAWFUL ACTIVITIES PROHIBITED --PENALTY.
 8 1. A person shall not intentionally obstruct the
 9 participation of another person in the lawful activity
 10 of hunting, fishing, or trapping. This subsection
 11 shall not prohibit a landowner or lessee from
 12 exercising the landowner's or lessee's lawful rights.
 13 2. A person violating this section is guilty of a
 14 simple misdemeanor.
 15 ____ . Title, line 2, by inserting after the word
 16 "highway" the following: ", or the intentional
 17 obstruction of a person who is lawfully hunting,
 18 fishing, or trapping,"."

JAMES B. KERSTEN
 RAY TAYLOR
 DERRYL MCLAREN
 BERL E. PREBE
 WILLIAM D. PALMER
 RICHARD J. VARN

S-3532

1 Amend Senate File 177 as follows:
 2 1. Page 4, line 21, by inserting after the word
 3 "activity." the following: "Notwithstanding this
 4 section, an educational institution, by action of its
 5 governing board, may establish policy regarding the
 6 hiring of personnel on the basis of sexual
 7 orientation."

WILLIAM DIELEMAN

S-3533

1 Amend Senate File 177 as follows:
 2 1. Page 1, line 22, by inserting after the word
 3 "desirable." the following: "The recommendations for
 4 further legislation concerning sexual orientation
 5 shall include, but are not limited to, the effects on
 6 mental, emotional, and physical productivity in the

7 workplace and other pertinent social, mental, and
 8 physical data, both positive and negative, of the
 9 practices of homosexuality, heterosexuality, and
 10 bisexuality."

WILLIAM W. DIELEMAN

S-3534

1 Amend Senate File 177 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "disability." the following: "The publications and
 4 reports of investigations and research shall include
 5 the following: the causes of AIDS; the contagion; the
 6 care and cost of AIDS treatment; the potential effects
 7 on health care systems, health insurance, and mental
 8 health; and the cultural tensions and fears caused by
 9 the unrestrained promotion, practice, and emphasis of
 10 homosexual and bisexual orientation."

RAY TAYLOR

S-3535

1 Amend Senate File 177 as follows:
 2 1. Page 3, line 14, by insertng after the word
 3 "privileges." the following: "Nothing in this
 4 subsection shall prohibit the owner or the manager of
 5 a public accommodation to impose reasonable
 6 requirements for time, place, and manner of use of the
 7 accommodations, advantages, facilities, services, or
 8 privileges."

RICHARD VANDE HOEF
 WILLIAM DIELEMAN

HOUSE AMENDMENT TO
 SENATE FILE 346

S-3536

1 Amend Senate File 346, as amended, passed, and
 2 reprinted, by the Senate, as follows:
 3 1. Page 1, by striking lines 7 and 8 and insert-
 4 ing the following: "for a period of fourteen days".
 5 2. Page 1, by striking lines 11 through 17 and
 6 inserting the following: "corporation to first re-
 7 ceive the request, or for a time period greater than
 8 fourteen days, unless a time period greater than
 9 fourteen days is specified in the contract documents.

- 10 not to exceed thirty days, to afford the public
 11 corporation a reasonable opportunity to inspect the
 12 work and to determine the adequacy of the contractor's
 13 performance under the contract."
 14 3. Page 2, line 17, by inserting after the word
 15 "days" the following: "unless a greater time period
 16 not to exceed fifty days is specified in the contract
 17 documents."
 18 4. Page 3, line 17, by striking the word "ten"
 19 and inserting the following: "twenty".
 20 5. Page 3, line 18, by striking the words "date
 21 of" and inserting the following: "receipt by the
 22 public corporation of the".
 23 6. Page 3, line 21, by striking the word
 24 "eleventh" and inserting the following: "twenty-
 25 first".
 26 7. Page 4, by striking line 9, and inserting the
 27 following: "released and paid to the contractor
 28 within twenty days of receipt by the public
 29 corporation of evidence of entry".
 30 8. Page 4, by striking line 13, and inserting the
 31 following: "commencing on the twenty-first day after
 32 receipt by the public corporation of evidence of entry
 33 of judgment and".
 34 9. By renumbering, relettering, or redesignating
 35 and correcting internal references as necessary.

S-3537

- 1 Amend House File 646, as passed by the House, as
 2 follows:
 3 1. Page 1, line 18, by striking the word
 4 "establish" and inserting the following: "provide".
 5 2. Page 1, line 20, by striking the words "and
 6 who" and inserting the following: "who".
 7 3. Page 1, line 21, by inserting after the figure
 8 "259A" the following: ", and who are currently
 9 enrolled in an education program in the district".
 10 4. Page 1, line 30, by striking the word
 11 "establish" and inserting the following: "provide".
 12 5. Page 2, by striking lines 2 through 4 and
 13 inserting the following: "diploma under chapter
 14 259A."

JOHN P. KIBBIE

S-3538

- 1 Amend the amendment, S-3409, to House File 634, as
 2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 4, by inserting after line 35, the

5 following:

6 " ____ . Page 11, by inserting after line 10, the

7 following:

8 "Sec. ____ . Section 516A.2, Code 1991, is amended

9 to read as follows:

10 516A.2 CONSTRUCTION -- MINIMUM COVERAGE.

11 1. Except with respect to a policy containing both
12 underinsured motor vehicle coverage and uninsured or
13 hit-and-run motor vehicle coverage, nothing contained
14 in this ~~This~~ chapter shall not be construed as
15 requiring forms of coverage provided pursuant hereto
16 to this chapter, whether alone or in combination with
17 similar coverage afforded under other automobile
18 liability or motor vehicle liability policies, to
19 afford limits in excess of those that would be
20 afforded had the insured ~~thereunder~~ under the policy
21 been involved in an accident with a motorist who was
22 insured under a policy of liability insurance with the
23 minimum limits for bodily injury or death prescribed
24 in subsection 10 of section 321A.1. ~~Such forms of~~
25 coverage may ~~The provisions of such coverage shall be~~
26 allowed to include terms, exclusions, limitations,
27 conditions, and offsets which are designed to avoid
28 duplication of insurance or other benefits. ~~Nothing~~
29 in this section is intended to limit or reduce the
30 insurer's obligation under section 516A.1 to offer
31 uninsured, underinsured, or hit-and-run motorist
32 coverage.

33 2. a. The limits of liability for uninsured,
34 underinsured, or hit-and-run motorist coverage for two
35 or more motor vehicles shall not be added together to
36 determine or increase the limit of insurance coverage
37 available to an injured person for any one accident
38 regardless of the number of motor vehicles involved,
39 policies involved, vehicles or premiums shown in a
40 policy, persons covered, claims made, amount of
41 damages, or premiums paid. The terms of a motor
42 vehicle insurance policy shall be construed to
43 prohibit adding coverages to determine or increase the
44 amount of coverage available to an insured injured in
45 any one accident unless the policy terms expressly
46 permit adding coverages by providing that the
47 uninsured, underinsured, or hit-and-run motorist
48 coverages provided under the policy are in addition to
49 other similar coverages which insure the injured
50 insured.

Page 2

1 b. An insurer may issue a motor vehicle insurance
 2 policy which expressly provides that the uninsured,
 3 underinsured, or hit-and-run motorist coverage limits
 4 under that policy shall be added to similar coverages
 5 of another policy or policies under which the injured
 6 person is insured.

7 c. When more than one motor vehicle insurance
 8 policy provides uninsured, underinsured, or hit-and-
 9 run motorist coverage to an insured injured in an
 10 accident, the injured insured is entitled to recover
 11 up to an amount equal to the highest single limit for
 12 uninsured, underinsured, or hit-and-run motorist
 13 coverage afforded with respect to such accident under
 14 any one motor vehicle insurance policy insuring the
 15 injured person and shall be bound by any priority of
 16 coverage provisions contained in the insurance
 17 policies.

18 3. Subsection 2 shall not apply to claims for
 19 uninsured, underinsured, or hit-and-run motorist
 20 coverage which arose prior to July 1, 1991. For
 21 purposes of this chapter, a claim for uninsured,
 22 underinsured, or hit-and-run motorist coverage is
 23 deemed to have arisen when the accident giving rise to
 24 the underlying cause of action occurred.”

25 2. Renumber as necessary.

MICHAEL E. GRONSTAL

S-3539

1 Amend the House amendment, S-3508, to Senate File
 2 110, as passed by the Senate, as follows:

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

5 “Sec. ____ . For the purposes of wagering, as
 6 described in section 99F.9, all horse and dog
 7 racetracks shall be permitted to conduct on their
 8 premises the same games currently allowed on licensed
 9 excursion gambling boats. The provisions of this
 10 section shall apply to a horse or dog track only until
 11 such time as the track’s bonds have been retired.”

GEORGE R. KINLEY

S-3540

1 Amend Senate File 530 as follows:

2 1. Page 1, by inserting after line 28 the
 3 following:

4 “Sec. ____ . The provisions of this Act are

5 applicable only to those individuals who retire prior
6 to July 1, 1991."

H. KAY HEDGE

S-3541

1 Amend the House amendment, S-3473, to Senate File
2 210, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 through 10 and
5 inserting the following:
6 " — . Page 1, line 20, by striking the word and
7 figures "January 1, 1992" and inserting the following:
8 "July 1, 1993".
9 — . Page 1, line 21, by striking the word and
10 figures "January 1, 1992" and inserting the following:
11 "July 1, 1993"."

AL STURGEON
MICHAEL E. GRONSTAL

S-3542

1 Amend Senate File 460 as follows:
2 1. Page 1, line 3, by striking the figure "1992"
3 and inserting the following: "1993".
4 2. Page 1, line 11, by inserting after the word
5 "with" the following: ", unless the adjacent property
6 owner, or an attorney, agent, guardian, conservator,
7 trustee, or parent of a minor adjacent property owner,
8 files in the office of the county recorder in the
9 county where the property is located, a statement in
10 writing, which is duly acknowledged, and which
11 specifically describes the property involved, the
12 nature and extent of the right of the interest
13 claimed, and the nature of the alleged failure to
14 comply with any of the steps necessary for the
15 establishment of the road, on or before December 31,
16 1992."

AL STURGEON

S-3543

1 Amend Senate File 177 as follows:
2 1. Page 4, by striking lines 16 through 23.
3 2. By renumbering as necessary.

RAY TAYLOR
ALLEN BORLAUG
JAMES B. KERSTEN
JOHN W. JENSEN
RICHARD VANDE HOEF
WILMER RENSINK
WILLIAM W. DIELEMAN
H. KAY HEDGE

S-3544

- 1 Amend Senate File 177 as follows:
2 1. Page 3, line 4, by inserting after the word
3 "qualification." the following: "The exemptions
4 allowed in this subsection to any bona fide religious
5 institution or its educational facility, association,
6 corporation, or society may be invoked upon official
7 action by its governing board to apply to all
8 positions of employment under the governing board's
9 jurisdiction."

RAY TAYLOR
ALLEN BORLAUG
JAMES B. KERSTEN
JOHN W. JENSEN
RICHARD VANDE HOEF
WILMER RENSINK
WILLIAM W. DIELEMAN
H. KAY HEDGE

S-3545

- 1 Amend Senate File 177 as follows:
2 1. Page 5, line 3, by striking the word and
3 figures "1 through 3" and inserting the following: "1
4 and 2".
5 2. Page 5, by striking lines 19 through 27.

RAY TAYLOR
ALLEN BORLAUG
JAMES B. KERSTEN
JOHN W. JENSEN
RICHARD VANDE HOEF
WILMER RENSINK
WILLIAM W. DIELEMAN
H. KAY HEDGE

S-3546

- 1 Amend the amendment, S-3302, to House File 430, as
2 passed by the House, as follows:

- 3 1. Page 1, by striking lines 15 through 21.
- 4 2. By renumbering as necessary.

RALPH ROSENBERG

S-3547

- 1 Amend Senate File 534 as follows:
- 2 1. Page 1, line 4, by striking the word
- 3 "employed" and inserting the following: "employed,"
- 4 2. Page 1, by striking lines 10 through 15 and
- 5 inserting the following: "of this subsection,
- 6 "developmental disability" means developmental
- 7 disability as defined in 42 U.S.C. § 6001."

ELAINE SZYMONIAK

S-3548

- 1 Amend House File 651 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 28, by inserting after the word
- 4 "licensee." the following: "For simulcast races at a
- 5 horse racetrack without live races, one-half of one
- 6 percent of the pari-mutuel handle shall be transferred
- 7 to the commission and allocated to qualified harness
- 8 racing tracks as provided in section 99D.13,
- 9 subsection 3."

H. KAY HEDGE

S-3549

- 1 Amend House File 302, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 5, the
- 4 following:
- 5 "Sec. ____ . **NEW SECTION. 455B.504 INFECTIOUS**
- 6 **WASTE TREATMENT AND DISPOSAL FACILITIES -- NATIONAL**
- 7 **REGISTER OF HISTORIC PLACES.**
- 8 The department of natural resources shall not grant
- 9 a permit for the construction or operation of a
- 10 commercial infectious waste treatment or disposal
- 11 facility within one mile of a site or building which
- 12 has been placed on the national register of historic
- 13 places. This section does not apply to hospitals,
- 14 health care facilities licensed pursuant to chapter
- 15 135C, physicians' offices or clinics, and other health
- 16 service-related entities."
- 17 2. By renumbering as necessary.

DON E. GETTINGS
 JOHN A. PETERSON
 JOHN P. KIBBIE
 LEONARD L. BOSWELL
 MICHAEL W. CONNOLLY
 DONALD V. DOYLE
 EUGENE S. FRAISE
 EMIL J. HUSAK
 WALLY E. HORN
 H. KAY HEDGE
 WILMER RENSINK
 JACK W. HESTER
 BERL E. PRIEBE
 MICHAEL E. GRONSTAL
 RALPH ROSENBERG

S-3550

- 1 Amend amendment, S-3470, to Senate File 471, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 12 through 15 and
 4 inserting the following: "child may be held in the
 5 county jail in accordance with the provisions of
 6 subsection 2, paragraph "c", subparagraphs (1), (3),
 7 and (4)."
 8 2. Page 1, line 30, by inserting after the word
 9 "convicted" the following: "of a forcible felony".
 10 3. Page 1, line 32, by inserting after the word
 11 "any" the following: "forcible".

MARY KRAMER
 RALPH ROSENBERG
 BEVERLY HANNON

HOUSE AMENDMENT TO
 SENATE FILE 343

S-3551

- 1 Amend Senate File 343, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 8, by inserting after the figure
 4 "1906" the following: ", as codified in 42 U.S.C. §
 5 1396e".
 6 2. Page 1, line 32, by inserting after the figure
 7 "1906" the following: ", as codified in 42 U.S.C. §
 8 1396e".
 9 3. Page 2, by inserting after line 8 the
 10 following:
 11 "Sec. ____ . NEW SECTION. 249A.20 ENHANCED MENTAL

12 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
13 DISABILITIES SERVICES PLAN OVERSIGHT COMMITTEE.

14 1. For purposes of this section and section
15 249A.21, "oversight committee" means the enhanced
16 mental health, mental retardation, and developmental
17 disabilities services plan oversight committee and
18 "candidate service" means day treatment, partial
19 hospitalization, and case management. Case management
20 is limited to persons with mental retardation, a
21 developmental disability, or chronic mental illness.

22 2. An enhanced mental health, mental retardation,
23 and developmental disabilities services plan oversight
24 committee is created in the department to assure that
25 the services plan is implemented within identified,
26 budgeted, and appropriated funds.

27 3. The oversight committee shall have nine
28 members. Two members shall be designated by the
29 fiscal committee of the legislative council and are
30 subject to approval by the governor. The director of
31 human services and the administrator of the division
32 of mental health, mental retardation, and
33 developmental disabilities or their designees shall be
34 members. Three members shall be designated by the
35 Iowa state association of counties. One member shall
36 be designated by the state mental health and mental
37 retardation commission. One member shall be
38 designated by the governor's planning council on
39 developmental disabilities. Members shall serve
40 staggered three-year terms and vacancies shall be
41 filled in the same manner as the initial appointment.
42 Members are entitled to actual and necessary expenses.

43 4. The oversight committee shall do all of the
44 following:

45 a. Take action on whether to include behavior
46 management as a candidate service in the state medical
47 assistance plan amendment, to develop a federal waiver
48 request for behavior management as a candidate
49 service, or to take no action to include behavior
50 management as a covered service. Decisions shall be

Page 2

1 based upon a determination of the availability of
2 funds for the nonfederal share of the cost of the
3 service.

4 b. Explore and make recommendations regarding the
5 submission to the federal government of a state
6 medical assistance plan waiver for any candidate
7 services which are not accepted by the federal
8 government as a state medical assistance plan

9 amendment.

10 c. Explore and make recommendations regarding the
11 submission to the federal government of a state
12 medical assistance plan waiver for any services
13 provided to persons with mental retardation, a
14 developmental disability, or chronic mental illness.

15 d. Review and make recommendations regarding the
16 county case management implementation plan and budget
17 to the state mental health and mental retardation
18 commission.

19 e. Track the expenditures for, and utilization of,
20 candidate services. Report a variance in an approved
21 plan to the governor, the legislative fiscal bureau,
22 and each county.

23 f. Recommend action regarding variations from the
24 budgeted, appropriated, and identified expenditures
25 and projected expenditure offsets to the council on
26 human services and the state mental health and mental
27 retardation commission.

28 g. Submit a report regarding the results of the
29 implementation of the provisions of this section,
30 including the impact upon the institutional
31 populations, to the governor and the general assembly.
32 The report shall contain recommendations regarding
33 continuing the provisions of this section in
34 subsequent fiscal years.

35 h. Recommend rules, or amendments to existing
36 rules, which implement the provisions of this section,
37 to the council on human services and the state mental
38 health and mental retardation commission.

39 i. Develop a methodology to determine the base
40 year expenditure for a county maintenance of effort
41 established pursuant to section 249A.21 which includes
42 an amount for each of the candidate services.

43 j. Issue a final advisory decision regarding any
44 issue of disagreement between a county and the
45 department relating to expenditures for candidate
46 services or the county's maintenance of effort.

47 Sec. ____ . NEW SECTION. 249A.21 CANDIDATE

49 1. A state candidate services fund is created in
50 the office of the treasurer of state under the

Page 3

1 authority of the department. The fund shall consist
2 of moneys appropriated to the fund and moneys received
3 from counties pursuant to this section.
4 Notwithstanding section 8.33, moneys in the candidate
5 services fund which are unobligated or unexpended on
6 June 30 of any fiscal year shall not revert to the

7 general fund of the state but shall remain in the
8 candidate services fund and be used for the purposes
9 of this section. Any interest or other earnings on
10 the moneys in the candidate services fund shall remain
11 in the candidate services fund and shall be used for
12 the purposes of this section.

13 2. The county of legal settlement shall be billed
14 for fifty percent of the nonfederal share of the cost
15 of case management provided to adults, day treatment,
16 and partial hospitalization provided under the medical
17 assistance program for persons with mental
18 retardation, a developmental disability, or chronic
19 mental illness. For purposes of this section, chronic
20 mental illness does not include organic mental
21 disorders.

22 3. If a county's expenditures for candidate
23 services provided to persons with mental retardation,
24 a developmental disability, or chronic mental illness
25 exceeds the county's base year expenditure amount for
26 these services established under 1988 Iowa Acts,
27 chapter 1276, section 14, the county shall receive
28 from the candidate services fund the least amount of
29 the following:

30 a. The difference between the county's total
31 expenditures for the candidate services in the fiscal
32 year and the base year expenditure amount.

33 b. The amount expended by the county under
34 subsection 2.

35 c. The amount by which the total expenditures for
36 persons with mental retardation, a developmental
37 disability, or chronic mental illness for a fiscal
38 year, exceeds the maintenance of effort expenditures
39 established under 1988 Iowa Acts, chapter 1276,
40 subsection 14.

41 Sec. — . **NEW SECTION. 249A.22 INDEMNITY FOR**
42 **CASE MANAGEMENT AND DISALLOWED COSTS.**

43 1. If the department contracts with a county or
44 consortium of counties to provide case management
45 services funded under medical assistance, the state
46 shall appear and defend the department's employees and
47 agents acting in an official capacity on the
48 department's behalf and the state shall indemnify the
49 employees and agents for acts within the scope of
50 their employment. The state's duties to defend and

Page 4

1 indemnify shall not apply if the conduct upon which
2 any claim is based constitutes a willful and wanton
3 act or omission or malfeasance in office.

4 2. If the department is the case management
 5 contractor, the state shall be responsible for any
 6 costs included within the unit rate for case
 7 management services which are disallowed for medical
 8 assistance reimbursement by the federal health care
 9 financing administration. The contracting county
 10 shall be credited for the county's share of any
 11 amounts overpaid due to the disallowed costs.
 12 However, if certain costs are disallowed due to
 13 requirements or preferences of a particular county in
 14 the provision of case management services, the county
 15 shall not receive credit for the amount of the costs."

16 4. Page 2, by inserting after line 29 the
 17 following:

18 "Sec. ____ . LEGISLATIVE INTENT. Nothing in this
 19 Act is intended by the general assembly to be the
 20 provision of a fair and equitable funding formula
 21 specified in 1985 Iowa Acts, chapter 249, section 9.
 22 Nothing in this Act shall be construed, is intended,
 23 or shall imply a claim of entitlement to any programs
 24 or services specified in section 225C.28."

25 5. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

S-3552

1 Amend House File 380, as passed by the House, as
 2 follows:

3 1. Page 1, by inserting after line 30 the
 4 following:

5 "Sec. ____ . Section 144.24, Code 1991, is amended
 6 to read as follows:

7 144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH
 8 CERTIFICATES -- INSPECTION.

9 ~~When~~ If a new certificate of birth is established,
 10 the actual place and date of birth shall be shown on
 11 the certificate. The certificate shall be substituted
 12 for the original certificate of birth. Thereafter,
 13 the original certificate and the evidence of adoption,
 14 paternity, legitimation or sex change shall not be
 15 subject to inspection except under order of a court of
 16 competent jurisdiction, including but not limited to
 17 an order issued pursuant to section 600.16, or as
 18 provided by ~~regulation~~ administrative rule for
 19 statistical or administrative purposes, only.
 20 However, the state registrar shall, upon the
 21 application of an adult adopted person, an adoptive
 22 parent, or the legal representative of either the
 23 adult adopted person or the adoptive parent, inspect
 24 the original certificate and the evidence of adoption

25 and reveal to the applicant the name and address of
26 the court which issued the adoption decree. Upon
27 receipt of notice of annulment of adoption, the
28 original certificate of birth shall be restored to its
29 place in the files and the new certificate and
30 evidence shall not be subject to inspection except
31 upon order of the district court.

32 Sec. ____ . Section 600.16, subsection 2, Code 1991,
33 is amended by adding the following new unnumbered
34 paragraph after unnumbered paragraph 1:
35 NEW UNNUMBERED PARAGRAPH. An adopted person whose
36 adoption became final prior to July 4, 1941, and whose
37 adoption record was not required to be sealed at the
38 time when the adoption record was completed, shall not
39 be required to show good cause for an order opening
40 the adoption record under this subsection."

41 2. Title page, line 1, by inserting after the
42 word "Act" the following: "relating to vital records
43 by".

44 3. Title page, line 2, by inserting after the
45 word "registered" the following: "and by providing
46 for access to certain adoption records".

LARRY MURPHY
JOHN W. JENSEN

S-3553

1 Amend the amendment, S-3522, to Senate File 502, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 31, by striking the words "fund
5 and" and inserting the following: "fund,".

6 2. Page 3, line 32, by inserting after the word
7 "fund." the following: "However, the payment of
8 administrative costs and expenses incurred by the
9 treasurer of state, the attorney general, the second
10 injury fund, the task force, and the department of
11 revenue and finance, as authorized in this subsection,
12 shall only be permitted for administrative costs and
13 expenses incurred in the fiscal year commencing July
14 1, 1991, and shall not exceed one hundred seventy
15 thousand dollars, unless further action is taken by
16 the general assembly."

AL STURGEON
LINN FUHRMAN

S-3554

- 1 Amend the amendment, S-3386, to House File 575, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by striking line 13 and inserting the
- 4 following: "~~before July 1, 1991.~~"

RICHARD VANDE HOEF

S-3555

- 1 Amend House File 672, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "surgery," the following: "two of whom practice in
- 5 counties with populations of fifty thousand or less."
- 6 2. Page 1, line 12, by inserting after the word
- 7 "surgery," the following: "two of whom practice in
- 8 counties with populations of fifty thousand or less."

LARRY MURPHY
JAMES R. RIORDAN
JOHN W. JENSEN
LEONARD L. BOSWELL
DALE L. TIEDEN

S-3556

- 1 Amend House File 672, as passed by the House, as
- 2 follows:
- 3 1. Page 4, by striking lines 19 through 22, and
- 4 inserting the following: "under its authority. The
- 5 board shall utilize investigators from the department
- 6 of inspections and appeals. Investigators utilized by
- 7 the board have the powers and".

JAMES R. RIORDAN
JOHN W. JENSEN
LEONARD L. BOSWELL

S-3557

- 1 Amend the amendment, S-3347, to House File 510, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 10, by inserting after the word
- 5 "election" the following: "and must, upon election,
- 6 successfully complete five weeks of training from the
- 7 Iowa law enforcement academy. A county sheriff is
- 8 also required to annually complete law enforcement

9 related in-service training from the Iowa law
10 enforcement academy".
11 2. Page 1, line 13, by inserting after the word
12 "officer" the following: "at the federal, state, or
13 local level, or two years experience as a reserve
14 peace officer, or have earned an associate arts or
15 baccalaureate degree from an accredited college or
16 university".

MARK R. HAGERLA
BERL E. PRIEBE

S-3558

1 Amend House File 668, as passed by the House, as
2 follows:
3 1. Page 11, by striking lines 17 through 23 and
4 inserting the following:
5 "m. The special needs and circumstances of health
6 maintenance organizations."

EMIL J. HUSAK

S-3559

1 Amend the amendment, S-3347, to House File 510, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 10, by inserting after the word
5 "election" the following: "and must, upon election,
6 successfully complete five weeks of training from the
7 Iowa law enforcement academy. A county sheriff is
8 also required to annually complete law enforcement
9 related in-service training from the Iowa law
10 enforcement academy".
11 2. Page 1, line 13, by inserting after the word
12 "officer" the following: "at the federal, state, or
13 local level, or two years experience as a reserve
14 peace officer, or have earned an associate arts or
15 baccalaureate degree from an accredited college or
16 university".
17 3. Page 1, line 13, by striking the word "and"
18 and inserting the following: "or".

MARK R. HAGERLA
BERL E. PRIEBE

S-3560

1 Amend House File 214 as amended, passed, and

2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 16, the
4 following:

5 " ____ . If a person required to provide a warning
6 under this section is in compliance with this section,
7 and the person or an employee of the person receives
8 an order for an alcoholic beverage from and serves an
9 alcoholic beverage to a pregnant woman who consumes
10 the alcoholic beverage, the person or employee may
11 contact law enforcement personnel. Upon arrival at
12 the place of business, the law enforcement personnel
13 shall issue a citation to the pregnant woman which
14 requires attendance by the pregnant woman, within a
15 reasonable time, at a reproductive toxicity course.
16 If the pregnant woman attends the course and provides
17 proof of such attendance, the pregnant woman shall not
18 be convicted of violating this section. If the
19 pregnant woman does not attend the course, the
20 pregnant woman is in violation of this subsection and
21 is guilty of a simple misdemeanor.

22 The Iowa department of public health shall develop
23 and provide a course in reproductive toxicity for
24 pregnant women issued citations under this subsection,
25 and shall provide a form for certification of
26 attendance by such person. The Iowa department of
27 public health shall adopt rules to implement this
28 subsection and shall place the name of the pregnant
29 woman who is found in violation of this subsection on
30 a registry to be developed and maintained by the
31 department."

32 2. Title page, line 2, by striking the words "a
33 penalty" and inserting the following: "penalties".

JIM LIND

S-3561

1 Amend the amendment, S-3144, to Senate File 280, as
2 follows:

3 1. Page 1, by striking lines 4 through 15 and
4 inserting the following:

5 ""Section 1. Section 135.22, subsection 1, Code
6 1991, is amended to read as follows:

7 1. As used in this section, section 225C.23, and
8 section ~~601K.80~~ 135.22B, "brain injury" means
9 clinically evident brain damage or spinal cord injury
10 resulting directly or indirectly from trauma,
11 infection, anoxia, or vascular lesions not primarily
12 related to degenerative or aging processes, which
13 temporarily or permanently impairs a person's physical

14 or cognitive functions.”

15 ____ . Page 1, line 1, by striking the figure

16 “601K.81” and inserting the following: “135.22A”.

17 2. Page 1, by inserting after line 36 the

18 following:

19 “ ____ . Page 2, line 14, by striking the words

20 “commission on persons with disabilities” and

21 inserting the following: “family and community health

22 division of the Iowa department of public health”.

23 3. Page 1, by inserting after line 39 the

24 following:

25 “ ____ . Page 2, by inserting after line 24 the

26 following:

27 “Sec. ____ . NEW SECTION. 135.22B ADVISORY COUNCIL

28 ON HEAD INJURIES.

29 1. For purposes of this section, unless the

30 context otherwise requires:

31 a. “Head injury” means “brain injury” as defined

32 in section 135.22.

33 b. “Council” means the advisory council on head

34 injuries.

35 2. The advisory council on head injuries is

36 established. The following persons or their designees

37 shall serve as ex officio, nonvoting members of the

38 council:

39 a. The director of public health.

40 b. The director of human services and any division

41 administrators of the department of human services so

42 assigned by the director.

43 c. The director of the department of education.

44 d. The chief of the special education bureau of

45 the department of education.

46 e. The administrator of the division of vocational

47 rehabilitation of the department of education.

48 f. The director of the department for the blind.

49 g. The commissioner of insurance.

50 3. The council shall be composed of a minimum of

Page 2

1 nine members appointed by the governor in addition to

2 the ex officio members, and the governor may appoint

3 additional members. Insofar as practicable, the

4 council shall include persons with head injuries,

5 family members of persons with head injuries,

6 representatives of industry, labor, business, and

7 agriculture, representatives of federal, state, and

8 local government, and representatives of religious,

9 charitable, fraternal, civic, educational, medical,

10 legal, veteran, welfare, and other professional groups

11 and organizations. Members shall be appointed
12 representing every geographic and employment area of
13 the state and shall include members of both sexes.

14 4. Members of the council appointed by the
15 governor shall be appointed for terms of two years.
16 Vacancies on the council shall be filled for the
17 remainder of the term of the original appointment.
18 Members whose terms expire may be reappointed.

19 5. The members of the council shall appoint a
20 chairperson and a vice chairperson and other officers
21 as the council deems necessary. The officers shall
22 serve until their successors are appointed and
23 qualified. Members of the council shall receive
24 actual expenses for their services. Members may also
25 be eligible to receive compensation as provided in
26 section 7E.6. The council shall adopt rules pursuant
27 to chapter 17A.

28 6. The council shall:

29 a. Promote meetings and programs for the
30 discussion of methods to reduce the debilitating
31 effects of head injuries, and disseminate information
32 in cooperation with any other department, agency, or
33 entity on the prevention, evaluation, care, treatment,
34 and rehabilitation of persons affected by head
35 injuries.

36 b. Study and review current prevention,
37 evaluation, care, treatment, and rehabilitation
38 technologies and recommend appropriate preparation,
39 training, retraining, and distribution of manpower and
40 resources in the provision of services to persons with
41 head injuries through private and public residential
42 facilities, day programs, and other specialized
43 services.

44 c. Participate in developing and disseminating
45 criteria and standards which may be required for
46 future funding or licensing of facilities, day
47 programs, and other specialized services for persons
48 with head injuries in this state.

49 d. Make recommendations to the governor for
50 developing and administering a state plan to provide

Page 3

1 services for persons with head injuries.

2 e. Meet at least quarterly.

3 f. Report on or before February 15 of each year to
4 the governor and the general assembly on council
5 activities, and submit recommendations believed
6 necessary to promote the welfare of persons with head
7 injuries.

8 7. The council is assigned to the family and
 9 community health division for administrative purposes.
 10 The administrator shall be responsible for budgeting,
 11 program coordination, and related management
 12 functions. The operating expenses of the central
 13 registry for brain injuries under section 135.22 and
 14 of the council shall be paid from moneys in the head
 15 and spinal injury trust fund.

16 8. The council may receive gifts, grants, or
 17 donations made for any of the purposes of its programs
 18 and disburse and administer them in accordance with
 19 their terms and under the direction of the
 20 administrator."

21 ____ . Page 4, line 20, by striking the figure
 22 "601K.81" and inserting the following: "135.22A".

23 ____ . Page 4, by inserting after line 21 the
 24 following:

25 "Sec. ____ . Section 601K.80, Code 1991, is
 26 repealed."

27 4. Page 1, line 41, by striking the word "and"
 28 and inserting the following: ", transferring the
 29 advisory council on head injuries to the Iowa
 30 department of public health, and".

31 5. By renumbering as necessary.

MAGGIE TINSMAN
 SHELDON RITTMER

S-3562

1 Amend House File 672 as passed by the House as
 2 follows:

3 1. Page 7, by inserting after line 27, the
 4 following:

5 "For purposes of this section, "resident physician"
 6 means a person at any level of training in an
 7 organized program of graduate medical education in an
 8 institution approved for this purpose by the medical
 9 examiners."

10 2. Page 9, by striking line 14, and inserting the
 11 following: "Osteopathic Physician and Surgeon
 12 Fellowship License", and".

13 3. Page 10, by inserting after line 6, the
 14 following:

15 "For purposes of this section, "resident
 16 osteopathic physician and surgeon" means a person at
 17 any level of training in an organized program of
 18 graduate medical education in an institution approved
 19 for this purpose by the medical examiners."

FLORENCE BUHR

S-3563

1 Amend the House amendment, S-3464, to Senate File
2 317, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 26, by inserting after the word
5 "requirements." the following: "A person shall cease
6 billing and collecting for a pay-per-call service
7 which fails to comply with the requirements of this
8 chapter as soon as practicable, but in no event more
9 than thirty days, after acquiring knowledge of the
10 noncompliance."

PAT DELUHERY
WILLIAM D. PALMER

S-3564

1 Amend House File 672, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 31, the
4 following:
5 "Sec. ____ . Section 147.88, Code 1991, is amended
6 to read as follows:
7 147.88 INSPECTIONS.
8 The department of inspections and appeals may
9 perform inspections as required by this title, except
10 for the ~~board of medical examiners~~; board of pharmacy
11 examiners, board of nursing, and the board of dental
12 examiners. The department of inspections and appeals
13 shall employ personnel related to the inspection
14 functions."
15 2. Page 4, by striking lines 17 through 24.
16 3. By renumbering as necessary.

JAMES R. RIORDAN
JOHN W. JENSEN
LEONARD L. BOSWELL

S-3565

1 Amend House File 455, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 15 through 20.
4 2. Page 3, by striking lines 12 through 18 and
5 inserting the following:
6 "Within ten days from receipt of notice from the
7 secretary of the school district within which any

8 ~~private an accredited nonpublic~~ school is conducted,
9 the principal of ~~such the accredited nonpublic~~ school
10 shall, once during each school year, and at any time
11 when requested in individual cases, furnish to ~~such~~
12 ~~the~~ secretary”.

13 3. Page 4, line 18, by striking the words “, but
14 is not limited to,” and inserting the following: “,
15 ~~but is not limited to,”~~.”

16 4. Page 6, line 15, by striking the word “or” and
17 inserting the following: “, who is referred for
18 prosecution under section 299.5A and is convicted of a
19 violation of any of the provisions of sections 299.1
20 through 299.5, who violates”.

21 5. Page 6, line 16, by striking the word “or” and
22 inserting the following: “, or who”.

23 6. Page 7, line 22, by inserting after the word
24 “truant.” the following: “A finding that a child is
25 truant, however, shall not by itself mean that the
26 child is a child in need of assistance within the
27 meaning of chapter 232 and shall not be the sole basis
28 for a child in need of assistance petition.”

29 7. Page 8, line 23, by inserting after the word
30 “district.” the following: “If a child is taken into
31 custody under this section, the truancy officer shall
32 make every reasonable attempt to immediately notify
33 the parent, guardian, or legal or actual custodian of
34 the child's location.”

35 8. Page 9, line 15, by striking the word “school”
36 and inserting the following: “operated school”.

37 9. Page 9, line 16, by striking the word
38 “institution”.

39 10. Page 9, line 19, by striking the words
40 “~~school the institution~~” and inserting the following:
41 “the state operated school”.

42 11. Page 9, line 31, by striking the word
43 “institution” and inserting the following:
44 “institution operated school”.

45 12. Page 10, line 5, by striking the words
46 “~~school institution~~” and inserting the following:
47 “operated school”.

48 13. Page 10, line 7, by striking the words
49 “~~school the institution~~” and inserting the following:
50 “the state operated school”.

Page 2

1 14. Page 10, line 11, by striking the word
2 “institution” and inserting the following:

3 “institution operated school”.

4 15. Page 10, line 18, by striking the words

- 5 "institution determines" and inserting the following:
6 "state operated school certifies that an
7 interdisciplinary staffing team has determined,
8 pursuant to the requirements of chapter 281."
9 16. Page 10, line 33, by striking the words
10 "shall be presumed to have violated" and inserting the
11 following: "is subject to".
12 17. Page 10, line 34, by striking the words "is
13 subject to".
14 18. Page 11, line 5, by inserting after the word
15 "by" the following: "or under the supervision of".
16 19. Page 11, line 9, by striking the words
17 "formal instruction" and inserting the following:
18 "instruction using a plan and a course of study".
19 20. Page 11, line 20, by striking the word "a"
20 and inserting the following: "an accredited nonpublic
21 school or public".
22 21. Page 11, line 21, by inserting after the word
23 "the" the following: "accredited nonpublic school or
24 public".
25 22. Page 11, line 23, by striking the words
26 "child who is" and inserting the following: "child.
27 If competent private instruction is provided through a
28 public school district, the child shall be".
29 23. Page 12, line 3, by striking the word
30 "tested" and inserting the following: "evaluated".
31 24. Page 12, line 6, by striking the words
32 "Report the child's annual test results" and inserting
33 the following: "Ensure that the results of the
34 child's annual evaluation are reported".
35 25. Page 12, line 13, by striking the words "be
36 tested" and inserting the following: "either be
37 evaluated".
38 26. Page 12, line 16, by inserting after the word
39 "tool" the following: "such as, but not limited to,
40 the Iowa test of basic skills, the Iowa test of
41 educational development, or the stanford achievement
42 test,".
43 27. Page 12, line 18, by inserting after the word
44 "education" the following: "or be evaluated annually
45 in the manner provided in subsection 7".
46 28. Page 12, line 31, by striking the words
47 "administer each test required of" and inserting the
48 following: "conduct the evaluations required under
49 subsections 1 and 2 for".
50 29. Page 12, line 32, by striking the word

Page 3

- 1 "Testing" and inserting the following: "Evaluation".

- 2 30. Page 12, by striking lines 34 and 35, and
3 inserting the following: "responsible for conducting
4 the evaluation. Persons conducting the evaluations
5 shall make every reasonable effort to conduct the
6 evaluations".
- 7 31. Page 13, line 1, by striking the word
8 "tests".
- 9 32. Page 13, line 5, by striking the word
10 "tested" and inserting the following: "evaluated".
- 11 33. Page 13, by striking lines 8 through 10, and
12 inserting the following:
13 "5. The conducting of evaluations shall include,
14 but is not limited to, purchasing of evaluation
15 materials, giving the evaluations, scoring and
16 interpreting the evaluations, and reporting the
17 evaluation".
- 18 34. Page 13, line 14, by striking the word
19 "tested" and inserting the following: "evaluated".
- 20 35. Page 13, by striking line 15, and inserting
21 the following: "entity conducting the evaluation for
22 no more than the actual cost of".
- 23 36. Page 13, line 16, by striking the word
24 "testing" and inserting the following: "evaluation".
- 25 37. Page 13, by striking line 18, and inserting
26 the following: "evaluating entity for costs incurred
27 as a result of".
- 28 38. Page 13, line 20, by striking the words "In
29 addition to the" and inserting the following: "In
30 lieu of".
- 31 39. Page 14, by striking lines 3 and 4, and
32 inserting the following: "licensed practitioner
33 selected as the evaluator by the parent, guardian, or
34 legal custodian and agreed to by the superintendent of
35 the local school district or the superintendent's
36 designee. The evaluator shall prepare a report".
- 37 40. Page 14, line 7, by striking the word
38 "levels" and inserting the following: "levels, and
39 submit a copy of the report to the child's parent,
40 guardian, or legal custodian, the school district of
41 residence of the child, and the department of
42 education".
- 43 41. Page 14, by striking lines 10 and 11, and
44 inserting the following: "is making adequate
45 progress."
- 46 42. Page 14, line 16, by inserting before the
47 word "custodian" the following: "legal".
- 48 43. Page 14, line 27, by inserting before the
49 word "custodian" the following: "legal".
- 50 44. Page 16, line 18, by striking the word "not".

Page 4

- 1 45. Page 16, line 19, by striking the word
 2 "without" and inserting the following: "with".
 3 46. Page 16, line 20, by striking the words
 4 "director of the" and inserting the following:
 5 "director of".
 6 47. Page 16, by striking line 21.
 7 48. Page 16, lines 25 and 26, by striking the
 8 words "on the tests required under this chapter".
 9 49. Page 16, line 28, by striking the word
 10 "Testing" and inserting the following: "Evaluation".
 11 50. Page 16, by striking lines 30 and 31, and
 12 inserting the following: "responsible for conducting
 13 the evaluation. Persons conducting the evaluations
 14 shall make every reasonable effort to conduct the
 15 evaluations".
 16 51. Page 16, line 32, by striking the word
 17 "tests".
 18 52. Page 17, line 14, by inserting after the word
 19 "shall" the following: "use available home schooling
 20 data and shall".
 21 53. Page 17, line 15, by inserting after the word
 22 "forces" the following: ", and home schooling
 23 practitioners or research organizations".
 24 54. Page 17, line 16, by striking the words
 25 "assessment issues" and inserting the following: "or
 26 have experience in the assessment of children who have
 27 been placed under home instruction".

LARRY MURPHY
 MICHAEL W. CONNOLLY
 WILLIAM W. DIELEMAN
 RAY TAYLOR
 MARY KRAMER
 DALE L. TIEDEN
 JOHN W. JENSEN
 JACK W. HESTER
 JAMES R. RIORDAN
 RICHARD VANDE HOEF
 MARK R. HAGERLA
 WILMER RENSINK
 ELAINE SZYMONIAK
 JAMES B. KERSTEN

S-3566

- 1 Amend Senate File 540 as follows:
 2 1. Page 2, by striking lines 30 and 31 and
 3 inserting the following:

4 "1. For each fiscal year the department shall
5 estimate the amount of use tax revenues which would
6 not be collected during the fiscal year as a result of
7 the exemption provided in section 423.4, subsection
8 14. From revenues arising from the operation of this
9 chapter, an amount equal to the estimated use tax
10 revenue loss shall be credited to the road use tax
11 fund.

12 2. After deducting the amount credited to the road
13 use tax fund under subsection 1, any remaining
14 revenues derived from the operation of this chapter
15 shall be credited to a special account in the general
16 fund of the state and are annually appropriated to the
17 state department of transportation to be used solely
18 for providing airport terminal improvements at
19 essential air service airports in the state."

MIKE CONNOLLY

S-3567

1 Amend House File 214, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 11, by striking the words "in
4 the" and inserting the following: "in all".

JIM LIND

HOUSE AMENDMENT TO
SENATE FILE 501

S-3568

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 7.

4 2. Page 1, by striking line 20 and inserting the
5 following: "hearing, receipt of the transcript, or
6 submission of any briefs. If the".

7 3. By striking page 1, line 27 through page 2,
8 line 28.

9 4. Page 3, line 1, by striking the word and
10 figure "June 1" and inserting the following: "April
11 15".

12 5. Page 3, line 6, by striking the word "state".

13 6. Page 3, line 6, by striking the word and
14 figure "June 1." and inserting the following: "April
15 15."

16 7. Page 3, line 9, by striking the word and
17 figure "June 1" and inserting the following: "April

18 15".

19 8. Page 3, line 10, by striking the word and
20 figure "June 1." and inserting the following: "April
21 15."

22 9. Page 3, line 20, by striking the word "in" and
23 inserting the following: "represented by".

24 10. Page 4, line 1, by striking the word "in" and
25 inserting the following: "represented by".

26 11. Page 4, line 13, by striking the word "in"
27 and inserting the following: "represented by".

28 12. Page 4, by inserting after line 18, the
29 following:

30 "Sec. ____ . Section 279.15, subsection 1, Code
31 1991, is amended to read as follows:

32 1. The superintendent or the superintendent's
33 designee shall notify the teacher not later than ~~March~~
34 April 15 that the superintendent will recommend in
35 writing to the board at a regular or special meeting
36 of the board held not later than ~~March 31~~ April 30
37 that the teacher's continuing contract be terminated
38 effective at the end of the current school year..

39 However, if the district is subject to reorganization
40 under chapter 275, the notification shall not occur
41 until after the first organizational meeting of the
42 board of the newly formed district."

43 13. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

S-3569

1 Amend the amendment, S-3555, to House File 672 as
2 passed by the House as follows:

3 1. Page 1, line 4, by striking the word "two" and
4 inserting the following: "one".

5 2. Page 1, line 7, by striking the word "two" and
6 inserting the following "one".

LARRY MURPHY

S-3570

1 Amend House File 214, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 11, by striking the words "the
4 restrooms of".

RICHARD RUNNING

S-3571

1 Amend House File 214, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 16, the
4 following:
5 "5. It is an unfair employment practice pursuant
6 to section 601A.6 for a person who holds a license or
7 permit under chapter 123 to sell alcoholic beverages
8 for consumption on the premises to terminate the
9 employment of an employee based upon the employee's
10 warning of a patron regarding reproductive toxicity.
11 Sec. 2. Section 601A.6, Code 1991, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 2A. It shall be an unfair
14 employment practice for a person who holds a license
15 or permit under chapter 123 to sell alcoholic
16 beverages for consumption on the premises to terminate
17 the employment of an employee based upon the
18 employee's warning of a patron regarding reproductive
19 toxicity."

RICHARD RUNNING

S-3572

1 Amend House File 214, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, by inserting after the word
4 "establishment." the following: "The rules adopted
5 shall allow the signs posted to be handwritten at the
6 discretion of the person holding the license or
7 permit, and shall not require the signs to be larger
8 than eight and one-half inches by eleven inches."

RICHARD RUNNING

S-3573

1 Amend House File 569, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 32 the
4 following:
5 "___ . A borrower shall be limited to one loan
6 under this program."
7 2. By renumbering as necessary.

PAUL D. PATE

S-3574

1 Amend House File 691, as passed by the House, as

2 follows:

- 3 1. Page 2, line 18, by striking the words "one
4 hundred" and inserting the following: "one hundred
5 ninety-five".
6 2. Page 3, line 4, by striking the words "one
7 hundred" and inserting the following: "one hundred
8 ninety-five".

DON DOYLE

S-3575

- 1 Amend the amendment, S-3572, to House File 214, as
2 amended, passed and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 4 through 7 and
5 inserting the following: "'establishment." the
6 following: "The rules shall not require the signs to
7 be larger".

JAMES R. RIORDAN

S-3576

- 1 Amend House File 615, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 7, by striking the word "in" and
4 inserting the following: "~~in~~".
5 2. Page 1, line 8, by striking the words "the
6 following circumstances" and inserting the following:
7 "circumstances as follows".
8 3. Page 1, by inserting after line 26 the
9 following:
10 "A request under this paragraph that victim-
11 identifying information remain confidential shall not
12 make confidential other information surrounding the
13 crime or incident which is not victim-identifying
14 information."
15 4. Page 2, lines 12 and 13, by striking the words
16 "in the following circumstances" and inserting the
17 following: "as follows".
18 5. Page 2, by inserting after line 29 the
19 following:
20 "A request under this subparagraph that victim-
21 identifying information remain confidential shall not
22 make confidential other information surrounding the
23 crime or incident which is not victim-identifying
24 information."

AL STURGEON

S-3577

- 1 Amend Senate File 91 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 following:
 5 "Section 1. Section 331.651, subsection 2, Code
 6 1991, is amended by striking the subsection and
 7 inserting in lieu thereof the following:
 8 2. A person elected to the office of county
 9 sheriff must have attained the age of 21 prior to the
 10 date of the election. A person appointed to fill a
 11 vacancy in the office of county sheriff must have
 12 attained the age of 21, must have at least two years
 13 experience as a full-time peace officer, and must have
 14 earned a certificate of graduation as a law
 15 enforcement officer recognized by the Iowa law
 16 enforcement academy council or possess all of the
 17 qualifications required by the Iowa law enforcement
 18 academy council to be certified as a law enforcement
 19 officer prior to assuming the duties of the office of
 20 sheriff.
 21 A person elected or appointed to the office of
 22 sheriff shall qualify by taking the oath of office as
 23 provided in section 63.10 and give bond as provided in
 24 section 64.8."

EUGENE FRAISE
 MICHAEL E. GRONSTAL
 EMIL J. HUSAK
 DONALD E. GETTINGS
 LEONARD L. BOSWELL
 ALVIN V. MILLER
 DONALD V. DOYLE

S-3578

- 1 Amend the House amendment, S-3464, to Senate File
 2 317, as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 3 through 17.

WILLIAM D. PALMER

S-3579

- 1 Amend House File 615, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 15, by inserting after the word

- 4 "an" the following: "arrest is made in connection
5 with the crime or incident or".
6 2. Page 2, line 18, by inserting after the word
7 "an" the following: "arrest is made in connection
8 with the crime or incident or".

RALPH ROSENBERG

S-3580

- 1 Amend House File 615, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking lines 10 through 14 and
4 inserting the following:
5 "Sec. ____ . EFFECTIVE DATE. This Act shall take
6 effect only upon the filing of a complaint alleging
7 that a news organization in this state published or
8 broadcast victim-identifying information without the
9 consent of the victim with the attorney general.
10 This Act shall be repealed effective three years
11 from the effective date of this Act and the Code
12 editor shall reinstate the language of section 22.7,
13 subsection 5, and section 22.7, subsection 18,
14 paragraph "c", as those provisions read in the 1991
15 Code."
16 2. By renumbering as necessary.

RICHARD RUNNING

HOUSE AMENDMENT TO
SENATE FILE 491

S-3581

- 1 Amend Senate File 491, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, by inserting after line 16, the
4 following:
5 "a. The rental company agrees to waive any and all
6 claims against the customer for any damages to or loss
7 of the rental vehicle during the term of the rental
8 agreement for an amount less than or equal to the full
9 value of the rental vehicle for a cost not to exceed
10 six dollars per day.
11 The allowable cost for the collision damage waiver
12 may be adjusted on an annual basis by an amount equal
13 to the current allowable cost for the collision damage
14 waiver multiplied by the percentage increase in the
15 consumer price index for the preceding calendar year.
16 The attorney general shall publish by rule at least.

17 thirty days prior to January of each year, the maximum
 18 amounts which can be charged for a collision damage
 19 waiver."

20 2. Page 5, by inserting after line 25, the
 21 following: "contain the terms of the collision damage
 22 waiver in simple and readable words with common
 23 meanings and must".

24 3. Renumber and reletter as necessary.

S-3582

1 Amend the House amendment, S-3464, to Senate File
 2 317, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 22 through 26, and
 5 inserting the following: "chapter. A person shall
 6 cease billing and collecting for a pay-per-call
 7 service which fails to comply with the requirements of
 8 this chapter as soon as practicable, but in no event
 9 more than thirty days, after acquiring knowledge of
 10 the noncompliance."

PAT DELUHERY
 WILLIAM PALMER

S-3583

1 Amend the House amendment, S-3464, to Senate File
 2 317, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by inserting after line 4 the
 5 following:
 6 ""Section 1. Section 477B.2, subsection 5,
 7 paragraph e, Code 1991, is amended to read as follows:
 8 e. A statement of estimated costs to be incurred
 9 by the joint E911 service board, including separate
 10 estimates of the following:

11 (1) Nonrecurring costs, including, but not limited
 12 to, public safety answering points, network equipment,
 13 radio equipment used to dispatch or notify a public or
 14 private safety agency in connection with the 911
 15 system, software, database, addressing, initial
 16 training, and other capital and start-up expenditures,
 17 including the purchase or lease of subscriber names,
 18 addresses, and telephone information from the local
 19 exchange service provider.

20 (2) Recurring costs, including, but not limited
 21 to, network access fees and other telephone charges,
 22 software, equipment, and database management, and
 23 maintenance, including the purchase or lease of

24 subscriber names, addresses, and telephone information
 25 from the local exchange service provider. Recurring
 26 costs shall not include personnel costs for a public
 27 safety answering point.

28 Costs are limited to nonrecurring and recurring
 29 costs directly attributable to the provision of 911
 30 emergency telephone communication service. Costs do
 31 not include expenditures for any other purpose, and
 32 specifically exclude costs attributable to other
 33 emergency services or expenditures for buildings,
 34 radios, or personnel."

35 2. Page 1, by inserting after line 32 the
 36 following:

37 "____. Title page, line 2, by inserting after the
 38 word "advertisements" the following: ", authorized
 39 expenditures of enhanced 911 service surcharge
 40 revenues,"."

41 3. By renumbering, relettering, or redesignating
 42 and correcting internal references as necessary.

MIKE CONNOLLY

S-3584

1 Amend House File 651, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 2, line 25, by inserting after the word
 4 "season," the following: "A racetrack licensed to run
 5 pari-mutuel horse races as of January 1, 1991, shall
 6 not simulcast races of two-year old horses and shall
 7 not receive simulcast races of two-year old horses."

WILLIAM DIELEMAN

S-3585

1 Amend House File 651, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 6.

WILLIAM W. DIELEMAN

S-3586

1 Amend House File 651 as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, line 25, by inserting after the word
 4 "season," the following: "A licensee who transmits
 5 simulcast races, intrastate or interstate, must be in
 6 full compliance with all applicable state or federal

7 laws, rules, or regulations relating to health and
8 safety, humane treatment of animals, and pari-mutuel
9 wagering."

WILLIAM DIELEMAN

S-3587

1 Amend House File 651, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 25, by inserting after the word
4 "season" the following: "and unless the admission
5 fees and daily license fees paid pursuant to section
6 99D.14 by a licensee are sufficient to reimburse the
7 costs incurred by the commission regulating the live
8 racing operations of the licensee during a racing
9 season".

WILLIAM W. DIELEMAN

S-3588

1 Amend House File 651, 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. ____ . Section 99D.22, Code 1991, is amended
6 by adding the following new subsection:
7 **NEW SUBSECTION. 5.** An Iowa foaled and registered
8 horse shall not compete in an Iowa stakes race if the
9 horse is carrying in its body any drug, numbing, or
10 other substance foreign to a natural horse including,
11 but not limited to, lasix or phenylbutazone."

WILLIAM DIELEMAN

S-3589

1 Amend House File.672, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 31, the
4 following:
5 "Sec. ____ . Section 147.88, Code 1991, is amended
6 to read as follows:
7 **147.88 INSPECTIONS.**
8 The department of inspections and appeals may
9 perform inspections as required by this title, except
10 for the ~~board of medical examiners,~~ board of pharmacy
11 examiners, board of nursing, and the board of dental
12 examiners. The department of inspections and appeals

13 shall employ personnel related to the inspection
14 functions."

15 2. Page 4, by striking lines 17 through 24.

16 3. Page 10, by inserting before line 7, the
17 following:

18 "Sec. ____ . FUNDING AND FTES. Upon enactment of
19 this Act, the number of full-time equivalent positions
20 and the amount of the appropriation allocated to the
21 board of medical examiners to conduct inspections
22 shall be allocated to the department of inspections
23 and appeals and that number of full-time equivalent
24 positions and that amount of the appropriation shall
25 be reduced from the board of medical examiners."
26 4. By renumbering as necessary.

JAMES R. RIORDAN
RICHARD F. DRAKE
LEONARD L. BOSWELL
JOHN W. JENSEN
WILLIAM W. DIELEMAN

S-3590

1 Amend House File 651, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 12 through 19.

RICHARD F. DRAKE

S-3591

1 Amend House File 651, as amended passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 28, by inserting after the word
4 "licensee." the following: "The commission shall
5 allow interstate simulcast races only from states
6 which have the same restrictions on the use of drugs
7 and numbing of horses and dogs as required by this
8 state. The use of drugs or numbing, the type of drugs
9 or numbing, the amount, the dosage, and the drug or
10 numbing history of each race horse or dog is a
11 material fact which must be disclosed to each wagerer
12 in a simulcast race. The drug information shall be
13 disclosed as provided in this chapter."

WILLIAM DIELEMAN

S-3592

1 Amend House File 651 as amended, passed, and re-

2 printed by the House, as follows:

- 3 1. Page 1, by inserting before line 1 the fol-
 4 lowing:
 5 "Sec. ____ . Section 22.1, unnumbered paragraphs 1
 6 and 2, Code 1989, are amended to read as follows:
 7 ~~Wherever As~~ used in this chapter, "public records"
 8 includes all records, documents, tape, or other
 9 information, stored or preserved in any medium, of or
 10 belonging to this state or any county, city, township,
 11 school corporation, political subdivision, a nonprofit
 12 corporation licensed under chapters 99D and 99F, or
 13 tax-supported district in this state, or any branch,
 14 department, board, bureau, commission, council, or
 15 committee of any of the foregoing.
 16 The term "government body" means this state, or any
 17 county, city, township, school corporation, political
 18 subdivision, tax supported district, a nonprofit
 19 corporation licensed under chapters 99D and 99F, or
 20 other entity of this state, or any branch, department,
 21 board, bureau, commission, council, committee,
 22 official or officer, of any of the foregoing or any
 23 employee delegated the responsibility for implementing
 24 the requirements of this chapter."
 25 2. By renumbering as necessary.

WILLIAM DIELEMAN

S-3593

- 1 Amend the Committee amendment, S-3351, to House
 2 File 651, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 2, line 7, by striking the words "six
 5 percent, five percent," and inserting the following:
 6 "five percent".
 7 2. Page 2, by striking lines 11 through 13.
 8 3. Page 2, line 14, by striking the figures "(1)
 9 (2)" and inserting the following: "(1)".
 10 4. Page 2, line 17, by striking the figures "(2)
 11 (3)" and inserting the following: "(2)".

WILLIAM W. DIELEMAN

S-3594

- 1 Amend House File 651, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by inserting after line 32 the
 4 following:
 5 "Sec. ____ . If a racetrack licensed to run pari-

- 6 mutuel horse racing as of January 1, 1991, is sold or
7 leased after May 1, 1991, the following take effect on
8 the effective date of the sale or lease:
9 1. Section 99D.11, subsection 6, paragraph "b",
10 Code 1991, is amended by striking the paragraph.
11 2. Section 99D.15, subsections 1 and 2, Code 1991,
12 are amended by striking the subsections."

WILLIAM W. DIELEMAN

S-3595

- 1 Amend Senate File 515 as follows:
2 1. Page 1, by striking line 11.
3 2. By relettering as necessary.

FLORENCE BUHR

S-3596

- 1 Amend the amendment, S-3577, to Senate File 91 as
2 follows:
3 1. Page 1, line 10, by inserting after the word
4 "election" the following: "and must, upon election,
5 successfully complete five weeks of training from the
6 Iowa law enforcement academy. A county sheriff is
7 also required to annually complete law enforcement
8 related in-service training from the Iowa law
9 enforcement academy".
10 2. Page 1, line 13, by inserting after the word
11 "officer" the following: "at the federal, state, or
12 local level, or two years experience as a reserve
13 peace officer, or have earned an associate arts or
14 baccalaureate degree from an accredited college or
15 university".
16 3. Page 1, line 13, by striking the word "and"
17 and inserting the following: "or".

MARK R. HAGERLA

S-3597

- 1 Amend House File 651 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 28, by inserting after the word
4 "licensee." the following: "For simulcast races at a
5 horse racetrack without live races, one-fourth of one
6 percent of the pari-mutuel handle not to exceed fifty
7 thousand dollars, shall be transferred to the
8 commission and allocated to qualified harness racing

9 tracks for their purses as provided in section 99D.13,
10 subsection 3."

H. KAY HEDGE

S-3598

1 Amend House File 651, 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 99D.9, subsection 1, Code 1991,
6 is amended to read as follows:

7 1. If the commission is satisfied that its rules
8 and sections 99D.8 through 99D.25 applicable to
9 licensees have been or will be complied with, it may
10 issue a license for a period of not more than three
11 years. The commission may decide which types of
12 racing it will permit. The commission may permit dog
13 racing, horse racing of various types or both dog and
14 horse racing. The commission shall decide the number,
15 location, and type of all racetracks licensed under
16 this chapter. However, the commission shall not issue
17 any licenses in addition to the licenses which have
18 been issued as of May 1, 1991. The license shall set
19 forth the name of the licensee, the type of license
20 granted, the place where the race meeting is to be
21 held, and the time and number of days during which
22 racing may be conducted by the licensee. The
23 commission shall not approve a license application if
24 any part of the racetrack is to be constructed on
25 prime farmland outside the city limits of an
26 incorporated city. As used in this subsection, "prime
27 farmland" means as defined by the United States
28 department of agriculture in 7.C.F.R. sec. 657.5(a).
29 A license is not transferable or assignable. The
30 commission may revoke any license issued for good
31 cause upon reasonable notice and hearing. The
32 commission shall conduct a neighborhood impact study
33 to determine the impact of granting a license on the
34 quality of life in neighborhoods adjacent to the
35 proposed racetrack facility. The applicant for the
36 license shall reimburse the commission for the costs
37 incurred in making the study. A copy of the study
38 shall be retained on file with the commission and
39 shall be a public record. The study shall be
40 completed before the commission may issue a license
41 for the proposed facility."

42 2. Page 3, by inserting after line 11, the
43 following:

44 "Sec. ____ . Section 99F.7, subsection 1, Code 1991,
45 is amended to read as follows:
46 1. If the commission is satisfied that this
47 chapter and its rules adopted under this chapter
48 applicable to licensees have been or will be complied
49 with, the commission shall issue a license for a
50 period of not more than three years to an applicant to

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1 own a gambling game operation and to an applicant to
2 operate an excursion gambling boat. The commission
3 shall decide which of the gambling games authorized
4 under this chapter it will permit. The commission
5 shall decide the number, location, and type of
6 excursion gambling boats licensed under this chapter
7 for operation on the rivers, lakes, and reservoirs of
8 this state. However, the commission shall not issue
9 any licenses to operate a gambling game operation in
10 addition to the licenses which have been issued as of
11 May 1, 1991. The license shall set forth the name of
12 the licensee, the type of license granted, the place
13 where the excursion gambling boats will operate and
14 dock, and the time and number of days during the
15 excursion season and the off season when gambling may
16 be conducted by the licensee. The commission shall
17 not allow a licensee to conduct gambling games on an
18 excursion gambling boat while docked during the off
19 season if the licensee does not operate gambling
20 excursions for a minimum number of days during the
21 excursion season."

MICHAEL W. CONNOLLY

S-3599

- 1 Amend Senate File 540 as follows:
- 2 1. Page 3, line 6, by striking the word
- 3 "September" and inserting the following: "October".

WILLIAM W. DIELEMAN

S-3600

- 1 Amend House File 651, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 28 the
- 4 following:
- 5 "Sec. ____ . Section 99D.15, subsection 3, paragraph
- 6 a, subparagraphs (2) and (3), Code 1991, are amended

7 to read as follows:

8 (2) Five percent, if the gross sum wagered in the
9 racing season is ~~thirty~~ thirty-five million dollars or
10 more but less than fifty-five million dollars.

11 (3) Four percent, if the gross sum wagered in the
12 racing season is less than ~~thirty~~ thirty-five million
13 dollars."

JOE WELSH

S-3601

1 Amend House File 651, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 3, by striking lines 12 through 19 and
4 inserting the following:

5 "Sec. ____ . Section 99F.9, Code 1991, is amended by
6 adding the following new subsection:

7 **NEW SUBSECTION. 6A.** However, a person who is less
8 than twenty-one years of age and who is still enrolled
9 in a secondary school shall not be employed in the
10 area where gambling is conducted."

RICHARD F. DRAKE
MAGGIE TINSMAN
PATRICK J. DELUHERY

S-3602

1 Amend House File 569, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, line 17, by inserting after the word
4 "business." the following: "The rules shall provide
5 that the proposed purchaser and the seller of the key
6 small business are not within the third degree of
7 consanguinity or affinity."

8 2. Page 3, by inserting after line 20, the
9 following:

10 "d. Information describing the amount of equity
11 the purchaser will have in the key small business and
12 the amount of funds available to the purchaser from
13 other sources including but not limited to debt
14 financing.

15 e. Criteria relating to job creation and
16 retention."

17 3. Page 3, line 29, by inserting after the word
18 "used." the following: "The repayment program shall
19 require the purchaser of the key small business to
20 begin repayment of principal without interest within
21 three years of the date of the original loan and shall

22 require repayment of the total amount of the loan with
 23 interest within five years of retiring the debt for
 24 which the interest buy-down funds were used."

25 4. Page 3, by inserting after line 29, the
 26 following:

27 "___ . Develop, by rule, criteria for establishing
 28 liability for the interest buy-down loan in the event
 29 of a default by the purchaser, provided that the local
 30 agency shall not be liable for more than fifty percent
 31 of the loan amount."

32 5. By renumbering as necessary.

RICHARD V. RUNNING

S-3603

1 Amend House File 569, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 3, line 8, by inserting after the word
 4 "business." the following: "In the event of a seller-
 5 financed sale, the funds shall be deposited in a
 6 financial institution mutually agreed to by the
 7 seller, buyer, local agency, and the authority."

8 2. Page 3, lines 11 and 12, by striking the words
 9 "without the prior approval of the authority".

10 3. Page 3, line 13, by inserting after the word
 11 "state." the following: "In addition, the state shall
 12 have priority over all other creditors in claiming
 13 assets of the key small business."

14 4. Page 3, by inserting before line 14 the
 15 following:

16 "In the event of the sale of the key small business
 17 prior to the repayment of the loan for which the
 18 interest is being bought down, the loan shall not be
 19 available for assumption by the new purchaser.
 20 Unexpended funds held in trust for interest buy-down
 21 shall revert to the general fund of the state and the
 22 outstanding balance of the loan shall be due on sale."

RICHARD V. RUNNING

S-3604

1 Amend House File 569, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, line 32, by inserting after the word
 4 "business." the following: "However, a person shall
 5 not use funds under this program to purchase real
 6 property being leased by the key small business at the
 7 time of transfer."

WALLY E. HORN

S-3605

- 1 Amend House File 569, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 14, by inserting after the word
 4 "businesses" the following: "or businesses owned by
 5 franchisors".

PAUL D. PATE
 ALLEN BORLAUG
 JAMES B. KERSTEN

S-3606

- 1 Amend House File 569, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 5, by inserting after the word
 4 "businesses." the following: "Funds received under
 5 this section shall not be used for operating expenses
 6 of the key small business."

ALLEN BORLAUG
 JAMES B. KERSTEN
 PAUL D. PATE

S-3607

- 1 Amend House File 569 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 1, by striking the figure
 4 "220.166" and inserting the following: "15.309".
 5 2. Page 1, lines 14 and 15, by striking the word
 6 and figures "220.167 to 220.170" and inserting the
 7 following: "15.310 to 15.314".
 8 3. Page 1, line 33, by striking the word
 9 "authority" and inserting the following:
 10 "department".
 11 4. Page 2, line 1, by striking the figure
 12 "220.167" and inserting the following: "15.310".
 13 5. Page 2, line 2, by striking the word and
 14 figures "220.166 to 220.170" and inserting the
 15 following: "15.309 to 15.314".
 16 6. Page 2, line 22, by striking the figure
 17 "220.168" and inserting the following: "15.311".
 18 7. Page 2, line 24, by striking the word
 19 "authority" and inserting the following:
 20 "department".
 21 8. Page 2, line 33, by striking the figure

- 22 "220.169" and inserting the following: "15.312".
23 9. Page 3, line 1, by striking the word
24 "authority" and inserting the following:
25 "department".
26 10. Page 3, line 12, by striking the word
27 "authority" and inserting the following:
28 "department".
29 11. Page 3, by striking lines 21 through 24.
30 12. Page 3, line 26, by striking the word
31 "authority" and inserting the following:
32 "department".
33 13. Page 3, line 30, by striking the figure
34 "220.170" and inserting the following: "15.313".
35 14. Page 3, line 33, by striking the word
36 "authority" and inserting the following:
37 "department".
38 15. Page 4, line 14, by striking the word
39 "authority" and inserting the following:
40 "department".
41 16. Page 4, line 23, by striking the figure
42 "220.170" and inserting the following: "15.314".

JAMES B. KERSTEN
ALLEN BORLAUG
PAUL PATE

S-3608

- 1 Amend House File 651, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 12 through 19.

RICHARD F. DRAKE

S-3609

- 1 Amend House File 569, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 4, line 1, by striking the words
4 "business and" and inserting the following:
5 "business".
6 2. Page 4, line 2, by inserting after the word
7 "business" the following: ", and that without
8 assistance the transfer of the business will not occur
9 and the business will cease to exist".
10 3. Page 4, line 4, by inserting after the word

11 "community" the following: "or within ten miles of
12 the rural community".

JAMES R. RIORDAN
RICHARD V. RUNNING

S-3610

1 Amend House File 569, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 4, line 22, by inserting after the word
4 "success." the following: "In the event of a seller-
5 financed sale, the bank or financial institution
6 mutually agreed to as the holder of the funds under
7 section 220.169, subsection 1, shall provide the
8 verification."

9 2. Page 4, by inserting after line 22 the
10 following:

11 "— . The actual jobs anticipated to be created or
12 retained by the key small business."

13 3. By renumbering as necessary.

JAMES R. RIORDAN
RICHARD V. RUNNING

S-3611

1 Amend House File 672, as passed by the House, as
2 follows:

3 1. Page 1, line 32, by striking the word and
4 figure "and 3" and inserting the following: " , 3, and
5 6".

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

8 "A podiatrist podiatric physician and surgeon may
9 use the prefix "Dr." but or "Doctor", and shall add
10 after the person's name the word "Podiatrist" letters
11 "D.P.M." or the words "Podiatrist" or "Podiatric
12 Physician and Surgeon".

FLORENCE BUHR

S-3612

1 Amend the House amendment, S-3504, to Senate File
2 429, as passed by the Senate, as follows:

- 3 1. Page 1, by striking lines 15 through 26.
- 4 2. By renumbering as necessary.

JOHN E. SOORHOLTZ
EMIL J. HUSAK

S-3613

1 Amend the House amendment, S-3464, to Senate File
2 317, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting before line 18 the
5 following:

6 ""Section 1. Section 477B.2, subsection 5,
7 paragraph e, Code 1991, is amended to read as follows:

8 e. A statement of estimated costs to be incurred
9 by the joint E911 service board, including separate
10 estimates of the following:

11 (1) Nonrecurring costs, including, but not limited
12 to, public safety answering points, network equipment,
13 radio equipment used to dispatch or notify a public or
14 private safety agency in connection with the 911
15 system, software, database, addressing, initial
16 training, and other capital and start-up expenditures,
17 including the purchase or lease of subscriber names,
18 addresses, and telephone information from the local
19 exchange service provider.

20 (2) Recurring costs, including, but not limited
21 to, network access fees and other telephone charges,
22 software, equipment, and database management, and
23 maintenance, including the purchase or lease of
24 subscriber names, addresses, and telephone information
25 from the local exchange service provider. Recurring
26 costs shall not include personnel costs for a public
27 safety answering point.

28 Costs are limited to nonrecurring and recurring
29 costs directly attributable to the provision of 911
30 emergency telephone communication service. Costs do
31 not include expenditures for any other purpose, and
32 specifically exclude costs attributable to other
33 emergency services or expenditures for buildings,
34 radios, or personnel."

35 2. Page 1, by inserting after line 32 the
36 following:

37 "___ . Title page, line 2, by inserting after the
38 word "advertisements" the following: ", authorized
39 expenditures of enhanced 911 service surcharge
40 revenues,""

41 3. By renumbering, relettering, or redesignating
42 and correcting internal references as necessary.

MIKE CONNOLLY

S-3614

- 1 Amend the amendment, S-3610, to House File 569, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 7, by striking the figure
- 5 "220.169" and inserting the following: "15.312".

JAMES R. RIORDAN

S-3615

- 1 Amend Senate File 515 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "patient" the following: "and the impregnator".
- 4 2. Page 1, line 11, by inserting after the word
- 5 "patient" the following: "and the impregnator".
- 6 3. Page 1, line 12, by inserting after the word
- 7 "patient" the following: "and the impregnator".
- 8 4. Page 1, line 13, by inserting after the word
- 9 "patient" the following: "and the impregnator".
- 10 5. Page 1, line 14, by inserting after the word
- 11 "patient" the following: "and the impregnator".
- 12 6. Page 1, line 24, by inserting after the word
- 13 "pregnancy," the following: "the impregnator,".
- 14 7. Page 1, line 29, by inserting after the word
- 15 "patient" the following: ", impregnator,".
- 16 8. Page 1, line 33, by inserting after the word
- 17 "patient," the following: "impregnator,".

BEVERLY A. HANNON
ELAINE SZYMONIAK
JEAN LLOYD-JONES

S-3616

- 1 Amend House File 517, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "due" the following: "or within forty-five days after
- 5 the date the changes are received by the employer or
- 6 insurance carrier, whichever is later".

AL STURGEON

S-3617

- 1 Amend House File 517, as amended, passed, and

2 reprinted by the House, as follows:

- 3 1. Page 1, line 22, by inserting after the word
 4 "due" the following: "or within forty-five days after
 5 the date the charges are received by the employer or
 6 insurance carrier, whichever is later".

AL STURGEON
 LINN FUHRMAN

S-3618

1 Amend the amendment, S-3589, to House File 672, as
 2 passed by the House, as follows:

3 1. Page 1, by striking lines 8 through 14 and
 4 inserting the following:
 5 "The department of inspections and appeals may
 6 perform inspections as required by this title; ~~except~~
 7 ~~for the board of medical examiners, board of pharmacy~~
 8 ~~examiners, board of nursing, and the board of dental~~
 9 ~~examiners.~~ The department of inspections and appeals
 10 shall employ personnel related to the inspection
 11 functions."

12 2. Page 1, by striking lines 18 through 25 and
 13 inserting the following:

14 ""Sec. ____ . Section 153.33, subsection 1, Code
 15 1991, is amended by adding the following new
 16 unnumbered paragraph:
 17 NEW UNNUMBERED PARAGRAPH. Inspections shall be
 18 conducted by the department of inspections and appeals
 19 pursuant to section 147.88.

20 Sec. ____ . Section 153.36, Code 1991, is amended to
 21 read as follows:

22 153.36 STATUTES NOT APPLICABLE TO DENTISTRY.

23 Sections 147.44 to 147.71, except 147.57 and
 24 ~~sections 147.87 to 147.92~~, shall not apply to the
 25 practice of dentistry.

26 Sec. ____ . FUNDING AND FULL-TIME EQUIVALENT
 27 POSITIONS. Upon enactment of this Act, the number of
 28 full-time equivalent positions and the amount of the
 29 appropriation allocated to the board of medical
 30 examiners, board of pharmacy examiners, board of
 31 nursing, and the board of dental examiners to conduct
 32 inspections shall each be allocated to the department
 33 of inspections and appeals, and that number of full-
 34 time equivalent positions and that amount of the
 35 appropriation of each board shall be reduced from that
 36 respective board.

37 Sec. ____ . REPEALS. Sections 147.95 through
 38 147.99, and section 147.114, Code 1991, are
 39 repealed.""

RICHARD VARN

S-3619

- 1 Amend House File 569 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking line 6, and inserting the
- 4 following: "stores, gasoline stations which meet all
- 5 department of natural resources requirements,
- 6 convenience stores, hardware".

JAMES R. RIORDAN
BEVERLY A. HANNON

S-3620

- 1 Amend the amendment, S-3603, to House File 569,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 7, by striking the word
- 5 "authority" and inserting the following:
- 6 "department".
- 7 2. Page 1, line 9, by striking the word
- 8 "authority" and inserting the following:
- 9 "department".

RICHARD V. RUNNING

S-3621

- 1 Amend House File 668, as passed by the House, as
- 2 follows:
- 3 1. Page 8, line 14, by inserting after the word
- 4 "refunded." the following: "Notwithstanding the
- 5 required payment of an application fee under this
- 6 subsection, an applicant for a new institutional
- 7 health service or a changed institutional health
- 8 service offered or developed by an intermediate care
- 9 facility for the mentally retarded or an intermediate
- 10 care facility for the mentally ill as defined pursuant
- 11 to section 135C.1 is exempt from payment of the
- 12 application fee."

MARK HAGERLA

S-3622

- 1 Amend House File 610, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 11 through 15 and

4 inserting the following: "developing a comprehensive
5 plan for preservation and recreational development of
6 the Missouri river and that the establishment of an
7 authority working with the Iowa boundary commission
8 and given the mission of engaging in these efforts has
9 a greater likelihood of achieving the goals of
10 preservation of, and managed and beneficial
11 development of, the Missouri river and the adjoining
12 property. The general assembly further finds that the
13 coordination of this effort by the Iowa boundary
14 commission will provide the continued state
15 involvement necessary to assure success and will
16 result in the avoidance of unnecessary duplication of
17 effort."

18 2. Page 1, by striking lines 17 through 19, and
19 inserting the following: "AND LAND USE AUTHORITY --
20 ESTABLISHED.

21 1. A Missouri river preservation and land use
22 authority is established to make recommendations to
23 the Iowa boundary commission and to engage in such
24 activities as approved by the commission which involve
25 the".

26 3. By striking page 1, line 24, through page 2,
27 line 8 and inserting the following: "regulation of
28 activities along the Missouri river. The authority is
29 composed of the following members:

30 a. One representative from each of the county
31 conservation boards of the counties which border on
32 the Missouri river selected by the board of each
33 county.

34 b. One elected county official from each of the
35 counties which border on the Missouri river selected
36 by the county board of supervisors of each county.

37 c. One at-large public member from each of the
38 counties which border on the Missouri river selected
39 by the county board of supervisors of each county. An
40 at-large public member shall not be an elected
41 official and must possess a demonstrated interest in
42 or knowledge about natural resource conservation and
43 protection. Such interest or knowledge may be
44 demonstrated by the individual's active membership or
45 participation in an association or organization which
46 is involved in conservation, environmental protection,
47 or related activities.

48 d. Four ex officio members as follows:

49 (1) A representative of the natural resource
50 commission.

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- 1 (2) A representative of the state department of
2 transportation.
- 3 (3) A representative of the department of cultural
4 affairs.
- 5 (4) A representative of the office of attorney
6 general.
- 7 2. Members of the authority shall serve two-".
- 8 4. By striking page 2, line 16 through page 3,
9 line 1, and inserting the following:
- 10 "3. The authority shall do all of the following:
- 11 a. Research, develop, and recommend to the Iowa
12 boundary commission comprehensive strategies and
13 implementation plans which emphasize the establishment
14 of multipurpose recreation and preservation reserve
15 areas that foster and accent the natural
16 characteristics of the Missouri river and which
17 provide for environmentally sound land and water use
18 practices and the protection of wildlife habitat areas
19 adjacent to the Missouri river.
- 20 b. Develop and recommend to the Iowa boundary
21 commission a plan concerning acquisition of land
22 adjacent to the Missouri river which designates and
23 prioritizes for purchase or acquisition, parcels of
24 land which are located in areas critical for the
25 protection of the Missouri river and adjacent land.
- 26 c. Develop and recommend to the Iowa boundary
27 commission plans for public recreational use of the
28 Missouri river and lands adjacent to the Missouri
29 river including, but not limited to, a public bicycle
30 trail extending through all six counties bordering on
31 the Missouri river.
- 32 d. Cooperate with county and city authorities, and
33 federal and state authorities in order to fulfill the
34 mission of the authority.
- 35 4. The authority shall conduct public hearings in
36 developing the plans required under subsection 3, and
37 consult with any person or organization, which has
38 interests".
- 39 5. Page 3, by striking lines 10 through 20 and
40 inserting the following: "conservation organizations.
41 The authority shall deliver to the Iowa boundary
42 commission a copy of any plans or proposals, in
43 addition to the results and findings of the public
44 hearings related to such plans or proposals. The
45 authority shall submit an initial report, including an
46 outline for a proposed ten-year plan including
47 strategies for the attainment of the goals established
48 in this section, to the Iowa boundary commission and
49 the general assembly by January 1, 1993.
- 50 5. The authority shall deposit and, after

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- 1 receiving approval from the Iowa boundary commission,
- 2 expend moneys in the Missouri river preservation and
- 3 land use fund established in section 108B.3, for the".
- 4 6. Page 4, line 2, by striking the figure "5" and
- 5 inserting the following: "6".
- 6 7. Page 4, line 17, by inserting after the word
- 7 "of" the following: "the Iowa boundary commission
- 8 after recommendation by".
- 9 8. Page 4, line 23, by inserting after the word
- 10 "authority" the following: "as provided in and".

COMMITTEE ON STATE GOVERNMENT
 JOHN P. KIBBIE, Chair

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 479

S-3623

- 1 Amend the Senate amendment, H-3734, to House File
- 2 479, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 1, line 5 through page 105,
- 5 line 38 and inserting the following:
- 6 "DIVISION I
- 7 DEPARTMENT OF HUMAN SERVICES
- 8 Sec. 101. AID TO FAMILIES WITH DEPENDENT CHILDREN.
- 9 There is appropriated from the general fund of the
- 10 state to the department of human services for the
- 11 fiscal year beginning July 1, 1991, and ending June
- 12 30, 1992, the following amount, or so much thereof as
- 13 is necessary, to be used for the purpose designated:
- 14 For aid to families with dependent children:
- 15 \$ 41,456,571
- 16 1. The department may fund the employee portion of
- 17 the cash bonus program from unspent funds under the
- 18 appropriation in this section and shall continue to
- 19 evaluate the program.
- 20 2. As a condition, limitation, and qualification
- 21 of the funds appropriated in this section, the
- 22 department shall continue the special needs program
- 23 under the aid to families with dependent children.
- 24 program.
- 25 3. As a condition, limitation, and qualification
- 26 of the funds appropriated in this section, the
- 27 department may use unspent funds under the
- 28 appropriation in this section to continue development

29 of the "X-PERT" eligibility determination system.

30 4. Notwithstanding section 234.1, subsection 4,
31 effective July 1, 1991, through June 30, 1992,
32 assistance shall not be provided under the provision
33 of this appropriation to persons whose dependent child
34 is 18 years of age or older. The department may adopt
35 emergency rules to implement the provisions of this
36 subsection.

37 5. Moneys are not appropriated in this Act for the
38 payment of funeral expenses under section 239.9 and
39 payment under that section shall not be made during
40 the fiscal year beginning July 1, 1991. The
41 department may adopt emergency rules to implement the
42 provisions of this subsection.

43 6. As a condition, limitation, and qualification
44 of the funds appropriated in this section, the
45 department shall continue to contract for services in
46 developing and monitoring a demonstration waiver
47 program to facilitate providing assistance in self-
48 employment investment to aid to dependent children
49 families. The demonstration waiver program shall be
50 provided for the fiscal period beginning July 1, 1991,

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1 and ending June 30, 1993, or for as long as federal
2 approval of the program continues. Of the funds
3 appropriated in this section, up to \$99,592 shall be
4 used to provide technical assistance for aid to
5 dependent children families seeking self-employment.
6 The technical assistance may be provided through the
7 department or through a contract with the division of
8 job training of the Iowa department of economic
9 development and through a contract with the
10 corporation for enterprise development.

11 7. As a condition, limitation, and qualification
12 of the funds appropriated in this section, the
13 department shall apply the self-employment investment
14 demonstration waiver project statewide during the
15 fiscal period delineated in the federal waiver
16 submitted to operate the waiver project statewide,
17 provided training is available to a recipient through
18 a recognized self-employment training program.
19 However, if the application for the federal waiver is
20 denied and funding is available, the department may
21 determine the counties in which it is feasible to
22 operate the project and shall provide the project in
23 those counties. The department may adopt emergency
24 rules to implement the provisions of this subsection.

25 Sec. 102. EMERGENCY ASSISTANCE. There is

26 appropriated from the general fund of the state to the
27 department of human services for the fiscal year
28 beginning July 1, 1991, and ending June 30, 1992, the
29 following amount, or so much thereof as is necessary,
30 to be used for the purpose designated:

31 For emergency assistance to families with dependent
32 children under Title IV-A of the federal Social
33 Security Act to match federal funding for homeless
34 prevention programs:

35 \$ 500,000

36 The emergency assistance provided for in this
37 section shall be provided only if all other publicly
38 funded resources have been exhausted. Twenty-five
39 percent of the emergency assistance moneys shall be
40 available from July 1, 1991, through October 31, 1991,
41 and seventy-five percent shall be available beginning
42 November 1, 1991, for the remainder of the fiscal
43 year. The emergency assistance includes, but is not
44 limited to, assisting people who face eviction,
45 potential eviction, or foreclosure, utility shutoff or
46 fuel shortage, loss of heating energy supply or
47 equipment, homelessness, utility or rental deposits,
48 or other specified crisis which threatens family or
49 living arrangements. The emergency assistance shall
50 be available to migrant families who would otherwise

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1 meet eligibility criteria. The department shall
2 notify each emergency assistance recipient that the
3 recipient may report to the department any pressure or
4 intimidation of the recipient resulting from the
5 recipient's eligibility for emergency assistance. The
6 department shall report quarterly to the legislative
7 fiscal committee concerning the reports received by
8 the department regarding pressure or intimidation of
9 recipients of emergency assistance. The department
10 may adopt emergency rules to implement the beginning
11 date and notice provisions of this section.

12 Sec. 103. MEDICAL ASSISTANCE. There is
13 appropriated from the general fund of the state to the
14 department of human services for the fiscal year
15 beginning July 1, 1991, and ending June 30, 1992, the
16 following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:

18 For medical assistance, including reimbursement for
19 abortion services, which shall be available under the
20 medical assistance program only for those abortions
21 which are medically necessary:

22 \$241,116,470

23 1. Medically necessary abortions are those
24 performed under any of the following conditions:
25 a. The attending physician certifies that
26 continuing the pregnancy would endanger the life of
27 the pregnant woman.
28 b. The attending physician certifies that the
29 fetus is physically deformed, mentally deficient, or
30 afflicted with a congenital illness.
31 c. The pregnancy is the result of a rape which is
32 reported within 45 days of the incident to a law
33 enforcement agency or public or private health agency
34 which may include a family physician.
35 d. The pregnancy is the result of incest which is
36 reported within 150 days of the incident to a law
37 enforcement agency or public or private health agency
38 which may include a family physician.
39 e. Any spontaneous abortion, commonly known as a
40 miscarriage, if not all of the products of conception
41 are expelled.
42 2. Of the funds appropriated in this section,
43 \$100,000 is allocated until January 31, 1992, for
44 contingency assistance for the federal nutrition
45 program for women, infants, and children and shall be
46 transferred to the Iowa department of public health as
47 necessary in order to fully utilize funding available
48 for the program. The allocated funds shall be
49 transferred as necessary to restore a reduction in
50 federal funding for the federal fiscal year ending

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1 September 30, 1991, required to adjust for federal
2 financial assistance provided during the federal
3 fiscal year ending September 30, 1990, in excess of
4 the federal funding allocation to the state for this
5 program or to finance any state match expenditure in
6 excess of the federal funding allocation for this
7 program during the federal fiscal year ending
8 September 30, 1991. Any moneys allocated in this
9 subsection which are unexpended or unobligated on
10 January 31, 1992, shall be available during the
11 remainder of the fiscal year to the department of
12 human services for the purposes of this section.
13 3. Notwithstanding section 8.39, the department
14 may transfer funds appropriated in this section to a
15 separate account established in the department's case
16 management unit for expenditures required to provide
17 case management services pursuant to the appropriation
18 in this Act for enhanced mental health, mental
19 retardation, and developmental disabilities services,

20 pending final settlement of the expenditures. Funds
21 received by the case management unit in settlement of
22 the expenditures shall be used to replace the
23 transferred funds and are available for the purposes
24 for which the funds were appropriated in this section.
25 4. As a condition, limitation, and qualification
26 of the funds appropriated in this section, the
27 department shall analyze the cost to benefits ratio
28 associated with utilizing the medical review system
29 offered by Value Health Sciences, Inc., and if the
30 ratio is found to be favorable, shall implement that
31 system or a system with a comparable cost to benefit
32 ratio under the medical assistance program.
33 5. Effective July 1, 1991, if a medical assistance
34 recipient is receiving care which is reimbursed under
35 a federally approved home and community-based services
36 waiver but would otherwise be approved for care in an
37 intermediate care facility for the mentally retarded,
38 the recipient's county of legal settlement shall
39 reimburse the department on a monthly basis for the
40 portion of the recipient's cost of care which is not
41 paid from federal funds.
42 6. As a condition, limitation, and qualification
43 of the funds appropriated in this section, the
44 department shall adopt rules pursuant to chapter 17A
45 that establish criteria for intermediate care
46 facilities for the mentally retarded, providing for
47 family-scale size, location, and appropriate inclusion
48 in the community. In determining whether a
49 certificate of need for an intermediate care facility
50 for the mentally retarded shall be issued under

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1 chapter 135, the health facilities council and the
2 Iowa department of public health shall consider
3 whether the proposed facility is in compliance with
4 the rules adopted pursuant to this subsection.
5 7. As a condition, limitation, and qualification
6 of the funds appropriated in this section, the
7 department shall develop methods to reduce recipient
8 usage of ambulance services for reasons other than
9 medical necessity, including notification of
10 recipients who have received ambulance services that
11 were not considered to be a medical necessity and
12 ambulance services that have provided such services.
13 The department may adopt emergency rules to implement
14 the provisions of this subsection.
15 8. Of the funds appropriated in this section, up
16 to \$70,929,582 shall be used for medical assistance

17 reimbursement of nursing facilities.

18 9. As a condition, limitation, and qualification
19 of the funds appropriated in this section,
20 notwithstanding the adoption of an administrative rule
21 limiting coverage of organ transplants under the
22 medical assistance program, the department shall
23 continue to provide medical assistance coverage for
24 organ transplants to individuals who applied for and
25 received approval from the department on or before
26 January 1, 1991, for medical assistance coverage of an
27 organ transplant.

28 100. As a condition, limitation, and qualification
29 of the funds appropriated in this section,
30 notwithstanding the adoption of an administrative rule
31 limiting coverage of organ transplants under the
32 medical assistance program, the department shall
33 continue to provide medical assistance coverage for
34 organ transplants of the pancreas and the liver until
35 the department establishes criteria for the coverage
36 of these transplants. The criteria shall include but
37 are not limited to health status and anticipated
38 outcomes, including expected quality of life. The
39 department may adopt emergency rules to implement the
40 provisions of this subsection.

41 10. As a condition, limitation, and qualification
42 of the funds appropriated in this section, if Senate
43 File 342 is enacted by the Seventy-fourth General
44 Assembly, 1991 Session, \$28,000 of the funds
45 appropriated in this section shall be provided to the
46 prevention of disabilities policy board or council for
47 fulfillment of the federal matching funds requirement
48 for use of the Iowa governor's planning council for
49 developmental disabilities funds, for the purpose of
50 section 225D.7.

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1 11. It is the intent of the general assembly that
2 the following programs under the medical assistance
3 program shall be expanded which it is estimated will
4 result in the indicated medical assistance expenditure
5 savings: Iowa foundation for medical care utilization
6 review, \$1,400,000; Unisys utilization review,
7 \$105,000; and the "lock-in" program involving
8 recipients with a history of seeking services from
9 more than one provider, \$66,000. The department may
10 adopt emergency rules to implement the provisions of
11 this subsection.

12 12. As a condition, limitation, and qualification
13 of the funds appropriated in this section, if Senate

14 File 343, or another provision providing for group
15 health plan cost-sharing under the medical assistance
16 program is enacted by the Seventy-fourth General
17 Assembly, 1991 Session, the department may adopt
18 emergency rules to implement the cost-sharing in
19 accordance with federal requirements.

20 13. As a condition, limitation, and qualification
21 of the funds appropriated in this section, the
22 department shall work with the Iowa state association
23 of counties and the accounting firm of Ryun, Givens,
24 Smith & Co., or another capable entity, to develop
25 requirements for intermediate care facilities for the
26 mentally retarded to implement generally accepted
27 accounting principles and an audit reporting format
28 which includes cost containment measures permitted
29 under federal medicaid requirements. The department
30 shall adopt rules pursuant to chapter 17A to implement
31 the requirements developed under this subsection.

32 14. As a condition, limitation, and qualification
33 of the funds appropriated in this section, if the
34 department is implementing the medical assistance
35 program through a contract with a health maintenance
36 organization, the department shall ensure that a
37 medical assistance recipient enrolled in a health
38 maintenance organization is authorized to receive
39 enhanced maternal or prenatal health services from a
40 state supported maternal health center and that the
41 center receives reasonable reimbursement for provision
42 of the services. The enhanced services include but
43 are not limited to nutritional and psychosocial
44 counseling and medical case management.

45 Sec. 104. MEDICAL CONTRACTS. There is
46 appropriated from the general fund of the state to the
47 department of human services for the fiscal year
48 beginning July 1, 1991, and ending June 30, 1992, the
49 following amount, or so much thereof as is necessary,
50 to be used for the purpose designated:

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1 For medical contracts:

2 \$ 4,102,016

3 As a condition, limitation, and qualification of
4 the funds appropriated in this section, the department
5 shall continue to contract for drug utilization review
6 under the medical assistance program.

7 Sec. 105. HIV-AIDS INSURANCE CONTINUATION

8 ASSISTANCE PILOT PROGRAM. There is appropriated from
9 the general fund of the state to the department of
10 human services for the fiscal year beginning July 1,

11 1991, and ending June 30, 1992, the following amount,
12 or so much thereof as is necessary, to be used for the
13 purpose designated:

14 For HIV-AIDS insurance continuation assistance
15 pilot program:

16 \$ 60,000

17 1. The department shall establish an HIV and AIDS
18 insurance continuation assistance pilot program to be
19 administered by the medical services division to
20 provide insurance continuation assistance to persons
21 with AIDS or HIV-related illnesses who are unable to
22 maintain health insurance premium payments due to
23 illness. The pilot program shall operate for a 2-year
24 period beginning October 1, 1991. The funds shall be
25 made available in a manner that provides the
26 assistance to not more than 30 recipients from October
27 1 until the end of the fiscal year.

28 2. The department shall publicize the program for
29 enrollment of potential participants through provision
30 of information through the Iowa department of public
31 health, the regional AIDS coalitions funded by the
32 Iowa department of public health, physicians,
33 hospitals, social workers, and social service
34 providers and gay and AIDS-related groups identified
35 by the coalitions.

36 3. The program shall provide all of the following:
37 a. That an applicant is eligible for participation
38 in the program if all of the following conditions are
39 met:

- 40 (1) The applicant is a resident of the state.
- 41 (2) The applicant suffers from AIDS or an HIV-
42 related illness.
- 43 (3) The applicant has an income of no more than
44 300 percent of the federal poverty level as defined by
45 the most recently revised poverty income guidelines
46 published by the United States department of health
47 and human services and cash assets of no more than
48 \$10,000.
- 49 (4) The applicant is enrolled in an individual or
50 group private health insurance plan.

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1 (5) The applicant is unable, due to AIDS or the
2 HIV-related illness, to continue employment in order
3 to pay the costs of insurance premiums.

4 (6) Enrollment in the program is the most cost-
5 effective, available means of providing the applicant
6 with health insurance coverage.

7 b. That an applicant is required to provide the

8 following to verify eligibility for participation in
9 the program:

10 (1) Documentation of income and assets, as
11 required by rule of the department.

12 (2) Documentation through submission of a
13 statement by the applicant's physician that the
14 applicant suffers from AIDS or an HIV-related illness
15 and that the applicant is, or will within a period of
16 6 months be, unable to continue employment.

17 c. An expedited eligibility determination process
18 to ensure that an eligible applicant is not denied
19 coverage under the applicant's existing policy due to
20 nonpayment of premiums during the determination
21 process period. This may include but is not limited
22 to accepting preapplications from any HIV-infected
23 person or the making of payments based on preliminary
24 determinations.

25 d. A requirement that following enrollment in the
26 program of a person with group-based coverage, the
27 person must apply for medical assistance, if the
28 department determines that the person is likely to be
29 eligible for payment of premiums under medical
30 assistance program pursuant to the federal Omnibus
31 Budget Reconciliation Act of 1990, section 4402, Pub.
32 L. No. 101-508.

33 e. A requirement that, if the state elects to pay
34 premiums for individual-based coverage under, and if
35 the department determines that the person would be
36 eligible for payment of premiums under medical
37 assistance program under the provisions of the federal
38 Omnibus Budget Reconciliation Act of 1990, section
39 4402, Pub. L. No. 101-508, following enrollment in the
40 program of a person with such coverage, the person
41 must apply for medical assistance.

42 f. That all information relating to an applicant
43 is confidential information and the provisions of
44 chapter 141 are applicable to the information.

45 4. The department shall provide a preliminary
46 report to the general assembly by January 1, 1992, and
47 a final report to the general assembly by January 1,
48 1993, regarding the cost-effectiveness of the pilot
49 program, the impact of the requirements of federal law
50 on the pilot program, and the current and projected

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1 costs to the state for payment of medical assistance
2 for the health care costs of persons with AIDS or HIV-
3 related illnesses.

4 5. For the purposes of this section, "AIDS" and

5 "HIV" mean "AIDS" and "HIV" as defined in section
6 141.21.

7 6. For the purposes of this section, "health
8 insurance plan" includes nonprofit health service
9 cooperation contracts regulated under chapter 514 and
10 health maintenance organization evidences of coverage
11 regulated under chapter 514B.

12 7. As a condition, limitation, and qualification
13 of the funds appropriated in this section, the
14 department may transfer not more than \$10,000 of the
15 funds appropriated in this section to the
16 appropriation in this division for general
17 administration to be used for administrative costs
18 associated with this program. The department is
19 authorized a 0.5 FTE position in addition to the
20 positions authorized in the appropriation in this
21 division for general administration in order to
22 administer the program.

23 8. The program shall start by October 1, 1991, and
24 the department is authorized to adopt emergency rules
25 to implement the provisions of this section by that
26 date.

27 Sec. ____ . HIV-AIDS HEALTH AND SUPPORT SERVICES.

28 There is appropriated from the general fund of the
29 state to the department of human services for the
30 fiscal year beginning July 1, 1991, and ending June
31 30, 1992, the following amount, or so much thereof as
32 is necessary, to be used for the purpose designated:

33 For HIV-AIDS health and support services:
34 \$ 60,000

35 1. The funds appropriated in this section shall be
36 used to provide health and support services to persons
37 with human immunodeficiency virus infection (HIV) or
38 acquired immune deficiency syndrome (AIDS).

39 2. The department of human services shall
40 establish an AIDS services committee to distribute the
41 moneys appropriated in this section. The committee
42 shall remain active until the completion of the duties
43 required under this section. Members of the committee
44 are entitled to actual and necessary expenses in the
45 performance of their official duties. However,
46 expense reimbursements shall not exceed three percent
47 of the amount appropriated in this section. The
48 committee shall consist of persons who are
49 knowledgeable concerning HIV infection or AIDS. The
50 committee may consist of persons representing the

1 following: licensed physicians and social workers,

2 hospice organizations, home health care agencies, the
3 homosexual community, persons with HIV infection or
4 AIDS, and a representative of an AIDS coalition funded
5 by the Iowa department of public health. To the
6 extent possible, the committee members shall be the
7 same persons who served as members of the AIDS
8 services task force established pursuant to 1990 Iowa
9 Acts, chapter 1259, section 6, subsection 3. The
10 department and the committee shall cooperate with the
11 Iowa department of public health in distributing the
12 funds appropriated in this section.

13 3. The committee shall distribute the funds to
14 regional HIV care consortia established pursuant to
15 Title II of the federal Ryan White Comprehensive AIDS
16 Resources Emergency Act, Pub. L. No. 101-381. The
17 funds shall be used to provide health and support
18 services to persons with HIV infection or AIDS living
19 within the consortia area, as authorized by the
20 federal Act and approved by the committee. The
21 services may include, but are not limited to, case
22 management, benefits advocacy, client basic emergency
23 need grants, support groups, individual support
24 programs, home health care, respite care, and
25 attendant care.

26 4. A consortia receiving funding under this
27 section shall include representatives of agencies or
28 organizations providing health and support services to
29 persons with HIV infection or AIDS who reside within
30 the consortia area and of affected persons. In
31 addition, the consortia shall provide reasonable
32 services to affected persons in both urban and rural
33 portions of the consortia area with preference given
34 to underserved rural areas. At least 10 percent of
35 the funds provided to a consortia shall be used to
36 provide services to women, children, and families of
37 persons with HIV infection or AIDS. Moneys provided
38 to a consortia under this section shall not be used to
39 pay for an individual's services which are covered by
40 private insurance or a publicly funded program.

41 5. A consortia receiving funds under this section
42 shall provide information required by the committee or
43 the department which shall include but is not limited
44 to all of the following:

45 a. The number of persons with HIV infection or
46 AIDS in the consortia area.

47 b. Demographic information concerning the persons
48 identified, including age, race, and gender
49 distributions.

50 c. The type and quantity of health and support

1 services needs of the persons identified.

2 d. The type and quantity of health and support
3 services provided by the consortia.

4 e. The type and quantity of health and support
5 services the consortia is unable to provide due to
6 lack of funding or other barrier to providing
7 services.

8 Sec. 106. STATE SUPPLEMENTARY ASSISTANCE. There
9 is appropriated from the general fund of the state to
10 the department of human services for the fiscal year
11 beginning July 1, 1991, and ending June 30, 1992, the
12 following amount, or so much thereof as is necessary,
13 to be used for the purpose designated:

14 For state supplementary assistance:

15 \$ 19,000,391

16 The department shall increase the personal needs
17 allowance for residents of residential care facilities
18 by the same percentage and at the same time as federal
19 supplemental security and federal social security
20 benefits are increased due to a recognized increase in
21 the cost of living. The department may adopt
22 emergency rules to implement the provisions of this
23 paragraph.

24 Sec. 107. AID TO INDIANS. There is appropriated
25 from the general fund of the state to the department
26 of human services for the fiscal year beginning July
27 1, 1991, and ending June 30, 1992, the following
28 amount, or so much thereof as is necessary, to be used
29 for the purpose designated:

30 For aid to Indians under section 252.43:

31 \$ 38,000

32 The tribal council shall not use more than 5
33 percent of the funds for administration purposes. The
34 department may adopt emergency rules to implement the
35 provisions of this paragraph.

36 Sec. 108. CHILD DAY CARE ASSISTANCE. There is
37 appropriated from the general fund of the state to the
38 department of human services for the fiscal year
39 beginning July 1, 1991, and ending June 30, 1992, the
40 following amount, or so much thereof as is necessary,
41 to be used for the purposes designated:

42 For protective child day care assistance and state
43 child care assistance:

44 \$ 7,104,072

45 1. It is the intent of the general assembly that
46 \$3,107,695 of the funds appropriated in this section
47 be used for protective child day care assistance.

48 2. It is the intent of the general assembly that

49 \$3,737,446 of the funds appropriated in this section
50 be used for state child care assistance.

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1 3. a. The funds allocated in this section for
2 protective and state child care assistance shall be
3 allocated to the department of human services
4 districts and each district shall distribute the
5 allocation to the counties within the district. If a
6 district determines that a specified portion of the
7 funds provided to a county is sufficient to meet the
8 county's current demand and projected growth, the
9 district may transfer the excess amount of funds to
10 another county. If the district determines that a
11 specified portion of the funds provided to the
12 district is sufficient to meet the district's current
13 demand and projected growth for the remainder of the
14 fiscal year, the excess amount may be transferred for
15 use in another district.

16 b. For state child care assistance, eligibility
17 shall be limited to children whose family income is
18 equal to or less than 150 percent of the federal
19 office of management and budget poverty guidelines.
20 However, on or after October 1, 1991, the department
21 may increase the income eligibility limit to be equal
22 to or less than 75 percent of the Iowa median family
23 income. Every effort shall be made to provide
24 assistance for the entire fiscal year to families
25 remaining eligible before providing assistance to
26 eligible families who have not received assistance
27 previously. For the entire fiscal year, the
28 department shall develop a priority ranking of
29 requirements for families who receive assistance, with
30 special priority given to foster care families within
31 the income guidelines. The requirements may include
32 but are not limited to all of the following:

33 (1) Families with an income equal to or less than
34 150 percent of the federal office of management and
35 budget poverty guidelines.

36 (2) Single parent families who are at risk of
37 becoming eligible for the aid to families with
38 dependent children programs.

39 (3) Families who have exhausted eligibility for
40 transitional child care assistance.

41 (4) Adolescent parents attending school.

42 (5) Families who have children with special needs.

43 (6) Families who are providing foster care if both
44 foster parents are employed and child day care is
45 consistent with the case plan.

46 (7) Families with an income greater than 150
 47 percent of the federal office of management and budget
 48 poverty guidelines but no more than 75 percent of the
 49 Iowa median family income.
 50 c. The department may adopt emergency rules

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1 necessary to qualify to receive funding from the
 2 federal child care development block grant and the
 3 federal at-risk child care program. If required as a
 4 condition of receiving these funds, the rules may
 5 provide for eligibility, health and safety
 6 requirements, parental access to children,
 7 reimbursement rates, types of service provided,
 8 licensing standards, complaint registration
 9 procedures, or other rules necessary to establish a
 10 simplified or consolidated child day care policy.

11 d. Nothing in this section shall be construed or
 12 is intended as, or shall imply, a grant of entitlement
 13 for services to persons who are eligible for
 14 assistance due to an income level consistent with the
 15 requirements of this section. Any state obligation to
 16 provide services pursuant to this section is limited
 17 to the extent of the funds appropriated under this
 18 section.

19 4. Of the funds appropriated in this section,
 20 \$258,931 is allocated for the fiscal year beginning
 21 July 1, 1991, for the statewide program for child day
 22 care resource and referral services under section
 23 237A.26.

24 5. The department may use any of the funds
 25 appropriated in this section as a match to obtain
 26 federal grants for use in expanding child day care
 27 assistance and related programs.

28 Sec. 109. TRANSITIONAL CHILD CARE ASSISTANCE.

29 There is appropriated from the general fund of the
 30 state to the department of human services for the
 31 fiscal year beginning July 1, 1991, and ending June
 32 30, 1992, the following amount, or so much thereof as
 33 is necessary, to be used for the purpose designated:

34 For transitional child care assistance:
 35 \$ 323,311

36 Notwithstanding section 239.21, the department of
 37 human services shall provide the transitional child
 38 care program in accordance with the federal Family
 39 Support Act of 1988, Pub. L. No. 100-485, § 302, and
 40 applicable federal regulations. Reimbursement for
 41 services shall be limited to registered or licensed
 42 child day care providers and programs providing care,

43 supervision, or guidance of a child which is not
44 included under the definition of "child day care"
45 pursuant to section 237A.1, subsection 7.

46 Sec. 110. JOBS PROGRAM. There is appropriated
47 from the general fund of the state to the department
48 of human services for the fiscal year beginning July
49 1, 1991, and ending June 30, 1992, the following
50 amount, or so much thereof as is necessary, to be used

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1 for the purposes designated:

2 For the JOBS program:

3 \$ 4,307,610

4 1. Of the funds appropriated in this section,
5 \$3,255,610 is allocated for the JOBS program. If in
6 accordance with federal requirements, effective
7 September 1, 1991, reimbursement under the JOBS
8 program for child day care services shall be limited
9 to registered or licensed child day care providers and
10 programs providing care, supervision, or guidance of a
11 child which is not included under the definition of
12 "child day care" pursuant to section 237A.1,
13 subsection 7. However, this requirement shall not
14 apply to persons specified by rule as an aid to
15 families with dependent children relative or as
16 otherwise eligible for reimbursement because a
17 licensed or registered child day care provider or
18 program is not available.

19 2. Of the funds allocated in this section, \$52,000
20 is allocated for the food stamp employment and
21 training program.

22 3. It is the intent of the general assembly that
23 the department of human services apply to the
24 corporation for enterprise development for Iowa's
25 participation in the study phase of a "state human
26 investment policy" demonstration project. Of the
27 funds appropriated in this section, up to \$75,000
28 shall be used for costs associated with Iowa's
29 participation in the project. The department shall
30 make efforts to obtain additional private and federal
31 funding for the project, and shall submit quarterly
32 reports on the status of the project to the
33 legislative fiscal bureau.

34 4. As a condition, limitation, and qualification
35 of the funds appropriated in this section, the
36 department shall work with family development and
37 self-sufficiency grantees and the state's community
38 action agencies to develop a structure that permits
39 initiatives which raise local funds to match federal

40 funds under the JOBS program in order to expand or to
41 develop additional family development program
42 initiatives.

43 5. Of the funds allocated in this section for the
44 JOBS program, \$445,000 is allocated to the family
45 development and self-sufficiency grant program as
46 provided under section 217.12. This funding shall
47 extend current grantee funding from December 31, 1991,
48 to June 30, 1992.

49 a. No more than 5 percent of the funds allocated
50 in this subsection shall be used for administration of

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1 the program and this percentage shall be determined
2 for the entire fiscal year rather than on a 6-month
3 basis. Federal financial participation received by
4 the department for the family development and self-
5 sufficiency grant program shall be used for the grant
6 program or the JOBS program.

7 b. Based upon the annual evaluation report
8 concerning each grantee funded by this allocation, the
9 family development and self-sufficiency council may
10 use funds allocated to renew grants. Grant renewals
11 shall be awarded on or before January 1, 1992, for a
12 6-month extension to June 30, 1992.

13 Sec. 111. CHILD SUPPORT RECOVERY. There is
14 appropriated from the general fund of the state to the
15 department of human services for the fiscal year
16 beginning July 1, 1991, and ending June 30, 1992, the
17 following amount, or so much thereof as is necessary,
18 to be used for the purposes designated:

19 For child support recovery, including salaries,
20 support, maintenance, miscellaneous purposes, and for
21 not more than the following full-time equivalent
22 positions:

23	\$ 3,134,277
24	FTEs 253.50

25 1. The director of human services, within the
26 limitations of the funds appropriated in this section,
27 or funds transferred from the aid to families with
28 dependent children program for this purpose, may
29 establish new positions and add additional employees
30 to the child support recovery unit when the director
31 determines that both the current and additional
32 employees together can reasonably be expected to
33 recover for the aid to families with dependent
34 children program and the nonpublic assistance support
35 recovery program more than twice the amount of money
36 required to pay the salaries and support for both the

37 current and additional employees or the new positions
38 are necessary for compliance with federal requirements
39 and the anticipated increased recovery amount exceeds
40 the cost of salaries and support for the new
41 positions. In the event the director adds additional
42 employees, the department shall demonstrate the cost-
43 effectiveness of the current and additional employees
44 by reporting to the joint human services
45 appropriations subcommittee the ratio of the total
46 amount of administrative costs for child support
47 recoveries to the total amount of the child support
48 recovered.
49 2. Notwithstanding any other provision in law,
50 nonpublic assistance application and user fees

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1 received by the child support recovery program are
2 appropriated and shall be used for the purposes of the
3 program. The department may adopt emergency rules as
4 necessary to implement the provisions of this
5 subsection. The director of human services may exceed
6 the full-time equivalent position limit authorized in
7 this section if fees collected relating to the new
8 positions are sufficient to pay the salaries and
9 support for the positions. The director shall report
10 any new positions added pursuant to this section to
11 the chairpersons and ranking members of the joint
12 human services appropriations subcommittee and the
13 legislative fiscal bureau. The department may adopt
14 emergency rules as necessary to implement the
15 provisions of this subsection.

16 3. The director of human services, in consultation
17 with the department of management and the legislative
18 fiscal committee, is authorized to receive and deposit
19 state child support incentive earnings in the manner
20 specified under applicable federal requirements.

21 4. The director of human services may establish
22 new positions and add additional state employees to
23 the child support recovery unit if the director
24 determines the employees are necessary to replace
25 county-funded positions eliminated due to termination,
26 reduction, or nonrenewal of a chapter 28E contract.
27 However, the director must also determine that the
28 resulting increase in the state share of child support
29 recovery incentives exceeds the cost of the positions,
30 the positions are necessary to ensure continued
31 federal funding of the program, or the new positions
32 can reasonably be expected to recover more than twice
33 the amount of money to pay the salaries and support

34 for the new positions.

35 Sec. 112. JUVENILE INSTITUTIONS. There is
36 appropriated from the general fund of the state to the
37 department of human services for the fiscal year
38 beginning July 1, 1991, and ending June 30, 1992, the
39 following amounts, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 For the operation of the state training school and
42 the Iowa juvenile home, including salaries, support,
43 maintenance, miscellaneous purposes, and for not more
44 than the following full-time equivalent positions:

45	1. For the Iowa juvenile home at Toledo:	
46	.....	\$ 4,703,508
47	FTEs 128.50
48	2. For the state training school at Eldora:	
49	\$ 8,070,507
50	FTEs 229.00

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1 3. It is the intent of the general assembly that
2 during the fiscal year beginning July 1, 1991, the
3 population levels at the state juvenile institutions
4 shall not exceed the population guidelines established
5 under 1990 Iowa Acts, chapter 1239, section 21. It is
6 also the intent of the general assembly that the state
7 juvenile institutions apply for an adolescent
8 pregnancy prevention grant for the fiscal year
9 beginning July 1, 1991.

10 Sec. 113. FOSTER CARE. There is appropriated from
11 the general fund of the state to the department of
12 human services for the fiscal year beginning July 1,
13 1991, and ending June 30, 1992, the following amount,
14 or so much thereof as is necessary, to be used for the
15 purpose designated:

16	For foster care:	
17	.....	\$ 53,366,361

18 1. As a condition, limitation, and qualification
19 of the funds appropriated in this section, the
20 department shall use moneys appropriated in this
21 section to establish 30 or more enhanced service group
22 care facility beds during the fiscal year beginning
23 July 1, 1991. The department may use moneys
24 appropriated in this section to provide enhanced
25 funding of services to family foster homes to avert
26 placement of children in group care facilities and may
27 continue to provide enhanced funding of services to
28 group care facilities to avert placement of children
29 in more expensive, less appropriate out-of-state
30 facilities or in a state juvenile institution. The

31 department shall give priority to serving children
32 whose placement at the state training school or the
33 Iowa juvenile home would cause the state juvenile
34 institution to exceed the population guidelines
35 established under 1990 Iowa Acts, chapter 1239,
36 section 21.

37 2. The department may transfer a portion of the
38 funds appropriated in this section to provide
39 subsidized adoption services or to purchase adoption
40 services, if funds allocated in this section for
41 adoption services are insufficient.

42 3. The department and state court administrator
43 shall work together in implementing an agreement which
44 enables the state to receive funding for eligible
45 cases under the federal Social Security Act, Title IV-
46 E.

47 4. Not more than 25 percent of the children placed
48 in foster care funded under the federal Social
49 care for a period of more than 24 months.

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1 5. Of the funds appropriated in this section,
2 \$92,000 is allocated for the foster home insurance
3 fund. Notwithstanding section 237.13, the department
4 may use funds appropriated in this section to purchase
5 liability insurance for licensed foster parents in
6 lieu of providing payment for claims filed against the
7 foster home insurance fund, if comparable coverage can
8 be obtained through private insurance.
9 Notwithstanding section 8.33, funds remaining in the
10 foster home insurance fund on June 30, 1992, shall not
11 revert to the general fund but shall remain available
12 for expenditure in the fiscal year beginning July 1,
13 1992, for the purposes designated.

14 6. As a condition, limitation, and qualification
15 of the funds appropriated in this section, the
16 department shall review the need to provide additional
17 day treatment alternatives within the child welfare
18 system and the potential to provide additional
19 services by including day treatment provided by
20 psychiatric medical institutions for children as a
21 service reimbursed under medical assistance. The
22 department shall identify the effect of providing day
23 treatment services reimbursement under medical
24 assistance upon state expenditures for residential
25 treatment and other foster care services. The
26 department may use funds appropriated in this Act for
27 medical assistance to pay the nonfederal share of
28 costs for services reimbursed under medical assistance

29 which are provided in a psychiatric medical
30 institution for children.

31 7. The department may use \$30,000 of the funds
32 appropriated in this section to contract for a study
33 of the effectiveness of needs-based and therapeutic
34 family foster care and enhanced residential care.

35 8. As a condition, limitation, and qualification
36 of the funds appropriated in this section, the
37 department shall develop a therapeutic foster care
38 program in at least 1 district in the state. The
39 program's foster care worker support staff shall serve
40 not more than 7 foster families and shall provide
41 respite and special support services to foster parents
42 to enable them to serve in an active treatment
43 capacity with the children under their care. Of the
44 funds appropriated in this section, up to \$200,000
45 shall be used for therapeutic foster care
46 reimbursement and \$284,667 for 8.00 FTEs under the
47 appropriation in this Act for field operations.

48 9. Funds appropriated in this section may be used
49 to recruit foster parents and to provide preservice
50 and in-service training for foster parents.

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1 10. Of the funds appropriated in this section, up
2 to \$140,000 may be used to develop and maintain the
3 state's implementation of the national adoption and
4 foster care information system pursuant to the
5 requirements of Pub. L. No. 99-509.

6 11. As a condition, limitation, and qualification
7 of the funds appropriated in this section, the
8 department shall continue a family foster care
9 advisory committee to examine department practices and
10 policies to improve the recruitment and retention of
11 foster parents, provide training and professional
12 guidance where appropriate, and seek the involvement
13 of family foster care providers in designing,
14 developing, and participating in the creation of
15 therapeutic foster family homes. The department shall
16 review initiatives of other states in recruiting
17 foster parents from appropriate families who are
18 recipients of public assistance. In consultation with
19 the advisory committee, the department shall seek
20 federal waivers and make program modifications as
21 necessary to develop a similar program for Iowa upon
22 receiving federal approval to do so.

23 12. As a condition, limitation, and qualification
24 of the funds appropriated in this section, the
25 department shall establish specialized family foster

26 care homes and provide specialized support and respite
27 services to qualifying foster care families who accept
28 infants with chemical addictions from intrauterine
29 transmission who would otherwise remain in a hospital.
30 13. As a condition, limitation, and qualification
31 of the funds appropriated in this section, the
32 department shall continue the demonstration program to
33 decategorize child welfare services in the 4 counties
34 in which the program has commenced. The department
35 may approve additional applications from a county or
36 consortium of counties to initiate a demonstration
37 program providing the department, the boards of
38 supervisors in the counties, and the affected judicial
39 districts agree to implement the program. The
40 schedule for implementing the demonstration program in
41 additional counties shall provide that the program be
42 implemented on or after January 1, 1992. The
43 department shall establish for the demonstration
44 project counties a child welfare fund composed of all
45 or part of the amount that would otherwise be expected
46 to be used for residents of the counties for foster
47 care, family-centered services, subsidized adoption,
48 child day care, local purchase of services, state
49 juvenile institution care, mental health institute
50 care, state hospital-school care, juvenile detention,

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1 department-direct services, and court-ordered
2 evaluation and treatment of juvenile services and
3 notwithstanding any other provision of law, the fund
4 shall be considered encumbered. Notwithstanding other
5 service funding provisions in law, the department
6 shall establish the fund by transferring funds from
7 the budgets affected, except for the funds
8 appropriated for the state mental health institutes,
9 the state hospital-schools, the state training school,
10 and the Iowa juvenile home which shall remain on
11 account for the county at these institutions. The
12 child welfare fund may be used to support services and
13 payment rates not allowable within historical program
14 or service categories. A limited amount of the fund
15 may be used to support services and reimbursement
16 rates not allowable within historical program or
17 service categories and administrative rule. In
18 addition, a limited amount of the child welfare fund
19 may be used for the family assistance fund to provide
20 resources for a family to remain together or to be
21 unified. It is the intent of the general assembly
22 that the demonstration program be designed to operate

23 in a county for a 3-year period. The 3-year time
24 period for a decategorization project in Dubuque,
25 Polk, Pottawattamie, or Scott county shall be
26 considered to begin on January 1 in the first year
27 following the year in which the county's
28 decategorization project was approved by the
29 department.

30 14. As a condition, limitation, and qualification
31 of the funds appropriated in this section,
32 notwithstanding section 234.1, subsection 4, effective
33 July 1, 1991, foster care shall not be provided to
34 persons who are 18 years of age or older unless the
35 persons are pursuing a course of study leading to a
36 high school diploma or equivalent. The department may
37 adopt emergency rules to implement the provisions of
38 this subsection.

39 15. As a condition, limitation, and qualification
40 of the funds appropriated in this section, federal
41 financial participation provided under Title IV-E of
42 the federal Social Security Act in excess of \$595,000,
43 which is received as a result of service definition
44 changes relating to provider services shall be
45 apportioned to the providers implementing the changes.
46 The excess amount shall be apportioned after the
47 department has received all federal Title IV-E
48 payments for the fiscal year. The excess amount shall
49 be apportioned as a payment according to each pro-
50 vider's percentage of the total amount of payments

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1 made to providers implementing the changes under
2 federal Title IV-E.

3 16. As a condition, limitation, and qualification
4 of the funds appropriated in this section, not more
5 than \$30,000 of the funds appropriated in this section
6 may be used to contract with the coalition of family
7 and children's services or another suitable entity for
8 the development of a computerized foster care
9 placement information system for the state. The
10 system shall be designed utilizing previously
11 developed software techniques used in Pennsylvania and
12 shall be capable of providing an on-line data base of
13 the availability of particular foster care placements,
14 technical support, training, and appropriate user
15 documentation.

16 **Sec. 114. CHILD PROTECTIVE SYSTEM IMPROVEMENTS.**
17 There is appropriated from the general fund of the
18 state to the department of human services for the
19 fiscal year beginning July 1, 1991, and ending June

20 30, 1992, the following amount, or so much thereof as
21 is necessary, to be used for the purposes designated:

22 For improvements in the state system for child
23 protection:
24 \$ 561,500

25 The funding appropriated in this section shall be
26 used as determined by the department for any of the
27 following purposes:

28 1. For general administration of the department to
29 improve staff training efforts.

30 2. For oversight of termination of parental rights
31 and permanency planning efforts on a statewide basis
32 on the condition that regular reports regarding the
33 statewide program efforts shall be provided to the
34 legislative fiscal bureau.

35 3. For use by the department in general
36 administration to promote innovative treatment
37 programs, write grants to obtain federal and private
38 funding, and promote public and private efforts to
39 treat and prevent child abuse.

40 4. For personnel, assigned by the attorney
41 general, to provide additional services relating to
42 termination of parental rights and child in need of
43 assistance cases.

44 5. For funding of the state multidisciplinary team
45 to assist with difficult cases within the child abuse
46 and foster care system and with respect to child
47 protective investigation and initial case planning and
48 to develop and coordinate local multidisciplinary
49 teams.

50 6. For use by the department in conducting

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1 outcome-oriented evaluations of child protection,
2 prevention, and treatment programs.

3 7. For specialized foster care permanency planning
4 field operations staff.

5 Sec. 115. HOME-BASED SERVICES. There is
6 appropriated from the general fund of the state to the
7 department of human services for the fiscal year
8 beginning July 1, 1991, and ending June 30, 1992, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 For home-based services on the condition that
12 family planning services are funded, provided that if
13 the department amends the allocation to a program
14 funded under this section, then the department shall
15 promptly notify the legislative fiscal bureau of the
16 change:

17 \$ 19,414,903

18 1. Of the funds appropriated in this section,
19 \$30,000 shall be used by the department to contract
20 with universities to provide ongoing research and
21 evaluation assistance to programs and initiatives of
22 the department involving family-centered services and
23 foster care. The contracts shall make maximum use of
24 any matching resources available from the universities
25 with which the department contracts.

26 2. Of the funds appropriated in this section,
27 \$5,086,204 shall be used for family preservation and
28 reunification services and training. A limited amount
29 of the funds may be used for the family assistance
30 fund to provide other resources required for a family
31 participating in a project to stay together or to be
32 reunified. The payment system for the project shall
33 not be based upon units of time, but may be based upon
34 the cost to serve a family, including adjustments
35 according to the provider's performance and the
36 outcome of the services provided to each family. The
37 department shall use the statewide family preservation
38 and decategorization committee to assist in selecting
39 additional projects.

40 Sec. 116. COMMUNITY-BASED PROGRAMS. There is
41 appropriated from the general fund of the state to the
42 department of human services for the fiscal year
43 beginning July 1, 1991, and ending June 30, 1992, the
44 following amount, or so much thereof as is necessary,
45 to be used for the purpose designated:

46 For community-based programs:
47 \$ 2,551,014

48 1. As a condition, limitation, and qualification
49 of the funds appropriated in this section, up to
50 \$19,095 shall be used by the department as the

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1 financial aid from the state under section 232.142,
2 subsection 3, for the cost of the establishment,
3 improvement, operation, and maintenance of approved
4 county or multicounty juvenile homes. Notwithstanding
5 section 232.142, subsection 3, the amount provided in
6 this subsection shall be the maximum amount of
7 financial aid the state is obligated to provide
8 pursuant to that provision.

9 2. As a condition, limitation, and qualification
10 of the funds appropriated in this section, \$550,686
11 shall be used by the department for child abuse
12 prevention grants.

13 Sec. 117. BLOCK GRANT SUPPLEMENTATION. There is

14 appropriated from the general fund of the state to the
15 department of human services for the fiscal year
16 beginning July 1, 1991, and ending June 30, 1992, the
17 following amount, or so much thereof as is necessary,
18 to be used for the purpose designated:

19 For supplementation of federal social services
20 block grant funds and for allocation to counties for
21 the purchase of local services:

22 \$ 4,643,000

23 The funds appropriated in this section shall be
24 allocated to counties pursuant to the rules of the
25 department in effect on January 1, 1985. The
26 department shall increase the income guidelines for
27 income eligible persons receiving services funded with
28 federal social services block grant funds for the
29 fiscal year beginning July 1, 1991, by the same
30 percentage and at the same time as federal social
31 security benefits are increased due to a recognized
32 increase in the cost of living. The department may
33 adopt emergency rules to implement the provisions of
34 this subsection relating to an increase in the cost of
35 living.

36 Sec. 118. COURT-ORDERED SERVICES PROVIDED TO
37 JUVENILES. There is appropriated from the general
38 fund of the state to the department of human services
39 for the fiscal year beginning July 1, 1991, and ending
40 June 30, 1992, the following amount, or so much
41 thereof as is necessary, to be used for the purpose
42 designated:

43 Payment of the expenses of court-ordered services
44 provided to juveniles which are a charge upon the
45 state pursuant to section 232.141, subsection 4:

46 \$ 4,013,271

47 1. It is the intent of the general assembly that
48 the funds appropriated in this section shall be used
49 in a manner that allows provision of court-ordered
50 services to juveniles for the entire specified fiscal

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1 period without the need for supplemental funding. The
2 court shall consider the overall cost-effectiveness of
3 services ordered by the court for juveniles under
4 chapter 232.

5 2. As a condition, limitation, and qualification
6 of the funds appropriated in this section, and
7 notwithstanding any other provision of law, \$6,150,000
8 of the funds appropriated in this Act for home-based
9 services shall be used in providing court-ordered
10 family-centered, family preservation and family

11 reunification services designed to achieve the goals
12 contained in a juvenile's foster care case permanency
13 plan. The department of human services shall develop
14 policies and procedures to ensure that priority for
15 these services is given to juveniles who are at-risk
16 of being adjudicated as a delinquent, being found to
17 be a child in need of assistance, or being
18 involuntarily committed under chapter 125 or 229.
19 3. As a condition, limitation, and qualification
20 of the funds appropriated in this section, and
21 notwithstanding section 232.141 or any other provision
22 of law, the funds appropriated in this section shall
23 be allocated to the judicial districts as provided in
24 this subsection. The allocations to the districts
25 shall be made according to a formula developed
26 pursuant to recommendations of a committee consisting
27 of a representative of the director of human services,
28 a representative of the state court administrator, a
29 representative of the Iowa state association of
30 counties, and a representative of service providers
31 selected by the coalition of family and children's
32 services. The recommendations shall be based upon
33 each judicial district's utilization of juvenile
34 justice moneys paid pursuant to section 232.141,
35 subsection 4, during the period beginning July 1,
36 1985, and ending June 30, 1990. However, to the
37 extent possible, services paid for pursuant to that
38 section that would have been eligible for payment
39 under other provisions shall not be included. The
40 judicial district's population of juveniles,
41 adjudicated juvenile delinquents, and children and
42 families found to be in need of assistance, during the
43 period beginning January 1, 1990, and ending December
44 31, 1990, shall also be considered in developing the
45 recommendations. The state court administrator shall
46 make the final decision on the allocations on or
47 before June 15, 1991.
48 4. Each judicial district shall establish a
49 planning group for the court-ordered services for
50 juveniles provided in that district. A district

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1 planning group shall be appointed by the chief judge
2 of the judicial district and shall include local
3 representatives of the department of human services,
4 youth advocates, public defenders where appropriate,
5 the judicial department, county officials or staff,
6 and service providers. A district planning group
7 shall meet at least quarterly and shall perform all of

8 the following activities:

9 a. Establish service priorities for spending the
10 court-ordered services funds allocated to the
11 district.

12 b. Develop procedures to evaluate and improve the
13 quality and effectiveness of the services being
14 provided.

15 c. Make recommendations concerning changes in the
16 child welfare system that are needed to ensure that
17 children and families receive the services necessary
18 to meet their unique needs.

19 d. Make efforts to ensure quality services are
20 provided at a reasonable cost.

21 e. Consider billings submitted for payment under
22 this section to ensure that no other payment source is
23 available.

24 Each district planning group shall submit an annual
25 report to the state court administrator and the
26 department of human services. The administrator and
27 the department shall compile these reports and submit
28 the reports to the chairpersons and ranking members of
29 the joint human services appropriations subcommittee
30 and the legislative fiscal bureau.

31 5. On or before June 15, 1991, the department of
32 human services shall develop policies and procedures
33 to ensure that the funds appropriated in this section
34 are spent only after all reasonable efforts have been
35 made to utilize other funding sources and community-
36 based services. The policies and procedures shall be
37 designed to achieve the following objectives relating
38 to services provided under chapter 232:

39 a. Maximize the utilization of funds which may be
40 available from the medical assistance program
41 including usage of the early preventive, screening,
42 diagnosis, and treatment (EPSDT) program.

43 b. Recover payments from any third-party insurance
44 coverage which is liable for coverage of the services,
45 including health insurance coverage.

46 c. Pursue development of agreements with regularly
47 utilized out-of-state service providers which are
48 intended to reduce per diem costs.

49 6. The department of human services, in
50 consultation with the state court administrator and

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1 the judicial district planning groups, shall compile a
2 monthly report describing spending in the districts
3 for court-ordered services for juveniles, including
4 the utilization of the medical assistance program.

5 The reports shall be submitted on or before the
6 twentieth day of each month to the chairpersons and
7 ranking members of the joint human services
8 appropriations subcommittee and the legislative fiscal
9 bureau.

10 7. Notwithstanding chapter 232 or any other
11 provision of law, a district or juvenile court in a
12 department of human services district shall not order
13 any service which is a charge upon the state pursuant
14 to section 232.141 if there are insufficient funds
15 available in the district allocation to pay for the
16 service. The chief juvenile court officer shall work
17 with the district planning group to encourage use of
18 the funds appropriated in this section such that there
19 are sufficient funds during the entire year. The
20 eight chief juvenile court officers shall attempt to
21 anticipate potential surpluses and shortfalls in the
22 allocations and shall cooperatively transfer funds
23 between the districts' allocations as prudent.

24 8. Notwithstanding any provision of law, a
25 district or juvenile court shall not order a county to
26 pay for any service provided to a juvenile pursuant to
27 an order entered under chapter 232 which is a charge
28 upon the state under section 232.141.

29 9. As a condition, limitation, and qualification
30 of the funds appropriated in this section, and
31 notwithstanding any provision of law to the contrary,
32 \$50,000 of the funds appropriated in this section may
33 be used by the department for the administration of
34 the programs and services provided pursuant to orders
35 entered under chapter 232, as a supplement to funds
36 provided in other appropriations. The department
37 shall cooperate with the legislative fiscal bureau in
38 developing a management information system for
39 spending for services ordered under chapter 232.

40 10. As a condition, limitation, and qualification
41 of the funds appropriated in this section, up to
42 \$202,000 of the funds appropriated in this section may
43 be used by the judicial department for administration
44 of the requirements under this section and for travel
45 associated with court-ordered placements which are a
46 charge upon the state pursuant to section 232.141,
47 subsection 4.

48 11. The department of human services may adopt
49 emergency rules to implement the provisions of this
50 section.

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1 Sec. 119. IOWA VETERANS HOME. There is

2 appropriated from the general fund of the state to the
 3 department of human services for the fiscal year
 4 beginning July 1, 1991, and ending June 30, 1992, the
 5 following amount, or so much thereof as is necessary,
 6 to be used for the purposes designated:

7 For operation of the Iowa veterans home, including
 8 salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-
 10 time equivalent positions:

11 \$ 29,722,461
 12 FTEs 828.80

13 Of the moneys appropriated in this section,
 14 \$200,000 shall be used for 10 additional beds and for
 15 the salaries and support of 7.00 FTEs.

16 The department may use the gifts accepted by the
 17 director of human services pursuant to section 218.96
 18 and other resources available to the department for
 19 use at the Iowa veterans home for purposes identified
 20 by the department.

21 Sec. 120. MENTAL HEALTH INSTITUTES. There is
 22 appropriated from the general fund of the state to the
 23 department of human services for the fiscal year
 24 beginning July 1, 1991, and ending June 30, 1992, the
 25 following amounts, or so much thereof as is necessary,
 26 to be used for the purposes designated:

27 For the state mental health institutes for
 28 salaries, support, maintenance, miscellaneous
 29 purposes, and for not more than the following full-
 30 time equivalent positions:

31 1. State mental health institute at Cherokee:
 32 \$ 14,928,541
 33 FTEs 389.75

34 2. State mental health institute at Clarinda:
 35 \$ 6,575,503
 36 FTEs 160.61

37 Effective July 1, 1991, the long-term substance
 38 abuse beds in the state mental health institute at
 39 Clarinda shall be closed.

40 3. State mental health institute at Independence:
 41 \$ 16,005,884
 42 FTEs 436.27

43 4. State mental health institute at Mount
 44 Pleasant:
 45 \$ 9,260,073
 46 FTEs 211.50

47 Sec. 121. HOSPITAL-SCHOOLS. There is appropriated
 48 from the general fund of the state to the department
 49 of human services for the fiscal year beginning July
 50 1, 1991, and ending June 30, 1992, the following

1 amounts, or so much thereof as is necessary, to be
 2 used for the purposes designated:
 3 For the state hospital-schools, for salaries,
 4 support, maintenance, miscellaneous purposes, and for
 5 not more than the following full-time equivalent
 6 positions:
 7 1. State hospital-school at Glenwood:
 8 \$ 39,142,956
 9 FTEs 1,157.00

10 2. State hospital-school at Woodward:
 11 \$ 32,054,985
 12 FTEs 931.85

13 Sec. 122. MENTAL HEALTH AND MENTAL RETARDATION

14 SERVICES FUND. There is appropriated from the general
 15 fund of the state to the state community mental health
 16 and mental retardation services fund established in
 17 section 225C.7 for the fiscal year beginning July 1,
 18 1991, and ending June 30, 1992, the following amount,
 19 or so much thereof as is necessary:
 20 \$ 2,000,000

21 1. Notwithstanding 1990 Iowa Acts, chapter 1250,
 22 section 18, \$1,200,000 of the funds appropriated to
 23 the special mental health services fund established in
 24 that section shall be transferred to the state
 25 community mental health and mental retardation
 26 services fund established in section 225C.7 and shall
 27 be used in addition to the funds appropriated in this
 28 section for the purposes designated. The amount
 29 transferred pursuant to this section and section 123
 30 of this Act shall not be subject to the formula
 31 provided in 1990 Iowa Acts, chapter 1250, section 18,
 32 subsection 4.

33 2. Notwithstanding section 225C.7 and any other
 34 provision of chapter 225C or other provision of law,
 35 the state community mental health and mental
 36 retardation services fund shall not be divided into
 37 two parts but shall be distributed only as provided in
 38 chapter 225C for the general allocation.

39 Sec. 123. ENHANCED SERVICES -- COUNTY PAYMENT.

40 Notwithstanding 1990 Iowa Acts, chapter 1250, section
 41 18, \$2,360,000 of the funds appropriated to the
 42 special mental health services fund established in
 43 that section, or so much thereof as is necessary,
 44 shall be transferred to supplement the appropriation
 45 in section 127 of this Act for the state candidate
 46 services fund for the purpose of providing funds to
 47 counties pursuant to section 127, subsection 5. The
 48 amount transferred pursuant to this section and

49 section 122 of this Act shall not be subject to the
50 formula provided in 1990 Iowa Acts, chapter 1250,

Page 29

1 section 18, subsection 4.

2 Sec. 124. MENTAL HEALTH -- MENTAL RETARDATION --
3 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
4 appropriated from the general fund of the state to the
5 department of human services for the fiscal year
6 beginning July 1, 1991, and ending June 30, 1992, the
7 following amount, or so much thereof as is necessary,
8 to be used for the purpose designated:

9 For mental health, mental retardation, and
10 developmental disabilities special services:
11 \$ 382,500

12 1. The department and the Iowa finance authority
13 shall develop methods to implement the financing for
14 existing community-based facilities and to implement
15 financing for small community-based facilities,
16 including those facilities which may be developed
17 under a federally approved home and community-based
18 waiver for services provided under the medical
19 assistance program. The department shall develop
20 criteria for these facilities which may include
21 provisions to restrict placements to current state
22 hospital-school clients or to avert the placement of
23 persons in a state hospital-school. The department
24 shall assure that clients are referred to these
25 facilities upon their development.

26 2. Of the funds appropriated in this section,
27 \$257,219 is allocated to provide supplemental per
28 diems to community-based residential care facilities
29 and community living arrangements. The per diem is
30 restricted to clients placed from the state hospital-
31 schools and persons averted from placement in a state
32 hospital-school who meet the appropriate level of
33 functioning for this type of care.

34 3. Of the funds appropriated in this section,
35 \$125,281 is allocated to provide funds for
36 construction and start-up costs to develop community
37 living arrangements to provide for persons who are
38 mentally ill and homeless. These funds may be used to
39 match federal Stewart B. McKinney Homeless Assistance
40 Act grant funds.

41 4. As a condition, limitation, and qualification
42 of the funds appropriated in this section, the
43 department shall adopt rules pursuant to chapter 17A
44 providing for reimbursement under state supplementary
45 assistance to pay for supervised apartment living and

46 cooperative housing arrangements for persons with
 47 disabilities. The rules shall take effect July 1,
 48 1992.
 49 Sec. 125. FAMILY SUPPORT SUBSIDY PROGRAM. There
 50 is appropriated from the general fund of the state to

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1 the department of human services for the fiscal year
 2 beginning July 1, 1991, and ending June 30, 1992, the
 3 following amount, or so much thereof as is necessary,
 4 to be used for the purpose designated:
 5 For the family support subsidy program:
 6 \$ 621,860

7 Sec. 126. SPECIAL NEEDS GRANTS. There is
 8 appropriated from the general fund of the state to the
 9 department of human services for the fiscal year
 10 beginning July 1, 1991, and ending June 30, 1992, the
 11 following amount, or so much thereof as is necessary,
 12 to be used for the purpose designated:
 13 To provide special needs grants to families with a
 14 family member at home who has a developmental
 15 disability or to a person with a developmental
 16 disability:
 17 \$ 55,000

18 Grants must be used by a family to defray special
 19 costs of caring for the family member to prevent out-
 20 of-home placement of the family member or to provide
 21 for independent living costs. A grant may provide up
 22 to \$5,000 per person for costs associated with an
 23 assistive animal. The grants may be administered by a
 24 private nonprofit agency which serves people statewide
 25 provided that no administrative costs are received by
 26 the agency. Regular reports regarding coordination of
 27 the special needs grants with the family support
 28 subsidy program shall be provided to the legislative
 29 fiscal bureau.

30 Sec. 127. ENHANCED MENTAL HEALTH -- MENTAL
 31 RETARDATION -- DEVELOPMENTAL DISABILITIES SERVICES.
 32 There is appropriated from the general fund of the
 33 state to the department of human services for the
 34 fiscal year beginning July 1, 1991, and ending June
 35 30, 1992, the following amount, or so much thereof as
 36 is necessary, to be used for the purpose designated:
 37 For the state candidate services fund:
 38 \$ 2,545,911

39 1. The enhanced mental health, mental retardation,
 40 and developmental disabilities services plan oversight
 41 committee is continued, as established under 1988 Iowa
 42 Acts, chapter 1276, section 14, subsection 1, for the

43 fiscal year which begins July 1, 1991, and ends June
44 30, 1992. The oversight committee shall issue a final
45 decision regarding any issue of disagreement between a
46 county and the department relating to expenditures for
47 candidate services or the county's maintenance of
48 effort.

49 2. For purposes of this section, "candidate
50 services" means day treatment, partial

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1 hospitalization, and case management.

2 3. a. The county of legal settlement shall be
3 billed for 50 percent of the nonfederal share of the
4 cost of case management provided to adults, day
5 treatment, and partial hospitalization provided under
6 the medical assistance program for persons with mental
7 retardation, a developmental disability, or chronic
8 mental illness.

9 b. If the department has contracted with a county
10 or a consortium of counties to be the provider of case
11 management services, the department is responsible for
12 any costs included within the unit rate for case
13 management services which are disallowed for
14 reimbursement pursuant to Title XIX of the federal
15 Social Security Act by the federal health care
16 financing administration. The department shall use
17 funds appropriated under this section to credit a
18 county for the county's share of any amounts overpaid
19 due to the disallowed costs. If certain costs are
20 disallowed due to requirements or preferences of a
21 particular county in the provision of case management
22 services the county shall not receive credit for the
23 amount of the costs.

24 4. A county is responsible to continue to expend
25 at least the agreed upon amount expended for services
26 in the fiscal year which ended June 30, 1987, for the
27 fiscal year beginning July 1, 1991, for services to
28 persons with mental retardation, a developmental
29 disability, or chronic mental illness.

30 Notwithstanding section 8.33, if a county does not
31 expend the agreed upon amount in the fiscal year, the
32 balance not expended shall not revert to the general
33 fund of the county, but shall be carried over to the
34 next fiscal year to be expended for the provision of
35 services to persons with mental retardation, a
36 developmental disability, or mental illness including,
37 but not limited to, the chronically mentally ill, and
38 shall be used as additional funds. The additional
39 funds shall be used, to the greatest extent possible,

40 to meet unmet needs of persons with mental
41 retardation, a developmental disability, or mental
42 illness. This subsection does not relieve the county
43 from any other funding obligations required by law,
44 including but not limited to the obligations in
45 section 222.60.

46 5. The department, in conjunction with the
47 oversight committee, and with the agreement of each
48 county, shall establish the actual amount expended for
49 each candidate service for persons with mental
50 retardation, a developmental disability, or chronic

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1 mental illness in the fiscal year which ended June 30,
2 1987, and this amount shall be deemed each county's
3 base year expenditure for the candidate service. A
4 disagreement between the department and a county as to
5 the actual amount expended shall be decided by the
6 oversight committee.

7 The department, in conjunction with the oversight
8 committee, and with the agreement of each county,
9 shall determine the expenditures in the fiscal year
10 beginning July 1, 1990, by each county for the
11 candidate services, including the amount the county
12 contributes under subsection 3. If the expenditures
13 in the fiscal year beginning July 1, 1990, exceed the
14 base year expenditures for candidate services, then
15 the county shall receive from the funds appropriated
16 under this section the least amount of the following:

17 a. The difference between the total expenditures
18 for the candidate services in the fiscal year
19 beginning July 1, 1990, and the base year
20 expenditures.

21 b. The amount expended by the county under
22 subsection 3.

23 c. The amount by which total expenditures for
24 persons with mental retardation, a developmental
25 disability, or chronic mental illness for the fiscal
26 year beginning July 1, 1990, less any carryover amount
27 from the fiscal year which began July 1, 1989, exceed
28 the maintenance of effort expenditures under
29 subsection 4.

30 6. Notwithstanding section 225C.20, case
31 management services shall be provided by the
32 department except when a county or a consortium of
33 counties contracts with the department to provide the
34 services. A county or consortium of counties may
35 contract to be the provider at any time and the
36 department shall agree to the contract so long as the

37 contract meets the standards for case management
38 adopted by the department. The county or consortium
39 of counties may subcontract for the provision of case
40 management services if the subcontract meets the same
41 standards. A mental health, mental retardation, and
42 developmental disabilities coordinating board may
43 change the provider of individual case management
44 services at any time. If the current or proposed
45 contract is with the department, the coordinating
46 board shall provide written notification of a proposed
47 change to the department on or before August 15 and
48 written notification of an approved change on or
49 before October 15 in the fiscal year which precedes
50 the fiscal year in which the change will take effect.

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1 7. This section does not relieve the county from
2 any other funding obligations required by law,
3 including but not limited to the obligations in
4 section 222.60.

5 8. Nothing in this Act is intended by the general
6 assembly to be the provision of a fair and equitable
7 funding formula specified in 1985 Iowa Acts, chapter
8 249, section 9. Nothing in this Act shall be
9 construed as, is intended as, or shall imply a claim
10 of entitlement to any programs or services specified
11 in section 225C.28.

12 9. For the purposes of this section only, persons
13 with organic mental disorders shall not be considered
14 chronically mentally ill.

15 10. Where the department contracts with a county
16 or consortium of counties to provide case management
17 services, the state shall appear and defend the
18 department's employees and agents acting in an
19 official capacity on the department's behalf and the
20 state shall indemnify the employees and agents for
21 acts within the scope of their employment. The
22 state's duties to defend and indemnify shall not apply
23 if the conduct upon which any claim is based
24 constitutes a willful and wanton act or omission or
25 malfeasance in office.

26 Sec. 128. FIELD OPERATIONS. There is appropriated
27 from the general fund of the state to the department
28 of human services for the fiscal year beginning July
29 1, 1991, and ending June 30, 1992, the following
30 amount, or so much thereof as is necessary, to be used
31 for the purposes designated:

32 For field operations, including salaries, support,
33 maintenance, miscellaneous purposes, and for not more

34 than the following full-time equivalent positions:
 35 \$ 43,527,950
 36 FTEs 2,310.50

37 1. Staff who are designated as "Title XIX case
 38 management staff" are considered to be in addition to
 39 the limit for full-time equivalent positions and the
 40 funds appropriated for field operations. As a
 41 condition, limitation, and qualification of the funds
 42 appropriated in this section, the department shall
 43 report quarterly to the chairpersons and ranking
 44 members of the legislative fiscal committee of the
 45 legislative council, the members of the joint human
 46 services appropriations subcommittee, and the
 47 legislative fiscal bureau regarding the total number
 48 of Title XIX case management staff positions filled,
 49 including the number of positions which were filled by
 50 persons who were already employed by the department in

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1 another capacity.
 2 2. As a condition, limitation, and qualification
 3 of the funds appropriated in this section, upon the
 4 request of a county, the department shall work with
 5 the county to develop a funding plan for persons with
 6 mental retardation, a developmental disability, or
 7 chronic mental illness who are not eligible to receive
 8 case management provided under the medical assistance
 9 program and are receiving service management. With an
 10 agreed upon funding plan, the department is authorized
 11 to combine state funds that would otherwise be
 12 expended on service management with county funds to
 13 upgrade services provided to the persons from service
 14 management to case management. Staff required to
 15 implement this subsection are not subject to the
 16 limitations on full-time equivalent positions and
 17 funds appropriated for field operations.
 18 3. As a condition, limitation, and qualification
 19 of the funds appropriated in this section, if the
 20 field operations staffing level meets the funded full-
 21 time equivalent position limit authorized in this
 22 section and a district identifies a critical position
 23 vacancy or a position with a caseweight factor greater
 24 than 120 percent of the budgeted caseweight factor for
 25 the position, the director of human services may
 26 exceed the full-time equivalent position limit
 27 authorized under this section in the amount necessary
 28 to fill the critical position vacancy or to reduce the
 29 caseweight factor to the budgeted level. For purposes
 30 of this subsection, "critical position vacancy"

31 includes a clerical position in an office limited to a
32 single clerical staff position. The budgeted
33 caseweight factor for the fiscal year beginning July
34 1, 1991, and ending June 30, 1992, is 196 for income
35 maintenance workers and 191 for service workers. If
36 the department is able to increase federal financial
37 participation relating to field operations, the moneys
38 shall be used to reduce budgeted caseweight factor
39 funded by the appropriation in this section for income
40 maintenance and service workers. In addition, if the
41 field operations staffing level meets the funded full-
42 time equivalent position limit authorized in this
43 section and there is a critical position vacancy in
44 the state or the statewide average caseweight factor
45 for a particular type of position exceeds 105 percent
46 of the budgeted caseweight factor for that type of
47 position, the director of human services may exceed
48 the full-time equivalent position limit authorized in
49 this section in an amount necessary to fill the
50 critical position vacancy or to reduce the caseweight

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1 factor to the budgeted level. The department shall
2 report monthly to the chairpersons and ranking members
3 of the joint human services appropriations
4 subcommittee and to the legislative fiscal bureau
5 regarding caseweight factor computations in each
6 district, the statewide average caseweight factor, the
7 existence of a critical position vacancy in any
8 district, and action taken by the department to
9 address any critical position vacancy problem or
10 excess caseweight factor.

11 4. Notwithstanding the full-time equivalent
12 position limit authorized in this section, a county
13 implementing a decategorization project, consistent
14 with the county's decategorization plan, may modify
15 the staffing level in the county's human services
16 office and the modification shall not affect other
17 county or district human services staffing levels and
18 shall not be considered to be subject to the full-time
19 equivalent position limit in this section.

20 5. As a condition, limitation, and qualification
21 of the funds appropriated in this section, the
22 department shall review the current field operations
23 service delivery system structure. Within the funds
24 budgeted and full-time equivalent positions authorized
25 under this appropriation, the department shall make
26 changes necessary to improve the system's
27 administrative efficiency and effectiveness and to

28. streamline these functions. Emphasis shall be placed
 29 upon increasing the program support, training, and
 30 supervision of staff who work directly with clients.
 31 6. As a condition, limitation, and qualification
 32 of the funds appropriated in this section, the
 33 department, in consultation with the child development
 34 coordinating council and the family development and
 35 self-sufficiency council, shall develop a proposal for
 36 submission to the federal family support
 37 administration for a state family resource and support
 38 program grant under the federal Family Resource and
 39 Support Act of 1990, H.R. 4151, § 946. The department
 40 may also apply for a planning grant under that Act.
 41 In making application, the department shall build upon
 42 existing effective programs in Iowa provided through
 43 the child development coordinating council, the family
 44 development and self-sufficiency council, adolescent
 45 pregnancy prevention grants, and child abuse pre-
 46 vention grants.
 47 7. As a condition, limitation, and qualification
 48 of the funds appropriated in this section, the
 49 department shall consolidate into a single report the
 50 cost reports used by service providers for

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1 reimbursement under the state supplementary assistance
 2 program and for reimbursement of purchase of service
 3 contracts under the social services block grant. This
 4 consolidation shall be completed on or before October
 5 1, 1991.

6 Sec. 129. GENERAL ADMINISTRATION. There is
 7 appropriated from the general fund of the state to the
 8 department of human services for the fiscal year
 9 beginning July 1, 1991, and ending June 30, 1992, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purposes designated:

12 For general administration, including salaries,
 13 support, maintenance, miscellaneous purposes, and for
 14 not more than the following full-time equivalent
 15 positions:

16	\$ 9,256,818
17	FTEs 354.45

18 1. Full-time equivalent positions which are funded
 19 entirely with federal, public, or private grants are
 20 exempt from the limits on the number of full-time
 21 equivalent positions provided in this section, but are
 22 approved only for the period of time for which the
 23 federal funds or grants are available for the
 24 position.

25 2. As a condition, limitation, and qualification
26 of the funds appropriated in this section, if a state
27 institution administered by the department is to be
28 closed or reduced in size, prior to the closing or
29 reduction the department shall initiate and coordinate
30 efforts in cooperation with the Iowa department of
31 economic development to develop new jobs in the area
32 in which the state institution is located.

33 3. As a condition, limitation, and qualification
34 of the funds appropriated in this section, the
35 department shall seek federal approval of home and
36 community-based waivers for services provided under
37 medical assistance to persons with mental retardation,
38 mental illness, or developmental disabilities and
39 effective February 1, 1992, contingent upon federal
40 approval of the waivers, the department shall take all
41 measures necessary to implement the waivers,
42 including, but not limited to, filling not more than
43 12 employee positions to perform duties as necessary
44 to implement the waivers. The department shall fill
45 the positions in a manner which results in the
46 positions being equivalent to 4.00 FTEs for the fiscal
47 year, however, the positions shall be annualized for
48 the purposes of establishing the number of full-time
49 equivalent positions in this appropriation for the
50 fiscal year.

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1 4. As a condition, limitation, and qualification
2 of the funds appropriated in this section, \$30,000
3 shall be transferred to the governor's planning
4 council for developmental disabilities for use in
5 contracting to continue operating a computerized
6 information and referral project for Iowans with
7 developmental disabilities and their families.

8 5. As a condition, limitation, and qualification
9 of the funds appropriated in this section, the
10 department shall apply to the Robert Wood Johnson
11 foundation for a grant to investigate the feasibility
12 of establishing a system with a single state authority
13 and regional subauthorities for the planning, funding,
14 and administration of services for persons with mental
15 illness. The application process shall be coordinated
16 with the requirements of the federal Mental Health
17 Planning Act, Pub. L. No. 99-660 and federal mental
18 health law amendments enacted in 1990. The department
19 shall work with legislators, advocacy groups, county
20 representatives, and service providers as necessary in
21 developing the grant application.

22 6. As a condition, limitation, and qualification
 23 of the funds appropriated in this section, \$69,145 and
 24 1.5 FTEs of the moneys appropriated and positions
 25 authorized in this section shall be used to implement
 26 section 217.9A, establishing the commission on
 27 children, youth, and families in the department
 28 pursuant to Senate File 479, if enacted by the
 29 Seventy-fourth General Assembly, 1991 Session.

30 Sec. 130. VOLUNTEERS. There is appropriated from
 31 the general fund of the state to the department of
 32 human services for the fiscal year beginning July 1,
 33 1991, and ending June 30, 1992, the following amount,
 34 or so much thereof as is necessary, to be used for the
 35 purpose designated:

36 For development and coordination of volunteer
 37 services:

38 \$ 93,283

39 Sec. 131. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 40 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
 41 UNDER THE DEPARTMENT OF HUMAN SERVICES.

42 1. a. For the fiscal year beginning July 1, 1991,
 43 the following providers shall not have their medical
 44 assistance reimbursement rates increased over the
 45 rates in effect on June 30, 1991: providers of
 46 waived services under the home and community-based
 47 programs, optometrists for service fees only,
 48 opticians for service fees only, podiatrists,
 49 dentists, chiropractors, physical therapists, birthing
 50 centers, ambulance services, independent laboratories,

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1 area education agencies, clinics, audiologists,
 2 rehabilitation agencies, community mental health
 3 centers, family planning clinics, psychologists,
 4 hearing aid dealers, orthopedic shoe dealers,
 5 ambulatory surgery centers, and genetic counseling
 6 clinics. Reimbursement for optometric products shall
 7 not be increased. The department of human services
 8 may utilize flexibility in allocating the increase for
 9 durable medical products and supplies so that
 10 equipment and supplies which have greater wholesale
 11 cost increases may be reimbursed at a higher rate and
 12 those which have a lower or no wholesale cost increase
 13 may be reimbursed at a lower rate or have no increase.
 14 Reimbursement rates for physicians and certified
 15 registered nurse anesthetists shall not be increased.
 16 Reimbursement rates for maternal health centers and
 17 pediatric services shall not be increased.
 18 b. For the fiscal year beginning July 1, 1991, the

19 following shall have their medical assistance
20 reimbursement rates established at the rates in effect
21 on February 28, 1991: psychiatric medical
22 institutions for children, early preventive screening,
23 diagnosis, and treatment providers, providers of
24 obstetric services when provided by physicians or
25 certified midwives, and durable medical products and
26 supplies.

27 c. The department shall provide a differential per
28 diem reimbursement rate to a psychiatric medical
29 institution for children for short-term treatment or
30 diagnosis services provided within a segregated unit
31 of the institution. The differential per diem
32 reimbursement rate shall not exceed 120 percent of the
33 per diem rate authorized in this section for
34 psychiatric medical institutions for children.

35 d. The dispensing fee for pharmacists shall remain
36 at the rate in effect on June 30, 1991. The
37 department shall adjust the average wholesale price of
38 drug product costs in accordance with federal
39 regulations. Dispensing fees for pharmacists shall be
40 further adjusted to reflect the adjustment to the
41 average wholesale price of drug product costs. Total
42 adjustments to reimbursements for prescription drugs
43 shall remain within funds appropriated.

44 e. Effective July 1, 1991, reimbursement rates to
45 hospitals shall not be increased over the rates in
46 effect on June 30, 1991.

47 f. Reimbursement rates for rural health clinics
48 shall be increased in accordance with increases under
49 the federal medicare program.

50 g. Home health agencies certified for the medical

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1 assistance program, hospice services, and acute care
2 mental hospitals shall be reimbursed for their current
3 federal medicare audited costs.

4 h. Effective July 1, 1991, the basis for
5 establishing the maximum medical assistance
6 reimbursement rate for nursing facilities shall be the
7 70th percentile of facility costs as calculated from
8 the June 30, 1991, unaudited compilation of cost and
9 statistical data. However, to the extent funds are
10 available under the allocation for reimbursement of
11 nursing facilities within the appropriation for
12 medical assistance in this Act, the basis shall be
13 increased to not more than the 74th percentile of
14 facility costs as calculated from the same data.

15 i. Effective July 1, 1991, the amount provided

16 under the medical assistance program to nursing
17 facilities during the fiscal year ending June 30,
18 1991, in addition to the approved per diem rate,
19 pursuant to 1990 Iowa Acts, chapter 1270, section 31,
20 subsection 1, paragraph "e", subparagraph (1), shall
21 no longer be provided.

22 2. For the fiscal year beginning July 1, 1991, the
23 maximum cost reimbursement rate for residential care
24 facilities reimbursed by the department shall be
25 \$19.62 per day. The flat reimbursement rate for
26 facilities electing not to file semiannual cost
27 reports shall be \$14.03 per day.

28 3. For services provided by social services
29 providers reimbursed by the department in the fiscal
30 year beginning July 1, 1991, rates shall be increased
31 by 2 percent over the unreduced rates in effect on
32 June 30, 1991. However, any increase provided under
33 this subsection shall not cause the provider's
34 reimbursement rate to exceed the provider's actual and
35 allowable cost plus the inflationary factor authorized
36 under this section.

37 4. Notwithstanding the provisions of subsection 3,
38 the department may implement revisions of the
39 methodology for purchasing group foster care services
40 to establish rates for group foster care services
41 based on the study of these issues funded by the
42 general assembly in the fiscal year which began July
43 1, 1989, provided the overall budget amount for the
44 expenditures is not exceeded and the revisions of the
45 methodology are agreed to by the affected service
46 providers.

47 5. In determining reimbursement rates for
48 facilities reimbursed under this division, including
49 but not limited to foster care providers, residential
50 care facilities, nursing facilities, and community

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1 living arrangements, the department shall not include
2 private moneys contributed to the facility in its
3 determination.

4 6. If the department's reimbursement methodology
5 for any provider reimbursed in accordance with this
6 section includes an inflation factor, this factor
7 shall not exceed the amount by which the consumer
8 price index increased during the calendar year ending
9 December 31, 1990.

10 7. The department may adopt emergency rates to
11 implement the provisions of this section except for
12 subsection 5 for which the department shall adopt

13 nonemergency rules pursuant to chapter 17A.
 14 Sec. 132. ASSISTANCE TO GAMBLERS. There is
 15 appropriated from the general fund of the state to the
 16 department of human services for the fiscal year
 17 beginning July 1, 1991, and ending June 30, 1992, the
 18 following amount, or so much thereof as is necessary,
 19 to be used for the purpose designated:

20 For the gamblers assistance program, including
 21 salaries, support, maintenance, miscellaneous
 22 purposes, and for not more than the following full-
 23 time equivalent positions:
 24 \$ 400,000
 25 FTEs 3.00

26 The Iowa lottery board and the state racing and
 27 gaming commission shall cooperate with the gamblers
 28 assistance program to incorporate information
 29 regarding the gamblers assistance program and its
 30 toll-free telephone number in printed materials
 31 distributed. The commission may require licensees to
 32 have the information available in a conspicuous place
 33 as a condition of licensure.

34 Sec. 133. REQUIREMENTS RELATING TO PERSONS WITH
 35 DISABILITIES. Subject to the limitations of the
 36 appropriations in this Act for the state mental health
 37 institutes and for the state hospital-schools, the
 38 department of human services shall modify staffing
 39 structures at the state hospital-schools and the state
 40 mental health institutes consistent with accreditation
 41 and certification requirements and the findings of the
 42 study on staffing commissioned by the general assembly
 43 in order to improve the level of direct staffing,
 44 reduce or simplify the levels of organizational
 45 authority where appropriate, and reduce the use of
 46 overtime. If, after review of the study
 47 recommendations, the department of human services
 48 decides to establish the position of "human resource
 49 specialist" at the state hospital-schools, the
 50 positions shall be established within the department

1 of personnel and the department of human services may
 2 transfer to the department of personnel the associated
 3 full-time equivalent positions and moneys equal to the
 4 salary costs for the positions. The maintenance of
 5 sufficient direct care staff to assure worker and
 6 patient safety is of highest priority. The department
 7 shall work with all levels of affected employees in
 8 carrying out this staff restructuring. The department
 9 shall work to assure that vacant positions in direct

10 care are filled promptly and expeditiously.

11 Sec. 134. FULL-TIME EQUIVALENT LIMIT NOTIFICATION.

12 The Iowa veterans home, the state mental health
13 institutes, and the state hospital-schools may exceed
14 the number of full-time equivalent positions
15 authorized in this division if the additional
16 positions are specifically related to licensing,
17 certification, or accreditation standards or
18 citations. The department shall notify the co-
19 chairpersons and ranking members of the joint human
20 services appropriations subcommittee and the
21 legislative fiscal bureau if the specified number is
22 exceeded. The notification shall include an estimate
23 of the number of full-time equivalent positions added
24 and the fiscal effect of the addition.

25 Sec. 135. COMPUTERIZATION -- ASSESSMENT OF

26 FINANCIAL IMPACT. In order to assess the financial
27 impact of computerizing functions within the
28 department of human services, the department of
29 general services, information services division, shall
30 monitor the utilization of the central processing unit
31 resources maintained by the division, and shall
32 provide quarterly reports to the legislative fiscal
33 committee of the legislative council and the
34 legislative fiscal bureau. The quarterly reports
35 shall contain an analysis of the central processing
36 unit resources utilized by the department of human
37 services by each computerized application within the
38 department. The reports shall also contain
39 information on computerized applications which are
40 under development, and shall project the central
41 processing unit utilization which will occur in 6, 12,
42 18, and 24 months. The reports shall be designed to
43 enable the legislative fiscal committee and the
44 legislative fiscal bureau to assess the fiscal impact
45 of various computerized applications, with emphasis
46 upon the need for the division to purchase additional
47 computer hardware.

48 Sec. 136. Section 99E.10, subsection 1, paragraph
49 a, Code 1991, is amended by adding the following new
50 unnumbered paragraph:

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1 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
2 provisions of this lettered paragraph, directing that
3 a portion of gross lottery revenues be deposited into
4 the gamblers assistance fund or the provisions of
5 section 99F.11 directing that a portion of the
6 adjusted gross receipts under chapter 99F be deposited

7 into the gamblers assistance fund, for the fiscal
8 period beginning July 1, 1991, and ending June 30,
9 1993, moneys that were to be deposited into the
10 gamblers assistance fund pursuant to this lettered
11 paragraph and section 99F.11, subsection 3, shall be
12 deposited into the general fund of the state.

13 Sec. 137. Section 135C.2, subsection 5, paragraph
14 b, Code 1991, is amended to read as follows:

15 b. A facility must be located in an area zoned for
16 single or multiple-family housing or in an
17 unincorporated area and must be constructed in
18 compliance with applicable local housing codes and the
19 rules adopted for the special classification by the
20 state fire marshal in accordance with the concept of
21 the least restrictive environment for the facility
22 residents. The rules adopted by the state fire
23 marshal for the special classification shall be no
24 more restrictive than the rules adopted by the state
25 fire marshal for demonstration waiver project
26 facilities pursuant to 1986 Iowa Acts, chapter 1246,
27 section 206, subsection 2. Local housing codes shall
28 not be more restrictive than the rules adopted for the
29 special classification by the state fire marshal and
30 the state building code requirements for single or
31 multiple-family housing.

32 Sec. 138. Section 230.11, Code 1991, is amended to
33 read as follows:

34 **230.11 RECOVERY OF COSTS FROM STATE.**

35 Costs and expenses attending the taking into
36 custody, care, and investigation of a person who has
37 been admitted or committed to ~~a state hospital,~~
38 ~~veterans administration hospital or other agency of~~
39 ~~the United States government, for the mentally ill~~
40 under chapter 229 and who has no legal settlement in
41 this state or whose legal settlement is unknown,
42 including cost of commitment, if any, shall be paid
43 out of any money in the state treasury not otherwise
44 appropriated, on itemized vouchers executed by the
45 auditor of the county which has paid them, and
46 approved by the administrator.

47 Sec. ____ . Section 230.12, Code 1991, is amended to
48 read as follows:

49 **230.12 ACTION TO DETERMINE LEGAL SETTLEMENT.**

50 **1.** When a dispute arises between different

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1 counties or between the administrator and a county as
2 to the legal settlement of a person admitted or
3 committed to a state hospital for the mentally ill,

4 the attorney general, at the request of the
5 administrator, shall, without the advancement of fees,
6 cause an action to be brought in the district court of
7 any county where such dispute exists, to determine
8 ~~such the~~ legal settlement. ~~Said This~~ action may be
9 brought at any time when it appears that ~~said the~~
10 dispute cannot be amicably settled. All counties
11 which may be the place of ~~such the~~ legal settlement,
12 so far as known, shall be made defendants and the
13 allegation of ~~such the~~ settlement may be in the
14 alternative. ~~Said The~~ action shall be tried as in
15 equity.

16 2. If the action involves a dispute between
17 counties, the county determined to be the county of
18 legal settlement shall reimburse a county for the
19 amount of costs paid by that county on behalf of the
20 person and for interest on this amount in accordance
21 with section 535.3. In addition, the court may order
22 the county determined to be the county of legal
23 settlement to reimburse any other county involved in
24 the dispute for the other county's reasonable legal
25 costs related to the dispute and may tax the
26 reasonable legal costs as court costs. The court may
27 order the county determined to be the county of legal
28 settlement to pay a penalty to the other county, in an
29 amount which does not exceed twenty percent of the
30 total amount of reimbursement and interest.

31 Sec. ____ . Section 237A.3, subsection 1, Code 1991,
32 is amended to read as follows:

33 1. A person who operates or establishes a family
34 day care home may apply to the department for
35 registration under this chapter. The department shall
36 issue a certificate of registration upon receipt of a
37 statement from the family day care home that the home
38 complies with rules adopted by the department. The
39 registration certificate shall be posted in a
40 conspicuous place in the family day care home, shall
41 state the name of the registrant, the number of
42 individuals who may be received for care at any one
43 time, and the address of the home, and shall include a
44 check list of registration compliances. No greater
45 number of children than is authorized by the
46 certificate shall be kept in the family day care home
47 at any one time. However, a registered or
48 unregistered family day care home may provide care for
49 more than six but less than twelve children at any one
50 time for a period of less than two hours, ~~but shall~~

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1 not do so unless the home does not provide care at any
2 one time for more than provided that each child in
3 excess of six children who are not attending is
4 attending school full-time on a regular basis. In
5 determining the number of children cared for at any
6 one time in a registered or unregistered family day
7 care home, if the person who operates or establishes
8 the home is a child's parent, guardian, relative, or
9 custodian and the child is not attending school full-
10 time on a regular basis, the child shall be considered
11 to be receiving child day care from the person and
12 shall be counted as one of the children cared for in
13 the home. The registration process may be repeated on
14 an annual basis. A child day care provider or program
15 which is not a family day care home by reason of the
16 definition of child day care in section 237A.1,
17 subsection 7, but which provides care, supervision or
18 guidance to a child may be issued a certificate of
19 registration under this chapter.

20 Sec. ____ . NEW SECTION. 237A.27 CRISIS CHILD
21 CARE.

22 The department shall establish a special child care
23 registration or licensure classification for crisis
24 child care which is provided on a temporary emergency
25 basis to a child when there is reason to believe that
26 the child may be subject to abuse or neglect. The
27 special classification is not subject to the
28 definitional restrictions of child day care in this
29 chapter relating to the provision of child day care
30 for a period of less than twenty-four hours per day on
31 a regular basis. However, the provision of crisis
32 child care shall be limited to a period of not more
33 than seventy-two hours for a child during any single
34 stay. A person providing crisis child care must be
35 registered or licensed under this chapter and must be
36 participating in the federal crisis nursery pilot
37 project. The department shall adopt rules pursuant to
38 chapter 17A to implement this section.

39 Sec. 139. EMERGENCY RULES. If specifically
40 authorized by a provision of this division, the
41 department of human services may adopt administrative
42 rules under section 17A.4, subsection 2, and section
43 17A.5, subsection 2, paragraph "b", to implement the
44 provisions and the rules shall become effective
45 immediately upon filing, unless a later effective date
46 is specified in the rules. In addition, the
47 department may adopt administrative rules in
48 accordance with the provisions of this section as
49 necessary to comply with federal requirements or to
50 adjust to a change in the level of federal funding

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1 which affect refugee programs during the fiscal period
2 beginning July 1, 1990, and ending June 30, 1992. Any
3 rules adopted in accordance with the provisions of
4 this section shall also be published as notice of
5 intended action as provided in section 17A.4.

6 Sec. 140. EFFECTIVE DATE. Section 103,
7 subsections 9 and 100, section 129, subsection 5, and
8 section 139 of this division, being deemed of
9 immediate importance, take effect upon enactment.

10 DIVISION II

11 DEPARTMENT OF EDUCATION

12 Sec. 201. There is appropriated from the general
13 fund of the state to the department of education for
14 the fiscal year beginning July 1, 1991, and ending
15 June 30, 1992, the following amounts, or so much
16 thereof as may be necessary, to be used for the
17 purposes designated:

18 1. GENERAL ADMINISTRATION

19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-
21 time equivalent positions:

22 \$ 5,507,266
23 FTEs 137.25

24 2. CORRECTIONS EDUCATION PROGRAM

25 For educational programs at state penal
26 institutions:

27 \$ 1,999,669

28 As a condition, limitation, and qualification of
29 the appropriation in this subsection, the utilization
30 of educational technology in the prison education
31 system shall be expanded and a tracking system shall
32 be developed and implemented to provide information
33 regarding the effects of recidivism and employment
34 success.

35 Persons employed to provide instructional services
36 under this paragraph who were previously employed
37 through the department of corrections to provide
38 instructional services to inmates under programs under
39 the jurisdiction of the department of corrections
40 shall be given credit for all unused sick leave that
41 the persons accrued while employed through the
42 department of corrections.

43 3. BOARD OF EDUCATIONAL EXAMINERS

44 For salaries, support, maintenance, miscellaneous
45 purposes and for not more than the following full-time
46 equivalent positions:

47 \$ 128,000
48 FTEs 2.00

49 4. SCHOOL FOOD SERVICE
 50 For use as state matching funds for federal

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1 programs which shall be disbursed according to federal
 2 regulations, including salaries, support, maintenance,
 3 miscellaneous purposes, and for not more than the
 4 following full-time equivalent positions:
 5 \$ 3,056,205
 6 FTEs 14.00

7 5. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

8 To provide funds for costs of providing textbooks
 9 to each resident pupil who attends a nonpublic school
 10 as authorized by section 301.1. The funding is
 11 limited to \$20 per pupil and shall not exceed the
 12 comparable services offered to resident public school
 13 pupils:
 14 \$ 600,000

15 6. VOCATIONAL EDUCATION ADMINISTRATION

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-
 18 time equivalent positions:
 19 \$ 923,149
 20 FTEs 39.60

21 7. VOCATIONAL REHABILITATION DIVISION

22 a. For salaries, support, maintenance,
 23 miscellaneous purposes, and for not more than the
 24 following full-time equivalent positions:
 25 \$ 3,680,000
 26 FTEs 319.50

27 b. For matching funds for programs to enable
 28 severely physically or mentally disabled persons to
 29 function more independently, including salaries and
 30 support, and for not more than the following full-time
 31 equivalent positions:
 32 \$ 21,303
 33 FTEs 1.50

34 8. COMMUNITY COLLEGES

35 Notwithstanding chapter 286A, for general state
 36 financial aid to merged areas as defined in section
 37 280A.2, for vocational education programs in
 38 accordance with chapters 258 and 280A, to purchase
 39 instructional equipment for vocational and technical
 40 courses of instruction in community colleges, and for
 41 salary increases:
 42 \$ 89,328,644

43 The funds appropriated in this subsection shall be
 44 allocated as follows:
 45 a. Merged Area I \$ 4,159,797

46	b. Merged Area II	\$ 5,046,985
47	c. Merged Area III	\$ 4,882,802
48	d. Merged Area IV	\$ 2,293,272
49	e. Merged Area V	\$ 4,839,917
50	f. Merged Area VI	\$ 4,559,628

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1	g. Merged Area VII	\$ 6,256,844
2	h. Merged Area IX	\$ 7,860,684
3	i. Merged Area X	\$ 12,157,506
4	j. Merged Area XI	\$ 13,062,104
5	k. Merged Area XII	\$ 5,154,945
6	l. Merged Area XIII	\$ 5,308,611
7	m. Merged Area XIV	\$ 2,346,713
8	n. Merged Area XV	\$ 7,281,088
9	o. Merged Area XVI	\$ 4,117,747

10 9. COMMUNITY COLLEGE PERSONAL PROPERTY TAX

11 REPLACEMENT

12 For general financial aid to merged areas in lieu
 13 of personal property tax replacement payments under
 14 section 427A.13:

15	\$ 828,012
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16 The funds appropriated in this subsection shall be
 17 allocated as follows:

18	a. Merged Area I	\$ 65,152
19	b. Merged Area II	\$ 50,567
20	c. Merged Area III	\$ 33,891
21	d. Merged Area IV	\$ 23,204
22	e. Merged Area V	\$ 60,042
23	f. Merged Area VI	\$ 34,514
24	g. Merged Area VII	\$ 57,884
25	h. Merged Area IX	\$ 69,103
26	i. Merged Area X	\$ 97,180
27	j. Merged Area XI	\$ 142,463
28	k. Merged Area XII	\$ 46,200
29	l. Merged Area XIII	\$ 40,972
30	m. Merged Area XIV	\$ 20,826
31	n. Merged Area XV	\$ 55,026
32	o. Merged Area XVI	\$ 30,988

33 Sec. 202. There is appropriated from the general
 34 fund of the state to the department of education for
 35 the fiscal year beginning July 1, 1992, and ending
 36 June 30, 1993, the following amounts, or so much
 37 thereof as is necessary, to be used for the purposes
 38 designated:

39 1. Notwithstanding chapter 286A for state
 40 financial aid to merged areas to be accrued as income
 41 and used for expenditures incurred by the community
 42 colleges during the fiscal year beginning July 1,

43	1991, and ending June 30, 1992:	
44	.....	\$ 15,763,878
45	The funds appropriated in this section shall be	
46	allocated as follows:	
47	a. Merged Area I	\$ 734,082
48	b. Merged Area II	\$ 890,644
49	c. Merged Area III	\$ 861,671
50	d. Merged Area IV	\$ 404,695

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1	e. Merged Area V	\$ 854,103
2	f. Merged Area VI	\$ 804,640
3	g. Merged Area VII	\$ 1,104,149
4	h. Merged Area IX	\$ 1,387,180
5	i. Merged Area X	\$ 2,145,442
6	j. Merged Area XI	\$ 2,305,077
7	k. Merged Area XII	\$ 909,696
8	l. Merged Area XIII	\$ 936,814
9	m. Merged Area XIV	\$ 414,126
10	n. Merged Area XV	\$ 1,284,898
11	o. Merged Area XVI	\$ 726,661

12 2. Funds appropriated by this section shall be
 13 allocated pursuant to this section and paid on or
 14 about August 15, 1992.

15 Sec. 203. There is appropriated from the general
 16 fund of the state to the department of education for
 17 the fiscal year beginning July 1, 1992, and ending
 18 June 30, 1993, the following amounts, or so much
 19 thereof as is necessary, to be used for the purposes
 20 designated:

21 1. For general financial aid to merged areas in
 22 lieu of personal property tax replacement payments
 23 under section 427A.13 to be accrued as income and used
 24 for expenditures incurred by the community colleges
 25 during the fiscal year beginning July 1, 1991, and
 26 ending June 30, 1992:

27	\$ 354,840
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28 The funds appropriated in this subsection shall be
 29 allocated as follows:

30	a. Merged Area I	\$ 27,922
31	b. Merged Area II	\$ 21,671
32	c. Merged Area III	\$ 14,525
33	d. Merged Area IV	\$ 9,924
34	e. Merged Area V	\$ 25,732
35	f. Merged Area VI	\$ 14,792
36	g. Merged Area VII	\$ 24,807
37	h. Merged Area IX	\$ 29,615
38	i. Merged Area X	\$ 41,649
39	j. Merged Area XI	\$ 61,056

40	k. Merged Area XII	\$	19,800
41	l. Merged Area XIII	\$	17,559
42	m. Merged Area XIV	\$	8,925
43	n. Merged Area XV	\$	23,582
44	o. Merged Area XVI	\$	13,281
45	2. Funds appropriated in subsection 1 shall be		
46	allocated pursuant to this section and paid on or		
47	about August 15, 1992.		
48	Sec. 204. Moneys allocated to community colleges		
49	under section 201, subsections 8 and 9 of this		
50	division, for expenditures incurred during the fiscal		

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1 year beginning July 1, 1991, and ending June 30, 1992,
2 shall be paid by the department of revenue and finance
3 in installments due on or about November 15, February
4 15, and May 15 of that fiscal year. The installments
5 shall be as nearly equal as possible as determined by
6 the department of management, taking into
7 consideration the relative budget and cash position of
8 the state resources. The payments received by
9 community colleges on or about August 15 under
10 sections 202 and 203 of this division are accounts
11 receivable for the previous fiscal year.

12 Sec. 205. Notwithstanding the appropriation
13 provided in section 294A.25, subsection 1, there is
14 appropriated from the general fund of the state to the
15 department of education for the fiscal year beginning
16 July 1, 1991, and ending June 30, 1992, the following
17 amount, or so much thereof as may be necessary, to be
18 used for the purpose designated and for not more than
19 the following full-time equivalent position:

20 Notwithstanding section 294A.25, for the
21 educational excellence program:

22	.....	\$	90,362,500
23	.....	FTEs	1.00

24 As a condition, limitation, and qualification of
25 the funds appropriated in this section, and
26 notwithstanding the allocation specified for phase III
27 under section 294A.25, subsection 6, from the moneys
28 appropriated under this section and available for
29 expenditure for phase III, the department shall,
30 subject to the review of the chairpersons and ranking
31 members of the education committees of the general
32 assembly, expend \$250,000 to provide demonstration
33 projects in comprehensive school transformation in no
34 more than ten public school districts. The objective
35 of the projects shall be to demonstrate how public
36 schools can be transformed from corporate to collegial

37 learning environments for teachers, students, and
38 administrators for the purpose of maximizing student
39 learning and to diffuse information about the process
40 of transformation to neighboring schools. The
41 projects shall also demonstrate how phase III funds
42 can be used to promote school transformation by
43 providing focus to phase III efforts in such areas as
44 technology, individualization of instruction, and
45 decentralization of decision-making. However, funds
46 allocated to districts under this section shall not be
47 used to supplant current phase III expenditures.
48 Districts participating in a project may use phase III
49 funds to supplement the purposes and activities of the
50 project in the manner provided under section 294A.14.

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1 Districts participating in a project may also pool
2 funds to provide conferences and to contract with
3 consultants and facilitators to provide services to
4 support the goals of the project. Projects shall use
5 the school building as the basic administrative and
6 clinical unit for demonstration. The department may
7 expend up to \$10,000 for purposes of developing
8 guidelines and administering the selection, approval,
9 and evaluation process for proposed projects. In
10 developing a selection process for demonstration
11 projects, the department of education shall establish
12 an eleven-member selection committee, which shall
13 include, but is not limited to, licensed practitioners
14 and ex officio nonvoting members of the general
15 assembly. A majority of the members of the committee
16 shall consist of licensed teachers and principals.
17 The committee shall select projects which give promise
18 of accomplishing comprehensive school transformation
19 at the building level during the time that the project
20 is in place. Each project shall contain an evaluation
21 component, which provides for self-evaluation by
22 participating districts and evaluation by the
23 department of education. The selection committee
24 shall establish criteria for ascertaining a particular
25 district's readiness for comprehensive change and give
26 preference in the project selection process to
27 districts which meet the readiness criteria. Each
28 participating district shall, at the conclusion of a
29 project, submit a copy of the district's self-
30 evaluation in a report to the department of education.
31 The department shall compile the reports, along with
32 the department's evaluations of each of the projects,
33 and submit the results in a report to the general

34 assembly by March 1, 1994.

35 Sec. 206. There is appropriated from the general
36 fund of the state to the department of education for
37 the fiscal year beginning July 1, 1992, and ending
38 June 30, 1993, the following amounts, or so much
39 thereof as is necessary, to be used for the purposes
40 designated:

41 For expenditures incurred by school districts
42 during the previous fiscal year for vocational
43 education aid to secondary schools:

44 \$ 3,666,360

45 Funds appropriated by this section shall be used
46 for expenditures made by school districts to meet the
47 standards set in sections 256.11, 258.4, and 280A.23
48 as a result of the enactment of 1989 Iowa Acts,
49 chapter 278. Funds shall be used as reimbursement for
50 vocational education expenditures made by secondary

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1 schools in the manner provided by the department of
2 education for implementation of the standards set in
3 1989 Iowa Acts, chapter 278. The department shall
4 inform school districts by July 1, 1991, of the
5 criteria for reimbursement with funds appropriated
6 under this section.

7 COLLEGE STUDENT AID COMMISSION

8 Sec. 207. There is appropriated from the general
9 fund of the state to the college student aid
10 commission for the fiscal year beginning July 1, 1991,
11 and ending June 30, 1992, the following amounts, or so
12 much thereof as may be necessary, to be used for the
13 purposes designated:

14 1. GENERAL ADMINISTRATION

15 For salaries, support, maintenance, miscellaneous
16 purposes, and for not more than the following full-
17 time equivalent positions:

18 \$ 346,000

19 FTEs 8.05

20 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH

21 SCIENCES

22 a. For grants to juniors and seniors and for
23 forgivable loans to freshmen and sophomores, who are
24 Iowa students attending the university of osteopathic
25 medicine and health sciences, under the grant program
26 pursuant to section 261.18 and the forgivable loan
27 program pursuant to section 261.19A:

28 \$ 400,000

29 b. For the university of osteopathic medicine and
30 health sciences for the admission and education of

31 Iowa students in each of the 4 years of classes at the
32 university of osteopathic medicine and health sciences
33 pursuant to section 261.19:

34 \$ 393,000

35 3. STUDENT AID PROGRAMS

36 For payments to students for student aid programs:

37 \$ 1,866,112

38 As a condition, limitation, and qualification of
39 the funds appropriated in this subsection, \$1,363,112
40 shall be expended for an Iowa grant program, with
41 funds to be allocated to institutions pursuant to
42 section 261.93A.

43 4. NATIONAL GUARD LOAN REPAYMENT

44 For payments to students for the national guard
45 loan repayment program in section 261.49:

46 \$ 225,000

47 Sec. 208. There is appropriated from the loan
48 reserve account to the college student aid commission
49 for the fiscal year beginning July 1, 1991, and ending
50 June 30, 1992, the following amount, or so much

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1 thereof as may be necessary, to be used for the
2 purposes designated:

3 For operating costs of the Stafford loan program
4 including salaries, support, maintenance,
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:

7 \$ 3,671,016

8 FTEs 36.52

9 STATE BOARD OF REGENTS

10 Sec. 209. There is appropriated from the general
11 fund of the state to the state board of regents for
12 the fiscal year beginning July 1, 1991, and ending
13 June 30, 1992, the following amounts, or so much
14 thereof as may be necessary, to be used for the
15 purposes designated:

16 1. OFFICE OF STATE BOARD OF REGENTS

17 a. For salaries, support, maintenance,
18 miscellaneous purposes, and for not more than the
19 following full-time equivalent positions:

20 \$ 1,111,820

21 FTEs 18.08

22 As a condition, limitation, and qualification of
23 the moneys appropriated in this paragraph, the state
24 board of regents shall not use reimbursements from the
25 institutions under the control of the state board of
26 regents for funding the office of the state board of
27 regents.

28 b. For allocation by the state board of regents to
 29 the state university of Iowa, the Iowa state
 30 university of science and technology, and the
 31 university of northern Iowa to reimburse the
 32 institutions for deficiencies in their operating funds
 33 resulting from the pledging of tuitions, student fees
 34 and charges, and institutional income to finance the
 35 cost of providing academic and administrative
 36 buildings and facilities and utility services at the
 37 institutions:

38 \$ 19,381,162

39 c. For funds to be allocated to the southwest Iowa
 40 graduate studies center located in Council Bluffs:

41 \$ 40,000

42 d. For funds to be allocated to the siouxland
 43 interstate metropolitan planning council for the
 44 tristate graduate center under section 262.9,
 45 subsection 21:

46 \$ 75,000

47 e. For funds to be allocated to the quad-cities
 48 graduate studies center:

49 \$ 145,000

50 2. STATE UNIVERSITY OF IOWA

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1 a. General university, including lakeside
 2 laboratory

3 For salaries, support, maintenance, equipment,
 4 miscellaneous purposes, and for not more than the
 5 following full-time equivalent positions:

6 \$179,226,812
 7 FTEs 4,287.37

8 To the extent the appropriation made in this
 9 paragraph is a reduction in the total amount budgeted
 10 for the fiscal year beginning July 1, 1991, and ending
 11 June 30, 1992, and the state university of Iowa
 12 determines the amount is insufficient to fund all of
 13 the university's budgetary units, consideration shall
 14 be given to adjustments reducing budgetary units in
 15 the following order of priority:

16 (1) University administrative moneys.
 17 (2) Equipment.
 18 (3) Short-term furloughs of administrative
 19 personnel.
 20 (4) Short-term furloughs of other personnel.
 21 (5) Other operating budget expenditures.
 22 (6) Force reduction.
 23 (7) Maintenance.
 24 As a condition, limitation, and qualification of

25 the funds appropriated in this paragraph, if the state
 26 university of Iowa receives total funds in excess of
 27 the amount projected to be received by the university
 28 from federal support, interest, tuition fees,
 29 reimbursement for indirect costs, sales and service,
 30 and income sources other than state appropriations,
 31 the university shall report the amount received, which
 32 is in excess of the amount projected, to the
 33 department of management and the legislative fiscal
 34 bureau by August 1, 1991.

35 As a condition, limitation, and qualification of
 36 moneys appropriated in this paragraph, from moneys
 37 available to the state university of Iowa, \$50,000
 38 shall be awarded to faculty members and teaching
 39 assistants who have been recognized for exceptional
 40 teaching. An exceptional teaching recognition award
 41 is for a one-year period and is in addition to the
 42 faculty member's or teaching assistant's salary. Not
 43 later than December 15, 1991, the state board of
 44 regents shall report the names of recipients of
 45 teaching excellence awards, and the amounts of the
 46 awards granted, to the joint education appropriations
 47 subcommittee and to the legislative fiscal bureau.

48 b. Child care

49 For salaries for child care center directors:

50 \$ 60,000

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1 c. For funds to be allocated to the Iowa
 2 consortium for substance abuse research and
 3 evaluation:

4 \$ 60,000

5 d. University hospitals

6 For salaries, support, maintenance, equipment,
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions for medical
 9 and surgical treatment of indigent patients as
 10 provided in chapter 255:

11 \$ 27,713,416

12 FTEs 5,319.83

13 e. Psychiatric hospital

14 For salaries, support, maintenance, equipment,
 15 miscellaneous purposes, and for not more than the
 16 following full-time equivalent positions and for the
 17 care, treatment, and maintenance of committed and
 18 voluntary public patients:

19 \$ 6,881,244

20 FTEs 284.57

21 f. Hospital-school

22 For salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-
 24 time equivalent positions:
 25 \$ 5,432,176
 26 FTEs 184.44
 27 g. Oakdale campus
 28 For salaries, support, maintenance, miscellaneous
 29 purposes, and for not more than the following full-
 30 time equivalent positions:
 31 \$ 2,891,083
 32 FTEs 67.55
 33 h. State hygienic laboratory
 34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions:
 37 \$ 3,011,225
 38 FTEs 106.25
 39 i. Family practice program
 40 For allocation by the dean of the college of
 41 medicine, with approval of the advisory board, to
 42 qualified participants, to carry out chapter 148D for
 43 the family practice program, including salaries and
 44 support, and for not more than the following full-time
 45 equivalent positions:
 46 \$ 1,808,874
 47 FTEs 177.27
 48 j. Child health care services
 49 For specialized child health care services,
 50 including childhood cancer diagnostic and treatment

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1 network programs; rural comprehensive care for
 2 hemophilia patients; and Iowa high-risk infant follow-
 3 up program, including salaries and support, and for
 4 not more than the following full-time equivalent
 5 positions:
 6 \$ 428,843
 7 FTEs 12.51
 8 k. Agricultural health and safety programs
 9 For agricultural health and safety programs:
 10 \$ 224,332
 11 l. For the statewide tumor registry and for not
 12 more than the following full-time positions:
 13 \$ 189,934
 14 FTEs 5.05
 15 m. As a condition, limitation, and qualification
 16 of the appropriation made in paragraph "d", the total
 17 quota allocated to the counties for indigent patients
 18 for the fiscal year commencing July 1, 1991, shall not

19 be lower than the total quota allocated to the
20 counties for the fiscal year commencing July 1, 1990.
21 The total quota shall be allocated among the counties
22 on the basis of the 1990 census pursuant to section
23 255.16.

24 n. As a condition, limitation, and qualification
25 of the appropriation made in paragraph "d", funds
26 appropriated in that paragraph shall not be used to
27 perform abortions except medically necessary
28 abortions, and shall not be used to operate the early
29 termination of pregnancy clinic except for the
30 performance of medically necessary abortions. For the
31 purpose of this paragraph, an abortion is the
32 purposeful interruption of pregnancy with the
33 intention other than to produce a live-born infant or
34 to remove a dead fetus, and a medically necessary
35 abortion is one performed under one of the following
36 conditions:

37 (1) The attending physician certifies that
38 continuing the pregnancy would endanger the life of
39 the pregnant woman.

40 (2) The attending physician certifies that the
41 fetus is physically deformed, mentally deficient, or
42 afflicted with a congenital illness.

43 (3) The pregnancy is the result of a rape which is
44 reported within 45 days of the incident to a law
45 enforcement agency or public or private health agency
46 which may include a family physician.

47 (4) The pregnancy is the result of incest which is
48 reported within 150 days of the incident to a law
49 enforcement agency or public or private health agency
50 which may include a family physician.

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1 (5) The abortion is a spontaneous abortion,
2 commonly known as a miscarriage, wherein not all of
3 the products of conception are expelled.

4 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

5 a. General university

6 For salaries, support, maintenance, equipment,
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:

9	\$145,905,846
10	FTEs 3,737.83

11 To the extent the appropriation made in this
12 paragraph is a reduction in the total amount budgeted
13 for the fiscal year beginning July 1, 1991, and ending
14 June 30, 1992, and the Iowa state university of
15 science and technology determines the amount is

16 insufficient to fund all of the university's budgetary
 17 units, consideration shall be given to adjustments
 18 reducing budgetary units in the following order of
 19 priority:

- 20 (1) University administrative moneys.
- 21 (2) Equipment.
- 22 (3) Short-term furloughs of administrative
- 23 personnel.
- 24 (4) Short-term furloughs of other personnel.
- 25 (5) Other operating budget expenditures.
- 26 (6) Force reduction.
- 27 (7) Maintenance.

28 As a condition, limitation, and qualification of
 29 the funds appropriated under this paragraph, if the
 30 Iowa state university of science and technology
 31 receives total funds in excess of the amount projected
 32 to be received by the university from federal support,
 33 interest, tuition fees, reimbursement for indirect
 34 costs, sales and service, and income sources other
 35 than state appropriations, the university shall report
 36 the amount received, which is in excess of the amount
 37 projected, to the department of management and the
 38 legislative fiscal bureau by August 1, 1991.

39 As a condition, limitation, and qualification of
 40 moneys appropriated in this paragraph, from moneys
 41 available to Iowa state university of science and
 42 technology, \$50,000 shall be awarded to faculty
 43 members and teaching assistants who have been
 44 recognized for exceptional teaching. An exceptional
 45 teaching recognition award is for a one-year period
 46 and is in addition to the faculty member or teaching
 47 assistant's salary. Not later than December 1, 1991,
 48 the state board of regents shall report the names of
 49 recipients of teaching excellence awards, and the
 50 amounts of the awards granted, to the joint education

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1 appropriations subcommittee and to the legislative
 2 fiscal bureau.

3 b. Child care

4 For subsidized evening child care:

5 \$ 60,000
 6 FTEs 2.00

7 c. Agricultural experiment station

8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-
 10 time equivalent positions:

11 \$ 17,971,341
 12 FTEs 546.92

13 d. Comprehensive agricultural research
 14 For conducting the comprehensive agricultural
 15 research program:
 16 \$ 4,100,000
 17 e. Cooperative extension service in agriculture
 18 and home economics
 19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:
 22 \$ 16,016,000
 23 FTEs 475.94
 24 As a condition, limitation, and qualification of
 25 the funds appropriated in this paragraph, \$25,000
 26 shall be expended for a child farm safety program.
 27 f. Fire service education
 28 For salaries and support and for not more than the
 29 following full-time equivalent positions:
 30 \$ 415,761
 31 FTEs 11.00
 32 g. Leopold center
 33 For agricultural research grants at Iowa state
 34 university under section 266.39B:
 35 \$ 598,217
 36 4. UNIVERSITY OF NORTHERN IOWA
 37 a. For salaries, support, maintenance, equipment,
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:
 40 \$ 59,042,956
 41 FTEs 1,411.68
 42 To the extent the appropriation made in this
 43 paragraph is a reduction in the total amount budgeted
 44 for the fiscal year beginning July 1, 1991, and ending
 45 June 30, 1992, and the university of northern Iowa
 46 determines the amount is insufficient to fund all of
 47 the university's budgetary units, consideration shall
 48 be given to adjustments reducing budgetary units in
 49 the following order of priority:
 50 (1) University administrative moneys.

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- 1 (2) Equipment.
- 2 (3) Short-term furloughs of administrative
- 3 personnel.
- 4 (4) Short-term furloughs of other personnel.
- 5 (5) Other operating budget expenditures.
- 6 (6) Force reduction.
- 7 (7) Maintenance.
- 8 As a condition, limitation, and qualification of
- 9 the funds appropriated under this paragraph, if the

10 university of northern Iowa receives total funds in
 11 excess of the amount projected to be received by the
 12 university from federal support, interest, tuition
 13 fees, reimbursement for indirect costs, sales and
 14 service, and income sources other than state
 15 appropriations, the university shall report the amount
 16 received, which is in excess of the amount projected,
 17 to the department of management and the legislative
 18 fiscal bureau by August 1, 1991.

19 As a condition, limitation, and qualification of
 20 the funds appropriated in paragraph "a", from moneys
 21 available for salaries at the university of northern
 22 Iowa, the university shall expend \$25,000 for teaching
 23 excellence awards to teaching faculty members and
 24 teaching assistants. Teaching excellence awards shall
 25 be granted to faculty members and teaching assistants
 26 for excellence in the quality of classroom
 27 instruction. Awards may either be built into a
 28 faculty member's or teaching assistant's base salary
 29 or given as a one-time award and shall not be in
 30 conflict with a collective bargaining agreement
 31 between an employee organization and the university.
 32 Not later than December 1, 1991, the state board of
 33 regents shall report the names of the recipients of
 34 teaching excellence awards, and the amounts of the
 35 awards granted to the joint education appropriations
 36 subcommittee of the general assembly, and to the
 37 legislative fiscal bureau.

38 b. Child care

39 For staff positions and building structure
 40 modifications to meet state child care facility
 41 standards:

42	\$	60,000
43	FTEs	1.50

44 5. STATE SCHOOL FOR THE DEAF

45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-
 47 time equivalent positions:

48	\$	6,052,581
49	FTEs	131.53

50 6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

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1 For salaries, support, maintenance, miscellaneous
 2 purposes, and for not more than the following full-
 3 time equivalent positions:

4	\$	3,367,922
5	FTEs	92.45

6 Sec. 210. Reallocations of sums received under

7 section 209, subsections 2, 3, 4, 5, and 6, of this
8 division, including sums received for salaries, shall
9 be reported on a quarterly basis to the co-
10 chairpersons and ranking members of both the
11 legislative fiscal committee and the joint education
12 appropriations subcommittee.

13 Sec. 211. As a condition, limitation, and
14 qualification of the appropriations made to the state
15 board of regents and regents' institutions under this
16 division, for the fiscal years beginning July 1, 1991,
17 and July 1, 1992, the state board of regents shall use
18 notes, bonds, or other evidences of indebtedness
19 issued under section 262.48 to finance projects that
20 will result in energy cost savings in an amount that
21 will cause the state board to recover the cost of the
22 projects within an average of 6 years.

23 DEPARTMENT OF CULTURAL AFFAIRS

24 Sec. 212. There is appropriated from the general
25 fund of the state to the department of cultural
26 affairs for the fiscal year beginning July 1, 1991,
27 and ending June 30, 1992, the following amounts, or so
28 much thereof as is necessary, to be used for the
29 purposes designated:

30 1. ARTS DIVISION

31 For salaries, support, maintenance, miscellaneous
32 purposes, including funds to match federal grants, and
33 for not more than the following full-time equivalent
34 positions:

35 \$ 1,004,752
36 FTEs 13.00

37 2. HISTORICAL DIVISION

38 For salaries, support, maintenance, miscellaneous
39 purposes, and for not more than the following full-
40 time equivalent positions:

41 \$ 2,531,092
42 FTEs 76.00

43 3. TERRACE HILL COMMISSION

44 For salaries, support, maintenance, miscellaneous
45 purposes, for the operation of Terrace Hill and for
46 not more than the following full-time equivalent
47 positions:

48 \$ 200,000
49 FTEs 5.75

50 4. LIBRARY DIVISION

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1 For salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-
3 time equivalent positions:

4	.....	\$ 2,179,000
5	..... FTEs	42.00
6	5. REGIONAL LIBRARY SYSTEM	
7	For state aid:	
8	.....	\$ 1,502,698
9	6. ADMINISTRATION DIVISION	
10	For salaries, support, maintenance, miscellaneous	
11	purposes, and for not more than the following full-	
12	time equivalent positions:	
13	.....	\$ 427,000
14	..... FTEs	10.00
15	7. COMMUNITY CULTURAL GRANTS	
16	For planning and programming for the community	
17	cultural grants program established under section	
18	303.89:	
19	.....	\$ 605,000
20	8. PUBLIC BROADCASTING DIVISION	
21	For salaries, support, maintenance, capital	
22	expenditures, miscellaneous purposes, and for not more	
23	than the following full-time equivalent positions:	
24	.....	\$ 6,365,000
25	..... FTEs	103.00
26	Sec. 213. The legislative council is requested to	
27	consider the recommendations of the higher education	
28	task force and other methods designed to focus the	
29	attention of the general assembly on higher education,	
30	to receive and discuss the strategic plans developed	
31	by the higher education strategic planning council,	
32	and to develop policies and address issues related to	
33	higher education.	
34	Sec. 214. Notwithstanding section 8.33, funds	
35	appropriated in 1990 Iowa Acts, chapter 1272, section	
36	14, subsection 1, paragraph "b", remaining	
37	unencumbered or unobligated on June 30, 1991, shall	
38	not revert to the general fund of the state but shall	
39	be available for expenditure for the purposes listed	
40	in section 208, subsection 1, paragraph "b", of this	
41	division during the fiscal year beginning July 1,	
42	1991, and ending June 30, 1992.	
43	Sec. 215. Notwithstanding sections 258.16 and	
44	282.7 effective July 1, 1992, community colleges,	
45	local education agencies, and area education agencies	
46	may establish by mutual agreement area vocational	
47	consortia to assume and exercise the duties and	
48	responsibilities established for regional vocational	
49	education planning boards under those sections.	
50	Sec. 216. Section 261.25, subsections 1, 2, and 3,	

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1 Code 1991, as amended by 1991 Iowa Acts, House File
2 173, section 908, are amended to read as follows:

3 1. There is appropriated from the general fund of
4 the state to the commission for each fiscal year the
5 sum of thirty-two million ~~six~~ five hundred ~~eight~~
6 thirteen thousand ~~seven hundred ninety-five~~ three
7 hundred twenty-eight dollars for tuition grants.

8 2. There is appropriated from the general fund of
9 the state to the commission for each fiscal year the
10 sum of eight hundred thirteen thousand ~~eight hundred~~
11 forty dollars for scholarships.

12 3. There is appropriated from the general fund of
13 the state to the commission for each fiscal year the
14 sum of one million three hundred fifteen thousand ~~six~~
15 hundred forty-seven dollars for vocational-technical
16 tuition grants.

17 Sec. 217. Section 261.85, unnumbered paragraph 1,
18 Code 1991, as amended by 1991 Iowa Acts, House File
19 173, section 909, is amended to read as follows:

20 There is appropriated from the general fund of the
21 state to the commission for each fiscal year the sum
22 of three million ~~eighty-five~~ fifty thousand ~~six~~
23 hundred eighty-four dollars for the work-study
24 program.

25 Sec. 218. Notwithstanding the allocation of phase
26 III moneys under sections 294A.14 and 294A.25, for the
27 fiscal year beginning July 1, 1991, prior to the
28 allocation to school districts and area education
29 agencies, \$125,000 of the moneys allocated for phase
30 III shall be retained by the department of education
31 to continue to contract with the regional educational
32 laboratory for this state to establish and monitor an
33 independent evaluation of the operation of phase III
34 of the educational excellence program. The results of
35 the evaluation shall be reported to the department of
36 education and to the general assembly by January 1,
37 1992.

38 Sec. 219. Notwithstanding sections 302.1 and
39 302.1A, for the fiscal year beginning July 1, 1991,
40 and ending June 30, 1992, the portion of the interest
41 earned on the permanent school fund that is not
42 transferred to the credit of the first in the nation
43 in education foundation and not transferred to the
44 credit of the national center for gifted and talented
45 education shall be credited as a payment by the
46 historical division of the department of cultural
47 affairs of the principal and interest due on moneys
48 loaned to the historical division under section
49 303.18.

50 Sec. 220. Notwithstanding any restrictions on

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1 allocations of funds under the historical resource
2 development program contained in section 303.16, and
3 funded under section 455A.19, subsection 1, paragraph
4 "f", of the moneys available for the historical
5 resource development program, \$50,000 shall be
6 allocated for grants to any national heritage museum
7 located or locating in the state, which obtains
8 matching funds in an amount equal to twice the total
9 amount of the grant.

10 Sec. 221. Section 11.6, subsection 1, unnumbered
11 paragraph 1, Code 1991, is amended to read as follows:

12 The financial condition and transactions of all
13 cities and city offices, counties, county hospitals
14 organized under chapters 347 and 347A, memorial
15 hospitals organized under chapter 37, entities
16 organized under chapter 28E having gross receipts in
17 excess of one hundred thousand dollars in a fiscal
18 year, merged areas, area education agencies, and all
19 school offices in school districts, shall be examined
20 at least once each year, except that cities having a
21 population of seven hundred or more but less than two
22 thousand shall be examined at least once every four
23 years, and cities having a population of less than
24 seven hundred may be examined as otherwise provided in
25 this section. The examination shall cover the fiscal
26 year next preceding the year in which the audit is
27 conducted. The examination of school offices shall
28 include an audit of activity all school funds, the
29 certified annual financial report, and the certified
30 enrollment as provided in section 257.11.

31 Examinations of community colleges shall include an
32 audit of eligible and noneligible contact hours as
33 defined in section 286A.2. Eligible and noneligible
34 contact hours and the certified enrollment shall be
35 certified to the department of management.

36 Sec. 222. Section 73.17, Code 1991, is amended by
37 adding the following new unnumbered paragraph:
38 NEW UNNUMBERED PARAGRAPH. A community college or
39 area education agency shall, on a quarterly basis, and
40 a school district shall, on an annual basis, review
41 the community college's, area education agency's, or
42 school district's anticipated purchasing requirements.
43 A community college, area education agency, or school
44 district shall notify the department of education,
45 which shall report to the department of economic
46 development, of their anticipated purchases and

47 recommended procurements with unit quantities and
48 total costs for procurement contracts designated to
49 satisfy the targeted small business procurement goal
50 not later than August 15 of each fiscal year and

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1 quarterly thereafter, except that school districts
2 shall report annually.

3 Sec. 223. Section 73.18, Code 1991, is amended to
4 read as follows:

5 73.18 NOTICE OF SOLICITATION FOR BIDS --
6 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

7 The director of each agency or department releasing
8 a solicitation for bids or request for proposal under
9 the targeted small business procurement goal program
10 shall notify the director of the department of
11 economic development prior to or upon release of the
12 solicitation. A community college, area education
13 agency, or school district shall notify the department
14 of education which shall notify the department of
15 economic development prior to or upon release of the
16 release of the solicitation. The director of the
17 department of economic development shall notify the
18 soliciting agency or department, or community college,
19 area education agency, or school district, of any
20 targeted small businesses which have been certified
21 pursuant to section 10A.104, subsection 8, and which
22 may be qualified to bid.

23 Sec. 224. Section 73.19, Code 1991, is amended to
24 read as follows:

25 73.19 NEGOTIATED PRICE OR BID CONTRACT.

26 In awarding a contract under the targeted small
27 business procurement goal program, a director of an
28 agency or department, or community college, area
29 education agency, or school district, having
30 purchasing authority may use either a negotiated price
31 or bid contract procedure. A director of an agency or
32 department, or community college, area education
33 agency, or school district, using a negotiated
34 contract shall consider any targeted small business
35 engaged in that business. The director of the
36 department of economic development or the director of
37 the department of management may assist in the
38 negotiation of a contract price under this section.
39 Surety bonds guaranteed by the United States small
40 business administration are acceptable security for a
41 construction award under this section.

42 Sec. 225. Section 255.1, Code 1991, is amended by
43 adding the following new unnumbered paragraph:

44 **NEW UNNUMBERED PARAGRAPH.** The county general
45 relief director shall ascertain from the local office
46 of human services if an applicant for the indigent
47 patient program would qualify for medical assistance
48 or the medically needy program under chapter 249A
49 without the spend-down provision required pursuant to
50 section 249A.3, subsection 2, paragraph "g". If the

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1 applicant qualifies, the patient shall be certified
2 for medical assistance and shall not be counted under
3 chapter 255.

4 Sec. 226. Section 255.26, unnumbered paragraph 3,
5 Code 1991, is amended to read as follows:

6 The state auditor shall certify the total cost of
7 commitment, ~~transportation~~ and caring for each
8 indigent patient under the terms of this statute to
9 the county auditor of such patient's legal residence,
10 and such certificate shall be preserved by the county
11 auditor and shall be a debt due from the patient or
12 the persons legally responsible for the patient's
13 care, maintenance or support; and whenever in the
14 judgment of the board of supervisors the same or any
15 part thereof shall be collectible, the said board may
16 in its own name collect the same and is hereby
17 authorized to institute suits for such purpose; and
18 after deducting the county's share of such cost shall
19 cause the balance to be paid into the state treasury
20 to reimburse the university hospital fund.

21 Transportation shall be provided at no charge to a
22 patient who is certified for medical assistance under
23 chapter 249A, and shall be reimbursed from the
24 university hospital fund.

25 Sec. 227. Section 257.37, subsection 2, as enacted
26 by 1991 Iowa Acts, Senate File 141, section 2, is
27 amended by striking the subsection and inserting in
28 lieu thereof the following:

29 2. Thirty percent of the budget of an area for
30 media services shall be expended for media resource
31 material which shall only be used for the purchase or
32 replacement of material required in section 273.6,
33 subsection 1. Funds shall be paid to area education
34 agencies as provided in section 257.35.

35 Sec. 228. Section 261.19, unnumbered paragraph 2,
36 Code 1991, is amended to read as follows:

37 The college student aid commission shall determine
38 a subvention amount per resident student by dividing
39 the funds appropriated for this section by a number
40 equal to the total of twenty-two percent of the total

41 students enrolled. If fewer than twenty-two percent
42 of the total number of students enrolled are Iowa
43 residents, the college student aid commission shall
44 deduct from the ~~funds appropriated~~ subvention amount
45 for total Iowa students enrolled an amount equal to
46 the product of two times the product of the subvention
47 amount per resident student multiplied by the number
48 of students required to equal twenty-two percent of
49 the total students enrolled.
50 Sec. 229. Section 261.19A, unnumbered paragraph 2,

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1 Code 1991, is amended to read as follows:

2 An eligible student is eligible for loan
3 forgiveness in the amount of three thousand five
4 ~~hundred~~ dollars per year of practice in the state of
5 Iowa for up to a maximum of four years. If a student
6 fails to complete a year of practice in the state, as
7 practice is defined by the college student aid
8 commission, the loan amount for that year shall not be
9 forgiven. Forgivable loans to eligible students shall
10 not become due, for repayment purposes, until after
11 the student has completed the student's residency.

12 Sec. 230. Section 261.38, subsection 5, Code 1991,
13 is amended to read as follows:

14 5. The treasurer of state shall invest any funds,
15 including those in the loan reserve account, and the
16 interest income earned shall be credited back to the
17 loan reserve account. The treasurer may invest up to
18 forty percent of the funds in the loan reserve account
19 in tax-exempt investments issued by an agency of the
20 state of Iowa. If any of the tax-exempt investments
21 are for purposes of financing the construction or
22 improvement of state facilities, the executive
23 council, established under chapter 19, shall review
24 and approve the proposed construction or improvement
25 prior to the investment of loan reserve account funds
26 in the tax-exempt investments.

27 Sec. 231. Section 261.50, subsection 3, Code 1991,
28 is amended to read as follows:

29 3. Agrees to practice in an eligible community of
30 fewer than five thousand population for a minimum
31 period of four consecutive years or is practicing in a
32 federally approved community health center or health
33 manpower shortage area.

34 Sec. 232. NEW SECTION. 261.93A APPROPRIATION --
35 PERCENTAGES.

36 Of the funds appropriated to the college student
37 aid commission to be allocated for the Iowa grant

38 program for each fiscal year, thirty-seven and six-
39 tenths percent shall be reserved for students
40 attending regents' institutions, twenty-five and nine-
41 tenths percent shall be reserved for students
42 attending community colleges, and thirty-six and five-
43 tenths percent shall be reserved for students
44 attending private colleges and universities. Funds
45 appropriated for the Iowa grant program shall be used
46 to supplement, not supplant, funds appropriated for
47 other existing programs at the eligible institutions.
48 Sec. 234. NEW SECTION. 262.9A PROHIBITION ON
49 CONTROLLED SUBSTANCES.
50 The state board of regents shall adopt a policy

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1 that prohibits unlawful possession, use, or
2 distribution of controlled substances by students and
3 employees on property owned or leased by an
4 institution or in conjunction with activities
5 sponsored by an institution governed by the board.
6 Each institution shall provide information about the
7 policy to all students and employees. The policy
8 shall include a clear statement of sanctions for
9 violation of the policy and information about
10 available drug or alcohol counseling and
11 rehabilitation programs. In carrying out this policy,
12 the institutions shall provide substance abuse
13 prevention programs for students and employees.
14 Sec. 235. NEW SECTION. 263A.14 INDIGENT PATIENT
15 PROGRAM REPORT.
16 Funds shall not be allocated to the university
17 hospital fund until the superintendent of the
18 university of Iowa hospitals and clinics has filed
19 with the department of revenue and finance and the
20 legislative fiscal bureau a quarterly report
21 containing the account required in section 255.24.
22 The report shall include information required in
23 section 255.24 for patients by the type of service
24 provided.
25 Sec. 236. NEW SECTION. 268.5 IOWA ACADEMY OF
26 SCIENCE APPROPRIATION LIMITATIONS.
27 The university shall use no more than twenty
28 percent of the funds allocated to the university for
29 the Iowa academy of science for administrative
30 purposes for the Iowa academy of science or for
31 publication of the Iowa academy of science journal.
32 The university shall expend the remainder of the
33 moneys appropriated for research projects and studies
34 awarded by the Iowa academy of science. The Iowa

35 academy of science shall permit all grant recipients
36 to publish the results of the recipients' research
37 projects and studies in the Iowa academy of science
38 journal at no cost to the grant recipient.

39 Sec. 237. NEW SECTION. 279.48 EQUIPMENT
40 PURCHASES -- NOTES -- BOARD RESOLUTION -- SCHOOLHOUSE
41 FUND.

42 1. The board of directors of a school corporation
43 may purchase equipment, including transportation
44 equipment and recreational equipment, and may enter
45 into a contract and issue a note to pay for this
46 equipment. The note must mature within five years and
47 bear interest at a rate to be determined by the board
48 of directors in the manner provided in section 74A.3,
49 subsection 1. The board of directors shall provide,
50 by resolution, for the form contract and note.

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1 Principal and interest on the note must be payable
2 from budgeted receipts in the current budget for each
3 year of a period up to five years. The equipment
4 shall be security for the balance due.

5 2. A board of directors may, by resolution,
6 restrict the use of money in the general fund or the
7 schoolhouse fund as a reserve for the purchase of
8 equipment from the general fund or schoolhouse fund.
9 If the board, by resolution, restricts the use of
10 money in a fund for such a purchase, the use is
11 restricted and unavailable for any other purpose until
12 the board removes the restriction. The removal is not
13 effective until all obligations of the restriction
14 have been satisfied or the next fiscal year, whichever
15 occurs later.

16 Sec. 238. Section 279.51, subsection 1, paragraph
17 f, Code 1991, is amended by adding the following new
18 unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. In succeeding fiscal
20 years, notwithstanding section 256A.3, subsection 6,
21 of the amount appropriated for a fiscal year, less the
22 amount allocated under paragraph "a", three and
23 thirty-three hundredths percent may be used for
24 administrative costs. However, if the amount
25 appropriated for the fiscal year, less the amount
26 allocated under paragraph "a", times three and thirty-
27 three hundredths percent is greater than the amount
28 received for use for administrative costs during the
29 fiscal year beginning July 1, 1990, then the amount to
30 be used for administrative costs shall be reduced to
31 equal the amount received during the fiscal year

32 beginning July 1, 1990.

33 Sec. 239. Section 280A.34, Code 1991, is amended

34 to read as follows:

35 280A.34 CERTAIN USES OF FUNDS PROHIBITED.

36 Funds obtained pursuant to section 280A.17;

37 subsections 3, 4, and 5 of section 280A.18; section

38 280A.19; and section 280A.22 shall not be used for the

39 construction or maintenance of athletic buildings or

40 grounds but may be used for a project under section

41 280A.56.

42 Sec. 240. **NEW SECTION.** 280A.40 PROHIBITION ON

43 CONTROLLED SUBSTANCES.

44 Each merged area school shall adopt a policy that

45 prohibits unlawful possession, use, or distribution of

46 controlled substances by students and employees on

47 property owned or leased by the merged area school or

48 in conjunction with activities sponsored by a merged

49 area school. Each merged area school shall provide

50 information about the policy to all students and

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1 employees. The policy shall include a clear statement

2 of sanctions for violation of the policy and

3 information about available drug or alcohol counseling

4 and rehabilitation programs. In carrying out this

5 policy, the merged area school shall provide substance

6 abuse prevention programs for students and employees.

7 Sec. 241. Section 280A.56, subsection 3, Code

8 1991, is amended to read as follows:

9 3. "Project" means the acquisition by purchase,

10 lease in accordance with section 280A.38, or

11 construction of buildings for use as student residence

12 halls and dormitories, including dining and other

13 incidental facilities therefor, and additions to such

14 buildings, the reconstruction, completion, equipment,

15 improvement, repair or remodeling of residence halls,

16 dormitories, or additions or incidental facilities,

17 and the acquisition of property of every kind and

18 description, whether real, personal, or mixed, by

19 gift, purchase, lease, condemnation, or otherwise and

20 the improvement of the property.

21 Sec. 242. Section 280A.56, Code 1991, is amended

22 by adding the following new subsection:

23 **NEW SUBSECTION.** 4. "Bonds or notes" means revenue

24 bonds or revenue notes which are payable solely from

25 net rents, profits, and other income derived from the

26 operation of residence halls, dormitories, incidental

27 facilities, and additions.

28 Sec. 243. Section 280A.58, unnumbered paragraph 1,

29 Code 1991, is amended to read as follows:

30 To pay all or any part of the cost of carrying out
31 any project at any institution the board is authorized
32 to borrow money and to issue and sell negotiable bonds
33 or notes and to refund and refinance bonds or notes
34 issued for any project or for refunding purposes at a
35 lower rate, the same rate, or a higher rate or rates
36 of interest and from time to time as often as the
37 board shall find it to be advisable and necessary so
38 to do. Bonds or notes ~~issued to refund other bonds or~~
39 ~~notes~~ issued by the board for residence hall or
40 dormitory purposes at any institution, including
41 dining or other facilities and additions, or issued
42 for refunding purposes, may either be sold in the
43 manner specified for the selling of certificates under
44 section 280B.6 and the proceeds applied to the payment
45 of the obligations being refunded, or the refunding
46 bonds or notes may be exchanged for and in payment and
47 discharge of the obligations being refunded. A
48 finding by the board in the resolution authorizing the
49 issuance of the refunding bonds or notes, that the
50 bonds or notes being refunded were issued for a

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1 purpose specified in this division and constitute
2 binding obligations of the board, shall be conclusive
3 and may be relied upon by any holder of any refunding
4 bond or note issued under the provisions of this
5 division. The refunding bonds or notes may be sold or
6 exchanged in installments at different times or an
7 entire issue or series may be sold or exchanged at one
8 time. Any issue or series of refunding bonds or notes
9 may be exchanged in part or sold in parts in
10 installments at different times or at one time. The
11 refunding bonds or notes may be sold or exchanged at
12 any time on, before, or after the maturity of any of
13 the outstanding notes, bonds or other obligations to
14 be refinanced thereby and may be issued for the
15 purpose of refunding a like or greater principal
16 amount of bonds or notes, except that the principal
17 amount of the refunding bonds or notes may exceed the
18 principal amount of the bonds or notes to be refunded
19 to the extent necessary to pay any premium due on the
20 call of the bonds or notes to be refunded ~~or~~, to fund
21 interest in arrears or about to become due, or to
22 allow for sufficient funding of the escrow account on
23 the bonds to be refunded.

24 Sec. 244. Section 280A.59, Code 1991, is amended
25 to read as follows:

26 280A.59 RATES AND TERMS OF BONDS OR NOTES.

27 The bonds or notes may bear a date or dates, may
28 bear interest at such rate or rates, ~~payable~~
29 ~~semiannually~~, may mature at such time or times, may be
30 in such form, carry such registration privileges, may
31 be payable at such place or places, may be subject to
32 such terms of redemption prior to maturity with or
33 without premium, if so stated on the face of the
34 bonds, and may contain any terms and covenants as may
35 be provided by the resolution of the board authorizing
36 the issuance of the bonds or notes. In addition to
37 the estimated cost of construction, the cost of the
38 project shall be deemed to include interest upon the
39 bonds or notes during construction and for six months
40 after the estimated completion date, the compensation
41 of a fiscal agent or adviser, any underwriter
42 discount, and engineering, administrative and legal
43 expenses. The bonds or notes shall be executed by the
44 president of the board of trustees and attested by the
45 secretary ~~and the coupons attached to the bonds or~~
46 ~~notes shall be executed with the original or facsimile~~
47 ~~signatures of said president and secretary.~~ Any bonds
48 or notes bearing the signatures of officers in office
49 on the date of the signing shall be valid and binding
50 for all purposes, notwithstanding that before delivery

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1 of the bonds or notes any or all persons whose
2 signatures appear on the bonds or notes shall have
3 ceased to be officers. Each bond or note shall state
4 upon its face the name of the institution on behalf of
5 which it is issued, that it is payable solely and only
6 from the net rents, profits and income derived from
7 the operation of residence halls or dormitories,
8 including dining and other incidental facilities, at
9 the institution named, and that it does not constitute
10 a charge against the state of Iowa within the meaning
11 or application of any constitutional or statutory
12 limitation or provision. The issuance of bonds or
13 notes shall be recorded in the office of the treasurer
14 of the institution on behalf of which the bonds or
15 notes are issued, and a certificate by such treasurer
16 to this effect shall be printed on the back of each
17 such bond or note.

18 Sec. 245. Section 280A.60, Code 1991, is amended
19 to read as follows:

20 280A.60 REFUNDING ISSUANCE RESOLUTION.

21 Upon the determination by the board to undertake
22 and carry out any project or to refund outstanding

23 bonds or notes, the board shall adopt a resolution
24 generally describing the contemplated project and
25 setting forth the estimated cost, or describing the
26 obligations to be refunded, fixing the amount of bonds
27 or notes to be issued, the maturity or maturities, the
28 interest rate or rates and all details of the project.
29 The resolution shall contain any covenants as may be
30 determined by the board as to the issuance of
31 additional bonds or notes that may be issued payable
32 from the net rents, profits and income of the
33 residence halls or dormitories, the amendment or
34 modification of the resolution authorizing the
35 issuance of any bonds or notes, the manner, terms and
36 conditions and the amount or percentage of assenting
37 bonds or notes necessary to effectuate the amendment
38 or modification, and any other covenants as may be
39 deemed necessary or desirable. In the discretion of
40 the board any bonds or notes issued under the terms of
41 this division may be secured by a trust indenture by
42 and between the board and a corporate trustee, which
43 may be any trust company or bank having the powers of
44 a trust company within or without the boundaries of
45 the state of Iowa, but no such trust indenture shall
46 convey or mortgage the buildings or facilities or any
47 part of the buildings or facilities. The provisions
48 of this division and of any resolution or other
49 proceedings authorizing the issuance of bonds or notes
50 and providing for the establishment and maintenance of

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1 adequate rates, fees or rentals and the application of
2 the proceeds thereof shall constitute a contract with
3 the holders of the bonds or notes.
4 Sec. 246. Section 286A.11, Code 1991, is amended
5 by adding the following new subsection:
6 **NEW SUBSECTION. 5.** Thirty-eight thousand dollars
7 if the northwest Iowa technical college has filed a
8 request with the department of education for the
9 lease, purchase, or lease-purchase of equipment for
10 the heavy equipment program.
11 Sec. 247. Section 286A.14A, unnumbered paragraph
12 1, Code 1991, is amended to read as follows:
13 The department of education shall provide for the
14 establishment of a community college excellence 2000
15 account in the office of the treasurer of state for
16 deposit of moneys appropriated to the account for
17 purposes of funding quality instructional centers and
18 program and administrative sharing agreements under
19 sections 280A.45 and 280A.46. There is appropriated

20 from the general fund of the state to the department
21 of education, for the fiscal year beginning July 1,
22 1991, one million two hundred thousand dollars. There
23 is appropriated from the general fund of the state to
24 the department of education for the fiscal year
25 beginning July 1, 1992, an amount equal to two and
26 five-tenths percent of the total state general aid
27 generated for all community colleges during the budget
28 year under this chapter for deposit in the community
29 college excellence 2000 account. In the next
30 succeeding two fiscal years, the percent multiplier
31 shall be increased in equal increments until the
32 multiplier reaches seven and one-half percent of the
33 total state general aid generated for all community
34 colleges during the budget year.

35 Sec. 248. Section 294A.14, unnumbered paragraphs
36 1, 6, and 10, Code 1991, are amended to read as
37 follows:

38 For each fiscal year, the department shall allocate
39 the remainder of the moneys appropriated by the
40 general assembly to the fund for phase III, subject to
41 section 294A.18. If fifty million dollars is
42 allocated for phase III, the payments for an approved
43 plan for a school district shall be equal to the
44 product of a district's certified enrollment and
45 ninety-eight dollars and sixty-three cents, and for an
46 area education agency shall be equal to the product of
47 an area education agency's enrollment served and four
48 dollars and sixty cents. If the moneys allocated for
49 phase III are either greater than or less than fifty
50 million dollars, the department of education shall

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1 adjust the amount for each student in certified
2 enrollment and each student in enrollment served based
3 upon the amount allocated for phase III. Of the
4 moneys allocated for phase III, five hundred thousand
5 dollars shall be used for supplemental pay plans in
6 districts which provide for additional instructional
7 work assignments relating to college bound student
8 support programs for minority students.

9 For school districts, a performance-based pay plan
10 may provide for additional salary for individual
11 teachers, for teachers assigned to a specific
12 discipline, or for all teachers assigned to an
13 attendance center. For area education agencies, a
14 performance-based pay plan may provide for additional
15 salary for individual teachers, for additional salary
16 for all teachers assigned to a specific discipline
17 within an area education agency, or for additional

18 salary for individual teachers assigned to a
19 multidisciplinary team within an area education
20 agency. If the plan provides additional salary for
21 all teachers assigned to an attendance center,
22 specific discipline, or multidisciplinary team, the
23 receipt of additional salary by those teachers shall
24 be determined on the basis of whether that attendance
25 center, specific discipline, or multidisciplinary team
26 meets specific objectives adopted for that attendance
27 center, specific discipline, or multidisciplinary
28 team. For school districts, the objectives may
29 include, but are not limited to, decreasing the
30 dropout rate, increasing the attendance rate, or
31 accelerating the achievement growth of students
32 enrolled in that attendance center through use of
33 learning techniques which may include, but are not
34 limited to, reading instruction using phonics
35 techniques.

36 For school districts, additional instructional work
37 assignments may include but are not limited to general
38 curriculum planning and development, vertical
39 articulation of curriculum, horizontal curriculum
40 coordination, development of educational measurement
41 practices for the school district, attendance at
42 workshops and other programs for service as
43 cooperating teachers for student teachers, development
44 of plans for assisting beginning teachers during their
45 first year of teaching, attendance at summer staff
46 development programs, development of staff development
47 programs for other teachers to be presented during the
48 school year, participation in college bound student
49 support programs for minority students, and other
50 plans locally determined in the manner specified in

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1 section 294A.15 and approved by the department of
2 education under section 294A.16 that are of equal
3 importance or more appropriately meet the educational
4 needs of the school district.

5 Sec. ____ . Section 294A.14, Code 1991, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. For purposes of this
8 section, college bound student support programs for
9 minority students shall include one or more of the
10 following:

- 11 1. Self-esteem enhancement for minority students.
- 12 2. Mentoring for minority students.
- 13 3. Methods to provide greater involvement of
- 14 minority parents in the educational process.

15 4. Individual or group academic preparedness
 16 coaching for minority students.
 17 5. A continuum of academic tutorial services for
 18 minority students.
 19 6. Outreach programs which connect minority
 20 students with higher education programs.
 21 7. School and business partnerships which provide
 22 direct support to minority students.
 23 Sec. ____ . Section 294A.16, unnumbered paragraph 3,
 24 Code 1991, is amended to read as follows:
 25 The department of education shall review each plan
 26 and its budget and notify the department of management
 27 of the names of school districts and area education
 28 agencies with approved plans. In approving school
 29 district supplemental pay plans which provide for
 30 additional instructional work assignments relating to
 31 college bound student support programs for minority
 32 students, the department shall give preference to
 33 plans which provide for the forming of consortia with
 34 local community colleges and community-based
 35 organizations.

36 Sec. 249. Section 298.3, subsection 3, Code 1991,
 37 is amended to read as follows:

38 3. The purchase of buildings and the purchase of a
 39 single unit of equipment exceeding five thousand
 40 dollars in value.

41 Sec. 250. Section 298.3, Code 1991, is amended by
 42 adding the following new unnumbered paragraph:
 43 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 44 291.13, unencumbered funds collected prior to July 1,
 45 1991, from the levy previously authorized under
 46 section 297.5, may be expended for the purposes listed
 47 in this section.

48 Sec. 251. Section 298.4, Code 1991, is amended by
 49 adding the following new unnumbered paragraph:
 50 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

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1 291.13, unencumbered funds collected from the levies
 2 authorized in sections 96.13, 279.46, and 296.7 prior
 3 to July 1, 1991, may be expended for the purposes
 4 listed in subsections 1, 3, and 5.

5 Sec. 252. Section 298.16, Code 1991, is amended to
 6 read as follows:

7 298.16 JUDGMENT TAX.

8 If the proper fund is not sufficient, then, unless
 9 its board has provided by the issuance of bonds for
 10 raising the amount necessary to pay a judgment, the
 11 cost of the judgment shall be included in the district

12 management levy or, if the school corporation is an
13 area education agency or a community college, the
14 board of the school corporation shall levy a tax on
15 the property of the school corporation for purposes of
16 payment of the judgment costs.

17 Sec. 253. Section 303.3, subsection 3, Code 1991,
18 is amended by striking the subsection and inserting in
19 lieu thereof the following:

20 3. Notwithstanding section 8.33, moneys committed
21 to grantees under contract that remain unexpended on
22 June 30 of any fiscal year shall not revert but shall
23 be available for expenditure for purposes of the
24 contract until August 30 of the succeeding fiscal
25 year.

26 Sec. 254. Section 286A.19, Code 1991, is repealed.

27 Sec. 255. Sections 206 and 214 of this division,
28 being deemed of immediate importance, take effect upon
29 enactment.

30 DIVISION III

31 ECONOMIC DEVELOPMENT APPROPRIATIONS

32 Sec. 301. There is appropriated from the general
33 fund of the state to the department of economic
34 development for the fiscal year beginning July 1,
35 1991, and ending June 30, 1992, the following amounts,
36 or so much thereof as is necessary, to be used for the
37 purposes designated:

38 1. ADMINISTRATIVE SERVICES DIVISION

39 a. General administration

40 For salaries, support, maintenance, miscellaneous
41 purposes, and for not more than the following full-
42 time equivalent positions:

43	\$	915,000
44	FTEs	23.00

45 b. Rural resource coordination

46 For salaries, support, maintenance, miscellaneous
47 purposes, and for not more than the following full-
48 time equivalent positions for rural resource
49 coordination, rural community leadership, and the
50 rural enterprise fund:

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1	\$	740,000
2	FTEs	2.50

3 As a condition, limitation, and qualification of
4 the appropriation under this subsection, \$425,000
5 shall be allocated to the rural enterprise fund, and
6 \$140,000 shall be allocated for rural community
7 leadership.

8 c. Primary research and computer center

9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions:

12	.....	\$	350,000
13	.....	FTEs	6.50

14 d. Film office

15 For salaries, support, maintenance, miscellaneous
 16 purposes, and for not more than the following full-
 17 time equivalent positions:

18	.....	\$	190,000
19	.....	FTEs	2.00

20 2. BUSINESS DEVELOPMENT DIVISION

21 a. Business development operations

22 For salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-
 24 time equivalent positions:

25	.....	\$	225,586
26	.....	FTEs	4.50

27 As a condition, limitation, and qualification of
 28 the appropriation made by this paragraph, the
 29 department shall establish a marketing initiative to
 30 assist Iowa companies producing recycling or
 31 reclamation equipment or services to expand into
 32 national markets.

33 b. Small business programs

34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions for the small business
 37 program and the small business advisory council:

38	.....	\$	235,000
39	.....	FTEs	4.50

40 c. Federal procurement office

41 For salaries, support, maintenance, miscellaneous
 42 purposes, and for not more than the following full-
 43 time equivalent positions:

44	\$	100,000
45	FTEs	3.00

46 d. Incubators:

47	\$	70,000
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48 The department may establish criteria to provide
 49 funding beyond the initial three-year start-up period
 50 to existing small business and rural incubators. The

1 department shall consider the incubator's progress
 2 toward becoming self-sufficient during the initial
 3 award period and the incubator's plan to become self-
 4 sufficient from the need for further grants.

5 e. Strategic investment fund

6	For deposit in the strategic investment fund		
7	created in section 15.313 and for salaries and support		
8	for not more than the following full-time equivalent		
9	positions:		
10	.....	\$	4,481,456
11	.....	FTEs	10.00
12	f. Targeted small business program		
13	For the salary, support, maintenance, miscellaneous		
14	purposes, and for not more than the following full-		
15	time equivalent position:		
16	.....	\$	50,000
17	.....	FTEs	1.00
18	3. COMMUNITY AND RURAL DEVELOPMENT DIVISION		
19	a. Community development block grant		
20	For administration and related federal housing and		
21	urban development grant administration for salaries,		
22	support, maintenance, miscellaneous purposes, and for		
23	not more than the following full-time equivalent		
24	positions:		
25	.....	\$	320,855
26	.....	FTEs	14.00
27	b. Rural community 2000 program		
28	For salaries, support, maintenance, miscellaneous		
29	purposes, and for not more than the following full-		
30	time equivalent positions:		
31	.....	\$	1,600,000
32	.....	FTEs	1.25
33	Notwithstanding section 15.283, subsection 4, for		
34	the fiscal year beginning July 1, 1991, and ending		
35	June 30, 1992, all funds allocated under this		
36	paragraph shall be used for traditional and new		
37	infrastructure and planning as specified under		
38	sections 15.284, 15.285, and 15.286A.		
39	As a condition, limitation, and qualification of		
40	the appropriation under this paragraph, not more than		
41	\$300,000 shall be allocated for the planning category.		
42	c. Community progress		
43	For salaries, support, maintenance, miscellaneous		
44	purposes, and for not more than the following full-		
45	time equivalent positions for administration of the		
46	community economic preparedness program, the Iowa		
47	community betterment program, and the city development		
48	board:		
49	.....	\$	467,350
50	.....	FTEs	7.50

- 1 d. Councils of governments
- 2 To provide to Iowa's councils of governments funds

3 for planning and technical assistance funds to assist
 4 local governments to develop community development
 5 strategies for addressing long-term and short-term
 6 community needs:
 7 \$ 300,000
 8 e. Main street/rural main street program
 9 For salaries and support for not more than the
 10 following full-time equivalent positions:
 11 \$ 365,000
 12 FTEs 3.00
 13 Notwithstanding section 8.33, moneys committed to
 14 grantees under contract that remain unexpended on June
 15 30 of any fiscal year shall not revert to any fund but
 16 shall be available for expenditure for purposes of the
 17 contract during the succeeding fiscal year.
 18 f. Regional economic development centers
 19 For competitive grants to regional economic
 20 development centers:
 21 \$ 440,000
 22 The chairpersons of the regional coordinating
 23 councils shall accept grant applications from the
 24 regional economic development centers and shall rank
 25 the applications. The rankings shall be provided to
 26 the department which shall make awards based upon the
 27 recommendations of the regional coordinating councils.
 28 4. INTERNATIONAL DIVISION
 29 a. International trade operations
 30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:
 33 \$ 500,000
 34 FTEs 6.00
 35 b. European trade office
 36 For salaries, support, maintenance, miscellaneous
 37 purposes, and for not more than the following full-
 38 time equivalent positions:
 39 \$ 335,000
 40 FTEs 2.50
 41 c. Asian trade office
 42 For salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-
 44 time equivalent positions:
 45 \$ 255,000
 46 FTEs 2.00
 47 d. Japan trade office
 48 For salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1	\$	300,000
2	FTEs	2.00
3 e. Export trade activities program		
4 For export trade activities, including a program to		
5 encourage and increase participation in trade shows		
6 and trade missions by providing financial assistance		
7 to businesses for a percentage of their costs of		
8 participating in trade shows and trade missions, by		
9 providing for the lease/sublease of showcase space in		
10 existing world trade centers, by providing temporary		
11 office space for foreign buyers, international		
12 prospects, and potential reverse investors, and by		
13 providing other promotional and assistance activities,		
14 including salaries and support for not more than the		
15 following full-time equivalent position:		
16	\$	350,000
17	FTEs	0.25
18 f. Agricultural product advisory council		
19 For support, maintenance, and miscellaneous		
20 purposes:		
21	\$	4,000
22 g. Partner state program:		
23	\$	100,000
24 The department may contract with private groups or		
25 organizations which are the most appropriate to		
26 administer this program. The groups and organizations		
27 participating in the program shall, to the fullest		
28 extent possible, provide the funds to match the		
29 appropriation made in this paragraph.		
30 5. TOURISM DIVISION		
31 a. Tourism operations		
32 For salaries, support, maintenance, miscellaneous		
33 purposes, and for not more than the following full-		
34 time equivalent positions:		
35	\$	745,000
36	FTEs	15.97
37 As a condition, limitation, and qualification of		
38 the appropriation made in this paragraph, the		
39 appropriation shall not be used for advertising		
40 placements for in-state and out-of-state tourism		
41 marketing.		
42 b. Tourism advertising		
43 For contracting exclusively for tourism advertising		
44 for in-state and out-of-state tourism marketing		
45 services, tourism promotion programs, electronic		
46 media, print media, and printed materials:		
47	\$	2,840,000
48 As a condition, limitation, and qualification of		
49 the appropriation made in this paragraph, the		
50 department shall develop public-private partnerships		

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1 with Iowa businesses in the tourism industry, Iowa
 2 tour groups, Iowa tourism organizations, and political
 3 subdivisions in this state to assist in the
 4 development of advertising efforts. The department
 5 shall, to the fullest extent possible, develop
 6 cooperative efforts for advertising with contributions
 7 from other sources.

8 c. Welcome center program:
 9 \$ 350,000

10 Notwithstanding section 8.33, moneys committed to
 11 grantees under contract that remain unexpended on June
 12 30 of any fiscal year shall not revert to any fund but
 13 shall be available for expenditure for purposes of the
 14 contract during the succeeding fiscal year.

15 As a condition, limitation, and qualification of
 16 the appropriations made in this subsection, moneys
 17 appropriated shall be used for implementation of the
 18 recommendations of the statewide long-range plan for
 19 developing and operating welcome centers throughout
 20 the state.

21 Notwithstanding section 8.33, pursuant to 1990 Iowa
 22 Acts, chapter 1255, section 37, subsection 1, as
 23 amended by 1991 Iowa Acts, House File 173, section
 24 1001, the amount of \$275,000 shall be available for
 25 the fiscal year beginning July 1, 1991, for completion
 26 of contract negotiations for the establishment of the
 27 welcome center in the Council Bluffs area.

28 d. Mississippi river parkway commission
 29 For support, maintenance, and miscellaneous
 30 purposes:
 31 \$ 19,000

32 6. WORK FORCE DEVELOPMENT DIVISION

33 a. Youth work force programs
 34 For purposes of the conservation corps, including
 35 salary, support, maintenance, miscellaneous purposes,
 36 and for not more than the following full-time
 37 equivalent positions:

38 \$ 1,261,614
 39 FTEs 1.90

40 Notwithstanding section 8.33, moneys committed to
 41 grantees under contract that remain unexpended on June
 42 30 of any fiscal year shall not revert to any fund but
 43 shall be available for expenditure for purposes of the
 44 contract during the succeeding fiscal year.

45 b. Iowa corps
 46 For purposes of the Iowa corps, including salary,
 47 support, maintenance, miscellaneous purposes, and for
 48 not more than the following full-time equivalent

49 positions:

50 \$ 107,500

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1 FTEs 1.00

2 Notwithstanding section 8.33, moneys obligated for
3 the payment of tuition credits under this program but
4 not expended at the end of the fiscal year shall not
5 revert to any fund but shall be available for
6 expenditure during succeeding fiscal years.

7 c. Job retraining program

8 To the Iowa employment retraining fund created in
9 section 15.298 including salaries and support for not
10 more than the following full-time equivalent
11 positions:

12 \$ 1,000,000

13 FTEs 1.60

14 d. Work force investment program including
15 salaries and support for not more than the following
16 full-time equivalent position:

17 \$ 1,000,000

18 FTEs 0.90

19 This program shall be administered through the
20 department of economic development in consultation
21 with the state job training coordinating council. The
22 program shall be operated on a competitive grant basis
23 and funds shall be available for projects that
24 increase Iowa's pool of available labor via training
25 and support services. \$300,000 of the amount
26 appropriated in this paragraph shall be available
27 specifically for displaced homemaker programs.

28 e. Labor management councils /productivity
29 enhancement

30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:

33 \$ 202,320

34 FTEs 1.05

35 As a condition, limitation, and qualification of
36 the funds appropriated in this subsection, \$50,000
37 shall be allocated for productivity enhancement
38 projects.

39 As a condition, limitation, and qualification of
40 receiving a grant from funds appropriated by this
41 paragraph, grantees shall facilitate the active
42 participation of labor as members of labor management
43 councils. Grantees shall make a good faith effort to
44 either schedule meetings during nonworking hours, or
45 obtain voluntary agreements with employers to allow

46 employees time off to attend labor management council
 47 meetings with no loss of pay or other benefits.
 48 Notwithstanding section 8.33, moneys committed to
 49 grantees under contract that remain unexpended on June
 50 30 of any fiscal year shall not revert to any fund but

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1 shall be available for expenditure for purposes of the
 2 contract during the succeeding fiscal year.
 3 Notwithstanding section 8.33, pursuant to 1990 Iowa
 4 Acts, chapter 1255, section 37, subsection 1, as
 5 amended by 1991 Iowa Acts, House File 173, section
 6 1001, moneys remaining unencumbered or unobligated
 7 shall be available for expenditure for the fiscal year
 8 beginning July 1, 1991, for the same purposes.
 9 Sec. 302. Notwithstanding section 28.120,
 10 subsections 5 and 6, there is appropriated from the
 11 Iowa community development loan fund to the department
 12 of economic development for the fiscal year beginning
 13 July 1, 1991, and ending June 30, 1992, the following
 14 amount, or so much thereof as is necessary, to be used
 15 for the purposes designated:

16 RURAL DEVELOPMENT FINANCING:
 17 \$ 50,000

18 Notwithstanding section 8.39, funds appropriated by
 19 this section shall not be subject to transfer.

20 Sec. 303. Notwithstanding section 15.251,
 21 subsection 2, there is appropriated from the job
 22 training fund created in the office of the treasurer
 23 of state to the department of economic development for
 24 the fiscal year beginning July 1, 1991, and ending
 25 June 30, 1992, the following amount, or so much
 26 thereof as is necessary, to be used for the purposes
 27 designated:

28 1. For administration of chapter 280B, including
 29 salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:
 32 \$ 125,000
 33 FTEs 2.40

34 2. For payment to the community colleges to
 35 supplement the coordination and instruction of
 36 apprentice related instruction, and instructional
 37 equipment for apprenticeship programs as provided in
 38 section 280A.44:
 39 \$ 125,000

40 As a condition, limitation, and qualification of
 41 the appropriation under this subsection, funds shall
 42 be allocated to each community college on the basis of

43 the percentage of total contact hours enrolled in
44 apprenticeship training at community colleges as of
45 July 1, 1991.

46 3. For the target alliance program if funds remain
47 in the job training fund after the appropriations in
48 subsections 1 and 2 are made:

49 \$ 30,000
50 Sec. 304. There is appropriated from the general

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1 fund of the state to the Iowa finance authority for
2 the fiscal year beginning July 1, 1991, and ending
3 June 30, 1992, the following amounts, or so much
4 thereof as is necessary, to be used for the purposes
5 designated:

6 1. HOMELESS SHELTER PROGRAM

7 To be deposited in the housing trust fund, for the
8 operation, construction, and rehabilitation of
9 homeless shelters under section 220.100, subsection 2,
10 paragraph "a":

11 \$ 1,000,000

12 a. Of the amount appropriated in this subsection,
13 as nearly as practicable, \$675,000 shall be used for
14 operating costs, including utilities, maintenance,
15 food, clothing, and other supplies, or staff support
16 services for homeless shelters; \$225,000 shall be used
17 for construction and rehabilitation of homeless
18 shelters; and \$100,000 shall be used for assistance to
19 homeless shelters that are facing closure. If the
20 moneys allocated for any purposes in this paragraph
21 are not used or dedicated by February 1 of the fiscal
22 year, the moneys may be reallocated for the other
23 purposes in this paragraph that have the most need as
24 determined by the Iowa finance authority.

25 b. As a condition, limitation, and qualification
26 of the \$1,000,000 appropriation to the housing trust
27 fund in this subsection and notwithstanding section
28 220.100, subsection 6, from the moneys available for
29 operating costs of and staff support services for
30 homeless shelters in paragraph "a", the Iowa finance
31 authority shall contract with a nongovernmental entity
32 to administer the funds available for operating costs
33 of and staff support services for homeless shelters.

34 2. HOUSING ASSISTANCE PROGRAM

35 a. To provide mortgage and finance assistance to
36 individuals for the purchase or acquisition of homes:

37 \$ 900,000

38 b. Of the amount appropriated in paragraph "a", an
39 amount not to exceed 10 percent shall be used to

40 finance the purchase or acquisition, in communities
41 with a population of less than 10,000, of manufactured
42 homes as defined in 42 U.S.C. § 5403.

43 c. Funds provided under paragraph "a" shall not be
44 restricted to first-time home buyers but shall be for
45 lower income and very low income families as defined
46 in section 220.1. The assistance provided shall
47 include at least one of the following kinds of
48 assistance:

- 49 (1) Closing costs assistance.
- 50 (2) Down payment assistance.

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- 1 (3) Home maintenance and repair assistance.
- 2 (4) Loan processing assistance through a loan
- 3 endorser review contractor who would act on behalf of
- 4 the authority in assisting lenders in processing loans
- 5 that will qualify for government insurance or
- 6 guarantee or for financing under the authority's
- 7 mortgage revenue bond program.

8 (5) Mortgage insurance program.
9 Not more than 50 percent of the assistance provided
10 by the authority shall be provided under subparagraphs
11 (4) and (5). So long as at least one of the kinds of
12 assistance described in subparagraphs (1) through (5)
13 are provided, additional assistance not described in
14 subparagraphs (1) through (5) may also be provided.

15 d. Assistance provided under paragraph "a" shall
16 be limited to mortgages under \$55,000, except in those
17 areas of the state where the median price of homes
18 exceeds the state average.

19 3. RURAL COMMUNITY 2000 PROGRAM:

20 \$ 2,457

21 Notwithstanding section 15.283, subsection 4, for
22 the fiscal year beginning July 1, 1991, and ending
23 June 30, 1992, all funds allocated under this
24 paragraph shall be used for the housing category as
25 specified under section 15.286.

26 Sec. 305. There is appropriated from the general
27 fund of the state to the Wallace technology transfer
28 foundation for the fiscal year beginning July 1, 1991,
29 and ending June 30, 1992, the following amount, or so
30 much thereof as is necessary, to be used for the
31 purposes designated:

- 32 1. For salaries, support, maintenance, and other
- 33 operational purposes, for funding the small business
- 34 innovation research program, and for funding
- 35 activities as provided in section 28.158:

36 \$ 2,660,000

37 2. For transfer to the Iowa product development
 38 corporation fund established in section 28.89:
 39 \$ 1,000,000
 40 Sec. 306. There is appropriated from the general
 41 fund of the state to INTERNET for the fiscal year
 42 beginning July 1, 1991, and ending June 30, 1992, the
 43 following amount, or so much thereof as is necessary,
 44 to be used for the purposes designated:
 45 For deposit in the international network on trade
 46 fund created by the INTERNET board:
 47 \$ 465,000
 48 As a condition, limitation, and qualification of
 49 the appropriation under this section, \$90,000 shall be
 50 allocated to the department of economic development

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1 for the Iowa international development foundation for
 2 the salaries and support for not more than the
 3 following full-time equivalent positions:
 4 FTEs 1.50
 5 The full-time equivalent positions receiving moneys
 6 from the allocation for the Iowa international
 7 development foundation are employees of the department
 8 of economic development.
 9 Sec. 307. There is appropriated from the general
 10 fund of the state to the following named institutions
 11 for the fiscal year beginning July 1, 1991, and ending
 12 June 30, 1992, the following amounts, or so much
 13 thereof as is necessary, to be used for the purposes
 14 designated:
 15 1. To the university of northern Iowa for the
 16 applied technology program:
 17 \$ 300,000
 18 2. To the university of northern Iowa for the
 19 decision-making science institute:
 20 \$ 575,000
 21 3. To the Iowa state university of science and
 22 technology for funding the small business development
 23 centers:
 24 \$ 1,190,000
 25 4. To the Iowa state university of science and
 26 technology for the institute for physical research and
 27 technology:
 28 \$ 500,000
 29 5. To the state university of Iowa for the center
 30 for biocatalysis:
 31 \$ 396,000
 32 Sec. 308. There is appropriated from the community
 33 college job training fund created in section 280C.6,

34 subsection 1, as amended by 1991 Iowa Acts, Senate
35 File 90, to the department of economic development for
36 the fiscal year beginning July 1, 1991, and ending
37 June 30, 1992, the following amount, or so much
38 thereof as is necessary, to be used for the purposes
39 designated:

40 For salaries, support, maintenance, and
41 miscellaneous purposes for the administration of the
42 Iowa small business new jobs training Act, and for not
43 more than the following full-time equivalent position:

44 \$ 38,954
45 FTEs .70

46 Sec. 309. Section 99E.31, subsection 2, Code 1991,
47 is amended by striking the subsection.

48 Sec. 310. Section 99E.32, subsection 2, Code 1991,
49 is amended by striking the subsection.

50 Sec. 311. Section 15.241, unnumbered paragraphs 1

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1 and 2, Code 1991, are amended to read as follows:

2 ~~The department shall establish, contingent upon the~~
3 ~~availability of funds authorized for the program;~~
4 There is established a "self-employment loan program;
5 account" within the strategic investment fund created
6 in section 15.313 to provide funding for the self-
7 employment loan program which program is to be
8 conducted in coordination with the job training
9 partnership program and other programs administered
10 under section 15.108, subsection 6, paragraph "c".

11 The department may contract with local community
12 action agencies or other local entities in
13 administering the program, and shall work with the
14 department of employment services and the department
15 of human services in developing the program.

16 The self-employment loan program shall administer a
17 low-interest loan program to provide loans to low-
18 income persons for the purpose of establishing or
19 expanding small business ventures. The terms of the
20 loans shall be determined by the department, but shall
21 not be in excess of five thousand dollars to any
22 single applicant or at a rate to exceed five percent
23 simple interest per annum. ~~A self-employment loan~~
24 ~~program revolving loan fund shall be established~~
25 ~~within the department.~~ The department shall maintain
26 records of all loans approved and the effectiveness of
27 those loans in establishing or expanding small
28 business ventures.

29 Sec. 312. Section 15.241, Code 1991, is amended by
30 adding the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. Payments of interest and
32 repayments of moneys awarded under this program shall
33 be deposited into the strategic investment fund.
34 Sec. 313. Section 15.247, subsections 2 and 3,
35 Code 1991, are amended to read as follows:
36 2. The department shall establish, contingent upon
37 the availability of funds authorized for the program,
38 There is established a "targeted small business
39 financial assistance program account" within the
40 strategic investment fund created in section 15.313,
41 to provide for loans, loan guarantees, revolving
42 loans, loans secured by accounts receivable, or grants
43 to targeted small businesses. A targeted small
44 business in any year shall receive under this program
45 not more than twenty-five thousand dollars in a loan
46 or grant, and not more than forty thousand dollars in
47 a guarantee, or a combination of loans, grants, or
48 guarantees. The program shall provide guarantees not
49 to exceed seventy-five percent for loans made by
50 qualified lenders. The department shall establish a

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1 financial assistance reserve account from funds
2 provided for this allocated to the program account,
3 from which any default on a guaranteed loan under this
4 section shall be paid. In administering the program
5 the department shall not guarantee loan values in
6 excess of the amount credited to the reserve account
7 and only moneys set aside in the loan reserve account
8 may be used for the payment of a default.

9 3. All moneys designated for the targeted small
10 business financial assistance program shall be
11 credited to the financial assistance reserve program
12 account. The department shall also establish an
13 administrative account from which the operating costs
14 of the program shall be paid. The department may
15 transfer moneys between the reserve and the
16 administrative accounts except that not more than
17 twenty-five percent of the moneys shall be used to
18 administer the fund. The department shall determine
19 the actuarially sound reserve requirement for the
20 amount of guaranteed loans outstanding.

21 Sec. 314. Section 15.247, Code 1991, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 6. Payments of interest and
24 repayments of moneys awarded under this program shall
25 be deposited into the strategic investment fund.

26 Sec. 315. Section 15.287, Code 1991, is amended to
27 read as follows:

28 15.287 REVOLVING FUND.

29 The Iowa finance authority shall establish a
 30 revolving fund for the program and shall transfer to
 31 the department moneys to be administered by the
 32 department. The moneys in the revolving fund are
 33 appropriated for purposes of the program.
 34 Notwithstanding section 8.33, moneys in the fund at
 35 the end of a fiscal year shall not revert to any other
 36 fund but shall remain in the revolving fund. The fund
 37 shall consist of all appropriations, grants, or gifts
 38 received by the authority or the department
 39 specifically for use under this part and all
 40 repayments of loans or grants made under this part.
 41 However, loan repayments from loans made under section
 42 28.120, which are not allocated to another program,
 43 shall be deposited in the revolving fund and shall be
 44 available for allocation by the director for
 45 categories administered by the department.

46 Sec. 316. NEW SECTION. 15.311 STRATEGIC
47 INVESTMENT FUND.

48 This part shall be known as the "Iowa Strategic
 49 Investment Fund" program.

50 Sec. 317. NEW SECTION. 15.312 PURPOSE.

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1 The purpose of this part shall be to provide a
 2 mechanism for funding those programs listed in section
 3 15.313, subsection 2, in order to more efficiently
 4 meet the needs identified within those individual
 5 programs.

6 Sec. 318. NEW SECTION. 15.313 STRATEGIC
7 INVESTMENT FUND.

8 1. There is created an "Iowa strategic investment
 9 fund". The fund is a revolving fund and consists of
 10 any money appropriated by the general assembly for
 11 that purpose and any other moneys available to and
 12 obtained or accepted by the department from the
 13 federal government or private sources for placement in
 14 the fund. The fund shall also include:

15 a. All unencumbered and unobligated funds from the
 16 special community economic betterment program fund
 17 created under 1990 Iowa Acts, chapter 1262, section 1,
 18 subsection 18, remaining on June 30, 1991, and all
 19 repayments of loans or other awards made under the
 20 community economic betterment account or under the
 21 community economic betterment program during the
 22 preceding fiscal years beginning July 1, 1985, and
 23 subsequent fiscal years.

24 b. All unencumbered and unobligated funds from the

25 self-employment loan program, the targeted small
26 business financial assistance program, the
27 microenterprise development revolving fund, and the
28 value-added agricultural products and processes
29 financial assistance fund remaining on June 30, 1991,
30 and all repayments of loans or other awards made under
31 these programs during the fiscal year beginning July
32 1, 1991, and subsequent fiscal years.

33 2. The assets of the fund shall be used by the
34 department for carrying out the purposes of the
35 following programs:

36 a. The community economic betterment program
37 created in sections 15.315 through 15.320.

38 b. The value-added agricultural products and
39 processes financial assistance program created in
40 sections 28.111 through 28.112.

41 c. The business development finance corporation
42 created in sections 28.131 through 28.149.

43 d. The self-employment loan program created in
44 section 15.241.

45 e. The targeted small business financial
46 assistance program created in section 15.247.

47 3. All grants, loans, and forgivable loans awarded
48 under subsection 2, paragraphs "a" and "b", shall be
49 approved by the board.

50 4. Annually the director shall submit to the

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1 economic development board at a regular or special
2 meeting preceding the beginning of the fiscal year
3 planned allocations to be made for that fiscal year to
4 the community economic betterment program, the value-
5 added agricultural products and processes financial
6 assistance program, the business development finance
7 corporation, the self-employment loan program, and the
8 targeted small business financial assistance program.
9 Plans may provide for increased or decreased
10 allocations if the demand in a program indicates that
11 the need exceeds the allocation for that program. The
12 director shall report to the board on the status of
13 the funds on a monthly basis and may present proposed
14 revisions for approval by the board in January and
15 April of each year. Unobligated and unencumbered
16 moneys remaining in the strategic investment fund or
17 any of its accounts on June 30 of each year shall be
18 considered part of the fund for purposes of the next
19 year's allocation.

20 5. Notwithstanding section 8.33, moneys in this
21 fund at the end of each fiscal year shall not revert

22 to any other fund but shall remain in this strategic
23 investment fund.

24 Sec. 319. NEW SECTION. 15.315 COMMUNITY ECONOMIC
25 BETTERMENT PROGRAM.

26 This part shall be known as the "Community Economic
27 Betterment Program."

28 Sec. 320. NEW SECTION. 15.316 PURPOSE.

29 The purpose of this program is to assist
30 communities and rural areas of the state with their
31 economic development efforts and to increase
32 employment opportunities for Iowans by increasing the
33 level of economic activity and development within the
34 state.

35 Sec. 321. NEW SECTION. 15.317 PROGRAM.

36 1. The department shall establish a program to
37 effectuate the purposes of this part by providing
38 financial assistance for small business gap financing,
39 new business opportunities, and new product and
40 entrepreneurial development. These purposes may be
41 accomplished by providing the following types of
42 assistance:

43 a. Principal buy-down program to reduce the
44 principal of a business loan.

45 b. Interest buy-down program to reduce the
46 interest of a business loan.

47 c. Loans or forgivable loans to aid in economic
48 development.

49 d. Loan guarantees for business loans made by
50 commercial lenders.

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1 e. Equity-like investments.

2 2. Only a political subdivision of this state may
3 apply to receive funds for any of the above purposes.

4 The political subdivision shall make application to
5 the department of economic development specifying the
6 purpose for which the funds will be used.

7 3. The department shall not provide more than one
8 million dollars for any project, unless at least two-
9 thirds of the members of the economic development
10 board vote for providing more.

11 Sec. 322. NEW SECTION. 15.318 RATING FACTORS AND
12 CRITERIA.

13 In ranking applications for funds, the department
14 shall consider a variety of factors including, but not
15 limited to:

16 1. The proportion of local match to be provided.

17 2. The proportion of private contribution to be
18 provided, including the involvement of financial

19 institutions.

20 3. The total number of jobs to be created or
21 retained.

22 4. The size of the business receiving assistance.
23 The department shall award more points to small
24 businesses as defined by the United States small
25 business administration.

26 5. The potential for future growth in the industry
27 represented by the business being considered for
28 assistance.

29 6. The need of the business for financial
30 assistance from governmental sources. More points
31 shall be awarded to a business for which the
32 department determines that governmental assistance is
33 most necessary to the success of the project.

34 7. The quality of the jobs to be created. In
35 rating the quality of the jobs the department shall
36 award more points to those jobs that have a higher
37 wage scale, have a lower turnover rate, are full-time
38 or career-type positions, provide comprehensive health
39 benefits, or have other related factors which could be
40 considered to be higher in quality. Businesses that
41 have wage scales substantially below that of existing
42 Iowa businesses in that area should be rated as
43 providing the lowest quality of jobs and should
44 therefore be given the lowest ranking for providing
45 such assistance.

46 8. The level of need of the political subdivision.

47 9. The impact of the proposed project on the
48 economy of the political subdivision.

49 10. The impact of the proposed project on other
50 businesses in competition with the business being

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1 considered for assistance. The department shall make
2 a good faith effort to identify existing Iowa
3 businesses within an industry in competition with the
4 business being considered for assistance. The
5 department shall make a good faith effort to determine
6 the probability that the proposed financial assistance
7 will displace employees of the existing businesses.
8 In determining the impact on businesses in competition
9 with the business being considered for assistance,
10 jobs created as a result of other jobs being displaced
11 elsewhere in the state shall not be considered direct
12 jobs created.

13 11. The impact to the state of the proposed
14 project. In measuring the economic impact the
15 department shall award more points for projects which

16 have greater consistency with the state strategic
17 plan, such as the following:

18 a. A business with a greater percentage of sales
19 out-of-state or of import substitution.
20 b. A business with a higher proportion of in-state
21 suppliers.

22 c. A project which would provide greater
23 diversification of the state economy.

24 d. A business with fewer in-state competitors.

25 e. A potential for future job growth.

26 f. A project which is not a retail operation.

27 12. If the business has a record of violations of
28 the law over a period of time that tends to show a
29 consistent pattern, the business shall be given the
30 lowest ranking for providing assistance. The
31 department shall make a good faith effort to compile
32 this information.

33 13. If a business has, within three years of
34 application for assistance, acquired or merged with an
35 Iowa corporation or company, the business shall make a
36 good faith effort to hire the workers of the acquired
37 or merged company.

38 14. To be eligible for assistance a business shall
39 provide for a preference for hiring residents of the
40 state or the economic development area, except for
41 out-of-state employees offered a transfer to Iowa or
42 the economic development area.

43 15. All known required environmental permits must
44 be granted and regulations met before moneys are
45 released.

46 Sec. 323. NEW SECTION. 15.319 MONITORING OF JOB
47 CREATION AND RETENTION.

48 1. The department shall develop definitions for
49 the terms "job creation" and "job retention" to
50 measure and identify the actual number of permanent,

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1 full-time positions which the businesses actually
2 create or retain and which can be documented by
3 comparison of the payroll reports during the twenty-
4 four month period after the award.

5 2. The department shall document the actual job
6 creation and retention effects of all businesses
7 receiving financial assistance from the program in the
8 context of the employer contribution and payroll
9 reports filed by the business.

10 3. The department shall require businesses which
11 receive assistance from the program to submit
12 historical copies of the employer contributions and

13 payroll reports with the application for funds,
14 require businesses to submit the reports after an
15 award on a timely basis, and require businesses to
16 estimate the expected job creation and retention
17 effects for the twelve-month and twenty-four month
18 periods after an award in terms of the number of
19 employees and total wages as displayed in the payroll
20 reports.

21 Sec. 324. NEW SECTION. 15.320 COMMUNITY ECONOMIC
22 BETTERMENT PROGRAM ACCOUNT.

23 1. A community economic betterment program account
24 is established within the strategic investment fund to
25 be used by the department of economic development for
26 the community economic betterment program. The
27 account shall consist of all appropriations, grants,
28 or gifts received by the department specifically for
29 use under this part and any moneys allocated to the
30 community economic betterment program account from the
31 strategic investment fund.

32 2. Payments of interest or repayments of moneys
33 awarded under the community economic betterment
34 program shall be deposited into the strategic
35 investment fund.

36 Sec. 325. Section 28.111, subsection 3, unnumbered
37 paragraph 1, Code 1991, is amended to read as follows:

38 The director of the department of economic
39 development may grant financial or technical
40 assistance to a person eligible to receive assistance
41 under this section, upon review and evaluation of the
42 person's application by the agricultural products
43 advisory council as established in section 15.203.
44 ~~The council shall make recommendations to approve or~~
45 ~~disapprove an application to the department. The~~
46 ~~department director~~ shall consider the recommendations
47 council's evaluation in granting or denying
48 assistance. The department director shall not approve
49 an 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 Sec. 326. Section 28.112, subsection 1, Code 1991,
5 is amended to read as follows:

6 1. ~~The department may establish~~ There is
7 established a value-added agricultural products and
8 processes financial assistance fund account within the
9 strategic investment fund created in section 15.313.

10 The fund account shall be a revolving fund composed
11 consist of any money appropriated by the general
12 assembly for that purpose, moneys allocated to the
13 account from the strategic investment fund, any other
14 moneys available to and obtained or accepted by the
15 department from the federal government or private
16 sources for placement in the fund, and any earned
17 interest account. Except as otherwise provided in
18 subsection 2, the assets of the fund account shall be
19 used by the department only for carrying out the
20 purposes of section 28.111.

21 Sec. 327. Section 28.112, subsection 2, Code 1991,
22 is amended by adding the following new paragraph:
23 NEW PARAGRAPH. d. Payments of interest or
24 repayments of moneys awarded under the value-added
25 agricultural products and processes financial
26 assistance program shall be deposited into the
27 strategic investment fund.

28 Sec. 328. Section 28.120, Code 1991, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 8. Loan repayments made under
31 this section and unallocated in the special account in
32 subsection 5, shall be allocated to the revolving
33 account of the rural community 2000 program created in
34 section 15.287.

35 Sec. 329. Section 28.143, subsection 1, paragraph
36 e, Code 1991, is amended to read as follows:

37 e. The superintendent of savings and loans credit
38 unions.

39 Sec. 330. Section 28.144, Code 1991, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 28.144 PRESIDENT OF THE CORPORATION.

43 The director of the department shall appoint the
44 president of the corporation from the division within
45 the department that administers business financial
46 assistance programs. Administrative and staff support
47 shall be furnished by the department.

48 Sec. 331. Section 28.148, Code 1991, is amended to
49 read as follows:

50 28.148 STATE ASSISTANCE FUND.

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1 There is created in the treasurer of state's office
2 a "business development finance corporation assistance
3 fund". The fund shall consist of all appropriations,
4 grants, or gifts received by the treasurer
5 specifically for assistance under this division and
6 moneys allocated from the strategic investment fund

7 created in section 15.313. Moneys in this fund are
8 appropriated to the corporation for the purposes
9 stated in this division. Moneys allocated to this
10 fund for purposes of the capital access program and
11 repayments of moneys from the capital access program
12 which remain unobligated at the end of a fiscal year
13 may be returned to the strategic investment fund upon
14 approval of the board of directors of the business
15 development finance corporation of Iowa.

16 Sec. 332. Notwithstanding the provision in section
17 15.313 granting the director of the department of
18 economic development discretion in the allocation of
19 the moneys to the various accounts in the strategic
20 investment fund, for the fiscal year beginning July 1,
21 1991, a minimum of \$500,000 shall be allocated to the
22 targeted small business financial assistance program
23 account and a minimum of \$220,000 shall be allocated
24 to the self-employment loan program account. However,
25 any amounts of those two minimum allocations that have
26 not been committed on January 15, 1992, may be
27 reallocated to the other accounts in the strategic
28 investment fund.

29 Sec. 333. Section 15.286A, subsection 2, as
30 enacted by 1991 Iowa Acts, Senate File 254, section 9,
31 is amended to read as follows:

32 2. A city, cluster of cities, county, group of
33 counties, ~~unincorporated community, group of~~
34 ~~unincorporated communities~~, council of governments, or
35 regional planning commission, or one of these entities
36 on behalf of an unincorporated community or group of
37 unincorporated communities, is eligible to apply for
38 loans or grants from this category for planning
39 efforts related to the community builder program.

40 Sec. 334. Sections 15.232 and 15.240, Code 1991,
41 are repealed.

42 Sec. ____ . The legislative council is requested to
43 establish an interim study committee to develop
44 recommendations on how to more efficiently deliver
45 regional economic development assistance to businesses
46 and communities.

47 DIVISION IV

48 JUSTICE SYSTEMS APPROPRIATIONS

49 Sec. 401. There is appropriated from the general
50 fund of the state to the department of justice for the

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1 fiscal year beginning July 1, 1991, and ending June
2 30, 1992, the following amounts, or so much thereof as
3 is necessary, to be used for the purposes designated:

4 1. For the general office of attorney general for
 5 salaries, support, maintenance, miscellaneous
 6 purposes, and for not more than the following full-
 7 time equivalent positions:
 8 \$ 4,944,996
 9 FTEs 176.00

10 2. Prosecuting attorney training program for
 11 salaries, support, maintenance, miscellaneous
 12 purposes, and for not more than the following full-
 13 time equivalent positions:
 14 \$ 191,898
 15 FTEs 4.75

16 3. In addition to the funds appropriated under
 17 subsection 1, there is appropriated from the general
 18 fund of the state to the department of justice for the
 19 fiscal year beginning July 1, 1991, and ending June
 20 30, 1992, an amount not exceeding \$95,000 to be used
 21 for the enforcement of the Iowa competition law under
 22 chapter 553. The expenditure of the funds
 23 appropriated under this subsection is contingent upon
 24 receipt by the general fund of the state of an amount
 25 at least equal to either the expenditures from damages
 26 awarded to the state or a political subdivision of the
 27 state by a civil judgment under chapter 553, if the
 28 judgment authorizes the use of the award for
 29 enforcement purposes or costs or attorneys fees
 30 awarded the state in state or federal antitrust
 31 actions.

32 4. In addition to funds appropriated under
 33 subsection 1, there is appropriated from the general
 34 fund of the state to the department of justice for the
 35 fiscal year beginning July 1, 1991, and ending June
 36 30, 1992, an amount not exceeding \$50,000 to be used
 37 for public education relating to consumer fraud and
 38 for enforcement of section 714.16, and \$25,000 for
 39 investigation, prosecution, and consumer education
 40 relating to consumer and criminal fraud against older
 41 Iowans. The expenditure of the funds appropriated
 42 under this subsection is contingent upon receipt by
 43 the general fund of the state of an amount at least
 44 equal to the expenditures from damages awarded to the
 45 state or a political subdivision of the state by a
 46 civil consumer fraud judgment, if the judgment
 47 authorizes the use of the award for public education
 48 on consumer fraud. Notwithstanding section 8.33,
 49 funds received in a previous fiscal year which have
 50 not been expended shall be credited to this fiscal

1 year.

2 5. For the farm mediation service program:

3 \$ 100,000

4 6. For the legal assistance for farmers program:

5 \$ 100,000

6 7. For victim assistance grants, as provided in

7 Senate File 444, if Senate File 444 is enacted by the

8 Seventy-fourth General Assembly, first regular

9 session, in a manner which raises certain court costs

10 and fees and deposits the resulting receipts either

11 directly into the general fund of the state, or into

12 the general fund of the state through the court

13 revenue distribution account:

14 \$ 1,700,000

15 As a condition, limitation, and qualification of

16 this appropriation, no more than \$60,000 shall be

17 expended for the costs of the general office of the

18 attorney general's administrative duties pursuant to

19 Senate File 444, and \$100,000 shall be awarded to the

20 department of corrections for one-time costs

21 associated with establishing batterers' treatment

22 programs in the judicial district departments of

23 correctional services, as set forth in Senate File

24 444. The department of corrections shall award the

25 \$100,000 on a competitive basis to the judicial

26 district departments of correctional services. The

27 remaining funds shall be used to provide grants to

28 care providers providing services to crime victims of

29 domestic abuse or to crime victims of rape and sexual

30 assault.

31 However, if Senate File 444 is not enacted by the

32 Seventy-fourth General Assembly, first regular

33 session, in a manner which raises certain court costs

34 and fees and deposits the resulting receipts either

35 directly into the general fund, or into the general

36 fund through the court revenue distribution account,

37 there is appropriated from the general fund of the

38 state to the department of justice for the fiscal year

39 beginning July 1, 1991, and ending June 30, 1992, the

40 following amount, or so much thereof as is necessary

41 to be used for the purpose designated:

42 For victim assistance grants:

43 \$ 1,071,782

44 As a condition, limitation, and qualification of

45 this appropriation, the funds shall be used to provide

46 grants to care providers providing services to crime

47 victims of domestic abuse or to crime victims of rape

48 and sexual assault.

49 8. For the GASA prosecuting attorney program:

50 \$ 103,400

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1 FTEs 1.00

2 9. The balance of the fund created under section

3 321J.17 may be used to provide salary and support of

4 not more than 6 FTEs and to provide maintenance for

5 the victim compensation functions of the department of

6 justice.

7 10. The department of justice shall submit monthly

8 financial statements to the legislative fiscal bureau

9 and the department of management containing all

10 appropriated accounts in the same manner as provided

11 in the monthly financial status reports and personal

12 services usage reports of the department of revenue

13 and finance. The monthly financial statements shall

14 include comparisons of the moneys and percentage spent

15 of budgeted to actual revenues and expenditures on a

16 cumulative basis for full-time equivalent positions

17 and available moneys.

18 Sec. 402. There is appropriated from the general

19 fund to the office of consumer advocate of the

20 department of justice for the fiscal year beginning

21 July 1, 1991, and ending June 30, 1992, the following

22 amount, or so much thereof as is necessary, to be used

23 for the purposes designated:

24 For salaries, support, maintenance, miscellaneous

25 purposes, and for not more than the following full-

26 time equivalent positions:

27 \$ 2,054,783

28 FTEs 32.00

29 Sec. 403. There is appropriated from the general

30 fund of the state to the board of parole for the

31 fiscal year beginning July 1, 1991, and ending June

32 30, 1992, the following amount, or so much thereof as

33 is necessary, to be used for the purposes designated:

34 For salaries, support, maintenance, miscellaneous

35 purposes, and for not more than the following full-

36 time equivalent positions:

37 \$ 781,894

38 FTEs 18.00

39 As a condition, limitation, and qualification of

40 this appropriation the board of parole shall maintain

41 an automated docket and shall maintain the board's

42 automated risk assessment model.

43 As a condition, limitation, and qualification of

44 the appropriation the board of parole shall employ 2

45 statistical research analysts to assist with the

46 application of the risk assessment model in the parole

47 decision-making process. The board of parole shall

48 also require the board's administrative staff to be

49 cross-trained to assure that each individual on that
50 staff is familiar with all tasks performed by the

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1 staff.

2 It is the intent of the general assembly that the
3 department of corrections and the board of parole
4 shall review, and implement as necessary, the findings
5 and recommendations contained in the final report
6 prepared by the consultant and presented to the
7 corrections system review task force which was
8 established by 1988 Iowa Acts, chapter 1271, as they
9 relate to the department of corrections and the board
10 of parole. The board shall report to the justice
11 system appropriations subcommittee during the 1992
12 legislative session, at the request of the
13 subcommittee, steps taken to implement any of those
14 recommendations, or the reasons for failing to
15 implement such recommendations.

16 Sec. 404. There is appropriated from the general
17 fund of the state to the department of corrections for
18 the fiscal year beginning July 1, 1991, and ending
19 June 30, 1992, the following amounts, or so much
20 thereof as is necessary, to be used for the purposes
21 designated:

22 1. For the operation of adult correctional
23 institutions, to be allocated as follows:

24 a. For the operation of the Fort Madison
25 correctional facility, including salaries, support,
26 maintenance, miscellaneous purposes, and for not more
27 than the following full-time equivalent positions:

28	\$ 21,829,312
29	FTEs 502.50

30 As a condition, limitation, and qualification of
31 this appropriation, the facility shall employ 310
32 correctional officers.

33 b. For the operation of the Anamosa correctional
34 facility, including salaries, support, maintenance,
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:

37	\$ 16,153,646
38	FTEs 356.00

39 (1) As a condition, limitation, and qualification
40 of this appropriation, the facility shall employ 211
41 correctional officers and a part-time chaplain of a
42 minority race.

43 (2) Of the funds appropriated, the department's
44 budget for Anamosa shall include funding for 2 full-
45 time substance abuse counselors for the Luster Heights

46 facility, for the purpose of certification of a
 47 substance abuse program at that facility.
 48 c. For the operation of the Oakdale correctional
 49 facility, including salaries, support, maintenance,
 50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:
 2 \$ 13,998,174
 3 FTEs 309.64

4 As a condition, limitation, and qualification of
 5 this appropriation, the facility shall employ 151.50
 6 correctional officers.

7 d. For the operation of the Newton correctional
 8 facility, including salaries, support, maintenance,
 9 miscellaneous purposes, and for not more than the

10 following full-time equivalent positions:
 11 \$ 4,347,830
 12 FTEs 94.03

13 As a condition, limitation, and qualification of
 14 this appropriation, the facility shall employ 39.02
 15 correctional officers.

16 e. For the operation of the Mt. Pleasant
 17 correctional facility, including salaries, support,
 18 maintenance, miscellaneous purposes, and for not more
 19 than the following full-time equivalent positions:

20 \$ 11,606,136
 21 FTEs 267.15

22 As a condition, limitation, and qualification of
 23 this appropriation, the facility shall employ 141
 24 correctional officers, and a full-time chaplain to
 25 provide religious counseling at the Oakdale and Mt.
 26 Pleasant correctional facilities.

27 f. For the operation of the Rockwell City
 28 correctional facility, including salaries, support,
 29 maintenance, miscellaneous purposes, and for not more
 30 than the following full-time equivalent positions:

31 \$ 4,031,837
 32 FTEs 81.75

33 As a condition, limitation, and qualification of
 34 this appropriation, the facility shall employ 44.51
 35 correctional officers.

36 g. For the operation of the Clarinda correctional
 37 facility, including salaries, support, maintenance,
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:

40 \$ 5,213,089
 41 FTEs 133.20

42 As a condition, limitation, and qualification of

43 this appropriation, the facility shall employ 68
 44 correctional officers.
 45 h. For the operation of the Mitchellville
 46 correctional facility, including salaries, support,
 47 maintenance, miscellaneous purposes, and for not more
 48 than the following full-time equivalent positions:
 49 \$ 4,885,117
 50 FTEs 112.40

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1 As a condition, limitation, and qualification of
 2 this appropriation, the facility shall employ 62.02
 3 correctional officers.
 4 2. The department of corrections shall provide a
 5 report to the co-chairpersons and ranking members of
 6 the justice system appropriations subcommittee and the
 7 legislative fiscal bureau on or before January 15,
 8 1992, outlining the implementation of the centralized
 9 education program for the correctional system. The
 10 report shall include a listing of the educational
 11 institutions that are involved, the amount of any
 12 federal funds received for use with these programs,
 13 and any other pertinent information.
 14 3. If the inmate tort claim fund for inmate claims
 15 of less than \$50 is exhausted during the fiscal year,
 16 sufficient funds shall be transferred from the
 17 institutional budgets to pay approved tort claims for
 18 the balance of the fiscal year. The warden or
 19 superintendent of each institution or correctional
 20 facility shall designate an employee to receive,
 21 investigate, and recommend whether to pay any properly
 22 filed inmate tort claim for less than the above
 23 amount. The designee's recommendation shall be
 24 approved or denied by the warden or superintendent and
 25 forwarded to the department of corrections for final
 26 approval and payment. The amounts appropriated to
 27 this fund pursuant to 1987 Iowa Acts, chapter 234,
 28 section 304, subsection 2, are not subject to
 29 reversion under section 8.33.
 30 Tort claims denied at the institution shall be
 31 forwarded to the state appeal board for their
 32 consideration as if originally filed with that body.
 33 This procedure shall be used in lieu of chapter 25A
 34 for inmate tort claims of less than \$50.
 35 Sec. 405. There is appropriated from the general
 36 fund of the state to the department of corrections for
 37 the fiscal year beginning July 1, 1991, and ending
 38 June 30, 1992, the following amounts, or so much
 39 thereof as is necessary, to be used for the purposes

40 designated:

41 1. For general administration, including salaries,
42 support, maintenance, miscellaneous purposes, and for
43 not more than the following full-time equivalent
44 positions:

45 \$ 2,263,459
46 FTEs 43.52

47 As a condition, limitation, and qualification of
48 this appropriation the department shall employ an
49 education director and clerk to administer a
50 centralized education program for the correctional

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1 system.

2 The department shall monitor the use of the
3 classification model by the judicial district
4 departments of correctional services and has the
5 authority to override a district department's decision
6 regarding classification of community-based clients.
7 The department shall notify a district department of
8 the reasons for the override.

9 2. For reimbursement of counties for temporary
10 confinement of work release and parole violators, as
11 provided in sections 246.908, 901.7, and 906.17 and
12 for offenders confined pursuant to section 246.513:

13 \$ 250,000

14 3. For federal prison reimbursement and
15 miscellaneous contracts:

16 \$ 360,000

17 The department of corrections shall use funds
18 appropriated by this subsection to continue to
19 contract for the service of a Muslim imam.

20 4. For salaries, support, maintenance,
21 miscellaneous purposes, and for not more than the
22 following full-time equivalent positions at the
23 correctional training center at Mt. Pleasant:

24 \$ 391,342
25 FTEs 8.22

26 5. For annual payment relating to the financial
27 arrangement for the construction of expansion in
28 prison capacity as provided in 1989 Iowa Acts, chapter
29 316, section 7, subsection 6:

30 \$ 625,860

31 6. For annual payment relating to the financial
32 arrangement for the construction of expansion in
33 prison capacity as provided in 1990 Iowa Acts, chapter
34 1257, section 24:

35 \$ 3,143,250

36 7. For the capital design and construction of a

37 192 bed prison facility at a site specified by the
 38 general assembly by reference to this appropriation:
 39 \$ 1,000,000
 40 Sec. 406.
 41 1. There is appropriated from the general fund of
 42 the state to the department of corrections for the
 43 fiscal year beginning July 1, 1991, and ending June
 44 30, 1992, the following amounts, or so much thereof as
 45 is necessary, to be allocated as follows:
 46 a. For the first judicial district department of
 47 correctional services, the following amount, or so
 48 much thereof as is necessary:
 49 \$ 5,662,589
 50 The district department shall continue the

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1 intensive supervision program established within the
 2 district in 1988 Iowa Acts, chapter 1271, section 6,
 3 subsection 1, paragraph "a", and the sex offender
 4 treatment program established within the district in
 5 1989 Iowa Acts, chapter 316, section 8, subsection 1,
 6 paragraph "a".
 7 The district department, in cooperation with the
 8 chief judge of the judicial district, shall continue
 9 the implementation of a plan to divert low-risk
 10 offenders to the least restrictive sanction available.
 11 b. For the second judicial district department of
 12 correctional services, the following amount, or so
 13 much thereof as is necessary:
 14 \$ 3,975,633
 15 The district department shall continue the sex
 16 offender treatment program established within the
 17 district in 1988 Iowa Acts, chapter 1271, section 6,
 18 subsection 1, paragraph "b".
 19 The district department, in cooperation with the
 20 chief judge of the judicial district, shall continue
 21 the implementation of a plan to divert low-risk
 22 offenders to the least restrictive sanction available.
 23 c. For the third judicial district department of
 24 correctional services, the following amount, or so
 25 much thereof as is necessary:
 26 \$ 2,488,959
 27 The district department shall continue the sex
 28 offender treatment program established within the
 29 district in 1988 Iowa Acts, chapter 1271, section 6,
 30 subsection 1, paragraph "c", and the intensive
 31 supervision program established within the district in
 32 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
 33 paragraph "d".

34 The district department, in cooperation with the
35 chief judge of the judicial district, shall continue
36 the implementation of a plan to divert low-risk
37 offenders to the least restrictive sanction available.

38 d. For the fourth judicial district department of
39 correctional services, the following amount, or so
40 much thereof as is necessary:

41 \$ 1,968,221

42 The district department shall continue the sex
43 offender treatment program established within the
44 district in 1988 Iowa Acts, chapter 1271, section 6,
45 subsection 1, paragraph "d".

46 The district department, in cooperation with the
47 chief judge of the judicial district, shall continue
48 the implementation of a plan to divert low-risk
49 offenders to the least restrictive sanction available.

50 e. For the fifth judicial district department of

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1 correctional services, the following amount, or so
2 much thereof as is necessary:

3 \$ 7,066,072

4 The district department shall continue the
5 intensive supervision program established within the
6 district in 1988 Iowa Acts, chapter 1271, section 6,
7 subsection 1, paragraph "e", and shall continue to
8 provide for the rental of electronic monitoring
9 equipment.

10 The district department, in cooperation with the
11 chief judge of the judicial district, shall continue
12 the implementation of a plan to divert low-risk
13 offenders to the least restrictive sanction available.

14 f. For the sixth judicial district department of
15 correctional services, the following amount, or so
16 much thereof as is necessary:

17 \$ 5,668,432

18 The district department shall continue the
19 intensive supervision program established within the
20 district in 1988 Iowa Acts, chapter 1271, section 6,
21 subsection 1, paragraph "f", and the sex offender
22 treatment program established within the district in
23 1989 Iowa Acts, chapter 316, section 8, subsection 1,
24 paragraph "f".

25 The district department, in cooperation with the
26 chief judge of the judicial district, shall continue
27 the implementation of a plan to divert low-risk
28 offenders to the least restrictive sanction available.

29 g. For the seventh judicial district department of
30 correctional services, the following amount, or so

31 much thereof as is necessary:

32 \$ 3,913,619

33 The district department shall continue the
34 intensive supervision program established within the
35 district in 1988 Iowa Acts, chapter 1271, section 6,
36 subsection 1, paragraph "g", and shall continue the
37 sex offender treatment program established within the
38 district in 1989 Iowa Acts, chapter 316, section 8,
39 subsection 1, paragraph "g".

40 The district department, in cooperation with the
41 chief judge of the judicial district, shall continue
42 the implementation of a plan to divert low-risk
43 offenders to the least restrictive sanction available.

44 h. For the eighth judicial district department of
45 correctional services, the following amount, or so
46 much thereof as is necessary:

47 \$ 3,171,958

48 The district department shall continue the
49 intensive supervision program established within the
50 district in 1988 Iowa Acts, chapter 1271, section 6,

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1 subsection 1, paragraph "h", and shall continue the
2 sex offender treatment program established within the
3 district in 1989 Iowa Acts, chapter 316, section 8,
4 subsection 1, paragraph "h".

5 The district department, in cooperation with the
6 chief judge of the judicial district, shall continue
7 the implementation of a plan to divert low-risk
8 offenders to the least restrictive sanction available.

9 i. For the department of corrections for the
10 assistance and support of each judicial district
11 department of correctional services, the following
12 amount, or so much thereof as is necessary:

13 \$ 104,754

14 2. The department of corrections shall continue
15 the OWI facilities established in 1986 Iowa Acts,
16 chapter 1246, section 402, in compliance with the
17 conditions specified in that section.

18 3. The department of corrections shall continue to
19 contract with a judicial district department of
20 correctional services to provide for the rental of
21 electronic monitoring equipment which shall be
22 available statewide.

23 4. Each judicial district department of
24 correctional services and the department of
25 corrections shall continue the treatment alternatives
26 to street crime programs established in 1989 Iowa
27 Acts, chapter 225, section 9.

28 5. The first, sixth, and eighth judicial district
 29 departments of correctional services and the
 30 department of corrections shall continue the job
 31 training and development grant programs established in
 32 1989 Iowa Acts, chapter 316, section 7, subsection 2.

33 6. The department of corrections shall not make an
 34 intradepartmental transfer of moneys appropriated to
 35 the department, unless the department complies with
 36 section 8.39. The notice shall include information on
 37 the department's rationale for making the transfer and
 38 details concerning the work load and performance
 39 measures upon which the transfers are based.

40 Sec. 407. There is appropriated from the general
 41 fund of the state to the judicial department for the
 42 fiscal year beginning July 1, 1991, and ending June
 43 30, 1992, the following amounts, or so much thereof as
 44 is necessary, to be used for the purposes designated:

45 1. For salaries of supreme court justices,
 46 appellate court judges, district court judges,
 47 district associate judges, judicial magistrates and
 48 staff, state court administrator, clerk of the supreme
 49 court, district court administrators, clerks of the
 50 district court, juvenile court officers, board of law

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1 examiners and board of examiners of shorthand
 2 reporters and judicial qualifications commission,
 3 receipt and disbursement of child support payments,
 4 and maintenance, equipment, and miscellaneous
 5 purposes:

6 \$ 73,956,679

7 As a condition, limitation, and qualification of
 8 this appropriation, the department shall reimburse the
 9 auditor of state for expenses incurred in completing
 10 audits of the offices of the clerks of the district
 11 court during the fiscal year beginning July 1, 1991.

12 Notwithstanding section 602.5205, the judicial
 13 department shall provide for the expenses of the
 14 judges of the court of appeals located outside the
 15 seat of government.

16 As a condition, limitation, and qualification of
 17 this appropriation, the judicial department, except
 18 for purposes of internal processing, shall use the
 19 current state budget system, the state payroll system,
 20 and the Iowa finance and accounting system in
 21 administration of programs and payments for services,
 22 and shall not duplicate the state payroll, accounting,
 23 and budgeting systems.

24 The judicial department shall submit monthly

25 financial statements to the legislative fiscal bureau
 26 and the department of management containing all
 27 appropriated accounts in the same manner as provided
 28 in the monthly financial status reports and personal
 29 services usage reports of the department of revenue
 30 and finance. The monthly financial statements shall
 31 include a comparison of the dollars and percentage
 32 spent of budgeted versus actual revenues and
 33 expenditures on a cumulative basis for full-time
 34 equivalent positions and dollars.

35 Of the funds appropriated under this subsection,
 36 not more than \$1,800,000 may be transferred into the
 37 revolving fund established pursuant to section
 38 602.1302, subsection 3, to be used for the payment of
 39 jury and witness fees and mileage.

40 2. For the juvenile victim restitution program:

41 \$ 100,000

42 Sec. 408. There is appropriated from the general
 43 fund of the state to the judicial department for the
 44 fiscal year beginning July 1, 1991, and ending June
 45 30, 1992, the following amount, or so much thereof as
 46 is necessary, to be used for the purpose designated:

47 For the Iowa court information system:

48 \$ 903,000

49 As a condition, limitation, and qualification of
 50 this appropriation, the judicial department, except

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1 for purposes of internal processing, shall use the
 2 current state budget system, the state payroll system,
 3 and the Iowa finance and accounting system in
 4 administration of programs and payments for services,
 5 and shall not duplicate the state payroll, accounting,
 6 and budgeting systems.

7 The judicial department shall not change the
 8 appropriations from the amounts appropriated under
 9 this section, unless the department complies with
 10 section 8.39. The notice shall include information on
 11 the department's rationale for making the changes and
 12 details concerning the work load and performance
 13 measures upon which the changes are based.

14 Sec. 409. The department of corrections, judicial
 15 district departments of correctional services, board
 16 of parole, and the judicial department shall continue
 17 to develop an automated data system for use in the
 18 sharing of information between the department of
 19 corrections, judicial district departments of
 20 correctional services, board of parole, and the
 21 judicial department. The information to be shared

22 shall concern any individual who may, as the result of
23 an arrest or infraction of any law, be subject to the
24 jurisdiction of the department of corrections,
25 judicial district departments of correctional
26 services, or board of parole.

27 Sec. 410. Section 13.15, unnumbered paragraph 2,
28 Code 1991, is amended to read as follows:

29 The rules shall provide for an hourly mediation fee
30 not to exceed twenty-five dollars per hour per party
31 fifty dollars for the borrower and one hundred dollars
32 for the creditor. The hourly mediation fee may be
33 waived for any party demonstrating financial hardship
34 upon application to the farm mediation service.

35 Sec. 411. NEW SECTION. 13.26 FARM ASSISTANCE
36 FUND ESTABLISHED.

37 A farm assistance fund is established as a separate
38 fund in the state treasury under the control of the
39 department of justice. It is the intent of the
40 general assembly that the moneys deposited in the fund
41 shall be used for legal assistance to financially
42 distressed farmers. These funds shall be used only to
43 the extent appropriated by the general assembly.
44 Notwithstanding section 8.33, any balance in the fund
45 on June 30 of any fiscal year shall not revert to any
46 fund but shall remain in the fund for the subsequent
47 fiscal year.

48 Sec. 412. Section 356.26, unnumbered paragraph 3,
49 Code 1991, is amended to read as follows:

50 The district court may also grant by order to any

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1 person sentenced to a county jail the privilege of a
2 sentence of in-home detention where the county sheriff
3 has certified to the court that the jail has an in-
4 home detention program. ~~The department of corrections~~
5 ~~shall report to the legislative fiscal bureau on a~~
6 ~~semiannual basis concerning utilization of in-home~~
7 ~~detention, including the counties which have~~
8 ~~established such programs and the number of prisoners~~
9 ~~allowed in-home detention privileges.~~

10 Sec. 413. Section 654.18, subsection 1, paragraph
11 d, Code 1991, is amended to read as follows:

12 d. The mortgagor and mortgagee shall file a
13 jointly executed document with the county recorder in
14 the county where the real property is located stating
15 that the mortgagor and mortgagee have elected to
16 follow the alternative voluntary foreclosure
17 procedures pursuant to this section. If the subject
18 property is agricultural land used for farming, as

19 defined in section 172C.1, in addition to the fee
20 collected pursuant to section 331.604, the recorder
21 shall collect a fee of sixty dollars for filing the
22 document, and shall remit the sixty-dollar fee to the
23 treasurer of state for deposit in the farm assistance
24 fund established in section 13.26.

25 Sec. 414. Section 654.19, Code 1991, is amended to
26 read as follows:

27 654.19 DEED IN LIEU OF FORECLOSURE -- AGRICULTURAL
28 LAND.

29 In lieu of a foreclosure action in court due to
30 default on a recorded mortgage or deed of trust of
31 real property, if the subject property is agricultural
32 land used for farming, as defined in section 172C.1,
33 the mortgagee and mortgagor may enter into an
34 agreement in which the mortgagor agrees to transfer
35 the agricultural land to the mortgagee in satisfaction
36 of all or part of the mortgage obligation as agreed
37 upon by the parties. The agreement may grant the
38 mortgagor a right to purchase the agricultural land
39 for a period not to exceed five years, and may entitle
40 the mortgagor to lease the agricultural land. The
41 agreement shall be recorded with the deed transferring
42 title to the mortgagee. In addition to the fee
43 collected pursuant to section 331.604, the recorder
44 shall collect a fee of sixty dollars for recording the
45 agreement and deed, and shall remit the sixty-dollar
46 fee to the treasurer of state for deposit in the farm
47 assistance fund established in section 13.26. A
48 transfer of title and agreement pursuant to this
49 section does not constitute an equitable mortgage.
50 Sec. 416. Section 656.5, Code 1991, is amended to

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1 read as follows:

2 656.5 PROOF AND RECORD OF SERVICE.

3 If the terms and conditions as to which there is
4 default are not performed within said thirty days, the
5 party serving said notice or causing the same to be
6 served, may file for record in the office of the
7 county recorder a copy of the notice aforesaid with
8 proofs of service attached or endorsed thereon (and,
9 in case of service by publication, a personal
10 affidavit that personal service could not be made
11 within this state), and when so filed and recorded,
12 the said record shall be constructive notice to all
13 parties of the due forfeiture and cancellation of said
14 contract. If the subject property is agricultural
15 land used for farming, as defined in section 172C.1,

16 in addition to the fee collected pursuant to section
 17 331.604, the recorder shall collect a fee of sixty
 18 dollars for filing the notice, and shall remit the
 19 sixty-dollar fee to the treasurer of state for deposit
 20 in the farm assistance fund established in section
 21 13.26.

22 Sec. 417. Section 905.4, subsection 5, Code 1991,
 23 is amended to read as follows:

24 5. Arrange for, by contract or on such alternative
 25 basis as may be mutually acceptable, and equip
 26 suitable quarters at one or more sites in the district
 27 as may be necessary for the district department's
 28 community-based correctional program, provided that
 29 the board shall to the greatest extent feasible
 30 utilize existing facilities and shall keep capital
 31 expenditures for acquisition, renovation and repair of
 32 facilities to a minimum. The district board shall not
 33 enter into lease-purchase agreements for the purposes
 34 of constructing, renovating, expanding, or otherwise
 35 improving a community-based correctional facility or
 36 office unless express authorization has been granted
 37 by the general assembly, and current funding is
 38 adequate to meet the lease-purchase obligation.

39 Sec. 418. 1990 Iowa Acts, chapter 1224, section 1,
 40 unnumbered paragraph 1, is amended to read as follows:

41 In order to implement this Act, the department of
 42 human services and the judicial department shall
 43 mutually agree on a schedule to complete the transfer
 44 of support payment collection and disbursement
 45 responsibilities from the collection services center
 46 to the clerks of the district court. The schedule
 47 shall provide for the completion of the transfer of
 48 the responsibilities for all affected orders by June
 49 30, ~~1991~~ 1993. The following procedure shall be used
 50 for any order affected by the initial transfer of

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1 responsibilities.

2 Sec. 419. 1990 Iowa Acts, chapter 1257, section
 3 24, subsection 4, unnumbered paragraph 2, is amended
 4 to read as follows:

5 As a condition, limitation, and qualification of
 6 this appropriation, the beds shall be used for a 30-
 7 to-60-day shock revocation program for parole and
 8 probation violators who are male offenders. The beds
 9 shall be administered by the state department of
 10 corrections.

11 Sec. 420. 1990 Iowa Acts, chapter 1268, section 5,
 12 subsection 2, is amended to read as follows:

13 2. For reimbursement of counties for temporary
14 confinement of work release and parole violators, as
15 provided in sections 246.908, 901.7, and 906.17 and
16 for offenders confined pursuant to section 246.513:

17 \$ 215,000

18 Sec. 421. EFFECTIVE DATE AND RETROACTIVE
19 APPLICABILITY PROVISIONS.

20 1. Section 417 of this division takes effect on
21 January 1, 1992.

22 2. Sections 418 and 420 of this division, being
23 deemed of immediate importance, take effect upon
24 enactment. Section 420 of the division applies
25 retroactively to July 1, 1990.

26 DIVISION V
27 TAXATION

28 Sec. 501. Section 422.9, subsection 1, Code 1991,
29 is amended to read as follows:

30 1. An optional standard deduction, after deduction
31 of federal income tax, equal to one thousand two
32 hundred thirty dollars for a married person who files
33 separately or a single person or equal to three
34 thousand thirty dollars for a husband and wife who
35 file a joint return, a surviving spouse, or an
36 unmarried head of household. The optional standard
37 deduction shall not exceed the amount remaining after
38 deduction of the federal income tax. The amount of
39 the federal income tax deducted shall not exceed the
40 amount as computed under subsection 2, paragraph "b".

41 Sec. 502. Section 422.9, subsection 2, paragraph
42 b, Code 1991, is amended by striking the paragraph and
43 inserting in lieu thereof the following:

44 b. Add the amount of federal income taxes paid or
45 accrued, as the case may be, for the tax year. Also
46 add the amount of federal income taxes paid with the
47 federal return or as a result of an adjustment to a
48 federal return during the tax year for a prior year.
49 However, the amount of federal income taxes deducted
50 for the tax year shall not exceed twenty-five thousand

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1 dollars, except that any additional taxes paid with
2 the federal return or as a result of an adjustment to
3 a federal return during tax years ending prior to
4 January 1, 1991, are not subject to the twenty-five
5 thousand dollar limitation. Subtract the amount of
6 federal income tax refunds received for the tax year
7 to the extent that the federal income tax was deducted
8 in a previous year. Married persons who file separate
9 returns or file separately on combined return forms

10 shall be limited to a federal income tax deduction for
 11 federal income taxes paid during the tax year not to
 12 exceed twenty-five thousand dollars in total for both
 13 spouses. The amount of the federal income tax
 14 deduction shall be divided between each spouse by the
 15 ratio of the net income of each spouse to total net
 16 income of both spouses unless they can show that
 17 another method more accurately reflects the amount of
 18 federal income tax to be paid by each.

19 Sec. 503. Sections 501 and 502 apply retroactively
 20 to January 1, 1991, for tax years beginning on or
 21 after that date.

22 DIVISION VI
 23 SCHOOL FOUNDATION AID

24 Sec. 601. Section 257.1, subsection 2, unnumbered
 25 paragraph 2, Code 1991, is amended to read as follows:

26 For the budget year commencing July 1, 1991, and
 27 for each succeeding budget year the regular program
 28 foundation base per pupil is eighty-three and five-
 29 tenths percent of the regular program state cost per
 30 pupil: ~~For each succeeding budget year, the regular~~
 31 ~~program foundation base shall increase twenty-five~~
 32 ~~hundredths percent per year until the regular program~~
 33 ~~foundation base reaches eighty-five percent of the~~
 34 ~~regular program state cost per pupil, except that the~~
 35 regular program foundation base per pupil for the
 36 portion of weighted enrollment that is additional
 37 enrollment because of special education is seventy-
 38 nine percent of the regular program state cost per
 39 pupil. For the budget year commencing July 1, 1991,
 40 and for each succeeding budget year the special
 41 education support services foundation base is ~~eighty-~~
 42 ~~three and five-tenths~~ seventy-nine percent of the
 43 special education support services state cost per
 44 pupil. ~~It shall increase at the same rate as the~~
 45 ~~regular program foundation base.~~ The combined
 46 foundation base is the sum of the regular program
 47 foundation base and the special education support
 48 services foundation base.

49 Sec. 602. Section 257.2, subsection 12, Code 1991,
 50 is amended by striking the subsection.

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1 Sec. 603. Section 257.15, subsection 1, Code 1991,
 2 is amended by adding the following new unnumbered
 3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. For purposes of this
 5 subsection, in computing the amount of revenues
 6 generated by the foundation property tax and the

7 additional property tax under chapter 442, Code 1989,
 8 the computation shall be based on a regular program
 9 foundation base per pupil of eighty-three percent of
 10 the regular program state cost per pupil except that
 11 for the portion of weighted enrollment that is
 12 additional enrollment because of special education the
 13 regular program foundation base per pupil shall be
 14 seventy-nine percent of the regular program state cost
 15 per pupil. The special education support services
 16 foundation base shall be seventy-nine percent of the
 17 special education support services state cost per
 18 pupil.

19 Sec. 604. Section 257.31, subsections 6 and 11,
 20 Code 1991, are amended by striking the subsections.

21 Sec. 605. Section 442.3, unnumbered paragraph 1,
 22 Code 1991, is amended to read as follows:

23 The state foundation base for the school year
 24 beginning July 1, 1986 is eighty percent of the state
 25 cost per pupil. The state foundation base for the
 26 school year beginning July 1, 1987 is eighty-one and
 27 one-half percent of the state cost per pupil. For
 28 each succeeding school year, the state foundation base
 29 shall be increased by the amount of one-half percent
 30 of the state cost per pupil, up to a maximum of
 31 ~~eighty-five~~ eighty-three percent of the state cost per
 32 pupil. The district foundation base is the larger of
 33 the state foundation base or the amount per pupil
 34 which the district will receive from foundation
 35 property tax and state school foundation aid.

36 Sec. 606. Sections 601, 603, and 605 of this
 37 division, being deemed of immediate importance, take
 38 effect upon enactment.

DIVISION VII PROPERTY TAX

41 Sec. 701. Section 425A.1, Code 1991, is amended to
 42 read as follows:

43 425A.1 FAMILY FARM TAX CREDIT FUND.

44 The family farm tax credit fund is created in the
 45 office of the treasurer of state. ~~There is~~
 46 ~~appropriated to the fund from funds in the general~~
 47 ~~fund not otherwise appropriated the sum of ten million~~
 48 ~~dollars. Moneys appropriated to the agricultural land~~
 49 ~~credit fund and transferred to the family farm credit~~
 50 ~~fund as provided in section 426.1 shall be used for~~

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1 purposes of this chapter. Any balance in the fund on
 2 June 30 shall revert to the general fund.

3 Sec. ____ . Section 425A.2, subsection 4, Code 1991,

4 is amended to read as follows:

5 4. "Eligible tract" or "eligible tract of
6 agricultural land" means an area of agricultural land
7 not exceeding four hundred acres which is described on
8 the property tax list as subject to property taxes and
9 which meets the requirements of section 425A.3,
10 subsection 2.

11 Sec. 702. Section 426.1, Code 1991, is amended to
12 read as follows:

13 426.1 AGRICULTURAL LAND CREDIT FUND.

14 There is ~~hereby~~ created as a permanent fund in the
15 office of the treasurer of state a fund to be known as
16 the agricultural land credit fund, and for the purpose
17 of establishing and maintaining ~~said~~ this fund for
18 each fiscal year there is appropriated ~~thereto to this~~
19 fund from funds in the general fund not otherwise
20 appropriated the sum of forty-three million five
21 hundred thousand dollars. Any balance in ~~said the~~
22 fund on June 30 shall revert to the general fund. Of
23 the amount appropriated for each fiscal year, ten
24 million dollars shall be transferred for each fiscal
25 year to the family farm tax credit fund created in
26 section 425A.1.

27 Sec. 703. Section 135D.22, subsection 2, paragraph
28 b, Code 1991, is amended by adding the following new
29 unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
31 effective date provision in 1990 Iowa Acts, chapter
32 1250, section 21, this lettered paragraph is effective
33 for mobile home tax claims filed on or after January
34 1, 1993, and any claims filed under this lettered
35 paragraph before that date shall not be allowed.

36 Sec. 704. Section 425.23, subsection 1, paragraph
37 b, Code 1991, is amended by adding the following new
38 unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
40 effective date provisions in 1990 Iowa Acts, chapter
41 1250, section 21, this lettered paragraph is effective
42 for property tax claims filed on or after January 1,
43 1993, and for rent reimbursement claims filed on or
44 after January 1, 1994, and all such claims filed under
45 this lettered paragraph before such dates shall not be
46 allowed.

47 Sec. 705. Sections 703 and 704 of this division,
48 being deemed of immediate importance, take effect upon
49 enactment and apply retroactively to January 1, 1991.

50 Sec. 706. Sections 701 and 702 are effective July

1 1, 1991.

2 DIVISION VIII
3 MISCELLANEOUS

4 Sec. 801. The general assembly shall develop a
5 budget reform program with the objective of holding
6 state spending within specified limits. The reform
7 program shall provide criteria for determining the
8 specific spending limitations. The budget reform
9 program shall be enacted by July 1, 1991.

10 DIVISION IX
11 STANDING APPROPRIATIONS

12 Sec. 901. Notwithstanding the standing
13 appropriations in the following designated sections
14 for the fiscal year beginning July 1, 1991, the amount
15 appropriated from the general fund of the state
16 pursuant to those sections for the following
17 designated purposes shall not exceed the following
18 amounts:

19 1. To reimburse counties for the loss of property
20 tax revenues for machinery and computer equipment tax
21 replacement under section 427B.13:

22 \$ 0

23 If the amounts of calculated county reimbursement
24 exceed the amount specified in this subsection the
25 director of revenue and finance shall prorate the
26 amount available.

27 2. For deposit into the state communications
28 network fund under section 18.137:

29 \$ 0

30 3. For programs for at-risk children under section
31 279.51, subsection 1:

32 \$ 10,000,000

33 As a condition, limitation, and qualification of
34 the funds appropriated in this section, and
35 notwithstanding the allocations under section 279.51,
36 from the moneys appropriated under this subsection for
37 the fiscal year beginning July 1, 1991, and ending
38 June 30, 1992, for expenditure for programs for at-
39 risk children under section 279.51, subsection 1, the
40 child development coordinating council shall expend an
41 additional \$780,000 for a total of \$5,405,000 for
42 grants awarded pursuant to section 279.51, subsection
43 1, paragraph "b", and the department of education
44 shall expend an additional \$520,000 for a total of
45 \$3,520,000 for grants awarded pursuant to section
46 279.51, subsection 1, paragraph "d". It is the intent
47 of the general assembly that all approved proposed at-
48 risk program grants be awarded if possible on a
49 prorated basis. However, the child development
50 coordinating council and the department of education

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1 shall rank grant proposals in order of priority for
 2 funding, and if the reduction in the amount
 3 appropriated causes proposed low-priority grant
 4 programs to no longer be feasible, the council and the
 5 department shall not award grant moneys to low-
 6 priority grant programs and shall redistribute the
 7 funds among the remaining grant proposals which have
 8 been assigned a higher priority.

9 DIVISION X

10 GENERAL REDUCTIONS

11 Sec. 1001. REDUCTIONS. Notwithstanding the
 12 specific appropriations made by the Seventy-fourth
 13 General Assembly, 1991 Session, for the fiscal year
 14 beginning July 1, 1991, and ending June 30, 1992, all
 15 appropriations from the general fund of the state made
 16 for this period except for appropriation amounts
 17 relating to reimbursements of social services
 18 providers under division I of this Act shall be
 19 reduced by 0.5 percent.

20 DIVISION XI

21 CIGARETTE AND TOBACCO TAX".

22 2. By striking page 105, line 39 through page
 23 106, line 23.
 24 3. By striking page 106, line 24 through page
 25 108, line 25.
 26 4. Page 108, by striking lines 26 and 27.
 27 5. Page 108, lines 36 and 37, by striking the
 28 words "increasing the cigarette and tobacco products
 29 tax,".
 30 6. Page 108, line 37, by inserting after the word
 31 "tax," the following: "delaying the effective date of
 32 certain tax rate reductions, credits, or rent
 33 reimbursements, relating to the amount of federal
 34 income taxes deductible for the state income tax,".
 35 7. By renumbering, relettering, or redesignating
 36 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 532

S-3624

1 Amend Senate File 532, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, line 24, by striking the figure
 4 "1,052,766" and inserting the following: "1,108,308".
 5 2. Page 5, line 27, by striking the figure
 6 "653,500" and inserting the following: "709,042".

7 3. Page 7, line 9, by striking the words
8 "paragraphs a and" and inserting the following:
9 "paragraph a, paragraph d, unnumbered paragraph 1, and
10 paragraph".

11 4. Page 9, by inserting after line 9, the
12 following:

13 "For grants to county boards of supervisors for the
14 homemaker-home health aide program:

15 \$ 8,454,000
16 8,398,458".

17 5. By striking page 11, line 27 through page 15,
18 line 30.

19 6. Page 27, by inserting after line 13 the
20 following:

21 "Sec. ____ . Notwithstanding any other provision of
22 law, all entities which applied for and were awarded
23 funds, based upon the availability of the
24 appropriation originally made in 1990 Iowa Acts,
25 chapter 1262, section 15, which did not receive such
26 funds as a result of the reduction in the amount
27 appropriated under section 507 of this division, shall
28 be provided such funds during the fiscal year
29 beginning July 1, 1991, immediately upon the
30 availability of moneys for the rural community 2000
31 program."

32 7. Page 30, line 17, by striking the figure
33 "314,271" and inserting the following: "290,271".

34 8. Page 34, line 1, by striking the figure
35 "3,460,631" and inserting the following: "3,522,631".

36 9. Page 35, line 12, by striking the figure
37 "1,134,134" and inserting the following: "1,096,134".

38 10. Page 49, by inserting after line 1, the
39 following:

40 "For purposes of this section, moneys collected and
41 deposited into the groundwater protection fund during
42 the fiscal year ending June 30, 1991, which were
43 designated by formula for specific centers at any
44 state board of regents institutions shall be
45 considered encumbered and obligated funds."

46 11. Page 51, by inserting after line 6 the
47 following:

48 "As a condition, limitation, and qualification of
49 the supplemental funds appropriated in this section,
50 notwithstanding the adoption of an administrative rule

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1 limiting coverage of organ transplants under the
2 medical assistance program, the department shall
3 continue through the fiscal year ending June 30, 1992,

4 to provide medical assistance coverage for organ
5 transplants to individuals who applied for and
6 received approval from the department on or before
7 January 1, 1991, for medical assistance coverage of an
8 organ transplant.”

9 12. Page 51, by inserting after line 6, the
10 following:

11 “As a condition, limitation, and qualification of
12 the supplemental funds appropriated in this section,
13 notwithstanding the adoption of an administrative rule
14 limiting coverage of organ transplants under the
15 medical assistance program, the department shall
16 continue through the fiscal year ending June 30, 1992,
17 to provide medical assistance coverage for organ
18 transplants of the pancreas and the liver until the
19 department establishes criteria for the coverage of
20 these transplants. The criteria shall include but are
21 not limited to health status and anticipated outcomes,
22 including expected quality of life. The department
23 may adopt emergency rules to implement the provisions
24 of this subsection.”

25 13. Page 52, line 16, by striking the figure
26 “7,815,100” and inserting the following: “7,890,100

27 As a condition, limitation, and qualification of
28 the funds appropriated in this section, not more than
29 \$75,000 of the funds appropriated in this section
30 shall be used to pay interest in an amount calculated
31 in accordance with section 421.7 to service providers
32 on their billings to the state payable pursuant to
33 section 232.141, subsection 4, which during the period
34 of January 1, 1991, through April 30, 1991, became
35 more than 60 days past due.”

36 14. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 529

S-3625

1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 2, line 34, through page 3,
4 line 1 and inserting the following:

5 “2. For the Iowa substance abuse clearinghouse in
6 Cedar Rapids for staff, materials, and operating
7 expenses:

8 \$ 32,000”

9 2. Page 3, by striking line 7 and inserting the
10 following: “clearinghouse.”

- 11 3. Page 3, line 16, by striking the figure
12 "752,033" and inserting the following: "791,614".
- 13 4. Page 6, by inserting after line 26 the fol-
14 lowing:
15 "The department of general services may use funds
16 appropriated in this subsection for utility costs to
17 fund energy conservation projects in the state capitol
18 complex which will have a 100 percent payback within a
19 24-month period. The department of general services
20 shall report quarterly to the chairpersons and ranking
21 members of the administration appropriations
22 subcommittee, and to the legislative fiscal bureau,
23 concerning the savings generated as a result of
24 implementation of these projects."
- 25 5. Page 13, line 19, by striking the figure
26 "10,787,985" and inserting the following:
27 "10,825,147".
- 28 6. Page 13, line 23, by striking the figure
29 "6,744,640" and inserting the following: "6,750,450".
- 30 7. Page 13, line 27, by striking the figure
31 "2,053,165" and inserting the following: "2,006,656".
- 32 8. Page 13, line 31, by striking the figure
33 "1,362,581" and inserting the following: "1,383,566".
- 34 9. Page 13, line 35, by striking the figure
35 "2,225,415" and inserting the following: "2,172,978".
- 36 10. Page 14, line 4, by striking the figure
37 "964,784" and inserting the following: "1,033,213".
- 38 11. Page 17, by inserting before line 15 the
39 following:
40 "Sec. — . NEW SECTION. 7.15A APPOINTMENTS.
41 The governor, when appointing a person to fill a
42 full-time position for a division, department, board,
43 commission, or council of the state shall provide all
44 necessary information regarding the appointive
45 position to the department of personnel.
46 The department of personnel shall give public
47 notice of recruitment for the position, and the
48 position shall remain open for at least fifteen
49 calendar days following the date of public notice.
50 Recruitment for the position may be limited to a

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- 1 specific geographic area or to persons with specific
2 background qualifications, or both. Recruitment
3 announcements shall specify the title, salary range,
4 method for making application, closing date for
5 receiving applications, and any specific availability
6 or background requirements. Recruitment announcements
7 shall be posted in conspicuous locations throughout

8 the relevant state agency and in the offices of the
 9 division of job service of the department of
 10 employment services. Recruitment announcements shall
 11 also be sent to newspapers, radio stations,
 12 educational institutions, professional and vocational
 13 associations, and other recruitment sources as funds
 14 allow."

15 12. By striking page 17, line 28, through page
 16 18, line 5, and inserting the following:
 17 "Sec. ____ . USE OF RECOVERED ADMINISTRATIVE FUNDS.

18 The funds collected as administrative and related
 19 overhead costs under section 12.8 for the fiscal year
 20 beginning July 1, 1991, shall be credited to the
 21 general fund of the state. The treasurer of state
 22 shall report to the chairpersons and ranking members
 23 of the joint administration appropriations
 24 subcommittee, to the legislative fiscal committee, and
 25 to the legislative fiscal bureau, as to the amounts
 26 collected. It is the intent of the general assembly
 27 that commencing with the fiscal year beginning July 1,
 28 1992, the administrative and related overhead costs
 29 recovered shall become part of the budget of the
 30 office of treasurer of state."

31 13. Page 18, by striking lines 6 through 23.

32 14. Page 18, by striking lines 24 through 29 and
 33 inserting the following:

34 "Sec. ____ . Section 73.16, subsection 1, Code 1991,
 35 is amended to read as follows:

36 1. Every agency, department, commission, board,
 37 committee, officer or other governing body of the
 38 state shall strive to purchase ten percent of goods
 39 and services supplied by small businesses and targeted
 40 small businesses, having average annual gross sales of
 41 less than five million dollars over the previous three
 42 years in Iowa. In addition to the other provisions of
 43 this section relating to procurement contracts for
 44 targeted small businesses, all purchasing authorities
 45 shall assure that a proportionate share of small
 46 businesses and targeted small businesses identified
 47 under the uniform small business vendor application
 48 program of the department of economic development are
 49 given the opportunity to bid on all solicitations
 50 issued by agencies and departments of state

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1 government. Any goods or services purchased from
 2 targeted small businesses shall be counted toward the
 3 ten percent procurement requirement."

4 15. Page 19, line 10, by striking the figure

- 5 "985,358" and inserting the following: "1,085,919".
6 16. Page 19, line 23, by striking the figure
7 "32.20" and inserting the following: "41.20".
8 17. Page 19, line 33, by striking the figure
9 "828,873" and inserting the following: "861,528".
10 18. Page 19, line 34, by striking the figure
11 "19.0" and inserting the following: "23.0".
12 19. By striking page 19, line 35, through page
13 20, line 6, and inserting the following:
14 "____. As a condition, limitation, and
15 qualification of the appropriation under paragraph
16 "a", \$165,000 shall be used for research and promotion
17 of ethanol and other alternative fuels, and to perform
18 in-state promotion of Iowa grown crops. The duties
19 shall be performed by a full-time equivalent position
20 which is within the division."
21 20. Page 20, line 20, by striking the figure
22 "3,879,715" and inserting the following: "4,129,715".
23 21. Page 21, line 28, by striking the figure
24 "5,232,428" and inserting the following: "5,132,428".
25 22. Page 21, line 32, by striking the figure
26 "6,439,972" and inserting the following: "6,645,972".
27 23. Page 22, line 4, by striking the figure and
28 words "10 percent shall" and inserting the following:
29 "Up to 10 percent may".
30 24. Page 22, line 5, by striking the figure "50"
31 and inserting the following: "75".
32 25. Page 22, by striking lines 30 through 35.
33 26. Page 23, line 24, by striking the figure
34 "500,000" and inserting the following: "250,000".
35 27. Page 23, by striking lines 25 through 35.
36 28. Page 24, line 30, by striking the figure
37 "55,893" and inserting the following: "56,031".
38 29. Page 25, line 1, by striking the figure
39 "711,672" and inserting the following: "728,044".
40 30. Page 25, line 7, by striking the figure
41 "1,588,181" and inserting the following: "1,619,895".
42 31. Page 25, line 10, by inserting before the
43 word "For" the following: "a."
44 32. Page 25, line 13, by striking the figure
45 "5,170,899" and inserting the following: "5,445,002".
46 33. Page 25, by inserting after line 14 the
47 following:
48 "b. As a condition, limitation, and qualification
49 of the appropriation under paragraph "a", the
50 department of natural resources shall construct a

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1 safety fence on the dam at Beeds lake in Franklin

2 county."

3 34. Page 25, line 19, by striking the figure
4 "1,617,265" and inserting the following: "1,626,062".

5 35. Page 25, line 25, by striking the figure
6 "1,223,941" and inserting the following: "1,386,097".

7 36. Page 25, line 26, by striking the figure
8 "58.62" and inserting the following: "59.62".

9 37. Page 25, line 31, by striking the figure
10 "1,965,992" and inserting the following: "2,002,785".

11 38. Page 28, line 23, by striking the figure
12 "1,350,000" and inserting the following: "2,620,568".

13 39. Page 28, line 28, by striking the letter "a."

14 40. Page 28, line 31, by striking the figure
15 "850,000" and inserting the following: "750,000".

16 41. By striking page 28, line 32, through page
17 29, line 9.

18 42. Page 31, by inserting after line 20 the
19 following:

20 "Sec. ____ . The laboratory division of the
21 department of agriculture and land stewardship, the
22 university of Iowa, and Iowa state university of
23 science and technology shall cooperate together in
24 developing a plan for sharing laboratory resources,
25 eliminating duplication of efforts, and reducing the
26 expenditures of moneys from the general fund of the
27 state. The laboratory shall submit the plan to the
28 members of the agriculture and natural resources
29 appropriations subcommittee of the committees on
30 appropriations in the senate and house of
31 representatives, and to the legislative fiscal bureau
32 by January 13, 1992."

33 43. Page 32, by inserting after line 10 the
34 following:

35 "Sec. ____ . The general assembly requests that the
36 department of natural resources study to the extent
37 practicable the contribution to groundwater and
38 surface water contamination caused by the application
39 of lawn care chemicals. A report prepared by the
40 center shall be forwarded to the secretary of the
41 senate and chief clerk of the house of representatives
42 as soon as possible."

43 44. Page 32, by inserting after line 33, the
44 following:

45 "Sec. 2000. Notwithstanding the amount of the
46 appropriation specified in section 455A.18, subsection
47 4, for the fiscal year beginning July 1, 1991, the
48 amount of the appropriation from the general fund of
49 the state shall be \$20,000,000.

50 Sec. ____ . Notwithstanding the requirement in

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1 section 99E.10, subsection 1, to transfer lottery
2 revenue remaining after expenses are deducted, the
3 requirement under section 99E.20, subsection 2, for
4 the commissioner to certify and transfer a portion of
5 the lottery fund to the CLEAN fund, nor the
6 appropriations and allocations in section 99E.34, all
7 lottery revenues received during the fiscal year
8 beginning July 1, 1991, and ending June 30, 1992,
9 after deductions for expenses as provided in section
10 99E.10, subsection 1, shall not be transferred to and
11 deposited into the CLEAN fund but shall be used to
12 reimburse the general fund of the state for each
13 dollar spent, up to the following amounts, as a result
14 of the appropriations made for the following purposes:
15 1. Soil conservation cost share as administered by
16 the department of agriculture and land stewardship, up
17 to \$6,439,972.
18 2. Filter strips, as administered by the
19 department of agriculture and land stewardship, up to
20 \$206,000.
21 3. Parks and preserves division, of the department
22 of natural resources, up to \$5,000,000.
23 4. Forests and forestry division, of the
24 department of natural resources, up to \$1,500,000.
25 5. Environmental protection division, of the
26 department of natural resources, up to \$1,750,000.
27 6. Agricultural experiment station at Iowa state
28 university of science and technology, up to
29 \$4,704,028.
30 7. Leopold center at Iowa state university of
31 science and technology, up to \$600,000.
32 8. Iowa resource enhancement and protection fund
33 as provided in section 2000, up to \$20,000,000.
34 Notwithstanding section 8.33, money in the lottery
35 fund not used for the reimbursement of general fund
36 expenditure for the purposes and in the amounts
37 specified in sections 1 through 8 shall not revert to
38 the general fund of the state but shall remain in the
39 lottery fund.
40 45. Page 34, by striking lines 6 through 9.
41 46. By striking page 34, line 34, through page
42 35, line 30, and inserting the following:
43 "Sec. ____ . Section 173.14B, subsection 1,
44 unnumbered paragraph 1, Code 1991, is amended to read
45 as follows:
46 The board may issue and sell negotiable revenue
47 bonds of the authority in denominations and amounts as
48 the board deems for the best interests of the fair;

49 for any of the following purposes after authorization,
50 However, the board must first submit a list of the

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1 purposes ranked by priority and a purpose must be
2 authorized by a constitutional majority of each house
3 of the general assembly and approval approved by the
4 governor. A purpose must be one of the following:

5 Sec. ____ Section 173.14B, subsection 2, Code
6 1991, is amended to read as follows:

7 2. The board may issue negotiable bonds and notes
8 of the authority in principal amounts which are
9 necessary to provide sufficient funds for achievement
10 of its corporate purposes, the payment of interest on
11 its bonds and notes, the establishment of reserves to
12 secure its bonds and notes, and all other expenditures
13 of the board incident to and necessary or convenient
14 to carry out its purposes and powers, subject to
15 authorization and approval required under subsection
16 1. However, the total principal amount of bonds and
17 notes outstanding at any time under subsection 1 and
18 this subsection shall not exceed one hundred fifty six
19 million dollars. The bonds and notes are deemed to be
20 investment securities and negotiable instruments
21 within the meaning of and for all purposes of the
22 uniform commercial code."

23 47. Page 37, lines 4 and 5, by striking the words
24 "AND RECORDS".

25 48. Page 37, by striking lines 6 through 8 and
26 inserting the following:

27 "The department may establish a schedule of fees
28 for subscriptions to publications produced by the".

29 49. By striking page 37, line 16 through page 38,
30 line 13, and inserting the following: "the
31 publication."

32 50. Page 40, by striking lines 23 through 34.

33 51. Page 41, line 10, by striking the figure
34 "995,421" and inserting the following: "1,040,965".

35 52. Page 41, line 33, by striking the figure
36 "130,853" and inserting the following: "180,853".

37 53. Page 42, line 4, by striking the figure
38 "318,858" and inserting the following: "344,358".

39 54. Page 42, line 7, by striking the figure
40 "125,000" and inserting the following: "140,000".

41 55. Page 42, line 9, by striking the figure
42 "33,500" and inserting the following: "44,000".

43 56. Page 42, by striking lines 11 through 26.

44 57. Page 43, line 13, by striking the figure
45 "229,415" and inserting the following: "351,806".

- 46 58. Page 43, line 14, by striking the figure
- 47 "5.00" and inserting the following: "10.00".
- 48 59. Page 43, by striking lines 15 through 19 and
- 49 inserting the following:
- 50 "a. The criminal and juvenile justice planning

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1 advisory council and the juvenile justice advisory
 2 council shall coordinate their efforts in carrying out
 3 their respective duties relative to juvenile justice.
 4 b. Of the funds appropriated in this subsection,
 5 no less than \$36,300 shall be spent for expenses
 6 relating to the administration of federal funds for
 7 juvenile assistance. It is the intent of the general
 8 assembly that the department of human rights employ
 9 sufficient staff to meet the federal funding match
 10 requirements established by the federal office for
 11 juvenile justice delinquency prevention. The
 12 governor's advisory council on juvenile justice shall
 13 determine the staffing level necessary to carry out
 14 federal and state mandates for juvenile justice."

- 15 60. Page 43, by inserting before line 20 the fol-
- 16 lowing:
- 17 "9. COMMUNITY ACTION AGENCIES DIVISION

18 For the expenses of the community action agencies
 19 commission:

20 \$ 3,644".

- 21 61. Page 44, line 3, by striking the figure
- 22 "429,519" and inserting the following: "448,630".
- 23 62. Page 44, line 5, by striking the figure
- 24 "\$50,000" and inserting the following: "a sufficient
- 25 amount".
- 26 63. Page 44, line 20, by striking the figure
- 27 "83,000" and inserting the following: "73,000".
- 28 64. Page 44, line 28, by inserting after the word
- 29 "care," the following: "respite care, case management
- 30 for the frail elderly,".
- 31 65. Page 45, by striking lines 3 through 11.
- 32 66. Page 45, line 20, by striking the letter "a."
- 33 67. Page 45, by striking lines 25 through 31.
- 34 68. Page 46, line 18, by striking the figure
- 35 "100,000" and inserting the following: "300,000".
- 36 69. Page 46, line 33, by striking the figure
- 37 "2,301,510" and inserting the following: "2,407,574".
- 38 70. Page 46, line 34, by striking the figure
- 39 "82.04" and inserting the following: "85.54".
- 40 71. Page 48, line 5, by striking the figure
- 41 "597,785" and inserting the following: "615,785".
- 42 72. Page 49, line 12, by striking the figure

43 "8,571,941" and inserting the following: "8,471,941".
 44 73. Page 49, line 20, by striking the figure
 45 "4,345,820" and inserting the following: "4,347,820".
 46 74. Page 49, line 23, by striking the figure
 47 "631,000" and inserting the following: "578,969".
 48 75. Page 49, by striking lines 25 and 26, and
 49 inserting the following: "funds, \$282,969 shall be
 50 allocated for regional".

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1 76. Page 49, line 31, by striking the figure
 2 "99,000" and inserting the following: "77,000".
 3 77. Page 49, line 33, by striking the figure
 4 "657,500" and inserting the following: "754,500".
 5 78. Page 50, line 15, by striking the figure
 6 "341,500" and inserting the following: "321,993".
 7 79. Page 50, line 21, by striking the figure
 8 "125,000" and inserting the following: "119,497".
 9 80. Page 50, line 23, by striking the figure
 10 "67,000" and inserting the following: "64,044".
 11 81. Page 50, line 31, by striking the figure
 12 "101,500" and inserting the following: "97,092".
 13 82. Page 51, line 26, by striking the figure
 14 "2,682,249" and inserting the following: "2,596,249".
 15 83. Page 53, line 14, by striking the figure
 16 "8,975,159" and inserting the following: "8,775,159".
 17 84. Page 57, line 24, by striking the figure
 18 "606,945" and inserting the following: "605,000".
 19 85. By striking page 58, line 3 through page 59,
 20 line 4.
 21 86. Page 65, by striking lines 31 through 34 and
 22 inserting the following:
 23 " \$ 1,612,239
 24 FTEs 117.00
 25 Of the amount appropriated in this subsection,
 26 \$110,438, of so much thereof as is necessary, shall be
 27 expended for 7.00".
 28 87. Page 66, by inserting after line 1 the
 29 following:
 30 "A nursing home regulation review task force is
 31 established for the purpose of reviewing rules and
 32 recommendations to implement federal requirements for
 33 nursing home reform and to make recommendations on
 34 whether the department of inspections and appeals is
 35 in need of increased funding and staffing levels for
 36 implementing appropriate nursing home reform. The
 37 task force is to be organized and convened by the
 38 department of inspections and appeals. The membership
 39 of the task force is to consist of the following:

- 40 1. One member representing the department of
- 41 inspections and appeals to be appointed by the
- 42 director of that department.
- 43 2. One member representing the department of human
- 44 services to be appointed by the director of that
- 45 department.
- 46 3. One member representing the nursing home
- 47 ombudsman within the department of elder affairs to be
- 48 appointed by the director of that department.
- 49 4. One member representing the Iowa health care
- 50 association.

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1 5. One member representing the Iowa association of
2 homes for the aging.

3 6. One member representing the Iowa hospital
4 associations.

5 6A. One member representing the Iowa council of
6 health care centers.

7 7. Legislative members to be appointed by the
8 legislative council. Legislative members shall
9 include members from the senate and the house of
10 representatives who serve on the regulation
11 appropriations subcommittee and the standing
12 committees on human resources.

13 The task force shall meet as necessary and shall
14 report the conclusions and recommendations of the task
15 force to the general assembly by September 1, 1991."

16 88. By striking page 66, line 28, through page
17 67, line 17.

18 89. Page 67, by inserting after line 21, the
19 following:

20 " As a condition, limitation, and
21 qualification of the funds appropriated in this
22 section, the department shall convene a task force to
23 work with counties, service providers, and the mental
24 health and mental retardation commission, in the
25 development of survey forms, interpretation of active
26 treatment guidelines for providers, training of
27 inspectors, and other issues associated with persons
28 residing in intermediate care facilities for the
29 mentally retarded."

30 90. By striking page 67, line 31, through page
31 68, line 3, and inserting the following:

32 " \$ 4,315,042
33 FTEs 93.30".

34 91. Page 68, by striking lines 22 through 32, and
35 inserting the following: "appeals, including the
36 amount of restitution collected for attorney fees as

37 follows:

38 a. By county.

39 b. By case type in the following categories:

40 (1) Juvenile cases involving delinquency actions,
41 child in need of assistance actions, or termination of
42 parental rights actions.

43 (2) Adult cases involving misdemeanor or felony
44 prosecutions."

45 92. Page 70, line 11, by striking the figure
46 "1,491,046" and inserting the following: "1,470,846".

47 93. Page 70, line 12, by striking the figure

48 "42.50" and inserting the following: "41.50".

49 94. Page 71, by striking lines 16 through 19 and

50 inserting the following:

Page 10

1 "The banking division shall provide technical
2 assistance and staffing assistance to the director of
3 the department of commerce, as necessary, to assist
4 the director in the director's capacity as
5 superintendent of savings and loan associations as
6 provided in Senate File 494, if enacted by the 1991
7 Session of the Seventy-fourth General Assembly."

8 95. By striking page 74, line 19, through page
9 75, line 6.

10 96. Page 75, by striking lines 7 through 21 and
11 inserting the following:

12 "Sec. ____ . Section 96.7, subsection 9, Code 1991,
13 is amended by striking the subsection."

14 97. Page 78, by inserting after line 12 the
15 following:

16 "Sec. ____ . **NEW SECTION. 815.10A CLAIM FOR**
17 **COMPENSATION -- REQUIREMENTS.**

18 1. The department of inspections and appeals shall
19 require all claims for compensation filed by court-
20 appointed attorneys for indigent defense cases,
21 whether adult or juvenile, to include specific
22 information as required by rules of the department.

23 2. If the information required in this section is
24 submitted with the claim for compensation, the court
25 may then award reasonable and proper compensation to
26 the attorney. If information required is not
27 submitted with the claim for compensation, the
28 department may reject the claim until such information
29 is submitted."

30 98. Page 79, line 8, by striking the figure
31 "3,315,946" and inserting the following: "3,405,823".

32 99. Page 79, line 14, by striking the figure

33 "315,399" and inserting the following: "332,844".

- 34 100. Page 79, line 20, by striking the figure
35 "142,340" and inserting the following: "142,338".
36 102. Page 79, line 21, by striking the figure
37 "4.16" and inserting the following: "6.16".
38 103. Page 79, line 28, by striking the figure
39 "9,676" and inserting the following: "10,185".
40 104. Page 80, line 4, by striking the figure
41 "2,395,663" and inserting the following: "2,503,178".
42 105. Page 80, line 16, by striking the figure
43 "3,141,241" and inserting the following: "3,325,447".
44 106. Page 80, line 27, by striking the figure
45 "6,250,157" and inserting the following: "7,859,746".
46 107. Page 80, line 28, by striking the figure
47 "141.00" and inserting the following: "160.00".
48 108. Page 81, line 1, by striking the figure
49 "2,148,790" and inserting the following: "2,152,747".
50 109. Page 81, line 4, by striking the figure

Page 11

- 1 "260,250" and inserting the following: "261,000".
2 110. Page 81, line 11, by striking the figure
3 "1,427,474" and inserting the following: "1,473,233".
4 111. Page 81, line 12, by striking the figure
5 "33.00" and inserting the following: "34.00".
6 112. Page 81, line 15, by striking the figure
7 "1,135,371" and inserting the following: "1,161,735".
8 113. Page 81, line 29, by striking the figure
9 "27,771" and inserting the following: "29,544".
10 114. Page 82, line 10, by striking the figure
11 "24,458,362" and inserting the following:
12 "24,198,122".
13 115. Page 82, line 11, by striking the figure
14 "456.00" and inserting the following: "452.00".
15 116. Page 82, by striking lines 19 through 21.
16 117. Page 84, by striking lines 5 through 10.
17 118. Page 86, line 20, by striking the figure
18 "2,959.00" and inserting the following: "2,933.00".
19 119. Page 86, by inserting before line 21 the
20 following:
21 "It is the intent of the general assembly that the
22 department may conduct a pilot project for contracting
23 with counties for winter maintenance on state primary
24 highways. The department may continue this project
25 for a duration that is sufficient to determine the
26 feasibility for performing permanent contractual
27 maintenance with counties. Participating counties
28 shall meet minimum criteria relating to highway
29 maintenance functions, as determined by the
30 department. If a pilot project is conducted, the

31 department shall submit an annual report to the
 32 general assembly outlining the progress of the pilot
 33 project."

34 120. Page 89, line 1, by striking the figure
 35 "1,580,546" and inserting the following: "2,480,546".

36 121. Page 89, by striking lines 2 through 17.

37 122. Page 90, by inserting after line 22 the
 38 following:

39 "Sec. ____ . Section 307.45, unnumbered paragraph 4,
 40 Code 1991, is amended by striking the unnumbered
 41 paragraph and inserting in lieu thereof the following:

42 However, an assessment in excess of sixty thousand
 43 dollars in effect on or after December 1, 1990, is not
 44 valid unless it is provided for or contained within a
 45 capital appropriation by the general assembly."

46 123. Page 91, by striking lines 10 through 32.

47 124. Page 92, by inserting after line 11, the
 48 following:

49 "DIVISION VI
 50 GENERAL REDUCTIONS

Page 12

1 Sec. ____ . REDUCTIONS. Notwithstanding the
 2 specific appropriations made in this Act, all state
 3 general fund appropriations made in this Act shall be
 4 reduced by 0.5 percent.

5 DIVISION VII

6 CAPITAL PROJECTS AND LEASE-PURCHASE AGREEMENTS

7 Sec. ____ . Section 2.47A, subsection 1, paragraph
 8 d, Code 1991, is amended to read as follows:

9 d. Receive ~~quarterly~~ semiannual status reports for
 10 all ongoing capital projects of state agencies,
 11 pursuant to section 18.12, subsection 15.

12 Sec. ____ . Section 8.6, subsection 13, Code 1991,
 13 is amended to read as follows:

14 13. CAPITAL PROJECT BUDGETING REQUESTS. To

15 compile annually; ~~no later than October 1~~; all capital
 16 project budgeting requests of all state agencies, as
 17 defined in section 8.3A, and to consolidate the
 18 requests, with individual state agency priorities
 19 noted, into a report for submission to the legislative
 20 capital projects committee not later than ~~October~~
 21 November 1; ~~with any.~~ Any additional information
 22 regarding the capital project budgeting requests or
 23 priorities ~~to shall~~ be compiled and submitted in the
 24 same ~~manner no later than November 1~~ report.

25 Sec. ____ . Section 8.6, subsection 14, unnumbered
 26 paragraph 1, Code 1991, is amended to read as follows:

27 To prepare annually, in cooperation with the

28 department of general services, a five-year capital
29 project priority plan for all state agencies, as
30 defined in section 8.3A, to be submitted no later than
31 ~~July~~ November 1, beginning in the year 1990, to the
32 legislative capital projects committee. The plan
33 shall include but is not limited to the following:
34 Sec. ____ NEW SECTION. 8.46 LEASE-PURCHASE --
35 REPORTING.

36 For the purposes of this section, unless the
37 context otherwise requires, "state agency" means any
38 executive, judicial, or legislative department,
39 commission, board, institution, division, bureau,
40 office, agency, or other entity of state government.

41 1. Before entering into a contract involving a
42 lease-purchase arrangement in which any part or the
43 total amount of the contract is at least fifty
44 thousand dollars, a state agency shall notify the
45 legislative fiscal committee of the legislative
46 council regarding the contract. The notification is
47 required regardless of the source of payment for the
48 lease-purchase arrangement. The notification shall
49 include all of the following information:

50 a. A description of the object of the lease-

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1 purchase arrangement.
2 b. The cost of the contract.
3 c. The terms of the contract.
4 d. The total cost of the contract, including
5 principal and interest costs.
6 e. An identification of the means and source of
7 payment of the contract.
8 f. An analysis of consequences of delaying or
9 abandoning the commencement of the contract.
10 2. The legislative fiscal committee shall report
11 to the legislative council concerning the
12 notifications it receives pursuant to this section.
13 3. A state agency shall report quarterly to the
14 legislative fiscal committee concerning its contracts
15 involving a lease-purchase arrangement. The format of
16 the report shall be determined by the legislative
17 fiscal bureau in consultation with the department of
18 management. The report shall include all of the
19 following information:
20 a. A description of the objects of a lease-
21 purchase arrangement under contract.
22 b. The total costs of the contracts.
23 c. Total principal and interest cost in each
24 fiscal year of each contract.

25 d. An identification of the means and source of
26 payment for each contract.

27 Sec. ____ . Section 18.12, subsection 10, unnumbered
28 paragraph 1, paragraphs b, d, and e, and unnumbered
29 paragraphs 2 and 3, Code 1991, are amended to read as
30 follows:

31 On behalf of the department, enter into lease-
32 purchase contracts for real or personal property,
33 wherever located within the state, to be used for
34 buildings, facilities, and structures, or for
35 additions or improvements to existing buildings,
36 facilities, and structures, to carry out the
37 provisions of this ~~chapter~~ section or for the proper
38 use and benefit of the state and its state agencies on
39 the following terms and conditions:

40 b. The lease-purchase contract may provide for
41 ultimate ownership of the property by the state.
42 Title to all property acquired in this manner shall be
43 taken and held in the name of the state. The state
44 shall be the lessee or contracting party under all
45 lease-purchase contracts entered into pursuant to this
46 ~~chapter~~ section. The lease-purchase contract may
47 contain provisions similar to provisions customarily
48 found in lease-purchase contracts between private
49 persons, including, but not limited to, provisions
50 prohibiting the acquisition or use by the lessee of

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1 competing property or property in substitution for the
2 lease-purchased property, obligating the lessee to pay
3 costs of operation, maintenance, insurance, and taxes
4 relating to the property, and permitting the lessor to
5 retain a security interest in the property lease-
6 purchased, until title passes to the state, which may
7 be assigned or pledged by the lessor. The director
8 may contract for additional security or liquidity for
9 a lease-purchase contract and may enter into
10 agreements for letters of credit, lines of credit,
11 insurance, or other forms of security with respect to
12 rental and other payments due under a lease-purchase
13 contract. Fees for the costs of additional security
14 or liquidity are a cost of entering into the lease-
15 purchase contract and may be paid from funds annually
16 appropriated by the general assembly to the state
17 agency for which the property is being obtained or
18 from other funds legally available. The lease-
19 purchase contract may include the costs of entering
20 into the lease-purchase contract as a cost of the
21 lease-purchased property. The provision of a lease-

22 purchase contract which provides that a portion of the
23 periodic rental payment be applied as interest is
24 subject to chapter 74A. Other laws relating to
25 interest rates do not apply. Chapter 75 does not
26 apply to lease-purchase contracts entered into
27 pursuant to this chapter section. Rental and other
28 costs due under lease-purchase contracts entered into
29 pursuant to this chapter section shall be payable from
30 funds annually appropriated by the general assembly to
31 the state agency for which the property is being
32 obtained or from other funds legally available.

33 d. The director shall not enter into lease-
34 purchase contracts pursuant to this chapter section
35 without prior authorization by a constitutional
36 majority of each house of the general assembly and
37 approval by the governor of the use, location, and
38 maximum cost, not including interest expense, of the
39 real or personal property to be lease-purchased.
40 However, the director shall not enter into a lease-
41 purchase contract for real or personal property which
42 is to be constructed for use as a prison or prison-
43 related facility without prior authorization by a
44 constitutional majority of each house of the general
45 assembly and approval by the governor of the use,
46 location, and maximum cost, not including interest
47 expense, of the real or personal property to be lease-
48 purchased and with the construction in accordance with
49 space needs as established by an independent study of
50 space needs authorized by the general assembly.

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1 e. A contract for acquisition, construction,
2 erection, demolition, alteration, or repair by a
3 private person of real or personal property to be
4 lease-purchased by the director pursuant to this
5 chapter section is exempt from section 18.6,
6 subsections 1 and 9, unless the lease-purchase
7 contract is funded in advance by a deposit of the
8 lessor's moneys to be administered by the director
9 under a lease-purchase contract which requires rent
10 payments to commence upon delivery of the lessor's
11 moneys to the lessee.

12 This subsection provides an alternative and
13 independent method for carrying out projects under
14 this chapter and for entering into lease-purchase
15 contracts in connection ~~therewith~~ with the projects,
16 without reference to any other statute, and is not an
17 amendment of or subject to the provision of any other
18 law. No publication of any notice, whether under

19 section 23.12 or otherwise, and no other or further
20 proceedings with respect to the lease-purchase
21 contracts is referred to in this section are required
22 except as set forth in this ~~chapter~~ section, any
23 provisions of other statutes of the state to the
24 contrary notwithstanding.

25 For purposes of this subsection and subsection 12,
26 "state agency" means a board, commission, bureau,
27 division, office, department, or branch of state
28 government.

29 Sec. ____ . Section 18.12, subsection 15, Code 1991,
30 is amended to read as follows:

31 15. Prepare ~~quarterly~~ semiannual status reports
32 for all ongoing capital projects of all state
33 agencies, as defined in section 8.3A, and submit the
34 status reports to the legislative capital projects
35 committee.

36 Sec. ____ . Section 262A.3, Code 1991, is amended to
37 read as follows:

38 262A.3 ~~TEN-YEAR~~ FIVE-YEAR PROGRAM AND TWO-YEAR
39 BOND PROPOSAL SUBMITTED EACH YEAR.

40 The board shall prepare and submit to the general
41 assembly for approval or rejection a proposed ~~ten-year~~
42 five-year building program for each institution,
43 including an estimate of the maximum amount of bonds
44 which the board expects to issue under the provisions
45 of this chapter during each year of the ensuing
46 biennium. ~~Such~~ The program and estimate shall be
47 submitted ~~no later than seven days after the passage~~
48 ~~of this chapter by the general assembly and thereafter~~
49 ~~no later than seven days after the convening of each~~
50 regular annual session of the general assembly. The

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1 building program shall contain a list of the buildings
2 and facilities which the board deems necessary to
3 further the educational objectives of the
4 institutions. This list shall be revised annually,
5 but no project shall be eliminated from the list when
6 bonds have previously been issued by the board to pay
7 the cost ~~thereof~~ of the project. Each ~~such~~ list shall
8 contain an estimate of the cost of each of the
9 buildings and facilities referred to ~~therein~~ in the
10 list. If the general assembly rejects or fails to
11 approve any proposed ~~ten-year~~ five-year building
12 program, ~~such~~ this action or inaction shall not affect
13 the status or legality of any project previously or
14 subsequently authorized by the general assembly as
15 provided in section 262A.4.

16 Sec. ____ . NEW SECTION. 455A.9 STATE FISH AND
 17 GAME PROTECTION FUND -- CAPITAL PROJECTS AND
 18 CONTINGENCIES.

19 Funds remaining in the state fish and game
 20 protection fund during a fiscal year which are not,
 21 specifically appropriated by the general assembly are
 22 appropriated and may be used for capital projects and
 23 contingencies under the jurisdiction of the fish and
 24 wildlife division arising during the fiscal year. A
 25 contingency shall not include any purpose or project
 26 which was presented to the general assembly by way of
 27 a bill or a proposed bill and which failed to be
 28 enacted into law. For the purpose of this section, a
 29 necessity of additional operating funds may be
 30 construed as a contingency. Before any of the funds
 31 authorized to be expended by this section are
 32 allocated for contingencies, it shall be determined by
 33 the executive council that a contingency exists and
 34 that the contingency was not existent while the
 35 general assembly was in session and that the proposed
 36 allocation shall be for the best interests of the
 37 state. If a contingency arises or could reasonably be
 38 foreseen during the time the general assembly is in
 39 session, expenditures for the contingency must be
 40 authorized by the general assembly.”

41 125. By renumbering, relettering, or
 42 redesignating and correcting internal references as
 43 necessary.

HOUSE AMENDMENT TO
 SENATE FILE 311

S-3626

1 Amend Senate File 311, as passed by the Senate, as
 2 follows:

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

5 “Section 1. Section 527.2, Code 1991, is amended
 6 by adding the following new subsections:

7 NEW SUBSECTION. 18. “Electronic personal
 8 identifier” means a personal and confidential code or
 9 other security mechanism which has been designated by
 10 a financial institution issuing an access device to a
 11 customer to serve as a supplemental means of access to
 12 a customer's account that may be used by the customer
 13 in conjunction with an access device for the purpose
 14 of initiating a transaction by means of a satellite
 15 terminal.

16 NEW SUBSECTION. 19. “Limited-function terminal”

17 means an on-line point-of-sale terminal or an off-line
 18 point-of-sale terminal which satisfies the
 19 requirements of section 527.4, subsection 3, paragraph
 20 "d", or a multiple use terminal, which is not operated
 21 in a manner to accept an electronic personal
 22 identifier, and which is not operated to distinguish
 23 between transactions which affect a customer asset
 24 account and transactions which do not affect a
 25 customer asset account. Except as otherwise provided,
 26 a limited-function terminal shall not be subject to
 27 the requirements imposed upon other satellite
 28 terminals pursuant to sections 527.4 and 527.5,
 29 subsections 1, 2, 3, 7, and 9.

30 NEW SUBSECTION. 20. "Customer asset account" or
 31 "account" means a demand deposit, share, checking,
 32 savings, or other customer account, other than an
 33 occasional or incidental credit balance in a credit
 34 plan, which represents a liability of the financial
 35 institution which maintains such account at a business
 36 location or office located in this state, either
 37 directly or indirectly for the benefit of a customer.
 38 Sec. 2. Section 527.2, subsections 5, 10, and 14,
 39 Code 1991, are amended to read as follows:

40 5. "Financial institution" means and includes any
 41 bank incorporated under the provisions of ~~chapter 524~~
 42 any state or federal law, any savings and loan
 43 association incorporated under the provisions of
 44 ~~chapter 534~~ any state or federal law, any credit union
 45 organized under the provisions of ~~chapter 533~~ any
 46 state or federal law, any corporation licensed as an
 47 industrial loan company under chapter 536A, and any
 48 affiliate of a bank, savings and loan association, or
 49 credit union ~~incorporated under federal law or the~~
 50 ~~laws of a state other than Iowa which has an office~~

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1 ~~located within this state, or industrial loan company.~~
 2 10. "Satellite terminal" means and includes any
 3 machine or device located off the premises of a
 4 financial institution, and any machine or device
 5 located on the premises of a financial institution
 6 only if the machine or device is available for use by
 7 customers of other financial institutions, whether
 8 attended or unattended, by means of which the
 9 financial institution and its customers utilizing an
 10 access device may engage through either the immediate
 11 transmission of electronic impulses to or from the
 12 financial institution or the recording of electronic
 13 impulses or other indicia of a transaction for delayed

14 transmission to the financial institution, in
15 transactions which are incidental to the conduct of
16 the business of the financial institution affect a
17 customer asset account and which otherwise are
18 specifically permitted by applicable law. "Satellite
19 terminal" also includes any machine or device located
20 on the premises of a financial institution only if the
21 machine or device is available for use by customers of
22 other financial institutions. However, the term
23 "satellite terminal" does not include any such machine
24 or device, wherever located, if that machine or device
25 is not generally accessible to persons other than
26 employees of a financial institution or an affiliate
27 of a financial institution.

28 14. "Access device" means a card, code, or other
29 means of access to a customer's account mechanism, or
30 any combination thereof, that may be used by the a
31 customer for the purpose of initiating a transaction
32 by means of a satellite terminal which will affect a
33 customer asset account.

34 Sec. 3. Section 527.2, subsection 6, paragraph a,
35 Code 1991, is amended to read as follows:

36 a. The machine or device is established and owned
37 or operated by a person who primarily engages in a
38 service, business or enterprise, including but not
39 limited to the retail sale of goods or services, but
40 who is not organized under the laws of this state or
41 under federal law as a bank, savings and loan
42 association, or credit union;

43 Sec. 4. Section 527.3, subsection 2, Code 1991, is
44 amended to read as follows:

45 2. The administrator shall have the authority to
46 examine any person who operates a multiple use
47 terminal, limited-function terminal, or other
48 satellite terminal, and any other device or facility
49 with which such terminal is interconnected, as to any
50 transaction by, with, or involving a financial

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1 institution which affects a customer asset account.
2 Information obtained in the course of such an
3 examination shall not be disclosed, except as provided
4 by law.

5 Sec. 5. Section 527.3, Code 1991, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 6. The authority of an
8 administrator pursuant to section 527.5, subsection 2,
9 paragraph "a", to approve access cards issued by a
10 financial institution for use as an access device

11 includes the requirement that a registration statement
 12 shall be filed with the administrator and be
 13 maintained on a current basis by each financial
 14 institution issuing access cards within the state.
 15 The registration statement shall be in writing on a
 16 form prescribed by the administrator, and contain the
 17 name and address of the registrant, a depiction of
 18 both sides of the access card, and any other
 19 information the administrator deems relevant relating
 20 to the access card and transactions utilizing the
 21 access card which affect a customer asset account.

22 NEW SUBSECTION. 7. A financial institution shall
 23 not be required to join, be a member or shareholder
 24 of, or otherwise participate in, any corporation,
 25 association, partnership, cooperative, or other
 26 enterprise as a condition of the financial
 27 institution's utilization of any satellite terminal
 28 located within this state.

29 Sec. 6. Section 527.4, subsection 3, paragraph d,
 30 Code 1991, is amended to read as follows:

31 d. At any ~~retail sales~~ location in this state ~~off~~
 32 the premises of the financial institution if all of
 33 the following apply:

34 (1) The satellite terminal is not ~~designed,~~
 35 ~~configured, or~~ operated to accept deposits or to
 36 dispense scrip or other negotiable instruments.

37 (2) The satellite terminal is not ~~designed,~~
 38 ~~configured, or~~ operated to dispense cash except when
 39 operated by ~~the retailer as part of a retail sales a~~
 40 person other than the customer initiating the
 41 transaction.

42 (3) The satellite terminal is utilized for the
 43 purpose of making payment to the ~~retailer for provider~~
 44 of goods or services purchased or provided at the
 45 location of the satellite terminal.

46 Sec. 7. Section 527.5, subsection 2, paragraph b,
 47 Code 1991, is amended by striking the paragraph.

48 Sec. 8. Section 527.5, subsection 6, Code 1991, is
 49 amended to read as follows:

50 6. The charges required to be paid by any

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1 financial institution which utilizes the satellite
 2 terminal for transactions involving an access device
 3 shall not exceed a pro rata portion of the costs,
 4 determined in accordance with generally accepted
 5 accounting principles, of establishing, operating and
 6 maintaining the satellite terminal, plus a reasonable
 7 return on these costs to the owner of the satellite

8 terminal.

9 Sec. 9. Section 527.5, subsection 8, Code 1991, is
10 amended to read as follows:

11 8. a. A satellite terminal in this state shall
12 not be operated in a manner to permit a person to
13 credit deposit funds into a demand deposit account,
14 savings account, share account, or any other account
15 representing a liability of a financial institution,
16 if that the business location of the financial
17 institution where the original records pertaining to
18 the person's account are maintained is located outside
19 of this state.

20 b. Paragraph "a" of this subsection does not apply
21 to a corporation licensed under chapter 536A. A
22 satellite terminal shall not be operated in any manner
23 to permit a person to credit deposit funds into an
24 account representing a liability of a corporation
25 licensed under chapter 536A, if the business location
26 of the corporation where the original records
27 pertaining to the person's account are maintained is
28 located outside of this state.

29 Sec. 10. Section 527.5, subsection 9, paragraph b,
30 subparagraph (2), Code 1991, is amended to read as
31 follows:

32 (2) The transaction does not affect a deposit
33 customer asset account held by a financial
34 institution.

35 Sec. 11. Section 527.5, Code 1991, is amended by
36 adding the following new subsections:

37 NEW SUBSECTION. 11. Any person, as defined in
38 section 4.1, subsection 13, establishing a limited-
39 function terminal within this state, except for a
40 multiple use terminal, which is utilized to initiate
41 transactions affecting a customer asset account shall
42 file with the administrator and shall maintain on a
43 current basis a registration statement on a form
44 prescribed by the administrator containing the name
45 and address of the registrant, the location of the
46 limited-function terminal, and any other information
47 the administrator deems relevant. All limited-
48 function terminals established in this state prior to
49 July 1, 1991, shall be registered in a similar manner
50 by the establishing person no later than July 1, 1992.

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1 NEW SUBSECTION. 12. If at any time, a limited-
2 function terminal is upgraded, altered, or modified to
3 be operated in a manner to accept the use of an
4 electronic personal identifier or to distinguish

5 between transactions which affect customer asset
6 accounts and transactions which do not affect customer
7 asset accounts, all requirements of a satellite
8 terminal in this chapter apply. A financial
9 institution not eligible to establish satellite
10 terminals within this state, which has established a
11 limited-function terminal which is subsequently
12 upgraded, altered, or modified as contemplated in this
13 subsection, shall enter into an agreement with a
14 financial institution which is authorized to establish
15 a satellite terminal within this state to comply with
16 the requirements of section 527.4 and this subsection.
17 NEW SUBSECTION. 13. Effective July 1, 1993, any
18 transaction engaged in with a retailer through a
19 satellite terminal located in this state by means of
20 an access device which results in a debit to a
21 customer asset account shall be cleared and paid at
22 par to the retailer during the settlement of such
23 transaction to the retailer. Processing fees and
24 charges for such transactions to the retailer shall
25 not be based on a percentage of the amount of the
26 transaction. All accounting documents reflecting such
27 fees and charges shall separately identify
28 transactions which have resulted in a debit to a
29 customer asset account and the charges imposed. The
30 provisions of this subsection shall apply to all
31 satellite terminals, including limited-function
32 terminals and multiple use terminals.
33 Sec. 12. Section 527.7, subsection 2, Code 1991,
34 is amended to read as follows:
35 2. In any transaction where the total ~~account~~
36 amount involved is deducted from funds in a customer's
37 account and is simultaneously paid either directly or
38 indirectly by the financial institution to the account
39 of a third party, any portion of the transaction
40 amount which represents a sales or other tax imposed
41 upon or included within the transaction and collected
42 by that third party from the customer, or any portion
43 of the transaction amount which represents interest
44 paid to the third party by the customer.
45 Sec. 13. NEW SECTION. 527.8A EXEMPTIONS.
46 Transactions initiated at a satellite terminal
47 which do not involve the use of an access device to
48 directly or indirectly affect a customer asset account
49 are not governed by this chapter.
50 Sec. 14. Section 527.9, subsection 2, paragraphs e

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1 and f, Code 1991, are amended to read as follows:

2 e. An agreement by the applicant that the proposed
3 central routing unit will be capable of accepting and
4 routing, and will be operated to accept and route,
5 transmissions of data originating at any satellite
6 terminal located in this state, except limited-
7 function terminals, whether receiving from that
8 terminal or from a data processing center or other
9 central routing unit.

10 f. A representation and undertaking that the
11 proposed central routing unit is directly connected to
12 every data processing center that is directly
13 connected to a satellite terminal located in this
14 state, and that the proposed central routing unit will
15 provide for direct connection in the future with any
16 data processing center that becomes directly connected
17 to a satellite terminal located in this state: This
18 representation and undertaking is not required of a
19 central routing unit with respect to limited-function
20 terminals."

21 2. Page 1, line 7, by inserting after the word
22 "banking" the following: ", the superintendent of
23 savings and loan associations or the superintendent's
24 successor,".

25 3. Page 1, line 17, by inserting after the word
26 "issued" the following: "by a financial institution".

27 4. Page 1, by striking line 22, and inserting the
28 following:

29 "6. "Financial institution" means a bank
30 incorporated under the provisions of any state or
31 federal law, a savings and loan association
32 incorporated under the provisions of any state or
33 federal law, a credit union organized under the
34 provisions of any state or federal law, and any
35 affiliate of such bank, savings and loan association,
36 or credit union.

37 7. "Person" means any individual, firm,
38 corporation,".

39 5. Page 2, by inserting after line 31, the
40 following:

41 "3. A person who is in full compliance with the
42 provisions of this chapter is considered a supervised
43 financial organization under the Iowa consumer credit
44 code for purposes of contracting for finance charges
45 authorized for credit card issuers under section
46 537.2402."

47 6. Page 5, by inserting after line 11, the
48 following:

49 "3. The superintendent of savings and loan
50 associations or the superintendent's successor shall

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- 1 enforce the provisions of this chapter with respect to
- 2 savings and loan associations not exempt from the
- 3 provisions of this chapter under section 536C.3."
- 4 7. By renumbering, relettering, or redesignating
- 5 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 318

S-3627

- 1 Amend Senate File 318, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by inserting after line 1 the
- 4 following:
- 5 "Sec. ____ . Section 601L.3, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 14. Develop a plan to provide
- 8 telephone yellow pages information without charge to
- 9 persons declared to be blind under the standards in
- 10 section 422.12, subsection 1, paragraph "e". The
- 11 department may apply for federal funds to support the
- 12 service. The program shall be limited in scope by the
- 13 availability of funds."
- 14 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 441

S-3628

- 1 Amend Senate File 441, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 28 and 29 and
- 4 inserting the following: "and a debtor under 11
- 5 U.S.C., on or after January 1, 1990, this".
- 6 2. Page 3, line 5, by striking the words
- 7 "employer and the association" and inserting the
- 8 following: "commissioner of insurance".
- 9 3. Page 6, by inserting after line 29 the
- 10 following:
- 11 "Sec. ____ . Section 347.14, Code 1991, is amended
- 12 by adding the following new subsection:
- 13 NEW SUBSECTION. 9A. Certify levies for a tax in
- 14 excess of any tax levy limit to meet its obligations
- 15 to pay the premium costs on tort liability insurance,
- 16 property insurance, workers' compensation insurance,
- 17 and any other insurance that may be necessary for the

18 prudent management and operation of the county public
19 hospital, the costs of a self-insurance program, the
20 costs of a local government risk pool, and amounts
21 payable under any insurance agreements to provide or
22 procure such insurance, self-insurance program, or
23 local government risk pool.”
24 4. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 342

S-3629

1 Amend Senate File 342, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 30 and 31 and
4 inserting the following:
5 “___ . “Council” means the prevention of
6 disabilities policy council.”
7 2. Page 1, line 32, by striking the word “of” and
8 inserting the following: “to”.
9 3. Page 1, line 33, by striking the word “board”
10 and inserting the following: “council”.
11 4. Page 2, line 10, by striking the word “BOARD”
12 and inserting the following: “COUNCIL”.
13 5. Page 2, line 11, by striking the word “board”
14 and inserting the following: “council”.
15 6. Page 2, line 14, by striking the word “board”
16 and inserting the following: “council”.
17 7. Page 2, by striking lines 15 through 20 and
18 inserting the following:
19 “a. Two members of the senate appointed by the
20 senate majority leader and minority leader and two
21 members of the house of representatives appointed by
22 the speaker of the house and the house minority
23 leader.”
24 8. Page 2, line 33, by striking the word “board”
25 and inserting the following: “council”.
26 9. Page 2, by striking line 35, and inserting the
27 following: “assembly appointed to the council shall
28 serve two-year terms and shall serve as ex officio,
29 nonvoting members.”
30 10. Page 3, line 1, by striking the word “board”
31 and inserting the following: “council”.
32 11. Page 3, by striking lines 2 through 4 and
33 inserting the following: “original appointments.
34 Members are entitled to reimbursement of actual
35 expenses incurred in performance of their official
36 duties.”
37 12. Page 3, line 5, by striking the word “board”.

38 and inserting the following: "council".
 39 13. Page 3, by striking line 25 and inserting the
 40 following: "council. The council shall also seek in-
 41 kind and other private".
 42 14. Page 3, line 31, by striking the words
 43 "Identification of a" and inserting the following:
 44 "A".
 45 15. Page 3, line 33, by striking the words
 46 "Identification of" and inserting the following: "A
 47 listing of".
 48 16. Page 3, by striking line 35 and inserting the
 49 following:
 50 "(3) Recommendations to".

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1 17. Page 4, line 1 by striking the word
 2 "coordinating" and inserting the following:
 3 "coordinate".
 4 18. Page 4, by striking lines 3 and 4 and
 5 inserting the following:
 6 "(4) Recommendations to address the lack of
 7 prevention of disability activities."
 8 19. Page 4, line 5, by striking the words
 9 "regarding an approach".
 10 20. Page 4, line 8, by striking the words
 11 "regarding methods".
 12 21. Page 4, by striking lines 14 and 15 and
 13 inserting the following:
 14 "(8) Priorities for disability prevention
 15 activities in the state."
 16 22. Page 4, by striking lines 18 through 21 and
 17 inserting the following:
 18 "4. The council shall meet at least six times
 19 during the year. A majority of the members of the
 20 council constitutes a quorum, and a majority of the
 21 council is necessary to act on matters within the
 22 purview of the council."
 23 23. Page 4, line 23, by striking the word "OF"
 24 and inserting the word "TO".
 25 24. Page 4, line 23, by striking the word "BOARD"
 26 and inserting the following: "COUNCIL".
 27 25. Page 4, line 26, by striking the word "board"
 28 and inserting the following: "council".
 29 26. Page 5, line 15, by striking the word "board"
 30 and inserting the following: "council".
 31 27. Page 5, line 21, by striking the word "board"
 32 and inserting the following: "council".
 33 28. Page 5, by striking lines 22 through 28 and
 34 inserting the following:

- 35 "3. The committee shall meet as needed to assist
36 the council.
- 37 4. Members are entitled to reimbursement of actual
38 expenses incurred in performance of their official
39 duties."
- 40 29. Page 5, line 32, by striking the word "board"
41 and inserting the following: "council".
- 42 30. Page 6, lines 1 and 2, by striking the words
43 ", the board, and the committee" and inserting the
44 following: "and the council".
- 45 31. Page 6, line 6, by striking the words "board
46 and committee" and inserting the following:
47 "council".
- 48 32. Page 6, line 8, by striking the word "board"
49 and inserting the following: "council".
- 50 33. Page 6, line 9, by striking the word

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- 1 "funding" and inserting the following: "grants".
- 2 34. Page 6, line 10, by inserting after the word
3 "and" the following: "from".
- 4 35. Page 6, by striking lines 12 and 13 and
5 inserting the following: "implementation of this
6 chapter. The funds shall be used to carry out the
7 purposes of this chapter, including but not limited
8 to, any of the following purposes:".
- 9 36. Page 6, by striking lines 16 through 19 and
10 inserting the following:
- 11 "b. Coordinating the activities of the council,
12 state agencies, and state board of regents'
13 institutions to develop the prevention coordination
14 system and prepare the council's annual report."
- 15 37. Page 6, by striking line 22 and inserting the
16 following: "policy council, upon establishment of the
17 council, for the fiscal".
- 18 38. Title page, line 2, by striking the word
19 "board" and inserting the following: "council".
- 20 39. Title page, line 3, by striking the word
21 "board" and inserting the following: "council".
- 22 40. Title page, lines 3 and 4, by striking the
23 words "and by making an appropriation" and inserting
24 the following: ", by making an appropriation, and
25 providing for a repeal".
- 26 41. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 452

S-3630

1 Amend Senate File 452, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 11.

4 2. Page 1, line 12, by inserting after the figure
5 "2" the following: " 3,".

6 3. Page 1, line 14, by striking the word
7 "~~congressional~~" and inserting the following:
8 "congressional".

9 4. Page 1, line 15, by striking the words "county
10 fair".

11 5. Page 1, by inserting after line 16 the
12 following:

13 "3. A president and vice president to be elected
14 by the state fair board from the ~~nine~~ elected
15 directors."

16 6. Page 1, line 31, by striking the words
17 "~~congressional county fair district~~" and inserting the
18 following: "congressional".

19 7. Page 1, lines 33 and 34, by striking the words
20 "~~congressional county fair district~~" and inserting the
21 following: "congressional".

22 8. Page 2, by striking lines 3 through 6, and
23 inserting the following:

24 "1. The convention shall establish staggered terms
25 of".

26 9. Page 2, line 7, by inserting before the word
27 "directors" the following: "elected".

28 10. Page 2, line 9, by striking the word "three"
29 and inserting the following: "two".

30 11. Page 2, line 11, by striking the words
31 "county fair".

32 12. Page 2, lines 22 and 23, by striking the
33 words "county fair district".

34 13. Page 2, line 23, by striking the figure
35 "173.2" and inserting the following: "173.1".

36 14. Page 2, line 28, by inserting after the word
37 "chapter." the following: "However, a director
38 electd on or after the effective date of this section
39 shall not serve more than five consecutive terms which
40 begin on or after the effective date of this section."

41 15. Page 3, lines 21 and 22, by striking the
42 words "is entitled to" and inserting the following:
43 "may".

44 16. Page 3, by inserting after line 28, the
45 following:

46 "Sec. 1000. ELECTION OF MEMBERS TO THE IOWA STATE
47 FAIR BOARD.

48 1. Notwithstanding chapter 173, a convention which
49 meets pursuant to section 173.2 is not required to
50 elect new directors in 1991, unless this Act becomes

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1 effective in that year.

2 2. The convention shall meet as early as
3 determined practicable by the Iowa state fair board
4 after the effective date of this section. The
5 convention shall elect ten directors to the Iowa state
6 fair board as provided in this Act who shall serve for
7 staggered terms as determined by the convention.

8 Sec. ____ . EFFECTIVE DATE.

9 1. Except as provided in subsection 2, this Act
10 takes effect upon the date that five congressional
11 districts are legally established pursuant to chapter
12 42, and according to the 1990 United States census.

13 2. Section 173.11, subsection 3, section 173.14,
14 subsection 4, and section 174.2, unnumbered paragraph
15 3, as amended by this Act, take effect July 1, 1991.
16 Section 1000, subsection 1, of this Act also takes
17 effect July 1, 1991."

18 17. Title page, line 1, by inserting after the
19 word "fairs" the following: ", and providing for
20 effective dates".

21 18. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 476

S-3631

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 6, and
4 inserting the following:

5 "Section 1. Section 56.2, subsection 4, Code 1991,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 4. "Candidate's committee" means the committee
9 designated by the candidate to receive contributions,
10 expend funds, or incur indebtedness in the aggregate
11 as follows:

12 a. For federal, state, or county office, in excess
13 of two hundred fifty dollars in any calendar year on
14 behalf of the candidate.

- 15 b. For city or school office, in excess of five
 16 hundred dollars in any calendar year on behalf of the
 17 candidate.”
- 18 2. Page 2, by striking lines 18 through 20 and
 19 inserting the following: “be on forms prescribed by
 20 the commission ~~and be attached to the report required~~
 21 ~~of the committee receiving the contribution under~~
 22 ~~section 56.6.~~ The form shall include the”.
- 23 3. Page 2, by inserting after line 28, the
 24 following:
 25 “Sec. ____ . Section 56.5A, Code 1991, is amended to
 26 read as follows:
 27 56.5A CANDIDATE'S COMMITTEE.
 28 Each candidate for ~~public~~ federal, state, or county
 29 office shall organize one, and only one, candidate's
 30 committee for a specific office sought when the
 31 candidate receives contributions, makes expenditures,
 32 or incurs indebtedness in excess of two hundred fifty
 33 dollars in a calendar year.
 34 Each candidate for city or school office shall
 35 organize one, and only one, candidate's committee for
 36 a specific office sought when the candidate receives
 37 contributions, makes expenditures, or incurs
 38 indebtedness in excess of five hundred dollars in a
 39 calendar year.”
- 40 4. By striking page 3, line 31, through page 4,
 41 line 3, and inserting the following: “section 56.6,
 42 subsection 1.”
- 43 5. Page 4, by inserting after line 3 the
 44 following:
 45 “Sec. ____ . NEW SECTION. 56.14A RESTRICTIONS ON
 46 ACCEPTANCE OF CONTRIBUTIONS.
 47 1. The candidate's committee of a holder of the
 48 office or of a candidate for the office of state
 49 representative or state senator shall not solicit or
 50 accept contributions from a political committee, other

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- 1 than a state or county statutory political committee,
 2 or from a lobbyist registered under the rules adopted
 3 by either house of the general assembly while the
 4 general assembly is in regular session. As used in
 5 this subsection, “in regular session” does not include
 6 the period of time between final adjournment sine die
 7 for that year and the ceremonial closing of the
 8 session.
- 9 2. The candidate's committee of a holder of the
 10 office or of a candidate for the office of governor
 11 shall not solicit or accept contributions from a

12 political committee, other than a state or county
 13 statutory political committee, or from a lobbyist
 14 registered under the rules adopted by either house of
 15 the general assembly while the general assembly is in
 16 regular session and for thirty days after the final
 17 adjournment sine die of the general assembly for that
 18 year."

19 6. Page 4, by striking lines 4 through 22.

20 7. Page 4, line 23, by striking the figure
 21 "56.42" and inserting the following: "56.12A".

22 8. Page 4, by inserting after line 28 the
 23 following:

24 "This section shall not be construed to limit the
 25 freedom of speech of the governing body of, or the
 26 officials or employees of the governing body of, a
 27 county, city, or other political subdivision of the
 28 state."

29 9. Page 4, by inserting after line 28, the
 30 following:

31 "Sec. 100. Sections 101 through 105 of this Act
 32 are created as a new division of chapter 56.

33 Sec. 101. NEW SECTION. 56.40 CAMPAIGN FUNDS.

34 As used in this division, "campaign funds" means
 35 contributions to a candidate or candidate's committee
 36 which are required by this chapter to be deposited in
 37 a separate campaign account.

38 Sec. 102. NEW SECTION. 56.41 USES OF CAMPAIGN
 39 FUNDS.

40 1. A candidate and the candidate's committee shall
 41 use campaign funds only for campaign purposes, and
 42 shall not use campaign funds for personal expenses.

43 2. Campaign funds shall not be used for any of the
 44 following purposes:

45 a. Payment of civil or criminal penalties.

46 However, payment of civil penalties relating to
 47 campaign finance and disclosure requirements is
 48 permitted.

49 b. Satisfaction of personal debts, other than
 50 campaign loans.

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1 c. Personal services, including the services of
 2 attorneys, accountants, physicians, and other
 3 professional persons. However, payment for personal
 4 services directly related to campaign activities is
 5 permitted.

6 d. Clothing or laundry expense of a candidate or
 7 members of the candidate's family.

8 e. Purchase of or installment payments for a motor

9 vehicle. However, a candidate may lease a motor
10 vehicle during the duration of the campaign if the
11 vehicle will be used for campaign purposes. If a
12 vehicle is leased, detailed records shall be kept on
13 the use of the vehicle and the cost of noncampaign
14 usage shall not be paid from campaign funds.
15 Candidates and campaign workers may be reimbursed for
16 actual mileage for campaign-related travel at a rate
17 not to exceed the current rate of reimbursement
18 allowed under the standard mileage rate method for
19 computation of business expenses pursuant to the
20 Internal Revenue Code.

21 f. Mortgage payments, rental payments,
22 furnishings, or renovation or improvement expenses for
23 a permanent residence of a candidate or family member,
24 including a residence in the state capital during a
25 term of office or legislative session.

26 g. Membership in professional organizations.

27 h. Membership in service organizations, except
28 those organizations which the candidate joins solely
29 for the purpose of enhancing the candidacy.

30 i. Meals, groceries, or other food expense, except
31 for tickets to meals that the candidate attends solely
32 for the purpose of enhancing the candidacy or the
33 candidacy of another person. However, payment for
34 food and drink purchased for campaign related purposes
35 and for entertainment of campaign volunteers is
36 permitted.

37 j. Payments clearly in excess of the fair market
38 value of the item or service purchased.

39 Sec. 103. NEW SECTION. 56.42 TRANSFER OF
40 CAMPAIGN FUNDS.

41 1. In addition to the uses permitted under section
42 56.41, a candidate's committee may transfer campaign
43 funds in one or more of the following ways:

44 a. Contributions to charitable organizations.

45 b. Contributions to national, state, or local
46 political party central committees, or other
47 candidate's committees.

48 c. Transfers to the treasurer of state for deposit
49 in the general fund of the state.

50 d. Return of contributions to contributors on a

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1 pro rata basis, except that any contributor who
2 contributed five dollars or less may be excluded from
3 the distribution.

4 2. If an unexpended balance of campaign funds
5 remains when a candidate ceases to be a candidate or

6 the candidate's committee dissolves, the unexpended
7 balance shall be transferred pursuant to subsection 1.

8 3. A candidate or candidate's committee making a
9 transfer of campaign funds pursuant to subsection 1 or
10 2 shall not place any requirements or conditions on
11 the use of the campaign funds transferred.

12 4. A candidate or candidate's committee shall not
13 transfer campaign funds except as provided in this
14 section.

15 5. A candidate or candidate's committee shall not
16 transfer campaign funds with the intent of
17 circumventing the requirements of this section.

18 6. An individual or a political committee shall
19 not knowingly make transfers or contributions to a
20 candidate or candidate's committee for the purpose of
21 transferring the funds to another candidate or
22 candidate's committee to avoid the disclosure of the
23 source of the funds pursuant to this chapter. A
24 candidate or candidate's committee shall not knowingly
25 accept transfers or contributions from an individual
26 or political committee for the purpose of transferring
27 funds to another candidate or candidate's committee as
28 prohibited by this subsection. A candidate or
29 candidate's committee shall not accept transfers or
30 contributions which have been transferred to another
31 candidate or candidate's committee as prohibited by
32 this subsection. The commission shall notify
33 candidates of the prohibition of such transfers and
34 contributions under this subsection.

35 Sec. 104. NEW SECTION. 56.43 CAMPAIGN PROPERTY.

36 1. Equipment, supplies, or other materials
37 purchased on or after July 1, 1991, with campaign
38 funds are campaign property. Campaign property
39 belongs to the candidate's committee and not to the
40 candidate.

41 2. Upon dissolution of the candidate's committee,
42 a report accounting for the disposition of all items
43 of campaign property having a residual value of
44 twenty-five dollars or more shall be filed with the
45 commission. Each item of campaign property having a
46 residual value of twenty-five dollars or more shall be
47 disposed of by one of the following methods:

48 a. Sale of the property at fair market value, in
49 which case the proceeds shall be treated the same as
50 other campaign funds.

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1 b. Donation of the property under one of the
2 options for transferring campaign funds set forth in

3 section 56.42.

4 Sec. 105. APPLICABILITY. The restrictions imposed
5 by sections 102 and 103 of this Act apply to all
6 campaign funds held in campaign accounts on and after
7 the effective date of this Act."

8 10. Page 4, by inserting after line 28, the
9 following:

10 "Sec. — . NEW SECTION. 56.44 CERTAIN ACCOUNTS
11 BY OFFICEHOLDERS PROHIBITED.

12 A holder of public office shall not maintain an
13 account, other than a campaign account, to receive
14 contributions for the purpose of publishing and
15 distributing newsletters or performing other
16 constituent services related to the official duties of
17 public office. This section applies whether or not
18 the officeholder is a candidate."

19 11. Title page, line 9, by inserting after the
20 word "funds," the following: "restricting the uses of
21 campaign funds, providing for the transfer of campaign
22 funds, providing for the ownership and disposition of
23 campaign property, making penalties applicable,".

24 12. Title page, line 9, by inserting after the
25 word "funds," the following: "providing restrictions
26 on acceptance of certain contributions,".

27 13. Title page, line 9, by inserting after the
28 word "funds," the following: "prohibiting certain
29 accounts by officeholders,".

30 14. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 508

S-3632

1 Amend Senate File 508, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 9 and
4 inserting the following:

5 "NEW SUBSECTION. 4A. Of all new passenger
6 vehicles and light pickup trucks purchased by the
7 state vehicle dispatcher, institutions under the
8 control of the state board of regents, community
9 colleges, and any other state agency purchasing such
10 new vehicles and trucks, beginning July 1, 1992, a
11 minimum of five percent, and beginning July 1, 1995, a
12 minimum of ten percent of all such vehicles and trucks
13 purchased shall be equipped with engines which utilize
14 alternative methods of propulsion including but not
15 limited to those propelled by flexible fuels, solar

16 energy, or electricity. For the purpose of this
17 subsection, "flexible fuels" means fuels which are
18 blended with eighty-five percent ethanol and fifteen
19 percent gasoline. The provisions of this subsection
20 do not apply to such vehicles and trucks purchased for
21 the following purposes: law enforcement, off-road
22 maintenance work, or work vehicles used to pull loaded
23 trailers. This subsection also does not apply to
24 school corporations, with the exceptions of those
25 designated above. It is the intent of the general
26 assembly that the members of the midwest energy
27 compact promote the development and purchase of motor
28 vehicles equipped with engines which utilize
29 alternative methods of propulsion."
30 2. Page 1, by striking lines 10 through 17.
31 3. Page 8, by striking lines 9 through 29.
32 4. Page 8, line 30, by striking the figure
33 "93.43" and inserting the following: "93.42"
34 5. Page 8, line 32, by inserting after the word
35 "signs" the following: "at the time of replacement".
36 6. Page 9, by striking lines 1 through 16.
37 7. Page 14, lines 21 and 22, by striking the
38 words "the costs of weatherization and other".
39 8. Page 14, line 26, by striking the words
40 "intrastate and".
41 9. Page 14, by striking line 27, and inserting
42 the following: "interstate passenger rail service
43 connections."
44 10. Page 15, line 11, by striking the words
45 "Develop a vanpool program and act" and inserting the
46 following: "Act".
47 11. Page 15, by striking lines 13 through 15.
48 12. Page 15, line 27, by inserting after the word
49 "emissions" the following: "of mobile sources, as
50 identified pursuant to Title II of the federal Clean

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1 Air Act of 1990, Pub. L. No. 101-549,"
2 13. By striking page 15, line 35, through page
3 16, line 25.
4 14. Page 16, by inserting after line 25 the
5 following:
6 "Sec. ____ . Section 364.24, Code 1991, is amended
7 to read as follows:
8 364.24 TRAFFIC LIGHT SYNCHRONIZATION.
9 After July 1, 1992, all cities with more than three
10 traffic lights within the corporate limits shall
11 establish a traffic light synchronization program for
12 energy efficiency in accordance with rules adopted by

13 the state department of transportation. The state
 14 department of transportation shall adopt rules
 15 required by this section by July 1, 1990. This
 16 section does not require that a city replace lighting,
 17 which has not completed its useful life, in order to
 18 comply with the requirements of this section."

19 15. Page 16, by inserting after line 25, the
 20 following:

21 "Sec. ____ . Section 364.23, Code 1991, is amended
 22 to read as follows:

23 364.23 ENERGY EFFICIENT LIGHTING REQUIRED.

24 All city-owned exterior flood lighting, including
 25 but not limited to, street and security lighting but
 26 not including era or period lighting which has a
 27 minimum efficiency rating of fifty-eight lumens per
 28 watt, shall be replaced, when worn-out, exclusively
 29 with high pressure sodium lighting or lighting with
 30 equivalent or better energy efficiency as approved in
 31 rules adopted by the utilities board within the
 32 utilities division of the department of commerce."

33 16. Page 19, by striking lines 14 and 15 and
 34 inserting the following: ", upon the request of a
 35 state agency or political subdivision to which it
 36 provides service, provide advice and assistance
 37 regarding measures which the state agency or political
 38 subdivision might take in achieving improved energy
 39 efficiency results. The cooperation shall".

40 17. Page 19, by inserting after line 17, the
 41 following:

42 "Sec. ____ . Section 476.10A, Code 1991, is amended
 43 by adding the following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 45 8.33, any unexpended moneys remitted to the treasurer
 46 of state under this section shall be retained for the
 47 purposes designated. Notwithstanding section 453.7,
 48 subsection 2, interest or earnings on investments or
 49 time deposits of the moneys remitted under this
 50 section shall be retained and used for the purposes

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1 designated."

2 18. Page 19, by striking lines 28 and 29.

3 19. Page 19, line 31, by striking the words

4 "department of management" and inserting the

5 following: "state department of transportation".

6 20. Page 20, line 3, by inserting after the word

7 "The" the following: "state".

8 21. Page 20, line 4, by striking the word

9 "management" and inserting the following:

10 "transportation".

11 22. Page 20, by inserting after line 6 the
12 following:

13 "Sec. ____ . 1990 Iowa Acts, chapter 1252, section
14 49, subsection 1, unnumbered paragraph 1, is amended
15 to read as follows:

16 The state department of transportation, in
17 consultation with units of local government, including
18 representatives of cities of 200,000 or more
19 population, cities of 50,000 or more but less than
20 200,000 population, and cities under 50,000
21 population, shall conduct, ~~conditioned upon the~~
22 ~~availability of funds~~, a comprehensive study of the
23 relationship between transportation planning, systems
24 development, and management to urban and rural
25 development, land use planning, and energy demand.
26 The study shall include an analysis of the
27 relationship between parking development and pricing
28 structure and transit usage and shall include an
29 analysis of the relationship between commercial and
30 industrial site selection and transportation energy
31 consumption. The purpose of the study shall be to
32 identify opportunities to improve the long-term energy
33 efficiency of transportation, as well as to improve
34 traffic safety and service. The results of the study
35 shall be reported to the general assembly and shall
36 contain recommended policies and legislation."

37 23. Title page, by striking lines 7 through 10
38 and inserting the following: "for certain products
39 and establishing various energy efficiency-related
40 programs and projects."

41 24. By renumbering, relettering, or redesignating
42 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 507

S-3633

1 Amend Senate File 507, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 17.8, Code 1991, is amended to
6 read as follows:

7 17.8 SUPERINTENDENT OF BANKING.

8 The annual report of the superintendent of banking
9 shall cover the year ending June 30 of each year, and
10 shall be filed as soon as practicable after said date
11 and not later than ~~September 1~~ December 31.

12 Sec. 2. Section 524.901, subsection 6, Code 1991,
13 is amended to read as follows:

14 6. A state bank may, in the exercise of the powers
15 granted in this chapter, purchase cash value life
16 insurance contracts which may include provisions for
17 the lump sum payment of premiums and which may include
18 insurance against the loss of the lump sum payment.
19 The cash value life insurance contracts purchased from
20 any one company shall not exceed twenty percent of
21 capital and surplus of the state bank and in the
22 aggregate from all companies, shall not exceed twenty-
23 five percent of total equity capital of the state bank
24 unless the state bank has obtained the approval of the
25 superintendent prior to the purchase of any cash value
26 life insurance contract in excess of this limitation.

27 Sec. 3. 1990 Iowa Acts, chapter 1274, unnumbered
28 paragraph 1 after the enacting clause, is amended to
29 read as follows:

30 That the banking laws contained in Code chapter
31 524, as identified by the superintendent of banking,
32 are suspended to the extent that the laws restrict any
33 state or nationally chartered bank located in Iowa or
34 bank holding company owning a bank located in Iowa in
35 the acquisition of savings associations eligible for
36 assistance or their assets or liabilities. Such
37 suspension shall remain in effect until July 1, 1991
38 1992. On and after July 1, 1991 1992, the
39 restrictions in Code chapter 524 shall be applied as
40 though acquisitions made pursuant to this resolution
41 had not been made."

42 2. By striking page 1, line 1, through page 13,
43 line 3.

44 3. Title page, by striking lines 1 through 5, and
45 inserting the following: "An Act relating to limiting
46 the aggregate amount of cash value life insurance a
47 state bank may purchase, amending the date by which
48 the superintendent must file an annual report, and
49 suspending certain laws."

50 4. By renumbering, relettering, or redesignating

Page 2

1 and correcting internal references as necessary.

S-3634

1 Amend Senate File 538, as follows:

2 1. Page 1, line 28, by inserting after the figure
3 "159.51." the following: "Moneys from the fund shall
4 only be used to support field operations."

BERL E. PRIEBE

S-3635

- 1 Amend House File 672, as passed by the House, as
2 follows:
3 1. Page 1, line 32, by striking the word and
4 figure "and 3" and inserting the following: ", 3, and
5 6".
6 2. Page 2, by inserting after line 6, the
7 following:
8 "A podiatrist podiatric physician and surgeon may
9 use the prefix "Dr." ~~but or "Doctor", and~~ shall add
10 after the person's name the word "Podiatrist" letters
11 "D.P.M." or the word "Podiatrist."

FLORENCE BUHR

S-3636

- 1 Amend House File 634, 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 1001. NEW SECTION. 505.13A AVAILABILITY
6 OF CERTAIN RATING INFORMATION.
7 1. The division shall provide to any person
8 requesting publicly available information relating to
9 the financial condition of any insurance company
10 licensed to do business in the state, including, but
11 not limited to, the following:
12 a. Current ratings issued by a private rating
13 organization.
14 b. Information on how to obtain such information
15 from various sources.
16 c. Information on the state insurance guaranty
17 funds.
18 2. The provision of such information by the
19 division shall not be the basis to impose liability
20 upon the division or any employee of the division.
21 Information provided under this section is not an
22 endorsement or guaranty of any insurance company."
23 2. Page 12, by inserting after line 29, the
24 following:
25 "Sec. ____ . Section 1001 of this Act is effective
26 upon the enactment by the Seventy-fourth General
27 Assembly of an appropriation of \$10,000 to the
28 insurance division of the department of commerce for
29 the implementation of that section."

30 3. By renumbering as necessary.

JIM KERSTEN
HARRY G. SLIFE
BERL E. PRIEBE

S-3637

1 Amend Senate Concurrent Resolution 24 as follows:
2 1. Page 1, lines 25 and 26, by striking the words
3 "Association of Secondary School Administrators" and
4 inserting the following: "School Administrators of
5 Iowa".
6 2. Page 2, line 19, by inserting after the word
7 "school" the following: ", which may include, but is
8 not limited to, incentives and motivating factors
9 related to school management".
10 3. Page 2, line 21, by inserting after the word
11 "progress" the following: ", which may include, but
12 is not limited to, desired results and outcomes".
13 4. Page 4, by inserting after line 14, the
14 following:
15 "3. The task force may, as deemed appropriate by
16 the task force, form subcommittees to study the
17 subject matter areas assigned to the task force. The
18 membership of the subcommittees, including which of
19 the subcommittee members are to serve as the
20 subcommittee chairpersons, shall be determined by an
21 affirmative vote of a majority of the entire task
22 force. Each subcommittee shall, however, include a
23 task force member who is also a member of the general
24 assembly and may include persons who are not members
25 of the task force."

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 444

S-3638

1 Amend Senate File 444, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 5, by inserting after the word
4 "misdemeanor" the following: "in a domestic abuse
5 assault case".
6 2. Page 1, by striking lines 8 and 9 and
7 inserting the following: "criteria established by the
8 academy."
9 3. Page 1, by striking lines 10 through 21.
10 4. Page 2, by striking lines 2 through 15, and
11 inserting the following: "requirements shall mandate

12 training devoted to the topic of domestic abuse.”

13 5. By striking page 2, line 16 through page 4,
14 line 33.

15 6. Page 5, lines 4 and 5, by striking the words
16 “, as a condition of continued or initial licensure”.

17 7. Page 5, by inserting after line 32 the
18 following:

19 “Sec. ____ . Section 236.5, subsection 2, paragraph
20 d, Code 1991, is amended to read as follows:

21 d. The awarding of temporary custody of or
22 establishing temporary visitation rights with regard
23 to children under eighteen. In awarding temporary
24 custody or temporary visitation rights, the court
25 shall give primary consideration to the safety of the
26 victim and the children. If the court finds that the
27 safety of the victim or the children will be
28 jeopardized by unsupervised or unrestricted
29 visitation, the court shall condition or restrict
30 visitation as to time, place, duration, or
31 supervision, or deny visitation entirely, as needed to
32 guard the safety of the victim and the children. The
33 court shall also investigate whether any other
34 existing orders awarding custody or visitation rights
35 should be modified.”

36 8. By striking page 5, line 33, through page 6,
37 line 13, and inserting the following:

38 “Sec. ____ . Section 236.5, subsection 4, Code 1991,
39 is amended to read as follows:

40 4. A certified copy of any order or approved
41 consent agreement shall be issued to the plaintiff,
42 the defendant and ~~law enforcement agencies~~ the county
43 sheriff having jurisdiction to enforce the order or
44 consent agreement, and the twenty-four hour dispatcher
45 for the ~~law enforcement agencies~~ county sheriff. Any
46 subsequent amendment or revocation of an order or
47 consent agreement shall be forwarded by the clerk to
48 all individuals and ~~agencies~~ the county sheriff
49 previously notified. The clerk shall notify the
50 county sheriff and the twenty-four hour dispatcher for

Page 2

1 the county sheriff by telephone or otherwise within
2 six hours of filing the order, approved consent
3 agreement, amendment, or revocation. The county
4 sheriff's dispatcher shall notify all law enforcement
5 agencies having jurisdiction over the matter and the
6 twenty-four hour dispatcher for the law enforcement
7 agencies upon notification by the clerk. The clerk
8 shall send or deliver a written copy of any such docu-

9 ment to the law enforcement agencies and the twenty-
 10 four hour dispatcher within twenty-four hours of
 11 filing the document."

12 9. Page 7, by striking line 29, and inserting the
 13 following: "officer shall either request a magistrate
 14 to make a determination as to".

15 10. Page 7, line 31, by inserting after the word
 16 "issued" the following: ", or refer the matter to the
 17 county attorney".

18 11. Page 8, line 22, by striking the word "no-
 19 contract" and inserting the following: "no-contact".

20 12. Page 8, lines 29 and 30, by striking the
 21 words "-- DOMESTIC ABUSE SERVICES FUND ESTABLISHED".

22 13. Page 8, line 31, by striking the figure "1".

23 14. Page 8, line 35, by striking the word "and"
 24 and inserting the following: "or".

25 15. Page 9, by striking lines 5 through 22.

26 16. Page 9, by striking line 28 and inserting the
 27 following: "general fund of the state and used for
 28 the purposes of providing emergency shelter services,
 29 support services, and other services to victims of
 30 domestic abuse or sexual assault."

31 17. Page 9, lines 31 and 32, by striking the
 32 words "the domestic abuse services fund" and inserting
 33 the following: "be used for the purposes of providing
 34 services to victims of domestic abuse or sexual
 35 assault".

36 18. By striking page 9, line 35 through page 10,
 37 line 1, and inserting the following:

38 "It is the intent of the general assembly that the
 39 funds generated from the checkoff be appropriated and
 40 used for the purposes of providing services to victims
 41 of domestic abuse or sexual assault."

42 19. Page 10, lines 3 and 4, by striking the words
 43 "the domestic abuse services fund" and inserting the
 44 following: "be used for the purposes of providing
 45 services to victims of domestic abuse or sexual
 46 assault".

47 20. Page 10, by striking lines 9 and 10 and
 48 inserting the following: "to the treasurer of state."

49 21. Page 10, lines 21 and 22, by striking the
 50 words "from the domestic abuse services fund".

Page 3

1 22. Page 11, by striking lines 14 through 17.

2 23. Page 11, line 19, by striking the word
 3 "REQUIREMENTS".

4 24. Page 11, line 21, by striking the word
 5 "shall" and inserting the following: "may".

6 25. Page 11, by striking lines 24 through 26, and
7 inserting the following: "prevention and services,
8 Domestic abuse".

9 26. Page 11, line 27, by striking the word
10 "shall" and inserting the following: "may".

11 27. Page 12, by striking lines 10 through 16.

12 28. Page 12, line 25, by inserting after the word
13 "women" the following: "who serve as counselors to
14 female inmates who are victims of domestic abuse or
15 sexual assault".

16 29. Page 13, by striking lines 21 through 32.

17 30. Page 14, by striking lines 19 through 21, and
18 inserting the following: "treasury. Of the amount
19 paid to the".

20 31. By striking page 14, line 30 through page 15,
21 line 32, and inserting the following:

22 "Sec. ____ . Section 602.8105, subsection 1,
23 paragraph l, Code 1991, is amended to read as follows:

24 l. In criminal cases, the same fees for the same
25 services as in civil cases, and an additional five
26 dollar fee to be remitted to the treasurer of state by
27 the clerk of the district court for deposit in the
28 general fund of the state, to be paid by the county or
29 city, which has the duty to prosecute the criminal
30 action, payable as provided in section 602.8109. When
31 judgment is rendered against the defendant, costs
32 collected from the defendant shall be paid to the
33 county or city which has the duty to prosecute the
34 criminal action to the extent necessary for
35 reimbursement for fees paid. However, the fees which
36 are payable by the county to the clerk of the district
37 court for services rendered in criminal actions
38 prosecuted under state law and in habitual offender
39 actions pursuant to section 321.556, and the court
40 costs taxed in connection with the trial of those
41 actions or appeals from the judgments in those actions
42 are waived.

43 Sec. ____ . Section 602.8105, subsection 1,
44 paragraph m, Code 1991, is amended to read as follows:

45 m. For filing an application for a license to
46 marry, ~~fifteen~~ thirty dollars. The clerk of the
47 district court shall remit to the treasurer of state
48 ~~five~~ twenty dollars for each marriage license
49 application filed. The treasurer of state shall
50 deposit the funds received in the general fund of the

Page 4

1 state. For issuing an application for an order of the
2 district court authorizing the issuance of a license

3 to marry prior to the expiration of three days from
4 the date of filing the application for the license,
5 five dollars. The court shall authorize the issuance
6 of a marriage license without the payment of any fees
7 imposed by this paragraph upon a showing that the
8 applicant is unable to pay the fees.

9 Sec. ____ . Section 602.8105, subsection 1,
10 paragraph n, Code 1991, is amended to read as follows:

11 n. For entering a final decree of dissolution of
12 marriage, ~~fifteen~~ thirty dollars. The fees shall be
13 deposited in the general fund of the state. It is the
14 intent of the general assembly that the funds
15 generated from the dissolution fees be appropriated
16 and used for sexual assault and domestic violence
17 centers."

18 32. Page 16, by striking lines 5 through 9, and
19 inserting the following: "twenty dollars. The fee
20 for filing and docketing a complaint".

21 33. Page 16, by striking lines 19 through 25.

22 34. By striking page 16, line 26 through page 17,
23 line 4, and inserting the following:

24 "Sec. ____ . Section 631.6, subsection 1, Code 1991,
25 is amended by adding the following new unnumbered
26 paragraph:

27 NEW UNNUMBERED PARAGRAPH. The clerk shall collect
28 an additional fee of five dollars upon docketing a
29 small claims action, and shall remit the fee to the
30 treasurer of state for deposit in the general fund."

31 35. Page 17, by striking lines 14 through 18 and
32 inserting the following:

33 "a. A simple misdemeanor for a domestic abuse
34 assault, except as otherwise provided."

35 36. Page 17, by striking lines 23 and 24 and
36 inserting the following:

37 "c. An aggravated misdemeanor, if the domestic
38 abuse assault is committed with the intent to inflict
39 a serious injury upon another, or if the person uses
40 or displays a dangerous weapon in connection with the
41 assault. This paragraph does not apply if section
42 708.6 or 708.8 applies."

43 37. Page 17, line 31, by inserting after the word
44 "simple" the following: "or aggravated".

45 38. Page 17, line 33, by inserting after the word
46 "serious" the following: "or aggravated".

47 39. Page 18, line 5, by striking the word "
48 third,".

49 40. Page 18, line 6, by striking the word "
50 third,".

Page 5

- 1 41. Page 18, by striking lines 8 and 9, and
2 inserting the following: "section 907.3 for
3 violations of section 708.2 or 708.2A, which were
4 issued on domestic abuse assaults, and".
- 5 42. Page 18, lines 22 and 23, by striking the
6 words "not be eligible for a deferred sentence or
7 judgment, and shall".
- 8 43. Page 18, line 30, by inserting after the
9 figure "903" the following: ", and does not prohibit
10 the court from entering a deferred judgment or
11 sentence pursuant to section 907.3".
- 12 44. Page 19, line 4, by striking the word "shall"
13 and inserting the following: "may".
- 14 45. Page 19, line 6, by inserting after the
15 figure "708.2B." the following: "However, as a
16 condition of deferring judgment or sentence pursuant
17 to section 907.3, the court shall order the defendant
18 to participate in a batterers' treatment program."
- 19 46. Page 19, line 7, by inserting after the word
20 "judgment" the following: "or deferred judgment".
- 21 47. Page 19, line 13, by inserting after the word
22 "of" the following: ", or receiving a deferred
23 judgment for,".
- 24 48. Page 19, by striking lines 16 through 23, and
25 inserting the following: "domestic abuse offenders,
26 if ordered to do so by the court pursuant to section
27 708.2A. Participation in the batterers' treatment
28 program shall not require a person to be placed on
29 probation, but a person on probation may participate
30 in the program. The district departments may contract
31 for services in completing the duties relating to the
32 batterers' treatment programs. The district
33 departments shall assess the fees for participation in
34 the program, and shall either collect or contract for
35 the collection of the fees to recoup the costs of
36 treatment, but may waive the fee or collect a lesser
37 amount upon a showing of cause. The fees shall be
38 used by each of the district departments or contract
39 service providers for the establishment,
40 administration, coordination, and provision of direct
41 services of the batterers' treatment programs."
- 42 49. Page 19, by striking line 28 and inserting
43 the following: "708.2B."
- 44 50. Page 19, by striking lines 29 through 33.
- 45 51. By striking page 19, line 34 through page 20,
46 line 9 and inserting the following:
47 "Sec. ____ . Section 907.3, subsection 3, Code 1991,
48 is amended to read as follows:
49 3. By record entry at the time of or after
50 sentencing, the court may suspend the sentence and

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1 place the defendant on probation upon such terms and
2 conditions as it may require including commitment to
3 an alternate jail facility or a community correctional
4 residential treatment facility for a specific number
5 of days to be followed by a term of probation as
6 specified in section 907.7. A person so committed who
7 has probation revoked shall be given credit for such
8 time served. However, the court shall not suspend the
9 minimum term of two days imposed pursuant to section
10 708.2A."

11 52. By striking page 21, line 7 through page 23,
12 line 8.

13 53. Page 23, line 20, by inserting after the
14 figure "1991," the following: "who serve as
15 counselors to female inmates who are victims of
16 domestic abuse or sexual assault,".

17 54. Page 23, by striking lines 29 through 31, and
18 inserting the following: "correctional services to
19 establish batterers' treatment programs. The district
20 departments shall establish at least one program in
21 each district by January 1, 1992, and shall establish
22 programs throughout the district so that the programs
23 are readily accessible to offenders by January 1,
24 1993."

25 55. Page 23, by striking lines 32 and 33, and
26 inserting the following:

27 "2. From July 1, 1991, through December 31, 1992,
28 the court may order a defendant who is convicted of,
29 or who receives a deferred judgment for, a violation
30 of section".

31 56. Page 24, by inserting before line 6, the
32 following:

33 "3. Notwithstanding any other provision of this
34 Act to the contrary, the portion of section 33 of this
35 Act which enacts new subsection 6 of section 708.2A,
36 and sections 34, 35, and subsections 1 and 2 of this
37 section of this Act shall only take effect upon
38 enactment of a provision by the Seventy-fourth General
39 Assembly during the 1991 regular session specifically
40 appropriating funds for the particular purposes
41 expressed in those sections."

42 57. Page 24, by striking lines 11 through 13.

43 58. Title page, line 2, by striking the words
44 "and certification".

45 59. Title page, lines 4 and 5, by striking the
46 words "establishing a domestic abuse services fund,".

47 60. Title page, line 7, by striking the words
48 "eliminating certain court costs,".

49 61. Title page, line 7, by striking the word
50 "batterers" and inserting the following:

Page 7

1 "batterers".

2 62. Title page, line 8, by striking the words

3 "establishing a pilot program,".

4 63. By renumbering, relettering, or redesignating
5 and correcting internal references as necessary.

S-3639

1 Amend House File 417, as passed by the House, as
2 follows:

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

5 "Section 1. Section 422.7, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 24. If the federal adjusted gross
8 income includes income or loss from a business or farm
9 or from an interest in a corporation whose income is
10 taxed to the shareholders, add the expenses otherwise
11 deductible under section 162(a) of the Internal
12 Revenue Code which were incurred by the business,
13 farm, or corporation, for which the taxpayer was
14 entitled to all or part of the deduction, with respect
15 to expenditures made at, or payments made to, a club
16 which restricts membership or the use of its services
17 or facilities on the basis of age, sex, marital
18 status, race, religion, color, ancestry, or national
19 origin.

20 A club described in this subsection holding an
21 alcoholic beverage license pursuant to chapter 123,
22 shall provide on each receipt furnished to a taxpayer
23 a printed statement as follows: "The expenditures
24 covered by this receipt are nondeductible for state
25 income tax purposes."

26 For the purposes of this subsection, a club means
27 any nonprofit corporation or association of
28 individuals, which is the owner, lessee, or occupant
29 of a permanent building or part of a building,
30 membership in which entails the prepayment of regular
31 dues, and which is not operated for a profit other
32 than such profits as would accrue to the entire
33 membership."

34 2. Page 1, line 23, by striking the word
35 "Subtract" and inserting the following: "Add".

S-3640

1 Amend House File 672, as passed by the House, as
2 follows:

3 1. Page 1, line 32, by striking the word and
4 figure "and 3" and inserting the following: "3, and
5 6".

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

8 "A podiatrist may use the prefix "Dr." ~~but or~~
9 "Doctor", and shall add after the person's name the
10 letters "D.P.M" or the word "Podiatrist"."

FLORENCE BUHR

S-3641

1 Amend House File 688, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 11, by inserting after the word
4 "the" the following: "lowest".

5 2. Page 5, by inserting after line 20, the
6 following:

7 "e. Rates for individual employees or dependents
8 may be adjusted for claims experience or health status
9 at the date of issue as long as the total rates for
10 the small employer are in compliance with this
11 section. An individual employee or dependent
12 adjustment in rates for claims experience or health
13 status shall not be increased subsequent to the date
14 of issue. The commissioner may prohibit individual
15 rating upon adoption of health insurance access rules
16 pursuant to section 514H.11."

17 3. Page 13, by striking line 35, and inserting
18 the following: "contract shall be filed with, and is
19 subject to the approval of, the commissioner before
20 the basic benefit coverage policy or subscription
21 contract is issued or issued for delivery in this
22 state."

23 4. Page 14, by striking lines 1 and 2.

24 5. Page 14, by striking lines 9 through 11.

25 6. Page 14, line 28, by inserting after the word
26 "experience" the following: ", and health status and
27 duration from the date of issue".

28 7. Page 15, line 32, by inserting after the word
29 "associations" the following: "requesting the
30 inclusion of a benefit or requirement in a basic
31 benefit coverage policy".

32 8. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-3642

1 Amend House File 690, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 29, by striking the word "Five"
4 and inserting the following: "At least four but not
5 more than five".

6 2. Page 9, by striking lines 4 through 6 and
7 inserting the following: "metropolitan facility."

8 3. Page 9, line 13, by striking the word "only"
9 and inserting the following: "or the construction,
10 reconstruction, repair, maintenance, or operation of
11 similar metropolitan facilities".

12 4. Page 9, by striking lines 32 through 35 and
13 inserting the following: "limitation set forth in
14 this division."

15 5. Page 11, line 14, by striking the figure "1."

16 6. Page 11, by striking lines 23 through 25.

17 7. Page 13, line 32, by striking the word "only".

18 8. Page 13, line 33, by inserting after the word
19 "collected" the following: "or similar metropolitan
20 facility projects".

21 9. Page 15, by striking lines 12 through 14 and
22 inserting the following: "shall be authorized by
23 resolution of the board and shall be either".

24 10. By striking page 21, line 30 through page 22,
25 line 6 and inserting the following:

26 "1. The authority shall be dissolved only by a
27 majority vote in a referendum undertaken in a manner
28 similar to the referendum provided for in section
29 330B.6. The board shall call, upon its own motion, by
30 petition of the eligible electors as provided in
31 section 330B.5, or by action of the governing body of
32 either metropolitan area, for an election to approve
33 or disapprove the dissolution of the authority.

34 2. The proposition is approved if the vote in
35 favor of the proposition is a simple majority of the
36 total votes cast on the proposition in either one of
37 the metropolitan areas.

38 3. The authority shall provide by ordinance for
39 the disposal of any remaining property, the proceeds
40 of which shall first be applied against any
41 outstanding obligation of the authority. The
42 remaining balance shall be divided between the
43 counties included in the authority and credited to the

44 general fund of the respective counties.”

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-3643

- 1 Amend the House amendment, S-3633, to Senate File
- 2 507, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 “Sec. ____ . Section 524.901, subsection 3, Code
- 6 1991, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. m. Shares in a federal home loan
- 9 bank.”
- 10 2. Page 1, by striking line 41 and inserting the
- 11 following: “had not been made.
- 12 Sec. ____ . This Act, being deemed of immediate
- 13 importance, is effective upon enactment.””
- 14 3. Page 1, by striking lines 48 and 49 and
- 15 inserting the following: “the superintendent must
- 16 file an annual report, suspending certain laws,
- 17 authorizing certain investments by a state bank, and
- 18 providing an effective date.””
- 19 4. Renumber as necessary.

PAT DELUHERY
H. KAY HEDGE

S-3644

- 1 Amend Senate File 542 as follows:
- 2 1. Page 2, line 9, by striking the figure
- 3 “3,300,000” and inserting the following: “3,200,000”.
- 4 2. Page 2, line 11, by striking the figure
- 5 “\$200,000” and inserting the following: “\$300,000”.

LEONARD L. BOSWELL

S-3645

- 1 Amend the House amendment, S-3630, to Senate File
- 2 452, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 37 by striking the word
- 5 “director” and inserting the following: “person”.
- 6 2. Page 1, by striking lines 38 through 40 and
- 7 inserting the following: “elected as a director
- 8 pursuant to section 173.1 shall not serve for more

9 than five consecutive terms. A director who has ever
 10 served five consecutive terms is again eligible to
 11 serve for an additional five consecutive terms after
 12 not serving as a director for at least one term.””

13 3. Page 2, by inserting after line 7 the

14 following:

15 “___ . The convention shall provide for staggered
 16 terms of office for directors elected pursuant to this
 17 Act. A limit shall be placed on the number of terms
 18 that original directors may serve on or after the
 19 effective date of this Act. At the time of the first
 20 election held pursuant to this Act, an original
 21 director who has served for the longest consecutive
 22 period shall not be eligible to serve for the next
 23 term. At each subsequent election, the original
 24 director who has served for the longest period shall
 25 not serve for the next term. A person who was an
 26 original director is again eligible to serve for an
 27 additional five consecutive terms after not serving as
 28 a director for at least one term, as provided in
 29 section 173.6.

30 As used in this subsection “original director”
 31 means a person who was elected as a director pursuant
 32 to section 173.1, and who served as a director
 33 immediately prior to the first election held pursuant
 34 to this Act.”

35 4. By renumbering as necessary.

JOHN SOORHOLTZ
 GEORGE KINLEY
 BERL PRIEBE

S-3646

1 Amend House File 610, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 13, by striking the words
 4 “exclusive right and”.

5 2. Page 1, line 19, by striking the words “to
 6 exercise the exclusive power”.

7 3. Page 1, line 23, by striking the words
 8 “acquisition and” and inserting the following:
 9 “acquisition.”

10 4. Page 1, by striking line 24, and inserting the
 11 following: “Planning and implementation activities
 12 shall be coordinated with plans and implementation
 13 activities of the department of natural resources for
 14 lands owned or acquired by the department. The”.

15 5. Page 2, line 21, by striking the words “all
 16 Iowa”.

17 6. Page 4, line 3, by inserting after the word
 18 "state." the following: "The authority may transfer
 19 jurisdiction over any lands the authority acquires to
 20 the department of natural resources, or may enter into
 21 agreements with the department or the appropriate
 22 county conservation board, for the management of the
 23 lands."

24 7. Page 4, lines 10 and 11, by striking the words
 25 "same manner as other state-owned parks" and inserting
 26 the following: "manner provided under agreements
 27 between the authority and the agency responsible for
 28 management of the property".

AL STURGEON

S-3647

1 Amend Senate File 541 as follows:

2 1. Page 26, line 32, by striking the words "Iowa
 3 department of public health" and inserting the
 4 following: "department of public safety".

5 2. Page 34, line 19, by striking the words "Iowa
 6 department of public health" and inserting the
 7 following: "department of human services".

8 3. Page 35, by inserting after line 13, the
 9 following:

10 "If other federal grants, receipts, and funds and
 11 other nonstate grants, receipts, and funds become
 12 available or are awarded which are not available or
 13 awarded during the period in which the general
 14 assembly is in session, but which require expenditure
 15 by the department of economic development prior to
 16 March 15 of the fiscal year beginning July 1, 1991,
 17 and ending June 30, 1992, these grants, receipts, and
 18 funds are appropriated to the extent necessary,
 19 provided that the fiscal committee of the legislative
 20 council is notified within thirty days of receipt of
 21 the grants, receipts, or funds and the fiscal
 22 committee of the legislative council has an
 23 opportunity to comment of the expenditure of the
 24 grants, receipts, or funds."

LEONARD L. BOSWELL

HOUSE AMENDMENT TO
 SENATE FILE 478

S-3648

1 Amend Senate File 478, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 4 through 8, and
4 inserting the following: "1, 1993, which set
5 standards for approval of parent education preservice
6 and in-service training programs, offered by area
7 education agencies and practitioner preparation
8 institutions, and parent education programs offered by
9 or through local school districts."

10 2. Page 1, line 12, by striking the words
11 "training programs" and inserting the following: "and
12 preservice training programs through the area
13 education agencies and practitioner preparation
14 institutions".

15 3. Page 1, line 20, by striking the words "for
16 the voluntary participation of" and inserting the
17 following: "outreach and incentives for the voluntary
18 participation of first-time".

19 4. Page 1, lines 21 and 22, by striking the words
20 "to kindergarten" and inserting the following:
21 "through age three".

22 5. Page 1, line 25, by striking the words "All
23 parent education programs" and inserting the
24 following: "A district providing a parent education
25 program, which seeks additional funding under sections
26 257.50 and 257.51, shall meet the requirements of this
27 section and the program".

28 6. Page 2, line 3, by striking the word
29 "Learning" and inserting the following: "Instruction
30 for parents on the providing of learning".

31 7. Page 2, line 5, by striking the words "and, to
32 the extent possible, correct".

33 8. Page 2, line 7, by inserting after the word
34 "problems" the following: "and referrals to
35 appropriate agencies, authorities, or service
36 providers".

37 9. Page 2, line 8, by inserting after the word
38 "encourage" the following: "parents' and children's".

39 10. Page 2, by striking lines 9 through 12, and
40 inserting the following: "esteem, self-discipline,
41 responsibility, kindness, honesty, hard work,
42 gratefulness, respect for authority and for each
43 other, and to enhance parenting skills and both
44 parents' and children's appreciation of the benefits
45 of education."

46 11. Page 2, by inserting after line 14, the
47 following:

48 "___ . Role modeling and mentoring techniques for
49 families of children who meet one or more of the
50 criteria established for the definition of at-risk

Page 2

1 children by the child development coordinating
2 council."

3 12. Page 2, line 15, by striking the words
4 "substantial involvement of the" and inserting the
5 following: "that a parent educator make personal
6 contact with participating".

7 13. Page 2, line 16, by striking the words
8 "children's parents" and inserting the following:
9 "parents of eligible children at least eight times
10 each year".

11 14. By striking page 2, line 21 through page 3,
12 line 3, and inserting the following:

13 "3. Parent education programs shall be provided by
14 parent educators who have completed a minimum of
15 thirty clock hours of an approved parent education
16 preservice or in-service training program and meet one
17 of the following requirements:

18 a. The parent educator is licensed in elementary
19 education, early childhood education, early childhood
20 special education, home economics, or consumer and
21 homemaking education, or is licensed or certified in
22 occupational child care services and has demonstrated
23 an ability to work with young children and their
24 parents.

25 b. The parent educator has achieved child develop-
26 ment associate recognition in early childhood
27 education, has completed programming in child
28 development and nursing, and has demonstrated an
29 ability to work with young children and their parents.

30 c. The parent educator has completed sixty college
31 credit hours and possesses two years of experience in
32 a program working with young children and their
33 parents.

34 d. The parent educator possesses five years of
35 experience in a program working with young children
36 and their parents."

37 15. Page 3, by striking lines 8 through 11, and
38 inserting the following: "for deposit into the
39 account."

40 16. Page 3, line 15, by striking the word "A".

41 17. Page 3, by striking lines 16 through 21.

42 18. Page 3, line 31, by striking the words
43 "served by the" and inserting the following: "which
44 would be served by a".

45 19. Page 3, by striking lines 34 and 35 and
46 inserting the following: "council may be appointed.
47 To the extent possible, the council members shall be
48 former or current members of the district's local

49 early childhood education committees and shall
50 include, but are not limited to, representatives of

Page 3

1 local businesses, service organizations, educators,
2 head start educators, parents, private child care
3 providers, county home extension economists, area
4 education agencies, the school board, the community
5 education advisory board, local social services
6 organizations, the local board of health, and persons
7 knowledgeable about developmentally appropriate
8 learning and parent education."

9 20. Page 4, by inserting before line 1 the
10 following: "The council shall be responsible for
11 assessing current programs and services for expectant
12 parents and parents of children who are less than four
13 years of age."

14 21. Page 4, line 1, by inserting after the word
15 "shall" the following: "also".

16 22. By striking page 5, line 25 through page 6,
17 line 24, and inserting the following:

18 "Sec. ____ . Section 294A.14, unnumbered paragraph
19 2, Code 1991, is amended to read as follows:

20 Notwithstanding the amount per pupil of the
21 payments specified in this section, for the fiscal
22 year beginning July 1, 1991, and each succeeding
23 fiscal year, if a school district's or area education
24 agency's approved phase III plan for a fiscal year
25 contains a component that includes a performance-based
26 pay plan which provides for salary increases for
27 teachers who demonstrate superior performance in
28 completing assigned duties or by participating in
29 innovative education programs, including but not
30 limited to parent education programs, or comprehensive
31 school transformation programs, the per pupil amount
32 upon which the phase III moneys are based shall be
33 increased by an amount equal to the product of the
34 state percent of growth calculated under section 257.8
35 and the per pupil amount for the previous fiscal
36 year."

37 23. Page 6, line 25, by striking the figure "4."

38 24. Title page, by striking lines 2 and 3, and
39 inserting the following: "teachers participating in
40 the program eligible for receipt of funds under phase
41 III of the educational excellence program."

42 25. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

S-3649

- 1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, line 25, by striking the word
4 "newspaper" and inserting the following: "newspaper
5 newspapers".
6 2. Page 6, line 16, by striking the word
7 "newspaper" and inserting the following:
8 "newspapers".
9 3. Page 20, by striking lines 7 and 8 and
10 inserting the following: "time, and place of the
11 hearing shall be published in a newspaper of general
12 circulation in each city participating in the charter
13 commission process at least ten but not more than
14 twenty days before the date of the hearing."
15 4. Page 21, line 2, by striking the word
16 "newspaper" and inserting the following:
17 "newspapers".

LARRY MURPHY

S-3650

- 1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 29, the
4 following:
5 "Sec. ____ . Section 331.248, subsection 2,
6 paragraph b, Code 1991, is amended to read as follows:
7 b. Provide for establishment of service areas,
8 except that municipal electric utilities transferred
9 to the consolidated government shall provide services
10 to only that area designated as an assigned service
11 area pursuant to section 476.25, prior to the
12 effective date of consolidation."
13 2. Page 14, line 6, by inserting after the word
14 "governments" the following: "except that municipal
15 electric utilities transferred to the community
16 commonwealth shall provide services to only that area
17 designated as an assigned service area, pursuant to
18 section 476.25, prior to the effective date of the
19 charter".
20 3. Page 25, line 12, by inserting after the word
21 "areas" the following: " , except that municipal
22 electric utilities transferred to the metropolitan
23 consolidated corporation shall provide services to
24 only that area designated as an assigned service area,
25 pursuant to section 476.25, prior to the effective
26 date of the consolidation charter".

27 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-3651

1 Amend House File 688, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, line 29, by striking the words
4 "licensed in the state" and inserting the following:
5 "issuing or issuing for delivery in this state basic
6 benefit coverage policies or subscription contracts".
7 2. Page 15, line 32, by inserting after the word
8 "associations" the following: "requesting the
9 inclusion of a benefit or requirement in a basic
10 benefit coverage policy or subscription contract".

ELAINE SZYMONIAK

S-3652

1 Amend the House amendment, S-3626, to Senate File
2 311, as passed by the Senate, as follows:
3 1. Page 7, by inserting after line 3, the
4 following:
5 "— . Title page, line 1, by inserting after the
6 word "Act" the following: "relating to the machines
7 and access devices utilized to perform electronic
8 transfer of funds,"."
9 2. Renumber as necessary.

PAT DELUHERY
H. KAY HEDGE
DON E. GETTINGS
DALE TIEDEN

S-3653

1 Amend the House amendment, S-3626, to Senate File
2 311, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 and 4 and
4 inserting the following:
5 "— . By striking everything after the enacting
6 clause and inserting the following:"
7 2. Page 6, by striking line 21 through page 7,
8 line 3.

JAMES B. KERSTEN

S-3654

- 1 Amend Senate File 541 as follows:
 2 1. Page 1, line 20, by striking the words and
 3 figure "No more than 10" and inserting the following:
 4 "Ten".

FLORENCE BUHR
 LEONARD L. BOSWELL

S-3655

- 1 Amend the amendment, S-3409, to House File 634, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by inserting after line 35, the
 5 following:
 6 "___ . Page 11, by inserting after line 10, the
 7 following:
 8 "Sec. 1001. Section 516A.2, Code 1991, is amended
 9 to read as follows:
 10 516A.2 CONSTRUCTION -- MINIMUM COVERAGE.
 11 1. Except with respect to a policy containing both
 12 underinsured motor vehicle coverage and uninsured or
 13 hit-and-run motor vehicle coverage, nothing contained
 14 in this chapter shall be construed as requiring forms
 15 of coverage provided pursuant hereto, whether alone or
 16 in combination with similar coverage afforded under
 17 other automobile liability or motor vehicle liability
 18 policies, to afford limits in excess of those that
 19 would be afforded had the insured thereunder been
 20 involved in an accident with a motorist who was
 21 insured under a policy of liability insurance with the
 22 minimum limits for bodily injury or death prescribed
 23 in subsection 10 of section 321A.1. Such forms of
 24 coverage may include terms, exclusions, limitations,
 25 conditions, and offsets which are designed to avoid
 26 duplication of insurance or other benefits.
 27 To the extent that Hernandez v. Farmers Insurance
 28 Company, 460 N.W.2d 842 (Iowa 1990), provided for
 29 interpolicy stacking of uninsured or underinsured
 30 coverages in contravention of specific contract or
 31 policy language, the general assembly declares such
 32 decision abrogated and declares that the enforcement
 33 of the antistacking provisions contained in a motor
 34 vehicle insurance policy does not frustrate the
 35 protection given to an insured under section 516A.1.
 36 2. Pursuant to chapter 17A, the commissioner of
 37 insurance shall, by January 1, 1992, adopt rules to
 38 assure the availability, within the state, of motor
 39 vehicle insurance policies, riders, endorsements, or

40 other similar forms of coverage, the terms of which
 41 shall provide for the stacking of uninsured and
 42 underinsured coverages with any similar coverage which
 43 may be available to an insured.
 44 3. It is the intent of the general assembly that
 45 when more than one motor vehicle insurance policy is
 46 purchased by or on behalf of an injured insured and
 47 which provides uninsured, underinsured, or hit-and-run
 48 motor vehicle coverage to an injured insured in an
 49 accident, the injured insured is entitled to recover
 50 up to an amount equal to the highest single limit for

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1 uninsured, underinsured, or hit-and-run motor vehicle
 2 coverage under any one of the above described motor
 3 vehicle insurance policies insuring the injured person
 4 which amount shall be paid by the insurers according
 5 to any priority of coverage provisions contained in
 6 the policies insuring the injured person."

7 ____ . Page 12, by inserting after line 29, the
 8 following:

9 "Sec. ____ . Section 1001 of this Act applies to all
 10 causes of action accruing on or after July 1, 1991,
 11 and to those accruing before July 1, 1991, which are
 12 filed on or after September 15, 1991."

13 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3656

1 Amend House File 687, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 27, by striking lines 17 through 19 and
 4 inserting the following: "sale shall be made once by
 5 the treasurer in an official newspaper in the county
 6 designated by the treasurer at least".

COMMITTEE ON WAYS AND MEANS
 WILLIAM DIELEMAN, Chair

S-3657

1 Amend House File 417, as amended and passed by the
 2 House, as follows:

3 1. Page 1, line 3, by striking the word
 4 "expenses" and inserting the following: "amounts paid
 5 as membership dues and other periodic fees".

6 2. Page 1, line 23, by striking the word

7 "expenses" and inserting the following: "amounts paid
8 as membership dues and other periodic fees".

LINN FUHRMAN

S-3658

1 Amend the amendment, S-3409, to House File 634, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "___ . Page 11, by inserting after line 10, the
7 following:

8 "Sec. 1001. Section 516A.2, Code 1991, is amended
9 to read as follows:

10 516A.2 CONSTRUCTION -- MINIMUM COVERAGE.

11 1. Except with respect to a policy containing both
12 underinsured motor vehicle coverage and uninsured or
13 hit-and-run motor vehicle coverage, nothing contained
14 in this chapter shall be construed as requiring forms
15 of coverage provided pursuant hereto, whether alone or
16 in combination with similar coverage afforded under
17 other automobile liability or motor vehicle liability
18 policies, to afford limits in excess of those that
19 would be afforded had the insured thereunder been
20 involved in an accident with a motorist who was
21 insured under a policy of liability insurance with the
22 minimum limits for bodily injury or death prescribed
23 in subsection 10 of section 321A.1. Such forms of
24 coverage may include terms, exclusions, limitations,
25 conditions, and offsets which are designed to avoid
26 duplication of insurance or other benefits.

27 To the extent that Hernandez v. Farmers Insurance
28 Company, 460 N.W.2d 842 (Iowa 1990), provided for
29 interpolicy stacking of uninsured or underinsured
30 coverages in contravention of specific contract or
31 policy language, the general assembly declares such
32 decision abrogated and declares that the enforcement
33 of the antistacking provisions contained in a motor
34 vehicle insurance policy does not frustrate the
35 protection given to an insured under section 516A.1.

36 2. Pursuant to chapter 17A, the commissioner of
37 insurance shall, by January 1, 1992, adopt rules to
38 assure the availability, within the state, of motor
39 vehicle insurance policies, riders, endorsements, or
40 other similar forms of coverage, the terms of which
41 shall provide for the stacking of uninsured and
42 underinsured coverages with any similar coverage which
43 may be available to an insured.

44 3. It is the intent of the general assembly that
 45 when more than one motor vehicle insurance policy is
 46 purchased by or on behalf of an injured insured and
 47 which provides uninsured, underinsured, or hit-and-run
 48 motor vehicle coverage to an insured injured in an
 49 accident, the injured insured is entitled to recover
 50 up to an amount equal to the highest single limit for

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1 uninsured, underinsured, or hit-and-run motor vehicle
 2 coverage under any one of the above described motor
 3 vehicle insurance policies insuring the injured person
 4 which amount shall be paid by the insurers according
 5 to any priority of coverage provisions contained in
 6 the policies insuring the injured person."

7 ____ . Page 12, by inserting after line 29, the
 8 following:

9 "Sec. ____ . Section 1001 of this Act applies to all
 10 causes of action accruing on or after July 1, 1991,
 11 and to those accruing before July 1, 1991, which are
 12 filed on or after September 15, 1991.""

13 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3659

1 Amend House File 201 as amended, passed, and
 2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 8 the
 4 following:

5 "Sec. ____ . Section 12.8, unnumbered paragraph 1,
 6 Code 1991, is amended to read as follows:

7 The treasurer of state shall invest or deposit,
 8 subject to chapter 12A and as provided by law, any of
 9 the public funds not currently needed for operating
 10 expenses and shall do so upon receipt of monthly
 11 notice from the director of revenue and finance of the
 12 amount not so needed. In the event of loss on
 13 redemption or sale of securities invested as
 14 prescribed by law, and if the transaction is reported
 15 to the executive council, neither the treasurer nor
 16 director of revenue and finance is personally liable
 17 but the loss shall be charged against the funds which
 18 would have received the profits or interest of the
 19 investment and there is appropriated from the funds
 20 the amount so required. The treasurer of state may
 21 invest funds jointly with other agencies of the state,
 22 or with political subdivisions of the state or their

23 agencies."

24 2. Page 20, by striking lines 11 through 27.

25 3. By striking page 21, line 32, through page 22,
26 line 5, and inserting the following:

27 "11. "Official" means an officer of the state of
28 Iowa ~~receiving who is eligible to receive~~ a salary, or
29 per diem, ~~or expenses~~, whether elected or appointed or
30 whether serving full-time or part-time. "Official"
31 includes but is not limited to supervisory personnel
32 and members of state agencies and does not include
33 members of the general assembly or legislative
34 employees."

35 4. Page 25, line 26, by striking the word "or"
36 and inserting the following: "or".

37 5. Page 25, line 27, by inserting after the
38 figure "1975," the following: "or the Persian Gulf
39 Conflict starting August 2, 1990, and ending on the
40 date the president or the congress of the United
41 States declares the ending of permanent hostilities.".

42 6. Page 25, by inserting after line 29 the
43 following:

44 "Sec. ____ . Section 123.49, subsection 2, paragraph
45 h, Code 1991, is amended to read as follows:

46 h. Sell, give, or otherwise supply any alcoholic
47 beverage, wine, or beer to any person, knowing or
48 having reasonable cause to believe the person to be
49 under ~~legal~~ the age of twenty-one, or permit any
50 person, knowing or having reasonable cause to believe

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1 the person to be under ~~legal~~ the age of twenty-one, to
2 consume any alcoholic beverage, wine, or beer.

3 Sec. ____ . Section 123.49, subsection 3, Code 1991,
4 is amended to read as follows:

5 3. ~~No A~~ person under ~~legal~~ the age of twenty-one
6 shall not misrepresent the person's age for the
7 purpose of purchasing or attempting to purchase any
8 alcoholic beverage, wine, or beer from any licensee or
9 permittee. If any person under ~~legal~~ the age of
10 twenty-one misrepresents the person's age, and the
11 licensee or permittee establishes that the licensee or
12 permittee made reasonable inquiry to determine whether
13 the prospective purchaser was ~~over legal~~ age twenty-
14 one or older, the licensee or permittee is not guilty
15 of selling alcoholic liquor, wine, or beer to minors
16 or persons who are nineteen or twenty years of age."

17 7. Page 26, by inserting after line 6, the
18 following:

19 "Sec. ____ . Section 141.22A, subsection 3, Code

20 1991, as amended by 1991 Iowa Acts, House File 655,
 21 section 2, if enacted by the Seventy-fourth General
 22 Assembly, 1991 Session, is amended to read as follows:

23 3. The hospital shall notify the designated
 24 officer of the emergency care provider service who in
 25 turn shall notify any of the persons, who submitted a
 26 significant exposure report, involved in attending or
 27 transporting the individual who submitted a
 28 significant exposure report. The identity of the
 29 designated officer shall not be revealed to the
 30 individual. The designated officer shall inform the
 31 hospital of those parties who received the
 32 notification, and following receipt of this
 33 information and upon request of the individual, the
 34 hospital shall inform the individual of the parties to
 35 whom notification was provided.

36 Sec. ____ . Section 144.24, Code 1991, is amended to
 37 read as follows:

38 144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH
 39 CERTIFICATES - INSPECTION.

40 When If a new certificate of birth is established,
 41 the actual place and date of birth shall be shown on
 42 the certificate. The certificate shall be substituted
 43 for the original certificate of birth. Thereafter,
 44 the original certificate and the evidence of adoption,
 45 paternity, legitimation or sex change shall not be
 46 subject to inspection except under order of a court of
 47 competent jurisdiction, including but not limited to
 48 an order issued pursuant to section 600.16, or as
 49 provided by regulation administrative rule for
 50 statistical or administrative purposes, only.

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1 However, the state registrar shall, upon the
 2 application of an adult adopted person, an adoptive
 3 parent, or the legal representative of either the
 4 adult adopted person or the adoptive parent, inspect
 5 the original certificate and the evidence of adoption
 6 and reveal to the applicant the name and address of
 7 the court which issued the adoption decree. Upon
 8 receipt of notice of annulment of adoption, the
 9 original certificate of birth shall be restored to its
 10 place in the files and the new certificate and
 11 evidence shall not be subject to inspection except
 12 upon order of the district court."

13 8. Page 27, by inserting after line 17, the
 14 following:

15 "Sec. ____ . Section 192.59, Code 1991, is amended
 16 by adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. A person who returns a
 18 container bearing a registered mark of a company
 19 processing or delivering milk that was taken without
 20 the consent of the owner prior to July 1, 1991, may
 21 return the container without penalty from April 30,
 22 1992, through June 30, 1992."

23 9. Page 36, by inserting after line 30, the
 24 following:

25 "Sec. ____ . NEW SECTION. 257.37 FUNDING MEDIA AND
 26 EDUCATIONAL SERVICES.

27 Thirty percent of the budget of an area for media
 28 services shall be expended for media resource material
 29 which shall only be used for the purchase or
 30 replacement of material required in section 273.6,
 31 subsection 1. Funds shall be paid to area education
 32 agencies as provided in section 257.35."

33 10. Page 37, by inserting after line 7 the
 34 following:

35 "Sec. ____ . Section 262.14, subsection 3,
 36 unnumbered paragraph 1, Code 1991, is amended to read
 37 as follows:

38 Any portion of the funds may be invested by the
 39 board jointly with other agencies of the state or with
 40 political subdivisions of the state or their agencies.
 41 In the investment of the funds, the board shall
 42 exercise the judgment and care, under the
 43 circumstances then prevailing, which persons of
 44 prudence, discretion and intelligence exercise in
 45 their own affairs as provided in section 633.123,
 46 subsection 1.

47 Sec. ____ . Section 273.3, Code 1991, is amended by
 48 adding the following new subsection:

49 NEW SUBSECTION. 20. Be authorized to invest
 50 jointly with the state, political subdivisions of the

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1 state or their agencies, pursuant to a joint
 2 investment agreement, funds available to the board."

3 11. Page 37, by inserting after line 22 the
 4 following:

5 "Sec. ____ . Section 279.29, unnumbered paragraph 2,
 6 Code 1991, is amended to read as follows:

7 Pending audit and allowance of claims under this
 8 section, the board shall invest moneys of the
 9 corporation to the extent practicable, and the board
 10 may provide for the joint investment of moneys with
 11 one or more school corporations the state or with
 12 political subdivisions of the state or their agencies
 13 pursuant to a joint investment agreement."

14 12. Page 40, by inserting after line 16 the

15 following:

16 "Sec. ____ . Section 321.208, subsection 1,
17 paragraph b, Code 1991, is amended to read as follows:

18 b. Operating a commercial motor vehicle with a
19 ~~blood~~ an alcohol concentration, as defined in section
20 321J.1, of 0.04 or more.

21 Sec. ____ . Section 321.208, subsection 7, Code
22 1991, is amended to read as follows:

23 7. A person is disqualified from operating a
24 commercial motor vehicle if the person either refuses
25 to submit to chemical testing required under chapter
26 321J or submits to chemical testing and the results
27 show a ~~blood~~ an alcohol concentration as defined in
28 section 321J.1 of 0.04 or more. The department, upon
29 receipt of the peace officer's certification, subject
30 to penalty for perjury, that the peace officer had
31 reasonable grounds to believe the person to have been
32 operating a commercial motor vehicle with a ~~blood~~ an
33 alcohol concentration of 0.04 or more and that the
34 person refused to submit to the chemical testing or
35 submitted to chemical testing and the results show a
36 ~~blood~~ an alcohol concentration as defined in section
37 321J.1 of 0.04 or more, shall, without preliminary
38 hearing and upon twenty days' advance notice,
39 disqualify the person from operating a commercial
40 motor vehicle upon a highway."

41 13. Page 43, by inserting after line 1 the
42 following:

43 "Sec. ____ . Section 331.486, Code 1991, is amended
44 to read as follows:

45 331.486 ASSESSMENT OF COSTS OF PUBLIC
46 IMPROVEMENTS.

47 A county may assess to property within a county
48 special assessment district the cost of construction
49 and repair of public improvements benefiting the
50 district and may assess to ~~county~~ property within a

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1 joint special assessment district the cost of
2 construction and repair of public improvements
3 benefiting the district. A county may construct and
4 assess the cost of public improvements within a
5 district in the same manner as a city may proceed
6 under chapter 384, division IV, and chapter 384,
7 division IV, applies to counties with respect to
8 public improvements, the assessment of their costs,
9 and the issuance of bonds for the public improvements.
10 A county may contract for a public improvement
11 benefiting a district under this part pursuant to

12 chapter 331, division III, part 3.

13 Sec. ____ . Section 331.555, subsection 6, Code

14 1991, is amended to read as follows:

15 6. The treasurer shall keep all funds invested to
16 the extent practicable and may invest the funds
17 jointly with ~~one or more counties, judicial district~~
18 ~~departments of correctional services, cities, or city~~
19 ~~utilities~~ the state or with political subdivisions of
20 the state or their agencies pursuant to a joint
21 investment agreement.

22 Sec. ____ . Section 347.14, subsection 8, Code 1991,
23 is amended to read as follows:

24 8. ~~In counties having a population of one hundred~~
25 ~~thirty-five thousand inhabitants or over, establish~~
26 Establish a psychiatric mental health unit or
27 department in connection with the hospital to provide
28 for admission of patients for observation,
29 examination, diagnosis, and treatment.”

30 14. Page 43, by inserting after line 21 the
31 following:

32 “Sec. ____ . Section 384.21, Code 1991, is amended
33 to read as follows:

34 384.21 JOINT INVESTMENT OF FUNDS.

35 A city or a city utility board shall keep all funds
36 invested to the extent practicable and may invest the
37 funds jointly with ~~one or more cities, utility boards,~~
38 ~~judicial district departments of correctional~~
39 ~~services, or counties~~ the state or with political
40 subdivisions of the state or their agencies pursuant
41 to a joint investment agreement.”

42 15. Page 44, by inserting after line 20, the
43 following:

44 “Sec. ____ . Section 455C.5, subsection 2, paragraph
45 a, Code 1991, is amended to read as follows:

46 a. For beverage containers containing alcoholic
47 liquor as defined in section 123.3, subsection 8, the
48 total capacity of the containers is not more than one
49 ~~quart~~ liter or, in the case of alcoholic liquor
50 personally obtained outside the United States, ~~one~~

Page 6

1 ~~gallon four liters.”~~

2 16. Page 44, by striking lines 21 through 26.

3 17. Page 46, by inserting after line 9, the
4 following:

5 “Sec. ____ . Section 510.5, subsection 6, as enacted
6 by 1991 Iowa Acts, Senate File 518, is amended to read
7 as follows:

8 6. An insurer shall review its books and records

9 each quarter and determine if any producer, as defined
 10 by section 510A.2, has become, by operation of section
 11 ~~510.2~~ 510.2A, subsection ~~3 4~~, a managing general agent
 12 as defined in that section. If the insurer determines
 13 that a producer has become a managing general agent by
 14 operation of section ~~510.2~~ 510.2A, subsection ~~3 4~~, the
 15 insurer shall promptly notify the producer and the
 16 commissioner of such determination and the insurer and
 17 producer shall fully comply with the provisions of
 18 this chapter within thirty days.

19 Sec. ____ . Section 510.9, as enacted by 1991 Iowa
 20 Acts, Senate File 518, is amended to read as follows:
 21 510.9 EXEMPTION.

22 A managing general agent who complies with sections
 23 ~~510.1~~ 510.1A through 510.8 for a block of business,
 24 shall not also be required to comply with sections
 25 510.20 and 510.21 with regard to the same block of
 26 business."

27 18. Page 46, by inserting after line 16, the
 28 following:

29 "Sec. ____ . Section 515.119, Code 1991, as enacted
 30 by 1991 Iowa Acts, Senate File 518, is amended to read
 31 as follows:

32 515.119 COMPLIANCE WITH LAW -- CHANGE OF ARTICLES.

33 An insurance company organized under this chapter,
 34 or doing business in; this state, or any foreign or
 35 alien company doing business in this state, shall
 36 conform to the provisions of this chapter and all
 37 other laws of this state applicable to the insurance
 38 company.

39 Sec. ____ . Section 521B.2, subsection 3, paragraph
 40 a, as enacted by 1991 Iowa Acts, Senate File 518, is
 41 amended to read as follows:

42 3. a. Credit is allowed if the reinsurance is
 43 ceded to an assuming insurer which is domiciled and
 44 licensed in, or in the case of a United States branch
 45 of an alien assuming insurer; is entered through, a
 46 state which employs standards regarding credit for
 47 reinsurance substantially similar to those applicable
 48 under this section, and the assuming insurer or United
 49 States branch of an alien assuming insurer does both
 50 of the following:

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- 1 (1) Maintains a surplus with respect to
- 2 policyholders in an amount of not less than twenty
- 3 million dollars.
- 4 (2) Submits to the authority of this state to
- 5 examine its books and records.

6 b. However, the requirement of paragraph "a",
7 subparagraph (1), does not apply to reinsurance ceded
8 and assumed pursuant to a pooling arrangement among
9 insurers in the same holding company system.

10 Sec. ____ . Section 524.310, subsection 4, as
11 enacted by 1991 Iowa Acts, House File 260, is amended
12 to read as follows:

13 4. a. A person may reserve the exclusive use of a
14 corporate name for a state bank by delivering an
15 application to the secretary of state for filing. The
16 application must ~~comply with section 490.402 and set~~
17 forth the name and address of the applicant and the
18 name proposed to be reserved. If the secretary of
19 state finds that the corporate name applied for is
20 available ~~and complies with section 490.402~~, the
21 secretary of state shall reserve the name for the
22 applicant's exclusive use for a nonrenewable one
23 hundred twenty day period.

24 b. The owner of a reserved corporate name may
25 transfer the reservation to another person by
26 delivering to the secretary of state a signed notice
27 of the transfer that states the name and address of
28 the transferee."

29 19. Page 46, by inserting after line 21 the
30 following:

31 "Sec. ____ . Section 600.16, subsection 2, Code
32 1991, is amended by adding the following new
33 unnumbered paragraph after unnumbered paragraph 1:
34 NEW UNNUMBERED PARAGRAPH. An adopted person whose
35 adoption became final prior to July 4, 1941, and whose
36 adoption record was not required to be sealed at the
37 time when the adoption record was completed, shall not
38 be required to show good cause for an order opening
39 the adoption record under this subsection.

40 Sec. ____ . Section 601K.103, subsection 2, para-
41 graph a, Code 1991, is amended to read as follows:

42 a. Meet the income guidelines established pursuant
43 to the federal low-income home energy assistance
44 program, with income at or below one hundred ten
45 percent of the federal poverty income guidelines
46 established by the office of management and budget.
47 The division may adjust the income threshold by rule
48 as necessitated by budgetary restrictions."

49 20. By striking page 46, line 35, through page
50 47, line 6, and inserting the following:

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1 "2. If an applicant confined in a state
2 institution seeks relief under section 663A.2,

3 subsection 6, and the court finds in favor of the
4 applicant, or the ~~postconviction proceedings fail when~~
5 ~~relief is denied~~ and costs and expenses referred to in
6 ~~unnumbered paragraph subsection~~ 1 cannot be collected
7 from the applicant, these costs and expenses
8 initially”.

9 21. Page 48, by inserting after line 2, the
10 following:

11 “Sec. ____ . Section 714.8, subsection 14,
12 unnumbered paragraph 1, Code 1991, as enacted by 1991
13 Iowa Acts, Senate File 174, section 1, is amended to
14 read as follows:

15 Makes payment pursuant to an agreement with a
16 dealer or market agency for livestock held by the
17 dealer or market agency by use of a financial
18 instrument which is a check, share draft, draft, or
19 written order on any financial institution, as defined
20 in section 543.1, if after seven days from the date
21 that possession of the livestock is transferred
22 pursuant to the purchase, the financial institution
23 refuses payment on the instrument because of
24 insufficient funds in the maker’s account.”

25 22. Page 48, by inserting after line 16 the
26 following:

27 “Sec. ____ . Section 905.6, subsection 4, Code 1991,
28 is amended to read as follows:

29 4. Prepare all budgets and fiscal documents, and
30 certify for payment all expenses and payrolls lawfully
31 incurred by the district department. The director may
32 invest funds which are not needed for current
33 expenses, jointly with ~~one or more cities, city~~
34 ~~utilities, or counties~~ the state or with political
35 subdivisions of the state or their agencies pursuant
36 to a joint investment agreement.

37 Sec. ____ . Section 910A.15, unnumbered paragraph 1,
38 Code 1991, is amended to read as follows:

39 A ~~prosecuting~~ witness who is a child minor, as
40 defined in section ~~702.5 599.1~~, in a any case
41 ~~involving a violation of chapter 709 or section 726.2,~~
42 ~~726.3, 726.6, or 728.12~~, is entitled to have the
43 witness’s interests represented by a guardian ad litem
44 at all stages of the proceedings ~~arising from such~~
45 ~~violation~~. The guardian ad litem shall may be a
46 practicing attorney and shall be designated by the
47 court after due consideration is given to the desires
48 and needs of the child minor and the compatibility of
49 the child minor and the child’s minor’s interests with
50 the prospective guardian ad litem. If a guardian ad

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1 item has previously been appointed for the child
 2 minor in a proceeding under chapter 232 or a
 3 proceeding in which the juvenile court has waived
 4 jurisdiction under section 232.45, the court ~~shall~~ may
 5 appoint the same guardian ad litem under this section.
 6 The guardian ad litem shall receive notice of and may
 7 attend all depositions, hearings and trial proceedings
 8 to support the child minor and advocate for the
 9 protection of the child minor but shall not be allowed
 10 to separately introduce evidence or to directly
 11 examine or cross-examine witnesses. However, the
 12 guardian ad litem shall file reports to the court as
 13 required by the court."

14 23. Page 48, line 18, by inserting after the
 15 figure "817," the following: "and Senate File 209,
 16 section 37,".

17 24. Page 48, line 22, by striking the word
 18 "twenty" and inserting the following: "sixteen and
 19 two-thirds".

20 25. Page 48, line 25, by striking the word
 21 "Ninety" and inserting the following: "Ninety-four".

22 26. Page 48, line 30, by striking the word "ten"
 23 and inserting the following: "six".

24 27. Page 48, line 31, by striking the word "ten"
 25 and inserting the following: "six".

26 28. By renumbering and correcting internal
 27 references as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chair

S-3660

1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 14, line 11, by striking the words "The
 4 partisan" and inserting the following: "Either the
 5 partisan or nonpartisan".

MARY E. KRAMER

S-3661

1 Amend Senate File 83 as follows:

2 1. Page 2, by inserting after line 4, the
 3 following:

4 "Sec. ____ . Section 422.16, subsection 1, Code
 5 1991, is amended by adding the following new
 6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. For the purposes of this

8 subsection, state income tax shall be withheld from
 9 pensions, annuities, other similar periodic payments,
 10 and other income payments in those circumstances that
 11 federal income tax is withheld from pensions,
 12 annuities, other similar periodic payments, and other
 13 income payments under sections 3402(o), 3402(p),
 14 3402(s), 3405(a), and 3405(b) of the Internal Revenue
 15 Code. A payee of a pension, annuity, or other similar
 16 periodic payment may not elect to exempt pensions,
 17 annuities, other similar periodic payments, and other
 18 income payments from withholding under this
 19 subsection. State income tax shall be withheld from
 20 nonperiodic payments at a rate to be specified by the
 21 department.”
 22 2. By renumbering as necessary.

BILL HUTCHINS

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 618

S-3662

1 Amend the Senate amendment, H-3753, to House File
 2 618, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 4, by striking the figure “20.”
 5 and inserting the following: “20 and inserting the
 6 following:
 7 “Section 1. Section 331.602, Code 1991, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. 35A. Record a statement of claim
 10 provided in chapter 557C relating to mineral interests
 11 in coal.
 12 Sec. 2. NEW SECTION. 557C.1 LAPSE OF MINERAL
 13 INTERESTS IN COAL -- PREVENTION.
 14 A mineral interest in coal shall be extinguished
 15 twenty years after its creation, transfer, or
 16 preservation, unless a statement of claim is filed in
 17 accordance with section 557C.3, and the ownership
 18 shall revert to the person who was then the owner of
 19 the interest from which the mineral interest in coal
 20 was created, transferred, or preserved. Upon the
 21 filing of a statement of claim within the specified
 22 period, the mineral interest shall be deemed to have
 23 been preserved for an additional period of twenty
 24 years, or a shorter period as may be specified in the
 25 instrument creating the interest.
 26 Sec. 3. NEW SECTION. 557C.2 MINERAL INTEREST --

27 DEFINITION.

28 A mineral interest in coal means an interest
 29 created by an instrument which creates or transfers
 30 either by grant, assignment, reservation, or
 31 otherwise, an interest of any kind in coal, as
 32 described in chapter 83, without limitation on the
 33 manner of mining the coal.

34 Sec. 4. NEW SECTION. 557C.3 STATEMENT OF CLAIM -
 35 -FILING -- REQUIREMENTS.

36 The statement of claim provided in section 557C.1
 37 shall be filed by the owner of the mineral interest in
 38 coal prior to the end of the twenty-year period set
 39 forth in section 557C.1 or by July 1, 1994, whichever
 40 is later. The statement of claim shall contain the
 41 name and address of the owner of the mineral interest
 42 in coal, and a description of the real estate on, or
 43 under, which the mineral interest in coal is located.
 44 The statement of claim shall be filed in the office of
 45 the recorder in the county in which the real estate is
 46 located.

47 Sec. 5. NEW SECTION. 557C.4 STATEMENT OF CLAIM -
 48 -FILING -- RECORDER'S DUTY.

49 Upon the filing of the statement of claim provided
 50 for in section 557C.3 in the recorder's office for the

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1 county where the real estate on, or under, which the
 2 mineral interest in coal exists, is located, the
 3 recorder shall record the statement of claim and index
 4 it in the claimant's book.

5 Sec. 6. NEW SECTION. 557C.5 RESERVATION IN OTHER
 6 CONVEYANCE.

7 A reservation of a mineral interest in coal or an
 8 exception of a mineral interest in coal, contained in
 9 a conveyance of the interest out of which it is
 10 carved, by a nonowner of the mineral interest in coal
 11 shall not be deemed to satisfy the requirements of
 12 this chapter or as a revival of a mineral interest in
 13 coal otherwise extinguished under this chapter.

14 Sec. 7. NEW SECTION. 557C.6 EXEMPTION.

15 The filing of the statement of claim required under
 16 section 557C.3 to preserve the mineral interest in
 17 coal shall not be required of an owner if the mineral
 18 interest was separately taxed for real estate tax
 19 purposes at any time after July 1, 1971."

20 2. Page 1, by striking lines 5 and 6, and
 21 inserting the following:

22 "___ . Title page, line 1, by inserting after the
 23 word "to" the following: "real estate, by providing

24 for".

25 ____ . Title page, line 2, by inserting after the

26 word "interests" the following: "in coal".

27 3. By renumbering as necessary.

S-3663

1 Amend House File 232, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 5, by striking lines 8 through 15.

4 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3664

1 Amend House File 693, as amended, passed, and re-

2 printed by the House, as follows:

3 1. Page 8, by striking line 8 and inserting the

4 following: "~~the formulation of the charter. A~~

5 majority vote by each of two-thirds of the membership

6 of".

7 2. Page 15, line 17, by inserting after the word

8 "areas." the following: "A vote of two-thirds of the

9 membership of the governing body shall be required to

10 approve the delivery of a service to the entire

11 community commonwealth."

MARY E. KRAMER

S-3665

1 Amend House 668, as passed by the House, as

2 follows:

3 1. Page 18, by inserting after line 4, the

4 following:

5 "Sec ____ . FULL-TIME EQUIVALENT POSITIONS -- HIRING

6 PROHIBITED. For the fiscal year beginning July 1,

7 1991, and ending June 30, 1992, the department shall

8 not hire any new full-time equivalent positions and

9 shall submit a full-time equivalent position needs

10 report to the general assembly by January 1, 1992."

11 2. By renumbering as necessary.

MAGGIE TINSMAN

MARY KRAMER

FLORENCE BUHR

S-3666

- 1 Amend House 668, as passed by the House, as
 2 follows:
 3 1. Page 18, by inserting after line 4, the
 4 following:
 5 "Sec ____ FULL-TIME EQUIVALENT POSITIONS -- HIRING
 6 PROHIBITED. For the fiscal year beginning July 1,
 7 1991, and ending June 30, 1992, the department shall
 8 not add any new full-time equivalent positions for
 9 administration of the certificate of need program and
 10 shall submit a full-time equivalent position needs
 11 report to the general assembly by January 1, 1992."
 12 2. By renumbering as necessary.

MAGGIE TINSMAN
 MARY KRAMER
 FLORENCE BUHR

S-3667

- 1 Amend House File 302, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 30, by inserting after the word
 4 "liability." the following: "The department shall
 5 submit proposed rules to the commission by January 15,
 6 1992."
 7 2. Page 4, line 9, by inserting after the word
 8 "FACILITIES." the following:
 9 "1."
 10 3. Page 4, line 28, by inserting after the word
 11 "facility." the following: "The moratorium also does
 12 not apply to an infectious waste autoclave facility
 13 which has received a permit from the department prior
 14 to July 1, 1991, to construct the facility."
 15 4. Page 5, by inserting after line 4, the
 16 following:
 17 "2. An infectious waste treatment or disposal
 18 facility shall not be constructed or operated unless
 19 the facility meets all of the following conditions, if
 20 applicable:
 21 a. The facility is designed to accept only medical
 22 waste generated in the state and communities within
 23 seventy-five miles of the state borders.
 24 b. The facility is subject to monitoring and stack
 25 testing at least every three years.
 26 c. The facility incorporates the best available
 27 control technology to ensure that the emissions from
 28 the facility approach the goal of zero emissions.
 29 d. The facility complies with standards and
 30 limitations which are not less stringent, and may be
 31 more stringent, than those promulgated by the

32 administrator of the United States environmental
33 protection agency.

34 e. The facility pays an operating fee as
35 established by the commission.

36 f. The facility requires large generators for
37 which the facility provides treatment or disposal to
38 certify that the generator submitted a comprehensive
39 plan to the department to provide for reduction or
40 recycling of infectious waste at the source. If the
41 generator is a small quantity generator, however, the
42 facility shall only require that the small quantity
43 generator, or a representative of the small quantity
44 generators, for which the facility provides treatment
45 or disposal, has participated in the development of
46 the comprehensive plan submitted by the city, county,
47 or public agency, pursuant to section 455B.302.

48 Comprehensive plans developed under this subsection
49 shall preferably be developed in conjunction with the
50 city, county, or public agency developing the plan

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1 pursuant to section 455B.302.

2 g. The facility has applied for and has qualified
3 for all requisite federal, state, and local permits
4 for construction and operation of the facility.

5 h. The facility is in compliance with rules,
6 following adoption, pursuant to sections 455B.502 and
7 455B.503.

8 i. The facility has established a means of
9 treating or disposing of any residue or ash which
10 remains following treatment of the waste.

11 The commission shall give priority in the issuance
12 of permits to facilities which present the least
13 multimedia environmental threat.

14 3. The conditions imposed under subsection 2 shall
15 apply as follows:

16 a. An existing infectious waste treatment or dis-
17 posal facility shall comply with the standards and
18 limitations adopted by July 1, 1993, or as federal
19 standards and limitations become final, whichever is
20 earlier.

21 b. An infectious waste treatment or disposal
22 facility which is established or becomes operational
23 on or after May 1, 1991, shall comply with standards
24 and limitations as they are adopted.

25 4. The department, in cooperation with the Iowa
26 department of public health, shall adopt rules
27 defining small quantity generators of infectious waste
28 subject to the provisions of this section.

29 Sec. ____ SEVERABILITY CLAUSE. If any provision
 30 of this Act or any application thereof to any person
 31 is invalid, the invalidity shall not affect the
 32 provisions or application of this Act which can be
 33 given effect without the invalid provisions or
 34 application, and to this end, the provisions of this
 35 Act are severable."
 36 5. Title page, line 6, by inserting after the
 37 word "standards," the following: "providing a
 38 severability clause,".

MICHAEL E. GRONSTAL
 RALPH ROSENBERG

S-3668

1 Amend Senate File 83 as follows:
 2 1. Page 2, by inserting after line 4 the
 3 following:
 4 "Sec. ____ Section 422.16, subsection 1, Code
 5 1991, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. For the purposes of this
 8 subsection, state income tax shall be withheld from
 9 pensions, annuities, other similar periodic payments,
 10 and other income payments of those persons whose
 11 primary residence is in Iowa, in those circumstances
 12 in which such person has federal income tax withheld
 13 from pensions, annuities, other similar periodic
 14 payments, and other income payments under sections
 15 3402(o), 3402(p), 3402(s), 3405(a) and 3405(b) of the
 16 Internal Revenue Code at a rate to be specified by the
 17 department."

BILL HUTCHINS

HOUSE AMENDMENT TO
 SENATE FILE 193

S-3669

1 Amend Senate File 193, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 20 through 32.
 4 2. Page 3, by striking lines 32 through 35, and
 5 inserting the following: "emotional conditions.
 6 This".
 7 3. Page 4, by striking lines 9 through 13 and
 8 inserting the following: "individuals, families, and
 9 groups."

- 10 4. Page 6, line 13, by striking the word "does"
 11 and inserting the following: "and chapter 147 do".
 12 5. By striking page 8, line 15 through page 9,
 13 line 2.
 14 6. Page 9, by inserting after line 15, the
 15 following:
 16 "Initial professional appointees to the board of
 17 behavioral science examiners shall meet the
 18 requirements of section 154D.2, subsection 1,
 19 paragraphs "a" and "b", or section 154D.2, subsection
 20 2, paragraphs "a" and "b", and shall not be required
 21 to pass an examination in order to be appointed to the
 22 board."
 23 7. Title page, line 3, by striking the words
 24 "practice of" and inserting the following: "use of
 25 the title".
 26 8. Title page, by striking line 4 and inserting
 27 the following: "marital and family therapist or
 28 mental health counselor without".
 29 9. Title page, lines 7 and 8, by striking the
 30 following: "providing for a temporary waiver of
 31 certain licensing requirements."
 32 10. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

S-3670

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, line 6, by inserting after the figure
 4 "~~331-323~~." the following: "This paragraph does not
 5 apply to the board of trustees of a county hospital."

LARRY MURPHY

S-3671

- 1 Amend the House amendment, S-3648, to Senate File
 2 478, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 19 through 21.
 5 2. Page 1, by striking lines 39 through 45.
 6 3. By renumbering as necessary.

MIKE CONNOLLY

S-3672

- 1 Amend the House amendment, S-3568, to Senate File
 2 501, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 1, by inserting after line 3 the fol-
5 lowing:

6 "___ . Page 1, by inserting after line 15 the
7 following:

8 "___ . Section 100. Section 20.9, Code 1991, is
9 amended by adding the following new unnumbered para-
10 graph:

11 NEW UNNUMBERED PARAGRAPH. Collective bargaining
12 agreements for professional staff licensed under
13 chapter 260 shall not provide salary increases at a
14 percent higher than the actual percent of increase in
15 the budgets of the school corporation from the
16 previous school year."

17 2. Page 1, line 42, by striking the word
18 "district." and inserting the following: "district.

19 Sec. ___ . APPLICABILITY DATE. Section 100 applies
20 to collective bargaining agreements entered into on or
21 after the effective date of this Act."

22 3. Page 1, by inserting after line 42 the fol-
23 lowing:

24 "___ . Title page, line 2, by striking the words
25 "board and" and inserting the following: "board,"

26 ___ . Title page, line 4, by inserting after the
27 word "teachers" the following: ", and providing for
28 the applicability of a provision of the Act".

RAY TAYLOR

S-3673

1 Amend House File 693 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 15, by inserting after line 30, the
4 following:

5 "Sec. 100. Section 331.301, subsection 10, Code
6 1991, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 10. A county, community commonwealth, multicounty
9 government, or city-county consolidated government may
10 enter into leases or lease-purchase contracts for real
11 property in accordance with the following terms and
12 procedures:

13 a. A county, community commonwealth, multicounty
14 government, or city-county consolidated government
15 shall lease or lease-purchase real property only for a
16 term which does not exceed the economic life of the
17 property, as determined by the board.

18 b. A lease or lease-purchase contract entered into
19 by a county, community commonwealth, multicounty

20 government, or city-county consolidated government may
21 contain provisions similar to those sometimes found in
22 leases between private parties, including, but not
23 limited to, the obligation of the lessee to pay any of
24 the costs of operation or ownership of the leased
25 property and the right to purchase the leased
26 property.

27 c. A provision of a lease-purchase contract which
28 stipulates that a portion of the rent payments be
29 applied as interest is subject to chapter 74A. Other
30 laws relating to interest rates do not apply. Chapter
31 75 is not applicable. A county enterprise is a
32 separate entity under this subsection, whether it is
33 governed by the board or another governing body.

34 d. The board or other applicable governing body
35 must follow substantially the same authorization
36 procedure required for the issuance of general
37 obligation bonds issued for the same purpose to
38 authorize a lease or a lease-purchase contract made
39 payable from the debt service fund.

40 e. The board or other applicable governing body
41 may authorize a lease-purchase contract which is
42 payable from the general fund and which would not
43 cause the total of annual lease-purchase payments of
44 the county, community commonwealth, multicounty
45 government, or city-county consolidated government due
46 from the general fund of the county, community
47 commonwealth, multicounty government, or city-county
48 consolidated government in any future year for lease-
49 purchase contracts in force on the date of the
50 authorization, excluding payments to exercise purchase

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1 options or to pay the expenses of operation or
2 ownership of the property, to exceed ten percent of
3 the last certified general fund budget amount in
4 accordance with the following procedures:

5 (1) The board or other applicable governing body
6 must follow substantially the authorization procedures
7 of section 331.443 to authorize a lease-purchase
8 contract for real property which is payable from the
9 general fund if the principal amount of the lease-
10 purchase contract does not exceed the following
11 limits:

12 (a) Four hundred thousand dollars in a county,
13 community commonwealth, multicounty government, or
14 city-county consolidated government having a
15 population of twenty-five thousand or less.

16 (b) Five hundred thousand dollars in a county,

17 community commonwealth, multicounty government, or
18 city-county consolidated government having a
19 population of more than twenty-five thousand but not
20 more than fifty thousand.

21 (c) Six hundred thousand dollars in a county,
22 community commonwealth, multicounty government, or
23 city-county consolidated government having a
24 population of more than fifty thousand but not more
25 than one hundred thousand.

26 (d) Eight hundred thousand dollars in a county,
27 community commonwealth, multicounty government, or
28 city-county consolidated government having a
29 population of more than one hundred thousand but not
30 more than two hundred thousand.

31 (e) One million dollars in a county, community
32 commonwealth, multicounty government, or city-county
33 consolidated government having a population of more
34 than two hundred thousand.

35 (2) The board or other applicable governing body
36 must follow the following procedures to authorize a
37 lease-purchase contract for real property which is
38 payable from the general fund if the principal amount
39 of the lease-purchase contract exceeds the limits set
40 forth in subparagraph (1):

41 (a) The board or other applicable governing body
42 must institute proceedings for entering into a lease-
43 purchase contract payable from the general fund by
44 causing a notice of the proposal to enter into the
45 lease-purchase contract, including a statement of the
46 principal amount and purpose of the lease-purchase and
47 the right to petition for an election, to be published
48 as provided in section 331.305 at least ten days prior
49 to the meeting at which it is proposed to take action
50 to enter into the lease-purchase contract.

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1 (b) If at any time before the date fixed for
2 taking action to enter into the lease-purchase
3 contract, a petition is filed with the auditor in the
4 manner provided by section 331.306, asking that the
5 question of entering into the lease-purchase contract
6 be submitted to the qualified electors of the county,
7 community commonwealth, multicounty government, or
8 city-county consolidated government, the board or
9 other applicable governing body shall either by
10 resolution declare the proposal to enter into the
11 lease-purchase contract to have been abandoned or
12 shall direct the county commissioner of elections to
13 call a special election upon the question of entering

14 into the lease-purchase contract. However, for
15 purposes of this subparagraph, the petition shall not
16 require signatures in excess of one thousand persons.
17 Notice of the election and its conduct shall be in the
18 manner provided in section 331.442, subsections 2
19 through 4.

20 (c) If a petition is not filed or if a petition is
21 filed and the proposition of entering into a lease-
22 purchase contract is approved at the election, the
23 board or other applicable governing body may proceed
24 and enter into the lease-purchase contract.

25 f. The governing body may authorize a lease-
26 purchase contract payable from the net revenues of a
27 county enterprise or combined county enterprise by
28 following the authorization procedures of section
29 331.464:

30 g. A lease-purchase contract to which a county,
31 community commonwealth, multicounty government, or
32 city-county consolidated government is a party or in
33 which a county, community commonwealth, multicounty
34 government, or city-county consolidated government has
35 a participatory interest is an obligation of a
36 political subdivision of this state for the purposes
37 of chapters 502 and 682, and is a lawful investment
38 for banks, trust companies, building and loan
39 associations, savings and loan associations,
40 investment companies, insurance companies, insurance
41 associations, executors, guardians, trustees, and any
42 other fiduciaries responsible for the investment of
43 funds.

44 h. Property that is lease-purchased by a county,
45 community commonwealth, multicounty government, or
46 city-county consolidated government is exempt under
47 section 427.1, subsection 2.

48 i. A contract for construction by a private party
49 of property to be leased or lease-purchased by a
50 county, community commonwealth, multicounty

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1 government, or city-county consolidated government is
2 not a contract for a public improvement under section
3 331.341, subsection 1. However, if a lease-purchase
4 contract is funded in advance by means of the lessor
5 depositing moneys to be administered by a county,
6 community commonwealth, multicounty government, or
7 city-county consolidated government, with the
8 obligation of the county, community commonwealth,
9 multicounty government, or city-county consolidated
10 government to make rent payments commencing with its

11 receipt of moneys, a contract for construction of the
12 property in question awarded by the county, community
13 commonwealth, multicounty government, or city-county
14 consolidated government is a public improvement and is
15 subject to section 331.341, subsection 1.

16 Sec. 101. Section 331.402, subsection 3, Code
17 1991, is amended by striking the subsection and
18 inserting in lieu thereof the following:

19 3. A county, community commonwealth, multicounty
20 government, or city-county consolidated government may
21 enter into loan agreements to borrow money for any
22 public purpose in accordance with the following terms
23 and procedures:

24 a. A loan agreement entered into by a county,
25 community commonwealth, multicounty government, or
26 city-county consolidated government may contain
27 provisions similar to those sometimes found in loan
28 agreements between private parties, including, but not
29 limited to, the issuance of notes to evidence its
30 obligations.

31 b. A provision of a loan agreement which
32 stipulates that a portion of the payments be applied
33 as interest is subject to chapter 74A. Other laws
34 relating to interest rates do not apply. Chapter 75
35 is not applicable. A county enterprise is a separate
36 entity under this subsection, whether it is governed
37 by the board or another governing body.

38 c. The board or other applicable governing body
39 shall follow substantially the same authorization
40 procedure required for the issuance of general
41 obligation bonds issued for the same purpose to
42 authorize a loan agreement made payable from the debt
43 service fund.

44 d. The board or other applicable governing body
45 may authorize a loan agreement which is payable from
46 the general fund and which would not cause the total
47 of scheduled annual payments of principal or interest
48 or both principal and interest of the county,
49 community commonwealth, multicounty government, or
50 city-county consolidated government due from the

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1 general fund of the county, community commonwealth,
2 multicounty government, or city-county consolidated
3 government in any future year with respect to all loan
4 agreements in force on the date of the authorization
5 to exceed ten percent of the last certified general
6 fund budget amount in accordance with the following
7 procedures:

8 (1) The board or other applicable governing body

9 must follow substantially the authorization procedures
10 of section 331.443 to authorize a loan agreement for
11 real property which is payable from the general fund
12 if the principal amount of the loan agreement does not
13 exceed the following limits:

14 (a) Four hundred thousand dollars in a county,
15 community commonwealth, multicounty government, or
16 city-county consolidated government having a
17 population of twenty-five thousand or less.

18 (b) Five hundred thousand dollars in a county,
19 community commonwealth, multicounty government, or
20 city-county consolidated government having a
21 population of more than twenty-five thousand but not
22 more than fifty thousand.

23 (c) Six hundred thousand dollars in a county,
24 community commonwealth, multicounty government, or
25 city-county consolidated government having a
26 population of more than fifty thousand but not more
27 than one hundred thousand.

28 (d) Eight hundred thousand dollars in a county,
29 community commonwealth, multicounty government, or
30 city-county consolidated government having a
31 population of more than one hundred thousand but not
32 more than two hundred thousand.

33 (e) One million dollars in a county, community
34 commonwealth, multicounty government, or city-county
35 consolidated government having a population of more
36 than two hundred thousand.

37 (2) The board or other applicable governing body
38 must follow the following procedures to authorize a
39 loan agreement for real property which is payable from
40 the general fund if the principal amount of the loan
41 agreement exceeds the limits set forth in subparagraph
42 (1):

43 (a) The board or other applicable governing body
44 must institute proceedings for entering into a loan
45 agreement payable from the general fund by causing a
46 notice of the proposal to enter into the loan
47 agreement, including a statement of the principal
48 amount and purpose of the loan agreement and the right
49 to petition for an election, to be published as
50 provided in section 331.305 at least ten days prior to

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1 the meeting at which it is proposed to take action to
2 enter into the loan agreement.

3 (b) If at any time before the date fixed for
4 taking action to enter into the loan agreement, a
5 petition is filed with the auditor in the manner

6 provided by section 331.306 asking that the question
7 of entering into the loan agreement be submitted to
8 the qualified electors of the county, community
9 commonwealth, multicounty government, or city-county
10 consolidated government, the board or other applicable
11 governing body shall either by resolution declare the
12 proposal to enter into the loan agreement to have been
13 abandoned or shall direct the county commissioner of
14 elections to call a special election upon the question
15 of entering into the loan agreement. However, for
16 purposes of this subparagraph, the petition shall not
17 require signatures in excess of one thousand persons.
18 Notice of the election and its conduct shall be in the
19 manner provided in section 331.442, subsections 2
20 through 4.

21 (c) If a petition is not filed or if a petition is
22 filed and the proposition of entering into the loan
23 agreement is approved at an election, the board or
24 other applicable governing body may proceed and enter
25 into the loan agreement.

26 e. The governing body may authorize a loan
27 agreement payable from the net revenues of a county
28 enterprise or combined county enterprise by following
29 the authorization procedures of section 331.464.

30 f. A loan agreement to which a county, community
31 commonwealth, multicounty government, or city-county
32 consolidated government is a party or in which a
33 county, community commonwealth, multicounty
34 government, or city-county consolidated government has
35 a participatory interest is an obligation of a
36 political subdivision of this state for the purpose of
37 chapters 502 and 682, and is a lawful investment for
38 banks, trust companies, building and loan
39 associations, savings and loan associations,
40 investment companies, insurance companies, insurance
41 associations, executors, guardians, trustees, and any
42 other fiduciaries responsible for the investment of
43 funds.

44 Sec. 102. Section 331.441, subsection 2, paragraph
45 b, subparagraph (5), Code 1991, is amended to read as
46 follows:

47 (5) Public buildings, including the site or
48 grounds of, and the erection, equipment, remodeling,
49 or reconstruction of, and additions or extensions to
50 the buildings, and including the provision and

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.1 maintenance of juvenile detention or shelter care
2 facilities, when the cost does not exceed the

3 following limits:

4 (a) ~~Two~~ Four hundred thousand dollars in a county,
5 community commonwealth, multicounty government, or
6 city-county consolidated government having a
7 population of twenty-five thousand or less.

8 (b) ~~Two~~ Five hundred ~~fifty~~ thousand dollars in a
9 county, community commonwealth, multicounty
10 government, or city-county consolidated government
11 having a population of more than twenty-five thousand
12 but not more than fifty thousand.

13 (c) ~~Three~~ Six hundred thousand dollars in a
14 county, community commonwealth, multicounty
15 government, or city-county consolidated government
16 having a population of more than fifty thousand but
17 not more than one hundred thousand.

18 (d) ~~Four~~ Eight hundred thousand dollars in a
19 county, community commonwealth, multicounty
20 government, or city-county consolidated government
21 having a population of more than one hundred thousand
22 but not more than two hundred thousand.

23 (e) ~~Five hundred thousand~~ One million dollars in a
24 county, community commonwealth, multicounty
25 government, or city-county consolidated government
26 having a population of more than two hundred thousand.

27 Sec. 103. Section 364.4, subsection 4, Code 1991,
28 is amended by striking the subsection and inserting in
29 lieu thereof the following:

30 4. Enter into leases or lease-purchase contracts
31 for real property in accordance with the following
32 terms and procedures:

33 a. A city or consolidated metropolitan corporation
34 shall lease or lease-purchase real property only for a
35 term which does not exceed the economic life of the
36 property, as determined by the governing body.

37 b. A lease or lease-purchase contract entered into
38 by a city or consolidated metropolitan corporation may
39 contain provisions similar to those sometimes found in
40 leases between private parties, including, but not
41 limited to, the obligation of the lessee to pay any of
42 the costs of operation or ownership of the leased
43 property and the right to purchase the leased
44 property.

45 c. A provision of a lease-purchase contract which
46 stipulates that a portion of the rent payments be
47 applied as interest is subject to chapter 74A. Other
48 laws relating to interest rates do not apply. Chapter
49 75 is not applicable. A city utility or city
50 enterprise is a separate entity under this subsection

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1 whether it is governed by the governing body of the
2 city or consolidated metropolitan corporation or
3 another governing body.

4 d. The governing body must follow substantially
5 the same authorization procedure required for the
6 issuance of general obligation bonds issued for the
7 same purpose to authorize a lease or a lease-purchase
8 contract made payable from the debt service fund.

9 e. The governing body may authorize a lease-
10 purchase contract which is payable from the general
11 fund and which would not cause the total of annual
12 lease-purchase payments of the city or consolidated
13 metropolitan corporation due from the general fund of
14 the city or consolidated metropolitan corporation in
15 any future year for lease-purchase contracts in force
16 on the date of the authorization, excluding payments
17 to exercise purchase options or to pay the expenses of
18 operation or ownership of the property, to exceed ten
19 percent of the last certified general fund budget
20 amount in accordance with the following procedures:

21 (1) The governing body must follow substantially
22 the authorization procedures of section 384.25 to
23 authorize a lease-purchase contract for real property
24 which is payable from the general fund if the
25 principal amount of the lease-purchase contract does
26 not exceed the following limits:

27 (a) Four hundred thousand dollars in a city or
28 consolidated metropolitan corporation having a
29 population of five thousand or less.

30 (b) Seven hundred thousand dollars in a city or
31 consolidated metropolitan corporation having a
32 population of more than five thousand but not more
33 than seventy-five thousand.

34 (c) One million dollars in a city or consolidated
35 metropolitan corporation having a population of more
36 than seventy-five thousand.

37 (2) The governing body must follow the following
38 procedures to authorize a lease-purchase contract for
39 real property which is payable from the general fund
40 if the principal amount of the lease-purchase contract
41 exceeds the limits set forth in subparagraph (1):

42 (a) The governing body must institute proceedings
43 to enter into a lease-purchase contract payable from
44 the general fund by causing a notice of the proposal
45 to enter into the lease-purchase contract, including a
46 statement of the principal amount and purpose of the
47 lease-purchase contract and the right to petition for
48 an election, to be published at least once in a
49 newspaper of general circulation within the city or
50 consolidated metropolitan corporation at least ten

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1 days prior to the meeting at which it is proposed to
2 take action to enter into the lease-purchase contract.

3 (b) If at any time before the date fixed for
4 taking action to enter into the lease-purchase
5 contract, a petition is filed with the clerk of the
6 city or consolidated metropolitan corporation in the
7 manner provided by section 362.4, asking that the
8 question of entering into the lease-purchase contract
9 be submitted to the qualified electors of the city or
10 consolidated metropolitan corporation, the governing
11 body shall either by resolution declare the proposal
12 to enter into the lease-purchase contract to have been
13 abandoned or shall direct the county commissioner of
14 elections to call a special election upon the question
15 of entering into the lease-purchase contract.
16 However, for purposes of this subparagraph, the
17 petition shall not require signatures in excess of one
18 thousand persons. Notice of the election and its
19 conduct shall be in the manner provided in section
20 384.26, subsections 2 through 4.

21 (c) If a petition is not filed or if a petition is
22 filed and the proposition of entering into the lease-
23 purchase contract is approved at an election, the
24 governing body may proceed and enter into the lease-
25 purchase contract.

26 f. The governing body may authorize a lease-
27 purchase contract payable from the net revenues of a
28 city utility, combined utility system, city
29 enterprise, or combined city enterprise by following
30 the authorization procedures of section 384.83.

31 g. A lease-purchase contract to which a city or
32 consolidated metropolitan corporation is a party or in
33 which a city or consolidated metropolitan corporation
34 has a participatory interest is an obligation of a
35 political subdivision of this state for the purposes
36 of chapters 502 and 682, and is a lawful investment
37 for banks, trust companies, building and loan
38 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 h. Property that is lease-purchased by a city or
44 consolidated metropolitan corporation is exempt under
45 section 427.1, subsection 2.

46 i. A contract for construction by a private party
47 of property to be leased or lease-purchased by a city
48 or consolidated metropolitan corporation is not a

49 contract for a public improvement under section
50 384.95, subsection 1, except for purposes of section

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1 384.102. However, if a lease-purchase contract is
2 funded in advance by means of the lessor depositing
3 moneys to be administered by a city or consolidated
4 metropolitan corporation, with the obligations of the
5 city or the consolidated metropolitan corporation to
6 make rent payments commencing with its receipt of
7 moneys, a contract for construction of the property in
8 question awarded by the city or consolidated
9 metropolitan corporation is subject to division VI of
10 chapter 384."

11 2. Page 25, by inserting after line 32 the
12 following:

13 "Sec. 104. Section 384.24A, Code 1991, is amended
14 by striking the section and inserting in lieu thereof
15 the following:

16 384.24A LOAN AGREEMENTS.

17 A city or consolidated metropolitan corporation may
18 enter into loan agreements to borrow money for any
19 public purpose in accordance with the following terms
20 and procedures:

21 1. A loan agreement entered into by a city or
22 consolidated metropolitan corporation may contain
23 provisions similar to those sometimes found in loan
24 agreements between private parties, including, but not
25 limited to, the issuance of notes to evidence its
26 obligations.

27 2. A provision of a loan agreement which
28 stipulates that a portion of the payments be applied
29 as interest is subject to chapter 74A. Other laws
30 relating to interest rates do not apply. Chapter 75
31 is not applicable. A city utility or city enterprise
32 is a separate entity under this section whether it is
33 governed by the governing body of the city or
34 consolidated metropolitan corporation or another
35 governing body.

36 3. The governing body shall follow substantially
37 the same authorization procedure required for the
38 issuance of general obligation bonds issued for the
39 same purpose to authorize a loan agreement made
40 payable from the debt service fund.

41 4. The governing body may authorize a loan
42 agreement which is payable from the general fund and
43 which would not cause the total of scheduled annual
44 payments of principal or interest or both principal
45 and interest of the city or consolidated metropolitan

46 corporation due from the general fund of the city or
47 consolidated metropolitan corporation in any future
48 year with respect to all loan agreements in force on
49 the date of the authorization to exceed ten percent of
50 the last certified general fund budget amount in

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1 accordance with the following procedures:

2 a. The governing body must follow substantially
3 the authorization procedures of section 384.25 to
4 authorize a loan agreement for real property which is
5 payable from the general fund if the principal amount
6 of the loan agreement does not exceed the following
7 limits:

8 (1) Four hundred thousand dollars in a city or
9 consolidated metropolitan corporation having a
10 population of five thousand or less.

11 (2) Seven hundred thousand dollars in a city or
12 consolidated metropolitan corporation having a
13 population of more than five thousand but not more
14 than seventy-five thousand.

15 (3) One million dollars in a city or consolidated
16 metropolitan corporation having a population of more
17 than seventy-five thousand.

18 b. The governing body must follow the following
19 procedures to authorize a loan agreement for real
20 property which is payable from the general fund if the
21 principal amount of the loan agreement exceeds the
22 limits set forth in paragraph "a":

23 (1) The governing body must institute proceedings
24 to enter into a loan agreement payable from the
25 general fund by causing a notice of the proposal to
26 enter into the loan agreement, including a statement
27 of the principal amount and purpose of the loan
28 agreement and the right to petition for an election,
29 to be published at least once in a newspaper of
30 general circulation within the city or consolidated
31 metropolitan corporation at least ten days prior to
32 the meeting at which it is proposed to take action to
33 enter into the loan agreement.

34 (2) If at any time before the date fixed for
35 taking action to enter into the loan agreement, a
36 petition is filed with the clerk of the city or
37 consolidated metropolitan corporation in the manner
38 provided by section 362.4, asking that the question of
39 entering into the loan agreement be submitted to the
40 qualified electors of the city or consolidated
41 metropolitan corporation, the governing body shall
42 either by resolution declare the proposal to enter

43 into the loan agreement to have been abandoned or
44 shall direct the county commissioner of elections to
45 call a special election upon the question of entering
46 into the loan agreement. However, for purposes of
47 this paragraph, the petition shall not require
48 signatures in excess of one thousand persons. Notice
49 of the election and its conduct shall be in the manner
50 provided in section 384.26, subsections 2 through 4.

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1 (3) If a petition is not filed or if a petition is
2 filed and the proposition of entering into the loan
3 agreement is approved at an election, the governing
4 body may proceed and enter into the loan agreement.
5 5. The governing body may authorize a loan
6 agreement payable from the net revenues of a city
7 utility, combined utility system, city enterprise, or
8 combined city enterprise by following the
9 authorization procedures of section 384.83.

10 6. A loan agreement to which a city or
11 consolidated metropolitan corporation is a party or in
12 which the city or consolidated metropolitan
13 corporation has a participatory interest is an
14 obligation of a political subdivision of this state
15 for the purposes of chapters 502 and 682, and is a
16 lawful investment for banks, trust companies, building
17 and loan associations, savings and loan associations,
18 investment companies, insurance companies, insurance
19 associations, executors, guardians, trustees, and any
20 other fiduciaries responsible for the investment of
21 funds.

22 Sec. 105. Section 384.26, subsection 5, paragraph
23 a, subparagraphs (1), (2), and (3), Code 1991, are
24 amended to read as follows:

25 (1) In cities or consolidated metropolitan
26 corporations having a population of five thousand or
27 less, in an amount of not more than ~~twenty-five~~ four
28 hundred thousand dollars.

29 (2) In cities or consolidated metropolitan
30 corporations having a population of more than five
31 thousand and not more than seventy-five thousand, in
32 an amount of not more than ~~seventy-five~~ seven hundred
33 thousand dollars.

34 (3) In cities or consolidated metropolitan
35 corporations having a population in excess of seventy-
36 five thousand, in an amount of not more than one
37 hundred fifty thousand million dollars.

38 Sec. ____ . Sections 100, 101, 102, 103, 104, and
39 105 of this Act are applicable to a lease, lease-

40 purchase, or loan agreement entered into or general or
 41 essential purpose bonds issued on or after July 1,
 42 1991.”
 43 3. Title page, line 5, by inserting after the
 44 word “delivery,” the following: “to lease and lease-
 45 purchase agreements entered into by local
 46 governments.”

DERRYL McLAREN
 JOHN W. JENSEN
 JAMES R. RIORDAN
 BERL E. PRIEBE
 JOHN P. KIBBIE
 ALLEN BORLAUG
 RICHARD VANDE HOEF
 LINN FUHRMAN
 JACK W. HESTER
 RAY TAYLOR
 H. KAY HEDGE
 WILMER RENSINK
 PAUL D. PATE
 HARRY G. SLIFE

S-3674

1 Amend House File 421, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 3, by striking the figure “1.”
 4 2. Page 1, line 4, by striking the words
 5 “paroled, or discharged”, and inserting the following:
 6 “has the person’s sentence commuted, or is paroled”.
 7 3. Page 1, line 7, by striking the word and
 8 figure “or 709.14.”
 9 4. Page 1, by striking lines 10 through 32.
 10 5. Page 1, line 33, by striking the figure
 11 “901A.3”, and inserting the following: “901A.2”.
 12 6. By striking page 1, line 35 through page 2,
 13 line 1, and inserting the following: “standard form
 14 for use by probation officers and parole officers to”.
 15 7. Page 2, lines 4 and 5, by striking the words
 16 “address for which the registrant is registering”, and
 17 inserting the following: “street or rural route
 18 address where the registrant will reside”.
 19 8. Page 2, by striking lines 13 through 18 and
 20 inserting the following: “do so as a condition of the
 21 person’s release or parole from a jail or correctional
 22 facility, or as a condition of the person’s sentence
 23 of probation.”
 24 9. Page 2, by striking lines 19 through 24 and
 25 inserting the following:

26 "3. Registration shall be made with the person's
27 parole or probation officer who shall work in
28 cooperation with local law enforcement agencies. A
29 copy shall also be filed".

30 10. Page 2, by inserting after line 26 the
31 following:

32 "If the person relocates the person's residence and
33 is assigned a different parole or probation officer,
34 the person shall register with the new parole or
35 probation officer at the time the new parole or
36 probation officer is assigned. The person shall also
37 provide the person's old parole or probation officer
38 with the person's new address."

39 11. Page 2, by striking lines 27 through 32.

40 12. Page 2, line 33, by striking the figure
41 "901A.4", and inserting the following: "901A.3".

42 13. Page 3, line 2, by inserting after the word
43 "convictions" the following: "for failure to
44 register".

45 14. Page 3, line 7, by striking the word "shall",
46 and inserting the following: "may".

47 15. Page 3, by striking lines 8 through 11 and
48 inserting the following:

49 "Sec. ___ . NEW SECTION. 901A.4 REGISTRATION
50 PERIOD.

Page 2

1 1. As a condition of probation, a person shall
2 register until the expiration of the person's original
3 sentence.

4 2. As a condition of parole, a person shall
5 register for the person's remaining term or ten years,
6 whichever is shorter, and shall participate in sex
7 offender treatment.

8 3. A person convicted of a violation of section
9 709.2 or 710.2 shall register for at least five years
10 after parole following commutation of the person's
11 sentence."

12 16. Page 3, line 12, by striking the figure
13 "901A.6", and inserting the following: "901A.5".

14 17. Page 3, line 15, by striking the words
15 "notify the", and inserting the following: "make a
16 reasonable effort to notify a victim registered under
17 section 910A.2 and the".

18 18. By striking page 3, line 23, through page 4,
19 line 23.

20 19. Page 4, line 24, by striking the figures
21 "901A.8", and inserting the following: "901A.6".

22 20. Page 4, line 30, by striking the word

23 "discharge,"

24 21. Page 5, by inserting after line 14 the
25 following:

26 "Sec. ____ . NEW SECTION. 901A.7 RECORDKEEPING.

27 During the period that a person is required to
28 register under this chapter, the information contained
29 in the person's registry file shall be a public
30 record. At the expiration of the registration period
31 the information contained in the person's registry
32 file, including the results of the analysis performed
33 under section 901A.6, if any, shall become
34 confidential. The information may be inspected only
35 by court order.

36 Sec. ____ . Section 903A.2, unnumbered paragraph 1,
37 Code 1991, is amended to read as follows:

38 Each inmate of an institution under the Iowa
39 department of corrections, is eligible for a reduction
40 of sentence of one day for each day of good conduct of
41 the inmate while committed to one of the department's
42 institutions. In addition to the sentence reduction
43 of one day for each day of good conduct, each inmate
44 is eligible for an additional reduction of sentence of
45 up to five days a month if the inmate participates
46 satisfactorily in employment in the institution, in
47 Iowa state industries, in an inmate employment program
48 established by the director, in a treatment program
49 established by the director, or in an inmate
50 educational program approved by the director. An

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1 inmate serving a mandatory minimum sentence under
2 section 902.11 for a violation of section 709.3 or
3 section 709.4 who participates satisfactorily in a sex
4 offender treatment program is eligible for ten days
5 per month good conduct time, five days of which shall
6 be credited toward reduction of the mandatory minimum
7 sentence and five days of which shall be credited
8 toward the remaining sentence. Reduction of sentence
9 pursuant to this section may be subject to forfeiture
10 pursuant to section 903A.3. Computation of good
11 conduct time is subject to the following conditions:"
12 22. By renumbering as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chair

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 517

S-3675

- 1 Amend the Senate amendment, H-3978, to House File
2 517 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 7 through 12.
5 2. By renumbering as necessary.

S-3676

- 1 Amend Senate File 352 as follows:
2 1. Page 1, line 4, by inserting before the word
3 "If" the following: "1."
4 2. Page 1, by striking lines 7 and 8, and
5 inserting the following: "one-half percent per month
6 at the rate specified in subsection 2 for each month
7 or fraction of a month until paid, from".
8 3. Page 1, by striking line 12 and inserting the
9 following: "at the rate specified in subsection 2 for
10 each month or".
11 4. Page 1, by inserting after line 20, the
12 following:
13 "2. For each fiscal year the treasurer shall
14 determine the rate of interest to be imposed which
15 shall be a rate equal to three percentage points above
16 the average of each month of the previous fiscal
17 year's maximum lawful rate of interest as determined
18 by the Iowa superintendent of banking.
19 Sec. ____ . This Act is applicable to taxes due and
20 payable after July 1, 1991."

RICHARD VARN
BERL E. PRIEBE
ALVIN V. MILLER

S-3677

- 1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting before line 12, the
4 following:
5 "Sec. ____ . Section 331.238, subsection 2, Code
6 1991, is amended by adding the following new
7 unnumbered paragraph after lettered paragraph k:
8 NEW UNNUMBERED PARAGRAPH. This subsection does not
9 apply to the board of trustees of a county hospital."

10 2. By renumbering as necessary.

LARRY MURPHY

S-3678

1 Amend the amendment, S-3641, to House File 688, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 27 the follow-
5 ing:

6 "____. Page 15, line 29, by striking the words
7 "licensed in the state" and inserting the following:
8 "issuing or issuing for delivery in this state basic
9 benefit coverage policies or subscription contracts"."

10 2. Page 1, line 31, by inserting after the word
11 "policy" the following: "or subscription contract".

ELAINE SZYMONIAK

S-3679

1 Amend House File 697, as passed by the House, as
2 follows:

3 1. Page 1, line 2, by inserting after the word
4 "FINES" the following: "AND COURT COSTS".

5 2. Page 1, line 3, by inserting after the word
6 "fine" the following: "or court costs".

7 3. Page 1, line 4, by striking the word "was" and
8 inserting the following: "or court costs were".

9 4. Page 1, lines 5 through 7, by striking the
10 words "of the county in which the person subject to
11 the fine resided at the time of the imposition of the
12 fine".

13 5. Page 1, line 7, by inserting after the word
14 "collected," the following: "after payment of court
15 costs,".

16 6. Title page, line 1, by inserting after the
17 word "fines" the following: "and court costs".

RICHARD F. DRAKE
H. KAY HEDGE
LARRY MURPHY
EMIL J. HUSAK

S-3680

1 Amend Senate File 540 as follows:

2 1. Page 2, line 33, by striking the word
3 "subsection" and inserting the following:

- 4 "subsections".
- 5 2. Page 2, line 35, by inserting after the word
- 6 "rental" the following: "or registered and titled by
- 7 a motor vehicle dealer licensed pursuant to chapter
- 8 322 for rental use, and held for rental for a period
- 9 of one hundred twenty days or more".
- 10 3. Page 3, by inserting after line 5 the
- 11 following:
- 12 "NEW SUBSECTION. 15. Motor vehicles subject to
- 13 registration which were registered and titled between
- 14 July 1, 1982, and October 1, 1991, to a motor vehicle
- 15 dealer licensed under chapter 322 and which were
- 16 rented to a user as defined in section 422C.2 if the
- 17 following occurred:
- 18 1. The dealer kept the vehicle on the inventory of
- 19 vehicles for sale at all times.
- 20 2. The vehicle was to be immediately taken from
- 21 the user of the vehicle when a buyer was found.
- 22 3. The user was aware of this situation."
- 23 4. Page 3, line 6, by striking the word
- 24 "September" and inserting the following: "October".

WILLIAM W. DIELEMAN
RICHARD F. DRAKE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 380

S-3681

- 1 Amend the Senate amendment, H-3886, to House File
- 2 380, as passed by the House, as follows:
- 3 1. Page 1, line 40, by inserting after the word
- 4 "subsection" the following: ", provided that the
- 5 court shall consider any affidavit filed under this
- 6 subsection".

S-3682

- 1 Amend the House amendment, S-3669, to Senate File
- 2 193, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 22 the follow-
- 5 ing:
- 6 "____. Page 9, by inserting after line 15 the fol-
- 7 lowing:
- 8 "Sec. ____ . LEGISLATIVE INTENT. It is the intent
- 9 of the general assembly that marital and family
- 10 therapists and mental health counselors develop their

11 respective professional standards and credentials to
 12 the doctoral level with appropriate clinical
 13 experience in the anticipation of licensure which
 14 shall authorize licensees to diagnose and treat
 15 persons with nervous and mental disorders as defined
 16 in the American psychiatric association's diagnostic
 17 and statistical manual-III-R and its subsequent
 18 revisions as the disorders relate to their respective
 19 professional specialties.""
 20 2. By renumbering as necessary.

WILLIAM D. PALMER
 JEAN LLOYD-JONES
 MARY KRAMER

S-3683

1 Amend House File 693, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 8, by inserting after line 29 the follow-
 4 ing:
 5 "Sec. ____ . Section 331.248, subsection 2,
 6 paragraph b, Code 1991, is amended to read as follows:
 7 b. Provide for establishment of service areas,
 8 except that formation of a city-county consolidation
 9 government form shall not affect the assignment of
 10 electric utility service territories pursuant to
 11 chapter 476, and shall not affect the rights of a city
 12 to grant a franchise under chapter 364."
 13 2. Page 10, line 14, by inserting after the word
 14 "areas." the following: "For each service provided by
 15 the consolidated government, the consolidated
 16 government shall assume the same statutory rights,
 17 powers, and duties relating to the provision of the
 18 service as if the member city were itself providing
 19 the service to its citizens."
 20 3. Page 14, line 6, by inserting after the word
 21 "governments" the following: ", except that formation
 22 of a community commonwealth shall not affect the
 23 assignment of electric utility service territories
 24 pursuant to chapter 476, and shall not affect the
 25 rights of a city to grant a franchise under chapter
 26 364."
 27 4. Page 14, line 22, inserting after the word
 28 "services." the following: "For each service provided
 29 by the community commonwealth, the community
 30 commonwealth shall assume the same statutory rights,
 31 powers, and duties relating to the provision of the
 32 service as if the member city were itself providing
 33 the service to its citizens."

- 34 5. Page 25, line 12, by inserting after the word
 35 "areas" the following: " except that formation of a
 36 consolidated metropolitan corporation shall not affect
 37 the assignment of electric utility service territories
 38 pursuant to chapter 476, and shall not affect the
 39 rights of a city to grant a franchise under chapter
 40 364."
 41 6. By renumbering as necessary.

ELAINE SZYMONIAK
 DERRYL McLAREN
 LARRY MURPHY

HOUSE AMENDMENT TO
 SENATE FILE 273

S-3684

- 1 Amend Senate File 273, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 29, the
 4 following:
 5 "Sec. ____ . LICENSE FEES AND SURCHARGES STUDY. The
 6 administrator of the alcoholic beverages division of
 7 the department of commerce shall conduct a study of
 8 the fees and surcharges collected by the division from
 9 licensees and permittees for the privilege of selling
 10 the various types of alcoholic beverages in this
 11 state. The administrator shall review the entire fee
 12 and surcharge structure and make recommendations for
 13 changes to the general assembly.
 14 The administrator shall complete the study and
 15 submit any recommendations to the general assembly not
 16 later than January 15, 1992."
 17 2. Page 3, by inserting after line 29 the
 18 following:
 19 "Sec. ____ . Section 455D.19, subsection 6, para-
 20 graph a, Code 1991, is amended to read as follows:
 21 a. Packaging or packaging components with a code
 22 indicating a date of manufacture prior to July 1,
 23 1990, and packaging or packaging components used by
 24 the wine industry prior to July 1, 1992."
 25 3. Title page, line 1, by inserting after the
 26 word "Act" the following: "relating to the packaging
 27 and sale of wine, by".
 28 4. Title page, line 3, by inserting after the
 29 word "licensees" the following: "and by providing for
 30 a study of license fees and surcharges".
 31 5. By renumbering, relettering, or redesignating
 32 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 519

S-3685

1 Amend Senate File 519, as passed by the Senate, as
2 follows:

3 1. Page 1, line 14, by inserting after the word
4 "writing," the following: "at an initial investment
5 exceeding five hundred dollars,".

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

8 "4A. "Initial investment" means the total amount a
9 purchaser is obligated to pay under the terms of the
10 business opportunity contract either prior to or at
11 the time of the delivery of the merchandise or
12 services or within six months of the purchaser
13 commencing operation of the business opportunity.
14 However, if payment is over a period of time, "initial
15 investment" means the sum of the downpayment and the
16 total monthly payments specified in the contract."

17 3. Page 3, line 35, by inserting after the word
18 "entity" the following: ", provided, however, person
19 does not include a government or governmental
20 subdivision or agency".

21 4. Page 4, line 10, by inserting after the word
22 "person." the following: "'Seller" does not include
23 the media in or by which an advertisement appears or
24 is disseminated."

25 5. Page 8, line 3, by striking the word "a" and
26 inserting the following: "each".

27 6. Page 14, by striking line 3, and inserting the
28 following: "instituted thirty days after the
29 effective date of the registration."

30 7. Page 14, line 7, by striking the words "the
31 order" and inserting the following: "a summary
32 order".

33 8. Page 14, lines 14 and 15, by striking the
34 words ", after notice of an opportunity for hearing to
35 the seller,".

36 9. Page 14, line 18, by striking the word "stop"
37 and inserting the following: "summary".

38 10. Page 14, line 20, by striking the word
39 "prior".

40 11. By striking page 14, line 33, through page
41 15, line 3.

42 12. Page 17, lines 3 and 4, by striking the words
43 ", after notice of an opportunity for hearing to all
44 interested persons,".

- 45 13. Page 18, line 11, by striking the figure
46 "523B.5A" and inserting the following: "523B.5".
47 14. Page 19, line 29, by striking the word
48 "constituting" and inserting the following: "giving
49 rise to".
50 15. Page 21, by striking lines 24 through 26, and

Page 2

- 1 inserting the following: "respect, upon conviction,
2 is guilty of a class "D" felony. Each of the acts
3 specified constitutes a".
4 16. Page 22, line 18, by inserting after the word
5 "unlawful" the following: "for a seller".
6 17. Page 26, line 23, by striking the word "
7 which" and inserting the following: ". Unless
8 incorporated by reference, in whole or in part, the
9 disclosure statement shall not constitute part of the
10 contract between the resident and provider. The
11 disclosure statement".
12 18. Page 27, by striking lines 9 and 10, and
13 inserting the following: "person, a ten percent or
14 greater interest and which has provided goods, leases,
15 or services to the facility of a value of five hundred
16 dollars or more within the prior twelve months or
17 which has contracted to provide goods, leases, or
18 services to the facility of a".
19 19. Page 27, line 13, by striking the word
20 "probable" and inserting the following: "actual".
21 20. Page 29, line 5, by striking the word
22 "including" and inserting the following: "which shall
23 include".
24 21. By striking page 30, line 30, through page
25 31, line 6, and inserting the following:
26 "3. In the event an amendment is filed with the
27 division of insurance pursuant to subsection 4, the
28 provider shall deliver a copy of the amendment or the
29 amended disclosure statement to a prospective resident
30 and to a prospective resident's personal
31 representative if one is appointed prior to the
32 provider's acceptance of part or all of the entrance
33 fee or the execution of the continuing care or senior
34 congregate living services contract by the prospective
35 resident."
36 22. Page 35, by striking line 12, and inserting
37 the following:
38 "f. A statement of the policy of the facility with
39 regard to any health or financial conditions".
40 23. Page 35, line 15, by striking the words
41 "description of" and inserting the following:

42 "statement of the policy of the facility with regard
43 to".

44 24. Page 35, line 17, by striking the words

45 "description of" and inserting the following:

46 "statement of the policy of the facility with regard
47 to".

48 25. Page 36, line 3, by striking the words "a

49 just" and inserting the following: "just".

50 26. Page 38, line 25, by striking the word

Page 3

1 "REPORTS" and inserting the following: "FILINGS".

2 27. Page 38, by striking lines 27 through 31.

3 28. Page 39, line 6, by inserting after the word

4 "provider." the following: "With the exception of an
5 examination involving new construction, an examination
6 involving a complaint by a resident or a prospective
7 resident or where good cause exists for the lack of
8 prior notice, as determined by the commissioner, the
9 division of insurance shall provide at least seven
10 days' prior notice to the facility before conducting
11 an on-site examination."

12 29. By renumbering and relettering as necessary.

S-3686

1 Amend House File 698, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 10.

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-3687

1 Amend House File 700, as passed by the House, as
2 follows:

3 1. Page 1, lines 5 and 6, by striking the words

4 "one dollar and eight" and inserting the following:

5 "eighty-one".

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

HOUSE AMENDMENT TO
SENATE FILE 505

S-3688

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the words and
4 figure "Section 2 of this Act is" and inserting the
5 following: "Sections 2 through 6 of this Act are".

6 2. Page 1, by inserting after line 2, the
7 following:

8 "Sec. 2. NEW SECTION. 56.33 DEFINITIONS.

9 As used in this division, unless the context
10 requires otherwise:

11 1. "Advocacy information" is material published or
12 broadcast which discusses public issues, candidates,
13 or voting records from which a reasonable person could
14 draw a fair inference that the material recommends the
15 defeat or election of an identifiable candidate in a
16 restricted campaign.

17 2. "Benefited candidate" means a candidate in a
18 restricted campaign whose election is recommended or
19 whose opponent's defeat is recommended by advocacy
20 information or by the fair inferences drawn from the
21 advocacy information by a reasonable person as
22 determined by the commission.

23 3. "Eligible office" means the offices of state
24 representative, state senator, secretary of
25 agriculture, secretary of state, treasurer of state,
26 auditor of state, attorney general, and governor. The
27 office of lieutenant governor shall not be considered
28 a separate eligible office but shall be considered
29 with the office of governor for purposes of this
30 division.

31 4. "Political action committee" means any
32 political committee except a county statutory
33 political committee, a state statutory political
34 committee, a national political party, or a nonparty
35 political organization under chapter 44.

36 5. "Qualifying nomination" means a nomination by a
37 political party as defined by section 43.2, or a
38 nomination under chapter 44 or 45.

39 6. "Restricted campaign" means a campaign for an
40 eligible office in which there are two or more
41 candidates with qualifying nominations and all of
42 those candidates have registered with the commission
43 for a restricted campaign."

44 3. Page 1, by striking lines 3 through 32 and
45 inserting the following:

46 "Sec. 3. **NEW SECTION. 56.34 REGISTRATION FOR A**
47 **RESTRICTED CAMPAIGN.**

48 Each candidate for an eligible office shall
49 register with the commission and shall indicate
50 whether the candidate voluntarily agrees to limit

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1 campaign expenditures in a restricted campaign prior
2 to or with the filing of nomination papers pursuant to
3 chapter 43, 44, or 45.
4 Notwithstanding section 43.20, the nomination
5 petition of a candidate who does not agree to a
6 restricted campaign must contain signatures, with each
7 signature notarized, of at least ten percent of the
8 total number of votes cast in the last general
9 election for that office. A candidate nominated
10 pursuant to section 43.66 who does not agree to a
11 restricted campaign must file a nomination petition
12 within fifteen days of nomination containing
13 signatures, with each signature notarized, of at least
14 ten percent of the total number of votes cast in the
15 last general election for that office in order to be
16 placed on the general election ballot. A candidate
17 who agrees to a restricted campaign and whose opponent
18 does not agree to a restricted campaign is not
19 required to obtain signatures under this section, is
20 not subject to the limitations on campaign
21 expenditures imposed in this division, and shall be
22 considered as a candidate who agreed to a restricted
23 campaign for purposes of the following sections:
24 43.29A, 49.31A, and 56.14.

25 The ballots printed for primary elections under
26 chapter 43 and for general elections under chapter 49
27 shall indicate under the name of each candidate for an
28 eligible office whether the candidate agreed or did
29 not agree to a restricted campaign. Political
30 advertisements shall contain such an indication
31 pursuant to section 56.14."

32 4. By striking page 1, line 33 through page 2,
33 line 11 and inserting the following:

34 "Sec. 4. **NEW SECTION. 56.35 RESTRICTED CAMPAIGNS -**
35 **LIMITS ON EXPENDITURES.**

36 If a restricted campaign exists, the candidate's
37 committees of those candidates with qualifying
38 nominations to that eligible office are subject to the
39 following limits on expenditures as follows:

40 1. Governor. Total expenditure limit, seven
41 hundred fifty thousand dollars in a primary election
42 if there is no primary opponent, one million five

43 hundred thousand dollars in a primary election if
 44 there is a primary opponent, and one million five
 45 hundred thousand dollars in a general election.
 46 2. Attorney general, secretary of agriculture,
 47 secretary of state, treasurer of state, and auditor of
 48 state. Total expenditure limit, fifty thousand
 49 dollars in a primary election if there is no primary
 50 opponent, one hundred thousand dollars in a primary

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1 election if there is a primary opponent, and one
 2 hundred thousand dollars in a general election.
 3 3. State senator. Total expenditure limit, twelve
 4 thousand five hundred dollars in a primary election if
 5 there is no primary opponent, twenty-five thousand
 6 dollars in a primary election if there is a primary
 7 opponent, and twenty-five thousand dollars in a
 8 general election.

9 4. State representative. Total expenditure limit,
 10 seven thousand five hundred dollars in a primary
 11 election if there is no primary opponent, fifteen
 12 thousand dollars in a primary election if there is a
 13 primary opponent, and fifteen thousand dollars in a
 14 general election.

15 For purposes of this division, an expenditure
 16 occurs at the time of performance and not at the time
 17 of payment.

18 Actions involving an expenditure taken on behalf of
 19 a candidate in a restricted campaign shall be
 20 accepted, reported, and credited against the limits of
 21 this section, or disavowed pursuant to section 56.13.
 22 Actions taken by a county or state statutory political
 23 committee or a national political party which benefit
 24 the political party generally and which benefit more
 25 than one candidate shall not be considered as
 26 expenditures under this division.

27 The commission shall, by July 1 in each odd-
 28 numbered year, adjust the limitations on expenditures
 29 to reflect any increase in the consumer price index as
 30 released by the federal government.

31 Sec. 5. NEW SECTION. 56.36 PERIODS THE
 32 EXPENDITURE LIMITS ARE IN EFFECT.

33 If a restricted campaign exists, the limitations of
 34 section 56.35 apply to expenses incurred during the
 35 following periods:

36 1. During an even-numbered year, from the date the
 37 candidate or the candidate's treasurer files a
 38 statement of organization as required by section 56.5,
 39 or from the date the candidate or the candidate's

40 designee files an affidavit of candidacy with the
41 state commissioner of elections, whichever date is
42 earlier, through the date of the general election for
43 that office.

44 2. During a special election, from the date the
45 candidate or the candidate's treasurer files a
46 statement of organization as required by section 56.5,
47 or from the date the candidate or the candidate's
48 designee files an affidavit of candidacy with the
49 state commissioner of elections, whichever date is
50 earlier, through the date of the special election for

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1 that office."

2 5. Page 2, by inserting before line 12 the
3 following:

4 "Sec. ____ . NEW SECTION. 56.36A ADJUSTMENTS FOR
5 BENEFITED CANDIDATES AND OPPONENTS.

6 1. A person or political committee which causes
7 the publication, mass mailing, or broadcast of
8 advocacy information in a restricted campaign shall
9 give notice to the commission and to the benefited
10 candidate. The notice shall be given by certified
11 restricted mail within twenty-four hours after the
12 publication, mailing, or broadcast of the advocacy
13 information and be accompanied by the text of the
14 advocacy information and the amount of the
15 publication, mailing, or broadcasting expenditures.

16 2. The benefited candidate shall notify the
17 commission within seventy-two hours whether the
18 candidate accepts or disavows the expenditure. If the
19 candidate accepts the expenditure, the anticipated
20 expenditure shall be credited against the candidate's
21 expenditure limit. If the candidate files a statement
22 of disavowal, the commissioner or commission shall
23 forward a copy of the statement to the candidate's
24 opponent.

25 3. For the purposes of this section, the
26 commission shall disregard the first five hundred
27 dollars of aggregate disavowed expenditures regarding
28 a benefited candidate for the general assembly, the
29 first one thousand dollars of aggregate disavowed
30 expenditures regarding a benefited candidate for a
31 statewide office other than governor, and the first
32 five thousand dollars of aggregate disavowed
33 expenditures regarding a benefited candidate for
34 governor. If the aggregate disavowed expenditures
35 regarding a benefited candidate exceed the amounts
36 provided in this section, the commission shall

37 determine if a reasonable person would or would not
38 draw a fair inference that the material assists the
39 election of the benefited candidate or the defeat of
40 an opposing candidate. If the commission determines
41 that a candidate is benefited, the commission shall
42 attribute the disavowed expenditure to the expenditure
43 limits of the benefited candidate and shall do one of
44 the following: increase the benefited candidate's
45 opponent's expenditure limits by the amount of the
46 disavowed expenditures attributed to the benefited
47 candidate or eliminate the expenditure limit of the
48 benefited candidate's opponent for that election
49 period.
50 4. The commission by rule may delegate decisions

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1 under subsection 3 to the executive secretary or a
2 panel of three members of the commission. If
3 delegated, the decisions of the executive secretary or
4 panel constitute final agency action for the purposes
5 of chapter 17A. Notwithstanding section 17A.19, a
6 petition for judicial review of a decision under this
7 section shall be filed only in Polk county, the court
8 shall not stay the raising of the limits for the
9 candidates opposing the benefited candidate pending
10 the outcome of the judicial review proceeding, the
11 petitioner has only two days after filing to provide
12 notice or copies to the other parties, and the
13 proceeding shall receive the highest priority among
14 the cases before the district court.

15 The decisions under subsection 3 shall be made
16 within two days of the commission's receipt of the
17 benefited candidate's disavowal and the benefited
18 candidate and opponents shall be promptly notified.

19 Advocacy information caused by a county or state
20 statutory political committee or a national political
21 party which benefit the political party generally and
22 which benefit more than one candidate are not subject
23 to the requirements of this section.

24 Sec. — . NEW SECTION. 56.37 PENALTIES."

25 6. Page 2, by striking lines 12 through 17 and
26 inserting the following:

27 "1. A candidate who voluntarily agrees to a
28 restricted campaign, and who exceeds the expenditure
29 limitations in this division, shall be subject to a
30 fine which is based on the percentage by which the
31 candidate exceeds permitted expenditures, so that the
32 candidate shall pay a percentage of the excess
33 campaign expenditures as follows:"

34 7. Page 3, by inserting after line 4 the
35 following:

36 "___ . Mileage expenses of the candidate, at a rate
37 of twenty-one cents per mile, are not subject to the
38 expenditure limitations of subsection 2."

39 8. Page 3, by striking lines 5 through 10 and
40 inserting the following:

41 "2. The criminal penalty of section 56.16 applies
42 to violations of this division.

43 3. A candidate who knowingly and intentionally
44 violates the expenditure limits of section 56.35 is,
45 upon conviction, guilty of a class "D" felony. A
46 candidate shall not take the oath of office pending
47 conviction or acquittal, following trial, on charges
48 brought under this subsection, and a candidate is
49 disqualified from holding office upon conviction
50 obtained pursuant to this subsection."

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1 9. By striking page 3, line 11, through page 4,
2 line 5, and inserting the following:

3 "Sec. 7. NEW SECTION. 43.29A NOTICE OF
4 LIMITATION OF CAMPAIGN EXPENDITURES ON BALLOT.

5 The ballot shall indicate under the name of each
6 candidate for the office of governor, attorney
7 general, secretary of agriculture, secretary of state,
8 treasurer of state, auditor of state, state senator,
9 and state representative whether the candidate agreed
10 or did not agree to limit campaign expenditures under
11 section 56.34.

12 Below the name of a candidate who agrees to limit
13 campaign expenditures, the ballot shall state the
14 following: "This candidate agreed to voluntarily
15 limit campaign expenditures." Below the name of a
16 candidate who did not agree to limit campaign
17 expenditures, the ballot shall state the following:
18 "This candidate did not agree to voluntarily limit
19 campaign expenditures."

20 Sec. 8. Section 44.4, unnumbered paragraph 1, Code
21 1991, is amended to read as follows:

22 Nominations made pursuant to this chapter and
23 chapter 45 which are required to be filed in the
24 office of the state commissioner shall be filed in
25 that office not ~~more than ninety-nine days nor~~ later
26 than five p.m. on the ~~eighty-first day before the date~~
27 of the general election to be held in November date of
28 the primary election. Nominations made for a special
29 election called pursuant to section 69.14 shall be
30 filed by five p.m. not less than twenty days before

31 the date of an election called upon at least forty
 32 days' notice and not less than seven days before the
 33 date of an election called upon at least ten days'
 34 notice. Nominations made for a special election
 35 called pursuant to section 69.14A shall be filed by
 36 five p.m. not less than twenty days before the date of
 37 the election. Nominations made pursuant to this
 38 chapter and chapter 45 which are required to be filed
 39 in the office of the commissioner shall be filed in
 40 that office not more than ninety-two days nor later
 41 than five p.m. on the sixty-ninth day before the date
 42 of the general election. Nominations made pursuant to
 43 this chapter or chapter 45 for city office shall be
 44 filed not more than seventy-two days nor later than
 45 five p.m. on the forty-seventh day before the city
 46 election with the city clerk, who shall process them
 47 as provided by law.

48 Sec. 9. NEW SECTION. 49.31A NOTICE OF LIMITATION
 49 OF CAMPAIGN EXPENDITURES ON BALLOT.

50 The ballot shall indicate under the name of each

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1 candidate for the office of governor, attorney
 2 general, secretary of agriculture, secretary of state,
 3 treasurer of state, auditor of state, state senator,
 4 and state representative whether the candidate agreed
 5 or did not agree to limit campaign expenditures under
 6 section 56.34.

7 Below the name of a candidate who agrees to limit
 8 campaign expenditures, the ballot shall state the
 9 following: "This candidate agreed to voluntarily
 10 limit campaign expenditures." Below the name of a
 11 candidate who did not agree to limit campaign
 12 expenditures, the ballot shall state the following:
 13 "This candidate did not agree to voluntarily limit
 14 campaign expenditures."

15 Sec. 10. Section 56.13, unnumbered paragraph 1,
 16 Code 1991, is amended to read as follows:

17 Action involving a contribution or expenditure
 18 which must be reported under this chapter and which is
 19 taken by any person, candidate's committee or
 20 political committee on behalf of a candidate, if known
 21 and approved by the candidate, shall be deemed action
 22 by the candidate and reported by the candidate's
 23 committee. If a restricted campaign exists, the
 24 action involving an expenditure which must be reported
 25 under this chapter which is taken by any person,
 26 candidate's committee or political committee on behalf
 27 of a candidate, if known and approved by the

28 candidate, shall be deemed action by the candidate,
29 shall be reported by the candidate's committee, and
30 shall be credited against the candidate's expenditure
31 limits pursuant to section 56.35. It shall be
32 presumed that a candidate approves the action if the
33 candidate had knowledge of it and failed to file a
34 statement of disavowal with the commissioner or
35 commission and take corrective action within seventy-
36 two hours of the action. A person, candidate's
37 committee or political committee taking such action
38 independently of that candidate's committee shall
39 notify that candidate's committee in writing within
40 twenty-four hours of taking the action. The
41 notification shall provide that candidate's committee
42 with the cost of the promotion at fair market value.
43 A copy of the notification shall be sent to the
44 commission. If a candidate files a statement of
45 disavowal, the commissioner or commission shall
46 forward a copy of the statement to the candidate's
47 opponent.
48 Sec. 11. Section 56.14, Code 1991, is amended by
49 adding the following new unnumbered paragraph:
50 NEW UNNUMBERED PARAGRAPH. In addition to the

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1 identification required in this section, a candidate's
2 committee shall include, on all printed material, a
3 statement, equal in size to the identification
4 information, as to whether or not the candidate is
5 registered for a restricted campaign pursuant to
6 section 56.34. A similar disclaimer must also be
7 included, vocally, in all radio and television
8 commercials purchased on behalf of a candidate.
9 Candidates who have registered for a restricted
10 campaign must state the following: "(name of
11 candidate) agreed to voluntarily limit campaign
12 expenditures." Candidates who have not registered for
13 a restricted campaign must state the following:
14 "(name of candidate) did not agree to voluntarily
15 limit campaign expenditures."

16 Sec. 12. ANTISEVERABILITY CLAUSE.
17 Notwithstanding section 4.12, if section 56.36A or
18 section 56.37, subsection 3, or the application
19 thereof is invalid, this Act as a whole shall be
20 invalid."

21 10. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

S-3689

1 Amend the House amendment, S-3633, to Senate File
2 507, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking line 43, and inserting the
5 following: "line 3, and inserting the following:
6 "Sec. ____ . NEW SECTION. 524.228 INTERIM CEASE
7 AND DESIST ORDER -- SUSPENSION.

8 1. If it appears to the superintendent that a
9 state bank, or any director, officer, employee, or
10 substantial shareholder of the state bank is engaging
11 in or is about to engage in an unsafe or unsound
12 practice or dishonest act in conducting the business
13 of the state bank that is likely to cause insolvency
14 or substantial dissipation of assets or earnings of
15 the state bank, or is likely to seriously weaken the
16 condition of the state bank or otherwise seriously
17 prejudice the interests of its depositors prior to the
18 completion of the proceedings conducted pursuant to
19 section 524.223, 524.606, subsection 2, or 524.707,
20 subsection 2, the superintendent may issue an interim
21 order requiring the bank, director, officer, employee,
22 or substantial shareholder to cease and desist from
23 any such practice or act, and to take affirmative
24 action, including suspension of the director, officer,
25 or employee to prevent such insolvency, dissipation,
26 condition, or prejudice pending completion of the
27 proceedings. The interim order becomes effective upon
28 service upon the state bank, or upon the director,
29 officer, employee, or substantial shareholder of the
30 state bank and, unless set aside, limited, or
31 suspended by a court as provided in this chapter,
32 remains effective and enforceable pending the
33 completion of the administrative proceedings pursuant
34 to the interim order and until such time as the
35 superintendent dismisses the charges specified in the
36 interim order, or, if a final cease and desist order
37 is issued against the state bank or the director,
38 officer, employee, or substantial shareholder until
39 the effective date of the final order.

40 2. Within ten days after the state bank concerned
41 or any director, officer, employee, or substantial
42 shareholder is served within an interim order, the
43 bank or such director, officer, employee, or
44 substantial shareholder may apply to the district
45 court in the county in which the bank has its
46 principal place of business, for an injunction setting
47 aside, limiting, or suspending the enforcement,
48 operation, or effectiveness of such interim order

49 pending the completion of the administrative
50 proceedings. If serious prejudice to the interests of

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1 the superintendent, the state bank, the officer,
2 director, employee, or substantial shareholder would
3 result from such hearing, the court may order the
4 judicial proceeding to be conducted in camera.

5 3. The interim order shall contain a concise
6 statement of the facts constituting the alleged unsafe
7 or unsound practice or alleged dishonest act, and
8 shall fix a time and place at which a hearing will be
9 held to determine whether a final order to cease and
10 desist should issue against the state bank or any
11 director, officer, employee, or substantial
12 shareholder. The hearing shall be fixed for a date
13 not later than thirty days after service of the
14 interim order unless a later date is set at the
15 request of the party so served. If the state bank, or
16 the director, officer, employee, or substantial
17 shareholder fails to appear at the hearing, the state
18 bank, or the director, officer, employee, or
19 substantial shareholder is deemed to have consented to
20 the issuance of a cease and desist order. In the
21 event of such consent, or if upon the record made at
22 the hearing the superintendent finds that any unsafe
23 or unsound practice or dishonest act specified in the
24 interim order has been established, the superintendent
25 may issue and serve upon the bank, or the director,
26 officer, employee, or substantial shareholder a final
27 order to cease and desist from any such practice or
28 act. The order may require the state bank, or the
29 director, officer, employee, or substantial
30 shareholder to cease and desist from any such practice
31 or act and, further, to take affirmative action,
32 including suspension of the director, officer, or
33 employee.

34 4. A hearing provided for in this section shall be
35 presided over by an administrative law judge appointed
36 in accordance with section 17A.11. The hearing shall
37 be private, unless the superintendent determines after
38 full consideration of the views of the party afforded
39 the hearing, that a public hearing is necessary to
40 protect the public interest. After the hearing, and
41 within thirty days after the case has been submitted
42 for decision, the superintendent shall review the
43 proposed order of the administrative law judge and
44 render a final decision, including findings of fact
45 upon which the decision is predicated, and issue and

46 serve upon each party to the proceeding an order
47 consistent with this section.

48 5. Any final order issued by the superintendent
49 pursuant to subsection 3 becomes effective upon
50 service of the final order on the state bank,

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1 director, officer, employee, or substantial
2 shareholder and shall remain effective except to the
3 extent that it is stayed, modified, terminated, or set
4 aside by action of the superintendent or of the
5 district court of the county in which the state bank
6 has its principal place of business in accordance with
7 the terms of chapter 17A.

8 6. In the case of violation or threatened
9 violation of, or failure to obey, an interim order
10 issued pursuant to subsection 1 or a final order
11 issued pursuant to subsection 3, the superintendent
12 may apply to the district court of the county in which
13 the state bank has its principal place of business for
14 the enforcement of the order and such court shall have
15 jurisdiction and power to order and require compliance
16 with the interim order or final order.

17 7. For purposes of this section, "substantial
18 shareholder" means a shareholder exercising a
19 controlling influence over the management or policies
20 of a state bank as determined by the superintendent.

21 Sec. ____ . Section 524.606, subsection 2,
22 unnumbered paragraph 1, Code 1991, is amended to read
23 as follows:

24 When, in the opinion of the superintendent any
25 director of a state bank ~~shall have continued to~~
26 ~~violate~~ has violated any law relating to such state
27 bank or ~~shall have continued~~ has engaged in unsafe or
28 unsound practices in conducting the business of such
29 state bank, ~~after having been warned by the~~
30 ~~superintendent to discontinue or correct such~~
31 ~~violations of law or such unsafe or unsound practices,~~
32 the superintendent may cause notice to be served upon
33 such director, to appear before the superintendent to
34 show cause why the director should not be removed from
35 office. A copy of such notice shall be sent to each
36 director of the state bank affected, by registered or
37 certified mail. If, after granting the accused
38 director a reasonable opportunity to be heard, the
39 superintendent finds that the director ~~continued to~~
40 ~~violate~~ violated any law relating to such state bank
41 or ~~continued~~ engaged in unsafe or unsound practices in
42 conducting the business of such state bank ~~after~~

43 having been warned by the superintendent to
 44 discontinue or correct such violations of law or such
 45 unsafe or unsound practices, the superintendent, in
 46 the superintendent's discretion, may order that such
 47 director be removed from office. A copy of the order
 48 shall be served upon such director and upon the state
 49 bank of which the person is a director at which time
 50 the person shall cease to be a director of the state

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1 bank.
 2 Sec. ____ . Section 524.707, subsection 2, Code
 3 1991, is amended to read as follows:
 4 2. Subsection 2 of section 524.606 providing for
 5 the removal of directors by the superintendent, shall
 6 have equal application to officers and employees.”
 7 2. Page 1, line 48, by inserting after the word
 8 “report,” the following: “providing certain
 9 regulatory authority over certain persons associated
 10 with a state bank.”
 11 3. Renumber as necessary.

PATRICK J. DELUHERY
 JOHN W. JENSEN
 MICHAEL E. GRONSTAL
 RICHARD F. DRAKE
 JAMES B. KERSTEN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 668

S-3690

1 Amend the Senate amendment, H-4006, to House File
 2 668, as passed by the House, as follows:
 3 1. By striking page 1, line 49, through page 2,
 4 line 7.
 5 2. By renumbering as necessary.

S-3691

1 Amend House File 683 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 4, line 22, through page 5,
 4 line 9.
 5 2. By striking page 5, line 31, through page 7,
 6 line 24, and inserting the following:
 7 “5. Develop and implement guidelines regarding

8 assistance to toxics users to ensure that the plans
9 are multimedia in approach and are not duplicated by
10 the department or other agencies of the state.

11 6. Identify obstacles to the promotion, within the
12 toxics user community, of toxics pollution prevention
13 techniques and practices.

14 7. Compile an assessment inventory, through
15 solicitation of recommendations of toxics users and
16 owners and operators of air contaminant sources, of
17 the informational and technical assistance needs of
18 toxics users and air contaminant sources.

19 8. Function as a repository of research, data, and
20 information regarding toxics pollution prevention
21 activities throughout the state.

22 9. Provide a forum for public discussion and
23 deliberation regarding toxic substances and toxics
24 pollution prevention.

25 10. Promote increased coordination between the
26 department, the Iowa waste reduction center at the
27 university of northern Iowa, and other departments,
28 agencies, and institutions with responsibilities
29 relating to toxic substances.

30 11. Coordinate state and federal efforts of
31 clearinghouses established to provide access to toxics
32 reduction and management data for the use of toxics
33 users.

34 12. Make recommendations to the general assembly
35 by January 1, 1992, regarding a funding structure for
36 the long-term implementation and continuation of a
37 toxics pollution prevention program."

38 3. By striking page 10, line 25, through page 11,
39 line 8, and inserting the following:

40 "1. Beginning July 1, 1991, and thereafter until
41 such time as the operating permit fee is established
42 by rule of the commission, and approved by the United
43 States environmental protection agency under section
44 502(b) of the federal Clean Air Act of 1990, an annual
45 fee of twenty-five dollars per ton of the hazardous
46 air pollutants included in Title III of the federal
47 Clean Air Act of 1990 shall be paid by the affected
48 sources. The fee paid shall be based upon the air
49 emissions of such pollutants as reported or estimated
50 by the source in the previous calendar year.

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1 A source required to report hazardous air pollutant
2 emissions under section 313 of EPCRA shall pay a fee

3 based upon the most recently reported emissions. A
4 person shall pay the established fee for hazardous air
5 pollutants which are not included in section 313 of
6 EPCRA, but which are included in Title III of the
7 federal Clean Air Act of 1990, based upon the
8 facility's estimates of emissions as required by
9 section 313 of EPCRA including threshold
10 determinations and de minimus exclusions."

11 4. Page 12, by striking lines 4 and 5, and
12 inserting the following:
13 "b. To provide".

14 5. Page 12, line 7, by inserting after the word
15 "prevention" the following: "and to provide funding
16 for the costs of compiling data pursuant to section
17 30.7, subsection 5, and section 30.8, subsection 4".

18 6. Page 12, line 28, by striking the word
19 "issued." and inserting the following: "issued or
20 denied. Operating permits shall contain the requisite
21 conditions and compliance schedules to ensure
22 conformance with state and federal requirements. If
23 construction of a new air contaminant source is
24 proposed, the department may issue an operating permit
25 concurrently with the construction permit, if possible
26 and appropriate."

27 7. Page 13, line 24, by striking the figure "VI"
28 and inserting the following: "VII".

29 8. Page 13, by inserting after line 24, the
30 following:

31 "Sec. ____ . USES OF AIR CONTAMINANT SOURCE FUND --
32 REASSESSMENT. For the fiscal year beginning July 1,
33 1991, and ending June 30, 1992, of the moneys
34 deposited in the air contaminant source fund created
35 in section 455B.133B, not more than ninety percent of
36 the moneys shall be used for the purpose designated
37 pursuant to section 455B.133B, subsection 2, paragraph
38 "a", and not more than ten percent of the moneys shall
39 be used for the purposes designated pursuant to
40 section 455B.133B, subsection 2, paragraph "b". Of
41 the ten percent allocated for the purpose designated
42 under section 455B.133B, subsection 2, paragraph "b",
43 not more than eight thousand dollars shall be used by
44 the department of employment services to compile data
45 as required pursuant to section 30.7, subsection 5.
46 Notwithstanding any limitations on division or
47 department full-time equivalent positions in any
48 enacted legislation, the moneys deposited in the air
49 contaminant source fund may be expended to employ
50 additional staff as necessary to carry out the

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1 provisions of this Act.

2 For the fiscal year beginning July 1, 1991, and
 3 ending June 30, 1992, a source required to pay the fee
 4 imposed pursuant to section 455B.133A shall pay the
 5 fee assessed to the department no later than September
 6 1, 1991. A source which does not pay the fee by
 7 September 1, 1991, shall pay an additional fee of ten
 8 percent of the originally assessed fee. If the total
 9 fees collected and deposited in the air contaminant
 10 source fund do not reach a total of five hundred
 11 thousand dollars, the department shall assess an
 12 additional fee based upon the total amount of
 13 hazardous air pollutant emissions reported, which in
 14 the aggregate generates an amount sufficient to
 15 satisfy the differential between the amount originally
 16 collected and five hundred thousand dollars.

17 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
 18 of immediate importance, takes effect upon enactment."

19 9. Title page, line 2, by striking the words "and
 20 establishing fees" and inserting the following:
 21 "establishing fees, and providing an effective date".

22 10. By renumbering, relettering, and correcting
 23 internal references as necessary.

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 RALPH ROSENBERG, Chair

HOUSE AMENDMENT TO
 SENATE FILE 184

S-3692

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

3 1. By striking page 1, line 1 through page 2,
 4 line 32.

5 2. Page 3, by striking lines 25 through 27.

6 3. Title page, by striking lines 1 and 2 and
 7 inserting the following: "An Act relating to open
 8 enrollment,".

9 4. Title page, by striking lines 4 and 5 and
 10 inserting the following: "dissolved and merged with
 11 contiguous districts to participate immediately in
 12 athletics."

13 5. By renumbering as necessary.

S-3693

- 1 Amend the amendment, S-3689, to the House
- 2 amendment, S-3633, to Senate File 507, as amended,
- 3 passed and reprinted by the Senate as follows:
- 4 1. Page 1, line 42, by striking the word "within"
- 5 and inserting the following: "with".

JOHN W. JENSEN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 302

S-3694

- 1 Amend the Senate amendment, H-4010, to House File
- 2 302, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 36 through 40.
- 5 2. By renumbering as necessary.

S-3695

- 1 Amend Senate File 547 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "development" the following: "for low and moderate
- 4 income families".
- 5 2. Page 1, line 18, by inserting after the word
- 6 "development" the following: "for low and moderate
- 7 income families".
- 8 3. Page 1, line 31, by inserting after the word
- 9 "development" the following: "for low and moderate
- 10 income families".
- 11 4. Page 1, by inserting after line 33 the
- 12 following:
- 13 "Sec. ____ . Section 403.17, Code 1991, is amended
- 14 by adding the following new subsection:
- 15 NEW SUBSECTION. 20A. "Low or moderate income
- 16 families" means low or moderate income families as
- 17 defined in section 220.1."
- 18 5. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-3696

- 1 Amend the House amendment, S-3632, to Senate File
- 2 508, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 1, line 11, by striking the figure "1995"
5 and inserting the following: "1994".

6 2. Page 1, line 15, by inserting after the word
7 "fuels," the following: "compressed natural gas,
8 propane,".

9 3. Page 1, line 35, by inserting after the word
10 "replacement" the following: ", but no later than
11 July 1, 2001".

12 4. Page 1, by striking line 36 and inserting the
13 following:

14 " — . Page 9, line 9, by inserting after the word
15 "commissioner" the following: ", the Iowa department
16 of public health, and the plumbing manufacturers'
17 institute,".

18 — . Page 9, line 10, by inserting after the
19 figure "103A" the following: "and chapter 135".

20 — . Page 9, by inserting after line 16, the
21 following:

22 "3. For the purposes of this section, "covered
23 products" means water closets, urinals, showerheads,
24 lavatory faucets and replacement aerators, and
25 kitchen faucets and replacement aerators.""

26 5. Page 2, line 18, by inserting after the word
27 "section." the following: "However, all lighting
28 shall be replaced, whether or not it has completed its
29 useful life, by July 1, 2001."

30 6. By numbering and renumbering as necessary.

PATRICK DELUHERY
RALPH ROSENBERG
MICHAEL GRONSTAL
EUGENE FRAISE
RICHARD VARN
ALVIN MILLER

S-3697

1 Amend the House amendment, S-3684, to Senate File
2 273, as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, line 24, by striking the word "wine"
5 and inserting the following: "alcoholic beverage".

JACK P. KIBBIE

HOUSE AMENDMENT TO
SENATE FILE 496

S-3698

1 Amend Senate File 496, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. ____ . Section 246.206, subsection 1, Code
6 1991, is amended to read as follows:

7 1. The correctional release center at Newton shall
8 be utilized for the preparation of inmates of the
9 correctional institutions for discharge, work release,
10 or parole. The director may transfer an inmate of a
11 correctional institution ~~within ninety days of the~~
12 ~~inmate's release from custody~~ to the correctional
13 release center for intensive training to assist the
14 inmate in the transition to civilian living. The
15 statutes applicable to an inmate at the corrective
16 institution from which transferred shall remain
17 applicable during the inmate's stay at the
18 correctional release center."

19 2. Page 1, line 17, by striking the word "may"
20 and inserting the following: "shall".

21 3. Page 1, by striking line 20 and inserting the
22 following: "is for the confinement of offenders, for
23 no longer than sixty days, who have".

24 4. Page 3, line 19, by inserting after the word
25 "facilities" the following: "and institutions".

26 5. By striking page 3, line 35, through page 4,
27 line 8, and inserting the following: "~~following~~
28 ~~classification~~. The facilities established shall meet
29 all the following requirements:

30 a. Is a treatment facility meeting the licensure
31 standards of the division of substance abuse of the
32 department of public health.

33 b. Is a facility meeting applicable standards of
34 the American corrections association.

35 c. Is a facility which meets any other rule or
36 requirement adopted by the department pursuant to
37 chapter 17A."

38 6. Page 5, lines 25 and 26, by striking the words
39 "in the same manner following the fifth day of
40 confinement".

41 7. Page 11, line 6, by inserting after the word
42 "corrections" the following: ", or an officer,
43 employee, or agent of a judicial district department
44 of correctional services,".

45 8. Page 11, line 8, by inserting after the word

46 "corrections" the following: "or a judicial district
47 department of correctional services".
48 9. Page 12, by inserting after line 13 the
49 following:
50 "Sec. ____ . Section 901.3, subsection 7, Code 1991,

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1 is amended by striking the subsection."
2 10. Page 12, by inserting after line 24, the
3 following:
4 "Sec. ____ . Section 907.9, unnumbered paragraph 2,
5 Code 1991, is amended to read as follows:
6 A probation officer or the director of the judicial
7 district department of correctional services who acts
8 in compliance with this section is acting in the
9 course of the person's official duty and is not
10 personally liable, either civilly or criminally, for
11 the acts of a person discharged from probation by the
12 officer after such discharge, unless the discharge
13 constitutes willful disregard of the person's duty."
14 11. Page 12, line 32, by inserting after the
15 figure "246.207" the following: "if the parole
16 revocation officer or board panel determines that
17 placement in a violator facility is necessary".
18 12. Page 15, by inserting after line 4, the
19 following:
20 "Sec. ____ . NEW SECTION. 910.10 RESTITUTION LIEN.
21 1. The state or a person entitled to restitution
22 under a court order may file a restitution lien.
23 2. The restitution lien shall set forth all of the
24 following information, if known:
25 a. The name and date of birth of the person whose
26 property or other interests are subject to the lien.
27 b. The present address of the residence and
28 principal place of business of the person named in the
29 lien.
30 c. The criminal proceeding pursuant to which the
31 lien is filed, including the name of the court, the
32 title of the action, and the court's file number.
33 d. The name and business address of the attorney
34 representing the state in the proceeding pursuant to
35 which the lien is filed or the name and residence and
36 business address of each person entitled to
37 restitution pursuant to a court order.
38 e. A statement that the notice is being filed
39 pursuant to this section.
40 f. The amount of restitution the person has been
41 ordered to pay or is likely to be ordered to pay.
42 3. A restitution lien may be filed by either of

43 the following:

- 44 a. A prosecuting attorney in a criminal proceeding
45 in which restitution is likely to be sought after the
46 filing of an information or indictment. At the time
47 of arraignment, the prosecuting attorney shall give
48 the defendant notice of any restitution lien filed.
49 b. A victim in a criminal proceeding after
50 restitution is determined and ordered by the trial

Page 3

- 1 court following pronouncement of the judgment and
2 sentence.
3 4. The filing of a restitution lien in accordance
4 with this section creates a lien in favor of the state
5 and the victim in any personal or real property
6 identified in the lien to the extent of the interest
7 held in that property by the person named in the lien.
8 5. This section does not limit the right of the
9 state or any other person entitled to restitution to
10 obtain any other remedy authorized by law."
11 13. By renumbering and correcting internal
12 references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 541

S-3699

- 1 Amend Senate File 541, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 33, by inserting after the word
4 "services." the following: "Of the amount transferred
5 to the division under this subsection, an amount not
6 exceeding 5 percent shall be used by the department of
7 human services for administrative expenses."
8 2. Page 11, line 34, by striking the figure
9 "32,101,333" and inserting the following:
10 "31,853,745".
11 3. Page 12, line 9, by striking the figure
12 "1,852,247" and inserting the following: "1,837,961".
13 4. Page 12, line 24, by striking the figure
14 "12,680,027" and inserting the following:
15 "12,582,229".
16 5. Page 12, line 26, by striking the figure
17 "147,626" and inserting the following: "146,527".
18 6. Page 12, line 28, by striking the figure
19 "4,702,845" and inserting the following: "4,666,574".
20 7. Page 12, line 30, by striking the figure
21 "1,370,727" and inserting the following: "1,360,155".

- 22 8. Page 12, line 32, by striking the figure
23 "11,219,416" and inserting the following:
24 "11,132,884".
- 25 9. Page 12, line 34, by striking the figure
26 "128,405" and inserting the following: "127,415".
- 27 10. Page 13, lines 19 and 20, by striking the
28 words "MENTAL HEALTH SERVICES FOR THE HOMELESS BLOCK
29 GRANT" and inserting the following: "PROJECTS FOR
30 ASSISTANCE IN TRANSITION FROM HOMELESSNESS".
- 31 11. Page 13, line 20, by striking the word
32 "block" and inserting the following: "formula".
- 33 12. Page 13, by striking line 26, and inserting
34 the following: "formula grant from either the federal
35 or local match".
- 36 13. Page 14, by inserting after line 7, the
37 following:
38 "6. Projects may expend funds for housing services
39 including minor renovation, expansion and repair of
40 housing, security deposits, planning of housing,
41 technical assistance in applying for housing,
42 improving the coordination of housing services, the
43 costs associated with matching eligible homeless
44 individuals with appropriate housing, and one-time
45 rental payments to prevent eviction."
- 46 14. Page 15, by inserting after line 24, the
47 following:
48 "— . CHILD CARE FOR CHILDREN IN FAMILY FOSTER
49 CARE. It is the intent of the general assembly that
50 of the funds received from the federal child care and

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- 1 development block grant or the federal at-risk child
2 care program, based on identified need, at least
3 \$1,341,000 shall be used during the fiscal year
4 beginning July 1, 1991, and ending June 30, 1992, for
5 care provided to children in family foster care. This
6 funding shall be used to supplement and not to
7 supplant existing state funding provided for this
8 purpose."
- 9 15. Page 18, by inserting after line 20 the
10 following:
11 "It is the intent of the general assembly that the
12 department of education work with local head start
13 program agencies and the department of human services,
14 as necessary, to assist the agencies in obtaining
15 federal funding available under the federal Head Start
16 Act, § 640, as codified in 42 U.S.C. § 9835, including
17 provision of funds appropriated to the departments of
18 education and human services which remain unexpended."

- 19 16. Page 34, by striking lines 33 through 35.
 20 17. Page 35, line 2, by striking the figure
 21 "51,000" and inserting the following: "67,000".
 22 18. Page 35, line 8, by striking the figure
 23 "344,000" and inserting the following: "419,000".
 24 19. Page 35, line 10, by striking the figure
 25 "475,945" and inserting the following: "75,945".
 26 20. Page 35, line 22, by striking the words
 27 "comment of" and inserting the following: "comment
 28 on".
 29 21. By renumbering, relettering, or redesignating
 30 and correcting internal references as necessary.

S-3700

- 1 Amend the amendment, S-3674, to House File 421, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking line 3.
 5 2. Page 1, line 9, by striking the figure "10"
 6 and inserting the following: "16".
 7 3. By renumbering as necessary.

MARK HAGERLA

HOUSE AMENDMENT TO
 SENATE FILE 362

S-3701

- 1 Amend Senate File 362, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 101.1, Code 1991, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 3. For the conversion of existing
 8 underground storage tanks to aboveground storage tanks
 9 the rules shall not require movement or modification
 10 of the existing pumps to complete the installation of
 11 the aboveground system if the aboveground system is
 12 located at a retail motor vehicle fuel outlet."
 13 2. Page 1, by inserting after line 12 the
 14 following:
 15 "Sec. ____ . Section 424.2, subsections 5, 9, and
 16 12, Code 1991, are amended to read as follows:
 17 5. "Depositor" means the person who deposits
 18 petroleum into a an underground storage tank subject
 19 to regulation under chapter 455G or an aboveground
 20 petroleum storage tank located at a retail motor

21 vehicle fuel outlet.

22 9. "Owner or operator" means "owner or operator"
23 of an underground storage tank as used in chapter 455G
24 or the "owner" or "operator" of an aboveground
25 petroleum storage tank located at a retail motor
26 vehicle fuel outlet.

27 12. "Tank" means an underground storage tank
28 subject to regulation under chapter 455G or an
29 aboveground petroleum storage tank located at a retail
30 motor vehicle fuel outlet."

31 3. Page 1, by inserting after line 24 the fol-
32 lowing:

33 "Sec. ____ . Section 455B.301, subsection 20, Code
34 1991, is amended to read as follows:

35 20. "Solid waste" means garbage, refuse, rubbish,
36 and other similar discarded solid or semisolid
37 materials, including but not limited to such materials
38 resulting from industrial, commercial, agricultural,
39 and domestic activities. Solid waste may include
40 vehicles, as defined by section 321.1, subsection 1.
41 However, this division does not prohibit the use of
42 dirt, stone, brick, or similar inorganic material for
43 fill, landscaping, excavation or grading at places
44 other than a sanitary disposal project. Solid waste
45 does not include hazardous waste as defined in section
46 455B.411 or source, special nuclear, or by-product
47 material as defined in the Atomic Energy Act of 1954,
48 as amended to January 1, 1979, or petroleum
49 contaminated soil which has been remediated to
50 acceptable state or federal standards."

Page 2

1 4. By striking page 1, line 28 through page 2,
2 line 27 and inserting the following:

3 "d. Establishing criteria for classifying sites
4 according to the release of a regulated substance in
5 connection with an underground storage tank.

6 (1) The classification system shall consider the
7 actual or potential threat to public health and
8 safety, and to the environment posed by the
9 contaminated site and shall take into account relevant
10 factors, including the presence of contamination in
11 soils, groundwaters, and surface waters, and the
12 effect of conduits, barriers, and distances on the
13 contamination found in those areas according to the
14 following factors:

15 (a) Soils shall be evaluated based upon the depth
16 of the existing contamination and its distance from
17 the ground surface to the contamination zone and the

18 contamination zone to the groundwater; the soil type
19 and permeability, including whether the contamination
20 exists in clay, till or sand and gravel; and the
21 variability of the soils, whether the contamination
22 exists in soils of natural variability or in a
23 disturbed area.

24 (b) Groundwaters shall be evaluated based upon the
25 depth of the contamination and its distance from the
26 ground surface to the groundwater and from the
27 contamination zone to the groundwater; the flow
28 pattern of the groundwater, the direction of the flow
29 in relation to the contamination zone and the
30 interconnection of the groundwater with the surface or
31 with surface water and with other groundwater sources;
32 the nature of the groundwater, whether it is located
33 in a high yield aquifer, an isolated, low yield
34 aquifer, or in a transient saturation zone; and use of
35 the groundwater, whether it is used as a drinking
36 water source for public or private drinking water
37 supplies, for livestock watering, or for commercial
38 and industrial processing.

39 (c) Surface water shall be evaluated based upon
40 its location, its distance in relation to the
41 contamination zone, the groundwater system and flow,
42 and its location in relation to surface drainage.

43 (d) The effect of conduits, barriers, and
44 distances on the contamination found in soils,
45 groundwaters, and surface waters. Consideration
46 should be given to the following: the effect of
47 contamination on conduits such as wells, utility
48 lines, tile lines and drainage systems; the effect of
49 conduits on the transport of the contamination;
50 whether a well is active or abandoned; what function

Page 3

1 the utility line serves, whether it is a sewer line, a
2 water distribution line, telephone line, or other
3 line; the existence of barriers such as buildings and
4 other structures, pavement, and natural barriers,
5 including rock formations and ravines; and the
6 distance which separates the contamination found in
7 the soils, groundwaters, or surface waters from the
8 conduits and barriers.

9 (2) A site shall be classified as a high,
10 moderate, low, or minimum risk site.

11 (a) A site shall be considered high risk if
12 contamination is present, and if the contamination is
13 actually affecting or likely to affect groundwater,
14 which is used as a source water for private or public

15 water supplies, to a level rendering the groundwater
16 unsafe for human consumption; if the contamination is
17 actually affecting or likely to affect surface water
18 bodies; or if harmful or explosive concentrations of
19 petroleum substances or vapors affecting structures or
20 utility installations exist or are likely to occur.

21 (b) A site shall be considered moderate risk if
22 contamination is present and is actually affecting or
23 likely to affect groundwater, but high risk conditions
24 do not exist and are not likely to occur.

25 (c) A site shall be considered low risk if the
26 contamination is above action level standards, but
27 high or moderate risk conditions do not exist and are
28 not likely to occur.

29 (d) A site shall be considered minimum risk if
30 contamination is below action level standards and
31 high, moderate, or low risk conditions do not exist
32 and are not likely to occur.

33 (e) A site with a higher classification shall be
34 reclassified as a site with a lower classification
35 when the site falls within a lower classification as
36 established under this subparagraph."

37 5. Page 2, line 29, by striking the words "sites
38 contaminated by tank releases" and inserting the
39 following: "the release of a regulated substance in a
40 connection with an underground storage tank".

41 6. Page 2, line 30, by inserting after the word
42 "include" the following: ", but not be limited to,".

43 7. Page 2, by striking lines 32 and 33 and
44 inserting the following:

45 "(1) A requirement that the site cleanup report do
46 all of the following:".

47 8. Page 3, line 1, by striking the word
48 "Determine" and inserting the following: "Provide
49 supporting data and a recommendation of".

50 9. Page 3, by striking lines 18 through 26 and

Page 4

1 inserting the following:

2 "(4A) Moderate risk sites shall be monitored no
3 less than four times annually. A site may be upgraded
4 to a high risk classification based on monitoring if
5 conditions warrant. If, after ten years of
6 monitoring, no significant increase in contamination
7 results, the site shall be monitored no less than two
8 times annually, until such time as the site can be
9 reclassified as a low or minimum risk site.

10 (5) Low risk sites shall be monitored, not less
11 than once nor more than four times annually. Active

12 remediation of the contamination shall not be
13 required. A site may be upgraded to a moderate or
14 high risk classification based upon the monitoring if
15 conditions warrant. After five years of monitoring, a
16 site shall be reclassified as a minimum risk site if
17 the site is tested for two consecutive quarters of the
18 year and the contamination is found to be below action
19 level standards.

20 (5A) Minimum risk sites shall not be required to
21 be remediated or monitored."

22 10. Page 3, line 29, by inserting after the word
23 "groundwater." the following: "For purposes of this
24 subparagraph, "bioremediation" means the use of
25 biological organisms, including microorganisms or
26 plants, to degrade organic pollutants to common
27 natural products."

28 11. Page 3, line 31, by inserting after the word
29 "high" the following: ", moderate,".

30 12. Page 4, by inserting after line 4 the
31 following:

32 "(9) The director may order an owner or operator
33 to immediately take all corrective actions deemed
34 reasonable and necessary by the director if the
35 corrective action is consistent with the
36 prioritization rules adopted under this paragraph."

37 13. Page 4, line 8, by inserting before the word
38 "low" the following: "moderate or".

39 14. Page 4, line 13, by striking the word "no"
40 and inserting the following: "minimum".

41 15. Page 5, line 3, by inserting after the word
42 "installer" the following: "or inspector".

43 16. Page 5, by inserting after line 33 the
44 following:

45 "Sec. ____ . Section 455G.2, subsection 15,
46 unnumbered paragraph 2, Code 1991, is amended by
47 striking the unnumbered paragraph."

48 17. Page 6, line 3, by inserting after the word
49 "adopted." the following: "As used in this paragraph,
50 "community remediation" means a program of coordinated

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1 testing, planning, or remediation, involving two or
2 more tank sites potentially connected with a
3 continuous contaminated area, pursuant to rules
4 adopted by the board. A community remediation does
5 not expand the scope of coverage otherwise available
6 or relieve liability otherwise imposed under state or
7 federal law."

8 18. Page 6, by inserting after line 3, the

9 following:

10 "Sec. ____ . Section 455G.9, subsection 1, paragraph
11 a, subparagraph (1), Code 1991, is amended to read as
12 follows:

13 (1) Corrective action for an eligible release
14 reported to the department of natural resources on or
15 after July 1, 1987, but prior to May 5, 1989. Third-
16 party liability is specifically excluded from remedial
17 account coverage. For a claim for a release under
18 this subparagraph, the remedial program shall pay no
19 more than the lesser of twenty-five thousand dollars
20 or one-third of the total costs of corrective action
21 for that release, in accordance with subsection 4
22 notwithstanding. For a release to be eligible for
23 coverage under this subparagraph the following
24 conditions must be satisfied:

25 (a) The owner or operator applying for coverage
26 shall not be a person who is maintaining, or has
27 maintained, proof of financial responsibility for
28 federal regulations through self-insurance.

29 (b) The owner or operator applying for coverage
30 shall not have claimed bankruptcy any time on or after
31 July 1, 1987.

32 (c) The claim for coverage pursuant to this
33 subparagraph must have been filed with the board prior
34 to January 31, 1990.

35 (d) The owner or operator at the time the release
36 was reported to the department of natural resources
37 must have been in compliance with then current
38 monitoring requirements, if any, or must have been in
39 the process of compliance efforts with anticipated
40 requirements, including installation of monitoring
41 devices, a new tank, tank improvements or retrofit, or
42 any combination.

43 Total payments for claims pursuant to this
44 subparagraph are limited to no more than eight million
45 dollars. Claims for eligible retroactive releases
46 shall be prorated if claims filed in a permitted
47 application period or for a particular priority class
48 of applicants exceed eight million dollars or the then
49 remaining balance of eight million dollars. If claims
50 remain partially or totally unpaid after total

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1 payments equal eight million dollars, all remaining
2 claims are void, and no entitlement exists for further
3 payment."

4 19. Page 6, by striking lines 18 through 22 and
5 inserting the following: "26, 1990.

6 Sec. ____ . Section 455G.9, subsection 1, paragraph
7 a, subparagraph (3), unnumbered paragraph 1, Code
8 1991, is amended to read as follows:

9 Corrective action for an eligible release reported
10 to the department of natural resources on or after
11 January 1, 1985, but prior to July 1, 1987. Third-
12 party liability is specifically excluded from remedial
13 account coverage. For a claim for a release under
14 this subparagraph, the remedial program shall pay ~~no~~
15 ~~more than the lesser of twenty-five thousand dollars~~
16 ~~or one-third of the total costs of corrective action~~
17 ~~for that release, in accordance with~~ subsection 4
18 ~~notwithstanding~~. For a release to be eligible for
19 coverage under this subparagraph the following
20 conditions must be satisfied:"

21 20. Page 6, line 24, by striking the word
22 "subparagraph" and inserting the following:
23 "subparagraphs".

24 21. Page 6, by inserting after line 34 the
25 following:

26 "NEW SUBPARAGRAPH. (5) For the purposes of
27 calculating corrective action costs under this
28 paragraph, corrective action shall include the cost of
29 a tank system upgrade required by section 455B.474,
30 subsection 1, paragraph "f", subparagraph (7).
31 Payments under this subparagraph shall be limited to a
32 maximum of ten thousand dollars for any one site.

33 NEW SUBPARAGRAPH. (6) For the purposes of
34 calculating corrective action costs under this
35 paragraph, corrective action shall include the costs
36 associated with monitoring required by the corrective
37 action rules adopted under section 455B.474,
38 subsection 1, paragraph "f".

39 Sec. ____ . Section 455G.9, subsection 1, paragraphs
40 b and c; Code 1991, are amended to read as follows:

41 b. Corrective action and third-party liability for
42 a release discovered on or after January 24, 1989, for
43 which a responsible owner or operator able to pay
44 cannot be found and for which the federal underground
45 storage tank trust fund or other federal moneys do not
46 provide coverage. For the purposes of this section
47 property shall not be deeded or quitclaimed to the
48 state or board in lieu of cleanup. Additionally, the
49 ability to pay shall be determined after a claim has
50 been filed. The board is not liable for any cost

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- 1 where either the responsible owner or operator, or
- 2 both, have a net worth greater than fifteen thousand

3 dollars, or where the responsible party can be
 4 determined. Third-party liability specifically
 5 excludes any claim, cause of action, or suit, for
 6 personal injury including, but not limited to, loss of
 7 use or of private enjoyment, mental anguish, false
 8 imprisonment, wrongful entry or eviction, humiliation,
 9 discrimination, or malicious prosecution.

10 c. Corrective action and third-party liability for
 11 a tank owned or operated by a financial institution
 12 eligible to participate in the remedial account under
 13 section 455G.16 if the prior owner or operator is
 14 unable to pay, if so authorized by the board as part
 15 of a condition or incentive for financial institution
 16 participation in the fund pursuant to section 455G.16.
 17 Third-party liability specifically excludes any claim,
 18 cause of action, or suit, for personal injury
 19 including, but not limited to, loss of use or of
 20 private enjoyment, mental anguish, false imprisonment,
 21 wrongful entry or eviction, humiliation,
 22 discrimination, or malicious prosecution."

23 22. By striking page 6, line 35, through page 7,
 24 line 12.

25 23. Page 7, by inserting before line 13, the
 26 following:

27 "**NEW PARAGRAPH.** h. Corrective action for the
 28 costs of a release under all of the following
 29 conditions:

30 (1) The property upon which the tank causing the
 31 release was situated was transferred by inheritance,
 32 devise, or bequest.

33 (2) The property upon which the tank causing the
 34 release was situated has not been used to store or
 35 dispense petroleum since January 1, 1974.

36 (3) The person who received the property by
 37 inheritance, devise, or bequest was not the owner of
 38 the property during the period of time when the
 39 release which is the subject of the corrective action
 40 occurred.

41 Corrective action costs and copayment amounts under
 42 this paragraph shall be paid in accordance with
 43 subsection 4.

44 A person requesting benefits under this paragraph
 45 may establish that the conditions of subparagraphs
 46 (1), (2), and (3) are met through the use of
 47 supporting documents, including a personal affidavit."

48 24. Page 7, by inserting before line 13, the
 49 following:

50 "Sec. ____ . Section 455G.9, subsection 1, Code

Page 8

1 1991, is amended by adding the following new
2 paragraph:
3 NEW PARAGRAPH. i. One hundred percent of the
4 costs of corrective action for a governmental
5 subdivision in connection with a tank which was in
6 place on the date the release was discovered or
7 reported if the governmental subdivision did not own
8 or operate the tank which caused the release and if
9 the governmental subdivision did not obtain the
10 property upon which the tank giving rise to the
11 release is located on or after May 3, 1991. Property
12 acquired pursuant to eminent domain in connection with
13 a United States department of housing and urban
14 development approved urban renewal project is eligible
15 for payment of costs under this paragraph whether or
16 not the property was acquired on or after May 3,
17 1991."

18 25. Page 7, by striking lines 21 through 31, and
19 inserting the following:

20 "(1) If a site's total anticipated expenses are
21 not reserved for more than, or actual expenses do not
22 exceed fifty thousand dollars, an owner or operator
23 shall pay five thousand dollars for the total costs of
24 corrective action which do not exceed fifty thousand
25 dollars.

26 (2) If a site's total anticipated expenses are
27 reserved for more than, or actual expenses exceed
28 fifty thousand dollars, in addition to the amount as
29 designated in subparagraph (1), an owner or operator
30 shall pay twenty percent of the total corrective
31 action costs up to a total anticipated expense
32 reserved for no more than or an actual expense which
33 does not exceed seventy-five thousand dollars.

34 (3) If a site's total anticipated expenses are
35 reserved for more than, or actual expenses exceed
36 seventy-five thousand dollars, in addition to the
37 amounts designated under subparagraphs (1) and (2), an
38 owner or operator shall pay thirty-five percent of the
39 total costs of the corrective action for that release
40 which exceed seventy-five thousand dollars.

41 b. All payments relating to the costs of
42 corrective action made by an owner or operator to meet
43 the five thousand dollar deductible amount required
44 under subparagraph (1) shall include the board as co-
45 payee."

46 26. Page 8, line 13, by inserting after the word
47 "value," the following: "adjusted for equipment and
48 capital improvements."

49 27. Page 9, by inserting after line 25 the
50 following:

Page 9

1 "Sec. ____ . Section 455G.10, subsection 1, Code
2 1991, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. c. All or a portion of the ex-
5 penses associated with the conversion of an existing
6 underground storage tank system to an aboveground
7 storage tank system if the aboveground system is
8 located at a retail motor vehicle fuel outlet."

9 28. Page 9, line 26, by striking the words and
10 figure "subsections 5 and" and inserting the
11 following: "subsection 1, unnumbered paragraph 2, and
12 subsection".

13 29. By striking page 9, line 28 through page 10,
14 line 8, and inserting the following:

15 "Moneys from the revenues derived from the use tax
16 imposed under chapter 423 may be used to fund the loan
17 guarantee account according to the fund budget as
18 approved by the board. Loan guarantees shall be made
19 on terms and conditions determined by the board to be
20 reasonable, except that in no case may a loan
21 guarantee satisfy more than ~~ninety~~ ninety-five percent
22 of the outstanding balance of a loan."

23 30. Page 10, by inserting after line 16 the
24 following:

25 "Sec. ____ . Section 455G.11, subsection 1, Code
26 1991, is amended by adding the following new
27 unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. To the extent that
29 coverage under this section includes third-party
30 liability, third-party liability specifically excludes
31 any claim, cause of action, or suit, for personal
32 injury including, but not limited to, loss of use or
33 of private enjoyment, mental anguish, false
34 imprisonment, wrongful entry or eviction, humiliation,
35 discrimination, or malicious prosecution."

36 31. Page 11, line 1, by inserting after the word
37 "INSTALLER'S" the following: "AND INSPECTOR'S".

38 32. Page 11, line 3, by striking the words "an
39 installer of a" and inserting the following:
40 "installers and inspectors of".

41 33. Page 11, line 4, by striking the word
42 "installation" and inserting the following:
43 "installations".

44 34. Page 11, line 18, by striking the words "an
45 installer" and inserting the following: "installers

46 and inspectors”.

47 35. Page 11, line 23, by inserting after the word
48 “basis.” the following: “The premium paid shall be
49 fully earned and is not subject to refund or
50 cancellation.”

Page 10

1 36. Page 11, by inserting after line 24 the fol-
2 lowing:

3 “(5) The board may offer coverage at rates based
4 on sales or payrolls, if the qualifying installer or
5 inspector cannot be rated on a per tank basis, or if
6 the work the installer or inspector performs involves
7 more than tank installation. The rates to develop
8 premiums shall be based on the premium charged per
9 tank under subparagraphs (1), (2), and (3).”

10 37. Page 11, line 25, by striking the words “An
11 installer” and inserting the following: “Installers
12 and inspectors”.

13 38. Page 11, line 32, by striking the words “An
14 installer” and inserting the following: “Installers
15 and inspectors”.

16 39. Page 12, line 3, by inserting after the word
17 “installer” the following: “or inspector”.

18 40. Page 12, line 9, by striking the words “or
19 installer” and inserting the following: “installer or
20 inspector”.

21 41. Page 12, by striking lines 13 through 15 and
22 inserting the following: “warranty conditions.”

23 42. Page 12, line 19, by inserting after the word
24 “installers” the following: “and inspectors”.

25 43. Page 12, line 26, by inserting after the word
26 “installers” the following: “or inspectors”.

27 44. Page 12, line 29, by inserting after the word
28 “installer” the following: “or inspector”.

29 45. Page 14, line 33, by striking the word “is”
30 and inserting the following: “may be”.

31 46. Page 15, by inserting after line 14 the fol-
32 lowing:

33 “Sec. ____ . Section 455G.12, Code 1991, is amended
34 to read as follows:

35 455G.12 BOARD AUTHORITY FOR PRIORITIZATION.

36 1. If the board determines that within the realm
37 of sound business judgment and practice,
38 prioritization of assistance is necessary in light of
39 funds currently available for remedial benefits, the
40 board may develop rules for remedial assistance
41 prioritization for any or all of the remedial benefit
42 criteria contained in section 455G.9. The

43 prioritization criteria shall at minimum favor the
44 following:
45 a. Rural population sites.
46 b. Sites in which environmental, safety, and
47 health hazards are posed by the release.
48 c. Other criteria as the board, in its discretion,
49 finds necessary or convenient for the administration
50 and financing of remedial benefits.

Page 11

1 2. If the board determines that, within the realm
2 of sound business judgment and practice,
3 prioritization of assistance is necessary in light of
4 funds available for loan guarantees or insurance
5 coverage, the board may develop rules for assistance
6 or coverage prioritization based upon adherence or
7 planned adherence of the owner or operator to higher
8 than minimum environmental protection and safety
9 compliance considerations.

10 Prior to the adoption of prioritization rules, the
11 board shall at minimum review the following issues:

12 1 a. The positive environmental impact of
13 assistance prioritization.

14 2 b. The economic feasibility, including the
15 availability of private financing, for an owner or
16 operator to obtain priority status.

17 3 c. Any negative impact on Iowa's rural petroleum
18 distribution network which could result from
19 prioritization.

20 4 d. Any similar prioritization systems in use by
21 the private financing or insurance markets in this
22 state, including terms, conditions, or exclusions.

23 5 e. The intent of this chapter that the board
24 shall maximize the availability of reasonably priced,
25 financially sound insurance coverage or loan guarantee
26 assistance."

27 47. Page 15, by inserting after line 25 the fol-
28 lowing:

29 "Sec. ____ . Section 455G.12A, Code 1991, is amended
30 by adding the following new subsection:

31 **NEW SUBSECTION. 4. PRIOR APPROVAL BY ADMINISTRA-**
32 **TOR.** Unless emergency conditions exist, a contractor
33 performing services pursuant to this section shall
34 have the budget for the work approved by the adminis-
35 trator prior to commencement of the work. No expense
36 incurred which is above the budgeted amount shall be
37 paid unless the administrator approves such expense
38 prior to it being incurred. All invoices or bills
39 shall be submitted with appropriate documentation as

40 deemed necessary by the board, no later than thirty
41 days after the work has been performed. Neither the
42 board nor an owner or operator is responsible for
43 payment for work incurred which has not been
44 previously approved by the board."

45 48. Page 15, line 31, by inserting after the word
46 "other" the following: "potentially responsible".

47 49. Page 15, by striking line 34 and inserting
48 the following: "and for all other costs; ~~or including~~
49 reasonable attorney fees and costs of litigation for
50 which moneys are expended by the fund in".

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1 50. Page 16, line 11, by striking the word
2 "person" and inserting the following: "person
3 potentially responsible party".

4 51. Page 16, line 23, by striking the word
5 "subsections" and inserting the following:
6 "subsection".

7 52. Page 16, line 24, by inserting after the word
8 "INSTALLERS" the following: "AND INSPECTORS".

9 53. Page 16, line 28, by inserting after the word
10 "installer" the following: "or an inspector".

11 54. By striking page 16, line 30, through page
12 17, line 10.

13 55. Page 17, by inserting after line 10, the
14 following:

15 "Sec. ____ . Section 455G.13, subsection 10, Code
16 1991, is amended to read as follows:

17 10. SUBROGATION RIGHTS CLAIMS AGAINST POTENTIALLY
18 RESPONSIBLE PARTIES. Payment Upon payment of a claim

19 by the fund pursuant to this chapter, ~~shall be~~
20 conditioned upon the board's acquiring by subrogation
21 the rights of the claimant to recover those costs and
22 expenditures for corrective action for which the fund
23 has compensated the claimant; ~~from the person~~
24 responsible or liable for the unauthorized release any
25 potentially responsible party, are assumed by the
26 board to the extent paid by the fund. A claimant is
27 precluded from receiving double compensation for the
28 same injury.

29 In an action brought pursuant to this chapter
30 seeking damages for corrective action or third-party
31 liability, the court shall permit evidence and
32 argument as to the replacement or indemnification of
33 actual economic losses incurred or to be incurred in
34 the future by the claimant by reason of insurance
35 benefits, governmental benefits or programs, or from
36 any other source.

37 Sec. ____ . Section 455G.13, subsection 10, Code
38 1991, is amended by adding the following new
39 unnumbered paragraph:
40 NEW UNNUMBERED PARAGRAPH. A claimant may elect to
41 permit the board to pursue the claimant's cause of
42 action for any injury not compensated by the fund
43 against any potentially responsible party, provided
44 the attorney general determines such representation
45 would not be a conflict of interest. If a claimant so
46 elects, the board's litigation expenses shall be
47 shared on a pro rata basis with the claimant, but the
48 claimant's share of litigation expenses are payable
49 exclusively from any share of the settlement or
50 judgment payable to the claimant.

Page 13

1 Sec. ____ . Section 455G.16, Code 1991, is amended
2 by adding the following new unnumbered paragraph:
3 "NEW UNNUMBERED PARAGRAPH. Third-party liability
4 expenses under this section specifically exclude any
5 claim, cause of action, or suit, for personal injury
6 including, but not limited to loss of use or of
7 private enjoyment, mental anguish, false imprisonment,
8 wrongful entry or eviction, humiliation,
9 discrimination, or malicious prosecution."
10 56. By striking page 17, line 11, through page
11 19, line 1, and inserting the following:
12 "Sec. ____ . Section 455G.17, subsection 3, Code
13 1991, is amended to read as follows:
14 3. The board shall adopt approved curricula for
15 training persons to install underground storage tanks
16 in such a manner that the resulting installation may
17 be certified under section 455G.11, subsection 6, and
18 for training persons to remove tanks.
19 Sec. ____ . Section 455G.17, subsection 4, Code
20 1991, is amended by striking the subsection.
21 Sec. ____ . NEW SECTION. 455G.17A GROUNDWATER PRO-
22 FESSIONALS -- REGISTRATION.
23 1. The department of natural resources shall adopt
24 rules pursuant to chapter 17A requiring that
25 groundwater professionals register with the department
26 of natural resources.
27 2. A groundwater professional is a person who
28 provides subsurface soil contamination and groundwater
29 consulting services or who contracts to perform
30 remediation or corrective action services and is one
31 or more of the following:
32 a. A person certified by the American institute of
33 hydrology, the national water well association, or the

- 34 association of groundwater scientists.
- 35 b. A professional engineer registered in Iowa.
- 36 c. A professional geologist certified by a
37 national organization.
- 38 d. Any person who has five years of direct and
39 related experience and training as a groundwater
40 professional or in the field of earth sciences as of
41 the effective date of this Act.
- 42 e. Any other person with a license, certification,
43 or registration to practice hydrogeology or
44 groundwater hydrology issued by any state in the
45 United States or by any national organization,
46 provided that the license, certification, or
47 registration process requires, at a minimum, all of
48 the following:
- 49 (1) Possession of a bachelor's degree from an
50 accredited college.

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- 1 (2) Five years of related professional experience.
- 2 3. The department of natural resources may provide
3 for a civil penalty of no more than fifty dollars for
4 the failure to register. An interested person may
5 obtain a list of registrants from the department of
6 natural resources. The department of natural
7 resources may impose a fee for the registration of
8 persons under this section."
- 9 57. Title page, line 1, by inserting after the
10 word "relating" the following: "to petroleum
11 aboveground storage tanks and".
- 12 58. Title page, line 4, by inserting after the
13 word "factor," the following: "excluding aerated
14 petroleum contaminated soil from the definition of
15 solid waste,".
- 16 59. Title page, line 5, by inserting after the
17 word "product," the following: "claimant, potentially
18 responsible party, and release,".
- 19 60. Title page, line 8, by inserting after the
20 word "organizations" the following: "and certain
21 persons who inherit property".
- 22 61. Title page, line 10, by inserting after the
23 word "action," the following: "providing retroactive
24 benefits,".
- 25 62. Title page, by striking lines 11 and 12 and
26 inserting the following: "payments extending loan
27 maturity dates, increasing the loan guarantees,
28 extending upgrade dates, offering".
- 29 63. Title page, line 13, by inserting after the
30 word "installers" the following: "and inspectors,".

- 31 64. Title page, line 14, by inserting after the
32 word "transfers," the following: "establishing
33 prioritization criteria for remedial payments,
34 providing cost containment measures".
35 65. Title page, line 16, by striking the words
36 "certification and".
37 66. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

S-3702

- 1 Amend the House amendment, S-3638, to Senate File
2 444, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 through 8 and
5 inserting the following:
6 "___ . Page 1, by striking lines 1 through 9."
7 2. Page 1, line 12, by inserting after the word
8 "abuse." the following: "The council shall submit an
9 annual report to the general assembly by January 15 of
10 each year relating to the continuing education
11 requirements devoted to the topic of domestic abuse,
12 including the number of hours required, the substance
13 of the classes offered, and other related matters."
14 3. Page 2, line 1, by striking the words "by
15 telephone or otherwise" and inserting the following:
16 "in writing so that the county sheriff and the county
17 sheriff's dispatcher receive written notice".
18 4. Page 2, by inserting after line 17 the
19 following:
20 "___ . Page 8, by inserting after line 4 the
21 following:
22 "Sec. ___ . Section 236.14, subsection 2,
23 unnumbered paragraph 1, Code 1991, is amended to read
24 as follows:
25 When a person arrested for a domestic abuse
26 assault, or taken into custody for contempt
27 proceedings pursuant to section 236.11, is brought
28 before a magistrate and the magistrate finds probable
29 cause to believe that domestic abuse or a violation of
30 an order or consent agreement has occurred and that
31 the presence of the alleged abuser in the victim's
32 residence poses a threat to the victim's safety of the
33 alleged victim, persons residing with the alleged
34 victim, or members of the alleged victim's immediate
35 family, the magistrate shall enter an order which
36 shall require the alleged abuser to have no contact
37 with the alleged victim, persons residing with the
38 alleged victim, or members of the alleged victim's
39 immediate family, and to refrain from harassing the

40 alleged victim, persons residing with the alleged
41 victim, or members of the alleged victim's relatives
42 immediate family, in addition to any other conditions
43 of release determined and imposed by the magistrate
44 under section 811.2. A no-contact order requiring the
45 alleged abuser to have no contact with the alleged
46 victim's children shall prevail over any existing
47 order awarding custody or visitation rights, which may
48 be in conflict with the no-contact order."
49 5. Page 3, by striking lines 2 through 5.
50 6. Page 3, by inserting after line 11 the fol-

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1 lowing:
2 "___ . Page 12, line 21, by striking the words
3 "support groups" and inserting the following:
4 "programs"."
5 7. Page 4, by inserting after line 17 the fol-
6 lowing:
7 "___ . Page 15, by inserting after line 32 the
8 following:
9 "Sec. 100. Section 602.8105, subsection 1, Code
10 1991, is amended by adding the following new
11 unnumbered paragraph after paragraph u:
12 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
13 other provision of law to the contrary, including but
14 not limited to the other provisions of this section,
15 five dollars of the fees imposed pursuant to paragraph
16 "a", the five dollar additional fee imposed pursuant
17 to paragraph "l", and fifteen dollars of the fees
18 imposed pursuant to paragraphs "m" and "n" shall be
19 remitted to the treasurer of state for deposit into
20 the general fund of the state, and shall not be
21 deposited in the court revenue distribution account,
22 and shall not be deposited in the judicial retirement
23 fund."
24 8. Page 4, by inserting before line 22 the
25 following:
26 "___ . Page 16, by inserting before line 26 the
27 following:
28 "Sec. 101. Section 602.8106, Code 1991, is amended
29 by adding the following new subsection:
30 NEW SUBSECTION. 6. Notwithstanding any other
31 provision of law to the contrary, including but not
32 limited to the other provisions of this section, five
33 dollars of the fee for filing and docketing of a
34 complaint or information for a simple misdemeanor and
35 five dollars of the fee for filing and docketing of a
36 complaint or information for a nonscheduled simple

37 misdemeanor imposed pursuant to subsection 1 shall be
 38 remitted to the treasurer of state for deposit into
 39 the general fund of the state, and shall not be
 40 deposited in the court revenue distribution account,
 41 and shall not be deposited in the judicial retirement
 42 fund.”

43 9. Page 4, line 30, by inserting after the word
 44 “fund” the following: “of the state. Notwithstanding
 45 any other provision of law to the contrary, including
 46 but not limited to the other provisions of this
 47 section, the additional fee of five dollars imposed in
 48 this paragraph shall not be deposited in the court
 49 revenue distribution account, and shall not be
 50 deposited in the judicial retirement fund”.

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1 10. Page 5, line 11, by inserting after the
 2 figure “907.3” the following: “, if the defendant has
 3 not previously received a deferred sentence or
 4 judgment for a violation of section 708.2 or 708.2A
 5 which was issued on a domestic abuse assault.
 6 However, once the defendant has received one deferred
 7 sentence or judgment involving a violation of section
 8 708.2 or 708.2A which was issued on a domestic abuse
 9 assault, the defendant shall not be eligible to
 10 receive another deferred sentence or judgment for a
 11 violation of this section”.

12 11. Page 5, by striking lines 12 and 13.

13 12. Page 5, line 15, by striking the word
 14 “However” and inserting the following: “In addition”.

15 13. Page 5, by striking lines 25 through 27 and
 16 inserting the following: “inserting the following:
 17 “domestic abuse offenders. Participation in the
 18 batterers’ treatment””.

19 14. Page 5, by inserting after line 46 the
 20 following:

21 “”Sec. ____ . Section 907.3, subsection 1, Code
 22 1991, is amended by adding the following new
 23 paragraph:

24 NEW PARAGRAPH. h. Prior to the commission of the
 25 offense the defendant had been granted a deferred
 26 judgment or deferred sentence for a violation of
 27 section 708.2 or 708.2A which was issued on a domestic
 28 abuse assault, or was granted similar relief anywhere
 29 in the United States concerning that jurisdiction’s
 30 statutes which substantially correspond to domestic
 31 abuse assault as provided in section 708.2A, and the
 32 current offense is a violation of section 708.2A.

33 Sec. ____ . Section 907.3, subsection 2, Code 1991,

34 is amended to read as follows:

35 2. At the time of or after pronouncing judgment
 36 and with the consent of the defendant, the court may
 37 defer the sentence and assign the defendant to the
 38 judicial district department of correctional services.
 39 However, the court shall not defer the sentence for a
 40 violation of section 708.2A if the defendant has
 41 previously received a deferred judgment or sentence
 42 for a violation of section 708.2 or 708.2A which was
 43 issued on a domestic abuse assault, or if similar
 44 relief was granted anywhere in the United States
 45 concerning that jurisdiction's statutes which
 46 substantially correspond to domestic abuse assault as
 47 provided in section 708.2A. Upon a showing that the
 48 defendant is not fulfilling the conditions of
 49 probation, the court may revoke probation and impose
 50 any sentence authorized by law. Before taking such

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1 action, the court shall give the defendant an
 2 opportunity to be heard on any matter relevant to the
 3 proposed action. Upon violation of the conditions of
 4 probation, the court may proceed as provided in
 5 chapter 908."

6 15. Page 6, by inserting after line 10 the
 7 following:

8 "___ . Page 20, line 30, by inserting after the
 9 word "judge" the following: "or magistrate"."

10 16. Page 6, by striking lines 11 and 12, and
 11 inserting the following:

12 "___ . Page 23, line 5, by inserting after the
 13 figure "1993." the following: "The pilot program
 14 shall terminate on July 1, 1994.""

15 17. Page 6, lines 23 and 24, by striking the word
 16 and figures "January 1, 1993" and inserting the
 17 following: "August 1, 1992".

18 18. Page 6, line 27, by striking the word
 19 "December" and inserting the following: "July".

20 19. Page 6, line 28, by striking the word "may"
 21 and inserting the following: "shall".

22 20. Page 6, by inserting after line 41 the
 23 following:

24 "___ . Page 24, by inserting after line 10 the
 25 following:

26 "Sec. ___ . INCREASE IN COURT COSTS AND FEES AND
 27 RELATIONSHIP TO OTHER PROVISIONS OF LAW.

28 1. If House File 534 is enacted by the Seventy-
 29 fourth General Assembly during its first regular
 30 session, section 602.8105, subsection 1, paragraph

31 "m", Code 1991, shall be codified to read so that the
 32 fee increase from fifteen to thirty dollars and the
 33 sentence in this Act concerning issuance of a license
 34 without the payment of fees shall prevail, and the
 35 change in section 13 of House File 534 which strikes
 36 two sentences from the current Code shall prevail.
 37 All court cost and fee increases in this Act shall
 38 prevail over any other provision to the contrary.
 39 2. If House File 534 is not enacted by the
 40 Seventy-fourth General Assembly during its first
 41 regular session, sections 100 and 101 of this Act are
 42 void and shall not take effect."
 43 21. Page 7, by striking lines 2 and 3.
 44 22. By renumbering, relettering, or redesignating
 45 and correcting internal references as necessary.

AL STURGEON
 HARRY G. SLIFE

HOUSE AMENDMENT TO
 SENATE FILE 455

S-3703

1 Amend Senate File 455, as passed by the Senate, as
 2 follows:
 3 1. Page 15, line 25, by striking the word "one"
 4 and inserting the following: "five".

S-3704

1 Amend the House amendment, S-3684, to Senate File
 2 273, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting before line 1, the
 5 following:
 6 "____. Page 2, by inserting after line 7 the
 7 following:
 8 "Sec. ____ . Section 123.30, Code 1991, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 4. Notwithstanding subsection 3,
 11 paragraphs "a", "b", and "c", the division may issue,
 12 upon application and payment of a surcharge, an
 13 amended class "A", class "B", or class "C" liquor
 14 control license authorizing the licensee to sell
 15 alcoholic liquor in original containers for
 16 consumption off the premises. The application shall
 17 be made in the same manner as for other liquor control
 18 licenses. The application shall be accompanied by a
 19 surcharge as provided in section 123.36, subsection

20 11. A holder of a special class "C" liquor control
 21 license is not eligible for the privilege authorized
 22 under this subsection. The division shall not issue a
 23 license which includes the privilege authorized under
 24 this subsection to holders of seasonal, fourteen-day,
 25 or five-day liquor control licenses. A business which
 26 derives more than forty percent of its gross annual
 27 sales from the sale of food, pharmaceuticals,
 28 sundries, gasoline or other merchandise for the
 29 purchaser's consumption or use off the business
 30 premises is not eligible for the privilege authorized
 31 under this subsection. The term "business" as used in
 32 this subsection includes the term "person" as defined
 33 in section 123.3, subsection 11. Food,
 34 pharmaceuticals, sundries, gasoline and other
 35 merchandise as used in this subsection do not include
 36 alcoholic beverages as defined in section 123.3,
 37 subsection 9,

38 Sec. 2. Section 123.36, Code 1991, is amended by
 39 adding the following new subsection:

40 NEW SUBSECTION. 11. For the privilege of selling
 41 alcoholic liquor in original containers for
 42 consumption off the premises, a class "A", class "B",
 43 or class "C" liquor control licensee shall pay a
 44 surcharge equal to ten percent of the regular license
 45 fees only, excluding any other surcharges or Sunday
 46 sale license or permit fees otherwise imposed pursuant
 47 to this section. The surcharges paid under this
 48 subsection shall be collected and deposited as
 49 provided in subsection 10.

50 Sec. ____ . Section 455C.2, subsection 1, Code 1991,

Page 2

1 is amended to read as follows:

2 1. ~~Except purchases of alcoholic liquor as defined~~
 3 ~~in section 123.3, subsection 8, by holders of class~~
 4 ~~"A", "B", and "C" liquor control licenses, a A refund~~
 5 value of not less than five cents shall be paid by the
 6 consumer on each beverage container sold in this state
 7 by a dealer for consumption off the premises. Upon
 8 return of the empty beverage container upon which a
 9 refund value has been paid to the dealer or person
 10 operating a redemption center and acceptance of the
 11 empty beverage container by the dealer or person
 12 operating a redemption center, the dealer or person
 13 operating a redemption center shall return the amount
 14 of the refund value to the consumer.""

15 2. Page 1, by striking lines 25 through 27 and
 16 inserting the following:

17 " ____ . Title page, line 1, by inserting after the
 18 word "Act" the following: "relating to the sale of
 19 alcoholic beverages and""
 20 4. By renumbering as necessary.

JACK P. KIBBIE

HOUSE AMENDMENT TO
 SENATE FILE 465

S-3705

1 Amend Senate File 465, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 1 through 21 and
 4 inserting the following:
 5 "Section 1. Section 99B.1, subsection 18, Code
 6 1991, is amended to read as follows:
 7 18. "Net receipts" means gross receipts less
 8 amounts awarded as prizes and less state and local
 9 sales tax paid upon the gross receipts. Reasonable
 10 expenses, charges, fees, taxes other than the state
 11 and local sales tax, and deductions allowed by the
 12 department shall not exceed twenty-five percent of net
 13 receipts. However, reasonable expenses, charges,
 14 fees, taxes other than the state and local sales tax,
 15 and deductions allowed by the department shall not
 16 exceed thirty percent of net receipts, if the
 17 qualified organization reports quarterly gross
 18 receipts of less than seventy-five thousand dollars in
 19 quarterly reports submitted pursuant to section 99B.2,
 20 subsection 4.
 21 Sec. 2. Section 99B.7, subsection 3, paragraph a,
 22 Code 1991, is amended to read as follows:
 23 a. A person wishing to conduct games and raffles
 24 pursuant to this section as a qualified organization
 25 shall submit an application and a license fee of one
 26 hundred fifty dollars. However, upon submission of an
 27 application accompanied by a license fee of fifteen
 28 dollars, a person may be issued a limited license
 29 ~~which shall authorize the person~~ to conduct all games
 30 and raffles pursuant to this section at a specified
 31 location and during a specified period of fourteen
 32 consecutive calendar days. In addition, a qualified
 33 organization may be issued a limited license to
 34 conduct raffles pursuant to this section for a period
 35 of ninety days for a license fee of forty dollars or
 36 for a period of one hundred eighty days for a license
 37 fee of seventy-five dollars. A limited license shall
 38 not be issued more than once during any calendar year

39 to the same person, or for the same location. For the
40 purposes of this paragraph, a limited license is
41 deemed to be issued on the first day of the ~~fourteen-~~
42 ~~day~~ period for which the license is issued.

43 Sec. 3. Section 99B.7, subsection 3, paragraphs b
44 and c, Code 1991, are amended to read as follows:

45 b. A person or the agent of a person submitting
46 application to conduct games pursuant to this section
47 as a qualified organization shall certify that the
48 receipts of all games, less reasonable expenses,
49 charges, fees, taxes, and deductions allowed by this
50 chapter, either will be distributed as prizes to

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1 participants or will be dedicated and distributed to
2 educational, civic, public, charitable, patriotic or
3 religious uses in this state and that the amount
4 dedicated and distributed will equal at least seventy-
5 five percent of the net receipts. However, the amount
6 dedicated and distributed need only equal at least
7 seventy percent of the net receipts if the qualified
8 organization reports quarterly gross receipts of less
9 than seventy-five thousand dollars in quarterly
10 reports submitted pursuant to section 99B.2,
11 subsection 4. "Educational, civic, public,
12 charitable, patriotic, or religious uses" means uses
13 benefiting a society for the prevention of cruelty to
14 animals or animal rescue league, or uses benefiting an
15 indefinite number of persons either by bringing them
16 under the influence of education or religion or
17 relieving them from disease, suffering, or constraint,
18 or by erecting or maintaining public buildings or
19 works, or otherwise lessening the burden of
20 government, or uses benefiting any bona fide
21 nationally chartered fraternal or military veterans'
22 corporation or organization which operates in Iowa a
23 clubroom, post, dining room, or dance hall, but does
24 not include the erection, acquisition, improvement,
25 maintenance, or repair of real, personal or mixed
26 property unless it is used for one or more of the uses
27 stated. "Public uses" specifically includes
28 dedication of net receipts to political parties as
29 defined in section 43.2. "Charitable uses" includes
30 uses benefiting a definite number of persons who are
31 the victims of loss of home or household possessions
32 through explosion, fire, flood, or storm when the loss
33 is uncompensated by insurance, and uses benefiting a
34 definite number of persons suffering from a seriously
35 disabling disease or injury, causing severe loss of

36 income or incurring extraordinary medical expense when
37 the loss is uncompensated by insurance.

38 Proceeds given to another charitable organization
39 to satisfy the ~~seventy-five percent~~ dedication
40 requirement shall not be used by the donee to pay any
41 expenses in connection with the conducting of bingo by
42 the donor organization, or for any cause, deed, or
43 activity that would not constitute a valid dedication
44 under this section.

45 c. A qualified organization shall distribute
46 amounts awarded as prizes on the day they are won. A
47 qualified organization shall dedicate and distribute
48 the balance of the net receipts received within a
49 quarter and remaining after deduction of reasonable
50 expenses, charges, fees, taxes, and deductions allowed

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1 by this chapter, before the quarterly report required
2 for that quarter under section 99B.2, subsection 4, is
3 due. The amount dedicated and distributed must equal
4 at least seventy-five percent of the net receipts
5 except as provided in paragraph "b". A person
6 desiring to hold the net receipts for a period longer
7 than permitted under this paragraph shall apply to the
8 department for special permission and upon good cause
9 shown the department may grant the request.

10 If permission is granted to hold the net receipts,
11 the person shall, as a part of the quarterly report
12 required by section 99B.2, report the amount of money
13 currently being held and all expenditures of the
14 funds. This report shall be filed even if the person
15 no longer holds a gambling license."

16 2. Page 2, line 7, by inserting after the word
17 "The" the following: "commercial".

18 3. Title page, line 3, by inserting after the
19 word "activities" the following: ", and by changing
20 the percentage of net receipts of games conducted by
21 qualified organizations which shall be distributed for
22 certain uses".

23 4. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

S-3706

1 Amend the amendment, S-3686, to House File 698, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 " ____ . Page 1, line 26, by inserting after the
7 word and figure "subsection 2." the following: "The
8 department of education shall recommend, and the state
9 board of education shall adopt under chapter 17A,
10 rules and procedures for the revocation and issuance
11 of permits to persons. Rules and procedures adopted
12 shall include, but are not limited to, provisions for
13 the revocation of, or refusal to issue, permits to
14 persons who are determined to have committed any of
15 the acts proscribed under section 321.375, subsection
16 2."

17 ____ . Page 2, by inserting after line 19, the
18 following:

19 "Sec. ____ . RULEMAKING. The department of
20 education shall recommend, and the state board of
21 education shall adopt under chapter 17A, rules which
22 shall be effective by January 1, 1992, which require
23 local school districts to immediately notify the
24 parent, guardian, or legal custodian of a child, that
25 the child is being questioned as provided under
26 section 280.17 and permit the parent, guardian, or
27 legal custodian to be present during the
28 questioning.""

29 2. By numbering and renumbering as necessary.

LARRY MURPHY

S-3707

- 1 Amend House File 683 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 4, line 22, through page 5,
- 4 line 9.
- 5 2. By striking page 5, line 31, through page 7,
- 6 line 24, and inserting the following:
- 7 "5. Develop and implement guidelines regarding
- 8 assistance to toxics users to ensure that the plans
- 9 are multimedia in approach and are not duplicated by
- 10 the department or other agencies of the state.
- 11 6. Identify obstacles to the promotion, within the
- 12 toxics user community, of toxics pollution prevention
- 13 techniques and practices.
- 14 7. Compile an assessment inventory, through
- 15 solicitation of recommendations of toxics users and
- 16 owners and operators of air contaminant sources, of
- 17 the informational and technical assistance needs of
- 18 toxics users and air contaminant sources.
- 19 8. Function as a repository of research, data, and
- 20 information regarding toxics pollution prevention
- 21 activities throughout the state.

22 9. Provide a forum for public discussion and
23 deliberation regarding toxic substances and toxics
24 pollution prevention.

25 10. Promote increased coordination between the
26 department, the Iowa waste reduction center at the
27 university of northern Iowa, and other departments,
28 agencies, and institutions with responsibilities
29 relating to toxic substances.

30 11. Coordinate state and federal efforts of
31 clearinghouses established to provide access to toxics
32 reduction and management data for the use of toxics
33 users.

34 12. Make recommendations to the general assembly
35 by January 1, 1992, regarding a funding structure for
36 the long-term implementation and continuation of a
37 toxics pollution prevention program."

38 3. By striking page 10, line 25, through page 11,
39 line 8, and inserting the following:

40 "1. Beginning July 1, 1991, and thereafter until
41 such time as the operating permit fee is established
42 by rule of the commission, and approved by the United
43 States environmental protection agency under section
44 502(b) of the federal Clean Air Act of 1990, an annual
45 fee of twenty-five dollars per ton of the hazardous
46 air pollutants included in Title III of the federal
47 Clean Air Act of 1990 shall be paid by the affected
48 sources. The fee paid shall be based upon the air
49 emissions of such pollutants as reported or estimated
50 by the source in the previous calendar year.

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1 A source required to report hazardous air pollutant
2 emissions under section 313 of EPCRA shall pay a fee
3 based upon the most recently reported emissions. A
4 person shall pay the established fee for hazardous air
5 pollutants which are not included in section 313 of
6 EPCRA, but which are included in Title III of the
7 federal Clean Air Act of 1990, based upon the
8 facility's estimates of emissions as required by
9 section 313 of EPCRA including threshold
10 determinations and de minimus exclusions."

11 4. Page 12, by striking lines 4 and 5, and
12 inserting the following:

13 "b. To provide".

14 5. Page 12, line 7, by inserting after the word
15 "prevention" the following: "and to provide funding
16 for the costs of compiling data pursuant to section
17 30.7, subsection 5, and section 30.8, subsection 4".

18 6. Page 12, line 28, by striking the word

19 "issued." and inserting the following: "issued or
20 denied. Operating permits shall contain the requisite
21 conditions and compliance schedules to ensure
22 conformance with state and federal requirements. If
23 construction of a new air contaminant source is
24 proposed, the department may issue an operating permit
25 concurrently with the construction permit, if possible
26 and appropriate."

27 7. Page 13, line 24, by striking the figure "VI"
28 and inserting the following: "VII".

29 8. Page 13, by inserting after line 24, the
30 following:

31 "Sec. ____ . USES OF AIR CONTAMINANT SOURCE FUND --
32 REASSESSMENT. For the fiscal year beginning July 1,
33 1991, and ending June 30, 1992, of the moneys
34 deposited in the air contaminant source fund created
35 in section 455B.133B, not more than ninety percent of
36 the moneys shall be used for the purpose designated
37 pursuant to section 455B.133B, subsection 2, paragraph
38 "a", and not more than ten percent of the moneys shall
39 be used for the purposes designated pursuant to
40 section 455B.133B, subsection 2, paragraph "b". Of
41 the ten percent allocated for the purpose designated
42 under section 455B.133B, subsection 2, paragraph "b",
43 not more than eight thousand dollars shall be used by
44 the department of employment services to compile data
45 as required pursuant to section 30.7, subsection 5.
46 Notwithstanding any limitations on division or
47 department full-time equivalent positions in any
48 enacted legislation, the moneys deposited in the air
49 contaminant source fund may be expended to employ
50 additional staff as necessary to carry out the

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1 provisions of this Act.

2 For the fiscal year beginning July 1, 1991, and
3 ending June 30, 1992, a person required to pay the fee
4 imposed pursuant to section 455B.133A shall pay the
5 fee assessed to the department by November 1, but no
6 later than November 30, 1991, a person who does not
7 pay the fee by November 30, shall be assessed a
8 penalty of ten percent of the assessed fees due. The
9 department shall report to the general assembly no
10 later than February 15, 1992, as to the total amount
11 of fees collected and deposited in the air contaminant
12 source fund, with the amount needed to satisfy the
13 difference between the fees collected and five hundred
14 thousand dollars.

15 Sec. ____ . EFFECTIVE DATE. This Act, being deemed

16 of immediate importance, takes effect upon enactment.”

- 17 9. Title page, line 2, by striking the words “and
18 establishing fees” and inserting the following:
19 “establishing fees, and providing an effective date”.
20 10. By renumbering, relettering, and correcting
21 internal references as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM DIELEMAN, Chair

HOUSE AMENDMENT TO
SENATE FILE 542

S-3708

1 Amend Senate File 542 as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 2, line 5, by inserting after the words
4 “from the” the following: “available”.
5 2. Page 2, line 7, by striking the words “and
6 supplemented by” and inserting the following: “with
7 the balance from”.
8 3. Page 2, line 9, by striking the figure
9 “3,200,000” and inserting the following: “3,000,000”.
10 4. Page 2, by inserting after line 14, the
11 following:

12 “Sec. ____ . 1986 Iowa Acts, chapter 1249, section
13 4, unnumbered paragraph 1, as amended by 1987 Iowa
14 Acts, chapter 230, section 8; 1988 Iowa Acts, chapter
15 1281, section 6; 1989 Iowa Acts, chapter 312, section
16 6; and 1990 Iowa Acts, chapter 1265, section 3, is
17 amended to read as follows:

18 There is appropriated from the funds available in
19 the energy conservation trust, established in section
20 93.11, for the fiscal period beginning July 1, 1986,
21 and ending June 30, ~~1991~~ 1992, to the department of
22 natural resources for disbursement under section
23 93.11, the following amounts, or so much thereof as is
24 necessary, to be used for the purposes designated
25 consistent with the expressed legislative intent of
26 this Act.”

27 5. Page 2, by inserting before line 15, the
28 following:

29 “Sec. 100. CONDITIONAL APPROPRIATION. If Senate
30 File 508 is enacted by the Seventy-fourth General
31 Assembly, 1991 Session, and following the initial
32 appropriation of \$150,000 to the department of natural
33 resources from the energy research and development
34 fund, the remaining moneys shall be used and are
35 appropriated for the purposes designated pursuant to

36 section 601K.102.”

37 6. Page 2, by striking lines 15 through 34.

38 7. Page 2, by inserting after line 34, the

39 following:

40 “Sec. 101. Section 601K.102, subsection 2,

41 paragraph b, Code 1991, is amended to read as follows:

42 b. Moneys credited to the fund under section

43 ~~556.18~~ 93.11.

44 Sec. 102. CONDITIONAL EFFECTIVE DATE. Section 100

45 and 101 of this Act are effective only if Senate File

46 508 is enacted by the Seventy-fourth General Assembly,

47 1991 Session.”

48 8. Title page, line 2, by striking the words “for

49 weatherization purposes” and inserting the following:

50 “, and providing an effective date”.

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1 9. By renumbering as necessary.

S-3709

1 Amend House File 200, as passed by the House, as

2 follows:

3 1. Page 1, line 6, by inserting after the word

4 “and” the following: “, in the case of votes on final

5 actions.”.

MICHAEL E. GRONSTAL

S-3710

1 Amend the amendment, S-3691, to House File 683 as

2 amended, passed, and reprinted by the House as

3 follows:

4 1. Page 3, line 3, by striking the word “source”

5 and inserting the word “person”.

6 2. Page 3, by striking lines 5 through 16 and

7 inserting the following: “fee assessed to the

8 department by November 1, but no later than November

9 30, 1991, a person who does not pay the fee by

10 November 30, shall be assessed a penalty of ten

11 percent of the assessed fees due. The department

12 shall report to the general assembly no later than

13 February 15, 1992, as to the total amount of fees

14 collected and deposited in the air contaminant source

15 fund, with the amount needed to satisfy the difference

16 between the fees collected and five hundred thousand

17 dollars.”

RICHARD F. DRAKE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 417

S-3711

- 1 Amend the Senate amendment, H-4015, to House File
- 2 417 as passed by the House as follows:
- 3 1. Page 1, by striking lines 34 through 41.

S-3712

- 1 Amend the amendment, S-3673, to House File 693, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, line 19, by inserting after the figure
- 5 "4" the following: ", except that only a majority of
- 6 the electors voting on the proposition is required to
- 7 approve the proposition".
- 8 2. Page 6, line 20, by inserting after the figure
- 9 "4" the following: ", except that only a majority of
- 10 the electors voting on the proposition is required to
- 11 approved the proposition".
- 12 3. Page 9, line 20, by inserting after the figure
- 13 "4" the following: ", except that only a majority of
- 14 the electors voting on the proposition is required to
- 15 approve the proposition".
- 16 4. Page 11, line 50, by inserting after the
- 17 figure "4" the following: ", except that only a
- 18 majority of the electors voting on the proposition is
- 19 required to approve the proposition".

ALVIN V. MILLER
FLORENCE BUHR

S-3713

- 1 Amend the House amendment, S-3692, to Senate File
- 2 184, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 4, the
- 5 following:
- 6 "___ . Page 3, by inserting after line 24, the
- 7 following:
- 8 "Sec. ___ . Section 2 of this Act shall apply to
- 9 pupils participating in open enrollment as a result of
- 10 whole grade sharing agreements entered into on or
- 11 after July 1, 1990."
- 12 2. Page 1, line 12, by inserting after the word
- 13 "athletics" the following: ", and providing for the

14 Act's applicability".

15 3. By renumbering as necessary.

RICHARD VARN
EMIL J. HUSAK
MICHAEL W. CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 4

S-3714

1 Amend Senate File 4, 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 368.1, subsection 13, Code
6 1991, is amended to read as follows:

7 13. "Urbanized area" means ~~the land area within~~
8 ~~three miles of the boundaries of a city of fifteen~~

9 ~~thousand or more population a metropolitan statistical~~
10 ~~area as determined by the United States census bureau~~
11 ~~in the statistical abstract of the United States.~~

12 NEW SECTION. 368.6 INTENT.

13 It is the intent of the general assembly to provide
14 an annexation approval procedure which gives due
15 consideration to the wishes of the residents of
16 territory to be annexed, and to the interests of the
17 residents of all territories affected by an
18 annexation. The general assembly presumes that a
19 voluntary annexation of territory more closely
20 reflects the wishes of the residents of territory to
21 be annexed, and, therefore, intends that the
22 annexation approval procedure include a presumption of
23 validity for voluntary annexation approval."

24 Sec. 2. Section 368.7, unnumbered paragraph 3,
25 Code 1991, is amended to read as follows:

26 An application for annexation of territory within
27 the urbanized area of a city other than the city to
28 which the annexation is directed must be approved both
29 by resolution of the council which receives the
30 application and by the board. A copy of the
31 application shall be mailed by certified mail, at
32 least ten days prior to the filing of the application
33 with the city council, to the council of each city
34 whose boundary adjoins the territory or is within two
35 miles of the territory, to the board of supervisors of
36 each county which contains a portion of the territory,
37 and to the regional planning authority of the
38 territory. Notice of the filing of the application

39 shall be published in a newspaper of general
40 circulation in each affected county and city at least
41 ten days prior to the filing of the application with
42 the city council. In the discretion of a city
43 council, the resolution may include a provision for a
44 transition for the imposition of taxes as provided in
45 section 368.11, subsection 13. The annexation is
46 completed when the board has filed copies of
47 applicable portions of the proceedings as required by
48 section 368.20, subsection 2.
49 Sec. 3. Section 368.7, Code 1991, is amended by
50 adding the following new unnumbered paragraph:

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1 NEW UNNUMBERED PARAGRAPH. If one or more
2 applications for a voluntary annexation and one or
3 more petitions for an involuntary annexation for a
4 common territory are submitted to the board within
5 thirty days of each other, the board shall approve the
6 application for voluntary annexation, provided that
7 the application meets the applicable requirements of
8 this chapter, unless the board determines by a
9 preponderance of the evidence that the application was
10 filed in bad faith, or that the application as filed
11 is contrary to the best interests of the citizens of
12 the urbanized area, or that the applicant cannot
13 within a reasonable period of time meet its obligation
14 to provide services to the territory to be annexed
15 sufficient to meet the needs of the territory. In
16 consideration of the requests, the board may appoint a
17 committee in the manner provided in section 368.14 to
18 seek additional information from the applicant for
19 voluntary annexation as necessary, including the
20 information required of petitioners pursuant to
21 section 368.11.

22 Sec. 4. Section 368.9, Code 1991, is amended to
23 read as follows:

24 368.9 BOARD CREATED.

25 1. A city development board is created. The
26 department of economic development shall provide
27 office space and staff assistance, and shall budget
28 funds to cover expenses of the board and committees.
29 The board consists of ~~three~~ five members appointed by
30 the governor subject to confirmation by the senate.
31 The appointments must be for six-year staggered terms
32 beginning and ending as provided by section 69.19, or
33 to fill an unexpired term in case of a vacancy.
34 Members are eligible for reappointment, but no member
35 shall serve more than two complete six-year terms.

- 36 2. The board shall be composed of the following
37 members:
38 a. One member appointed from a city with a
39 population of more than forty-five thousand, according
40 to the most recent certified federal census.
41 b. One member appointed from a city with a
42 population of forty-five thousand or less, according
43 to the most recent certified federal census.
44 c. One member appointed from a county with a
45 population of more than fifty thousand, according to
46 the most recent certified federal census.
47 d. One member appointed from a county with a
48 population of fifty thousand or less, according to the
49 most recent certified federal census.
50 e. One member appointed to represent the general

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- 1 public.
2 3. Each member is entitled to receive from the
3 state actual and necessary expenses in performance of
4 board duties and may also be eligible to receive
5 compensation as provided in section 7E.6.
6 Sec. 5. Section 368.11, Code 1991, is amended by
7 adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. At least ten days before
9 a petition for involuntary city development action
10 within an urbanized area is filed as provided in this
11 section, the applicant shall make its intention known
12 to all affected parties by sending a letter of intent
13 or a proposed action plan by certified mail to the
14 council of each city, the board of supervisors of each
15 county within the urbanized area, and the regional
16 planning authority of the territory involved.
17 Sec. 6. Section 368.12, Code 1991, is amended to
18 read as follows:
19 368.12 DISMISSAL.
20 The board may dismiss a petition only an
21 application for voluntary annexation within an
22 urbanized area or a petition for involuntary
23 annexation if it finds that the petition or
24 application does not meet the applicable requirements
25 of this part chapter, or that substantially the same
26 incorporation, discontinuance, or boundary adjustment
27 has been disapproved by a committee formed to consider
28 the proposal, or by the voters, within the two years
29 prior to the date the petition is filed with the
30 board. The board shall file for record a statement of
31 each dismissal and the reason for it, and shall
32 promptly notify the parties to the proceeding of its

33 decision.

34 Sec. 7. Section 368.14, unnumbered paragraph 1,
35 Code 1991, is amended to read as follows:

36 If a ~~petition~~ an application for voluntary
37 annexation within an urbanized area or a petition for
38 involuntary annexation is not dismissed, the board
39 shall direct the appointment of local representatives
40 to serve with board members as a committee to consider
41 the proposal. Each local representative is entitled
42 to receive from the state the representative's actual
43 and necessary expenses spent in performance of
44 committee duties. ~~Two~~ Three board members and one
45 local representative, or if the number of local
46 representatives exceeds one, ~~two~~ three board members
47 and at least one-half of the appointed local
48 representatives, are required for a quorum of the
49 committee. A local representative must be a qualified
50 elector of the territory or city which the

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1 representative represents, and must be selected as
2 follows:

3 Sec. . NEW SECTION. 368.14A SPECIAL LOCAL
4 COMMITTEES.

5 When two or more involuntary petitions for boundary
6 adjustment describing common territory are being
7 considered together pursuant to section 368.11, the
8 board shall direct the appointment of representatives
9 for each of the petitions to serve on one special
10 committee to consider the petitions. Expense
11 reimbursement and qualifications of these
12 representatives shall be as provided in section
13 368.14. Three board members and at least one-half of
14 the appointed local representatives are required for a
15 quorum of the special local committee. The manner of
16 appointment of representatives shall be the same as
17 for single petition committees except that if one or
18 more of the territories to be annexed is in more than
19 one county, the board of supervisors of the county
20 containing the greatest area of the territory proposed
21 to be annexed shall appoint one representative. The
22 special committee shall consider the petitions in
23 conformity with the provisions of this part, and shall
24 resolve common territory issues between petitioners.
25 The special committee shall conduct a public hearing
26 on the petitions pursuant to section 368.15. If the
27 common territory issue is resolved, the special local
28 committee may approve the resulting compatible
29 petitions by a single vote or separately, in its

30 discretion.

31 Sec. 9. TRANSITION.

32 1. The members of the city development board
33 serving unexpired terms of office immediately before
34 the effective date of this Act may continue to serve
35 their unexpired terms unless they are otherwise
36 disqualified under this Act. Within thirty days of
37 the effective date of this Act, the governor shall
38 appoint only those additional members needed to comply
39 with section 368.9, subsection 2. Of the board
40 members appointed by the governor pursuant to section
41 368.9, subsection 2, paragraphs "a" through "e", one
42 shall be appointed to an initial term of two years,
43 two shall be appointed to an initial term of four
44 years, and the remainder to an initial term of six
45 years.

46 2. Any voluntary application or involuntary city
47 development petition which is pending before the board
48 or a committee of the board on or after April 1, 1991,
49 shall be remanded to the board for action under
50 chapter 368 as amended by this Act. Notice of the

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1 remand shall be served up on the council of each city
2 whose boundary adjoins the territory or is within two
3 miles of the territory, the board of supervisors of
4 each county which contains a portion of the territory,
5 and the regional planning authority of the territory
6 involved.

7 Sec. 10. EFFECTIVE DATE. This Act, being deemed
8 of immediate importance, takes effect upon enactment."

9 2. Title page, line 2, by inserting after the
10 word "city" the following: "and providing an
11 effective date".

S-3715

1 Amend the House amendment, S-3708, to Senate File
2 542, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking line 37.

5 2. Page 1, by striking lines 48 through 50.

LEONARD L. BOSWELL

HOUSE AMENDMENT TO
SENATE FILE 536

S-3716

1 Amend Senate File 536 as follows:

2 1. Page 1, by inserting after line 28, the
3 following:

4 "Sec. ____ . APPLICABILITY. This Act is applicable
5 to federal audits finalized on or after January 1,
6 1991. This Act is retroactive for claims for refund
7 filed with the department of revenue and finance
8 between December 1, 1989, and the effective date of
9 this Act, if the claims for refund were filed within
10 six months from the day of the final disposition of
11 any income tax matter between the taxpayer and the
12 internal revenue service, but were or will be denied
13 as untimely because the taxpayer did not notify the
14 department of revenue and finance in writing within
15 six months after the expiration of the three-year
16 limitations period of the existence of the income tax
17 matter. In order to obtain the retroactive relief
18 provided pursuant to this section, the taxpayer must
19 refile the claim for refund on or before September 30,
20 1991. Claims for refund filed pursuant to this
21 section that are allowed by the department shall be
22 paid by the department in fiscal year 1993.

23 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
24 of immediate importance, is effective upon enactment."

25 2. Title page, line 2, by inserting after the
26 word "refund" the following: "and providing an
27 applicability date and effective date".

28 3. By renumbering as necessary.

S-3717

1 Amend House File 705, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 117.46, subsection 1, Code
6 1991, is amended to read as follows:

7 1. Each real estate broker shall maintain a common
8 trust account in a bank, a savings and loan
9 association, savings bank, or credit union for the
10 deposit of all down payments, earnest money deposits,
11 or other trust funds received by the broker or the
12 broker's salespersons on behalf of the broker's
13 principal, except that a broker acting as a
14 salesperson shall deposit these funds in the common

15 trust account of the broker for whom the broker acts
 16 as salesperson. The account shall be an interest-
 17 bearing account. The interest on the account shall be
 18 transferred quarterly to the treasurer of state and
 19 deposited in the ~~title guaranty~~ housing improvements
 20 fund and used for public purposes and the benefit of
 21 the public pursuant to section ~~220.91~~ 220.100 unless
 22 there is a written agreement between the buyer and
 23 seller to the contrary. The broker shall not benefit
 24 from interest received on funds of others in the
 25 broker's possession."

MICHAEL GRONSTAL

S-3718

1 Amend House File 556, as passed by the House, as
 2 follows:
 3 1. By striking page 3, line 17, through page 4,
 4 line 8.

WILMER RENSINK
 ALLEN BORLAUG
 RICHARD VANDE HOEF
 JOHN W. JENSEN
 ALVIN V. MILLER

S-3719

1 Amend amendment, S-3691, to House File 683, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 37 the
 5 following:
 6 "13. Work with the Iowa waste reduction center at
 7 the university of northern Iowa to assist small
 8 business toxics users with plan preparation and
 9 technical assistance.
 10 ____ . Page 8, by striking lines 7 through 21 and
 11 inserting the following:
 12 "b. The identification and quantities of toxic
 13 substances used and released by groups of related
 14 production processes or by processes used in producing
 15 an identifiable product.
 16 c. An assessment of the applicability of the
 17 approaches designated as toxic pollution prevention
 18 techniques including the following: input
 19 substitution; production reformulation; production
 20 process redesign or modification; production process
 21 modernization; improved operation and maintenance of

22 existing production process equipment and methods; and
23 recycling, reuse, or extended use of toxic substances,
24 to the toxic users production processes as identified
25 in paragraph "b"."

26 2. Page 2, by striking lines 32 through 45, and
27 inserting the following: "REASSESSMENT. For the
28 fiscal year beginning July 1, 1991 and ending June 30,
29 1992, if five hundred thousand dollars or less is
30 deposited in the air contaminant source fund created
31 in section 455B.133B, fifty thousand dollars of the
32 moneys shall be used for the purpose designated
33 pursuant to section 455B.133B, subsection 2, paragraph
34 "a", and the remainder of the moneys shall be used for
35 the purposes designated pursuant to section 455B.133B,
36 subsection 2, paragraph "b". Of the amount allocated
37 for the purposes of paragraph "b", two thousand
38 dollars shall be used by the department of employment
39 services to compile data as required pursuant to
40 section 30.7, subsection 5. For the fiscal year
41 beginning July 1, 1991 and ending June 30, 1992, if
42 more than five hundred thousand dollars is deposited
43 in the air contaminant source fund, however, not more
44 than ninety percent of the moneys shall be used for
45 the purpose designated pursuant to section 455B.133B,
46 subsection 2, paragraph "a", and not more than ten
47 percent of the moneys shall be used for the purposes
48 designated pursuant to section 455B.133B, subsection
49 2, paragraph "b", with two thousand dollars of this
50 portion being allocated to the department of

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1 employment services to compile data as required
2 pursuant to section 30.7, subsection 5."
3 3. Page 3, line 3, by striking the word "source"
4 and inserting the following: "person".
5 4. Page 3, by striking lines 5 through 16 and
6 inserting the following: "fee assessed to the
7 department by November 1, 1991, but no later than
8 November 30, 1991. A person who does not pay the fee
9 by November 30, 1991, shall be assessed a penalty of
10 ten percent of the assessed fees due. The department
11 shall report to the general assembly no later than
12 February 15, 1992, as to the total amount of fees
13 collected and deposited in the air contaminant source
14 fund, with the amount needed to satisfy the difference
15 between the fees collected and five hundred thousand

16 dollars.”

17 5. By renumbering and relettering as necessary.

RICHARD VARN
RICHARD F. DRAKE

S-3720

1 Amend House File 556 as passed by the House as
2 follows:

3 1. Page 3, by inserting after line 16 the
4 following:

5 “Sec. ____ . Section 490.1430, subsection 2,
6 paragraph c, Code 1991, is amended by striking the
7 paragraph and inserting in lieu thereof the following:

8 c. The shareholders are deadlocked in voting power
9 and have failed, at an annual meeting, to elect
10 successors to directors whose terms have expired;
11 provided that a special meeting of shareholders is
12 held within sixty days subsequent to the annual
13 meeting and the deadlock continues. For purposes of
14 this subsection only, the special meeting may be
15 called by shareholders holding more than ten percent
16 of those shares entitled to vote in the election of
17 directors upon a minimum of 10 days’ notice.”

JAMES R. RIORDAN

S-3721

1 Amend House File 683, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 13, by inserting after line 21 the
4 following:

5 “Sec. ____ . Section 455D.19, subsection 6, para-
6 graph a, Code 1991, is amended to read as follows:

7 a. Packaging or packaging components with a code
8 indicating a date of manufacture prior to July 1,
9 1990, and packaging or packaging components used by
10 the alcoholic beverage industry prior to July 1,
11 1992.”

12 2. By renumbering as necessary.

RICHARD VARN
RICHARD F. DRAKE

S-3722

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 14, by inserting after the word
4 "child." the following: "A parent of an adult child
5 may sue for the actual expense, loss of services,
6 support, companionship, and society of an adult child
7 lost due to injury or death of the adult child if the
8 parent is dependent on the adult child for support or
9 services."

HARRY SLIFE
RICHARD J. VARN

S-3723

1 Amend amendment, S-3691, to House File 683, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 37 the
5 following:
6 "13. Work with the Iowa waste reduction center at
7 the university of northern Iowa to assist small
8 business toxics users with plan preparation and
9 technical assistance.

10 ____ . Page 8, by striking lines 7 through 21 and
11 inserting the following:

12 "b. The identification and quantities of toxic
13 substances used and released by groups of related
14 production processes or by processes used in producing
15 an identifiable product.

16 c. An assessment of the applicability of the
17 approaches designated as toxic pollution prevention
18 techniques including the following: input
19 substitution; production reformulation; production
20 process redesign or modification; production process
21 modernization; improved operation and maintenance of
22 existing production process equipment and methods; and
23 recycling, reuse, or extended use of toxic substances,
24 to the toxic users production processes as identified
25 in paragraph "b"."

26 2. Page 2, by striking lines 32 through 45, and
27 inserting the following: "REASSESSMENT. For the
28 fiscal year beginning July 1, 1991 and ending June 30,
29 1992, if five hundred thousand dollars or less is
30 deposited in the air contaminant source fund created
31 in section 455B.133B, fifty thousand dollars of the
32 moneys shall be used for the purpose designated
33 pursuant to section 455B.133B, subsection 2, paragraph
34 "b", and the remainder of the moneys shall be used for
35 the purposes designated pursuant to section 455B.133B,
36 subsection 2, paragraph "a". Of the amount allocated
37 for the purposes of paragraph "a", two thousand

38 dollars shall be used by the department of employment
 39 services to compile data as required pursuant to
 40 section 30.7, subsection 5. For the fiscal year
 41 beginning July 1, 1991 and ending June 30, 1992, if
 42 more than five hundred thousand dollars is deposited
 43 in the air contaminant source fund, however, not more
 44 than ninety percent of the moneys shall be used for
 45 the purpose designated pursuant to section 455B.133B,
 46 subsection 2, paragraph "a", and not more than ten
 47 percent of the moneys shall be used for the purposes
 48 designated pursuant to section 455B.133B, subsection
 49 2, paragraph "b", with two thousand dollars of this
 50 portion being allocated to the department of

Page 2

1 employment services to compile data as required
 2 pursuant to section 30.7, subsection 5."
 3 3. Page 3, line 3, by striking the word "source"
 4 and inserting the following: "person".
 5 4. Page 3, by striking lines 5 through 16 and
 6 inserting the following: "fee assessed to the
 7 department by November 1, 1991, but no later than
 8 November 30, 1991. A person who does not pay the fee
 9 by November 30, 1991, shall be assessed a penalty of
 10 ten percent of the assessed fees due. The department
 11 shall report to the general assembly no later than
 12 February 15, 1992, as to the total amount of fees
 13 collected and deposited in the air contaminant source
 14 fund, with the amount needed to satisfy the difference
 15 between the fees collected and five hundred thousand
 16 dollars."
 17 5. By renumbering and relettering as necessary.

RICHARD VARN
 RICHARD F. DRAKE

S-3724

1 Amend Senate File 546 as follows:
 2 1. Page 60, lines 16 and 17, by striking the
 3 words "to the south" and inserting the following:
 4 "proceeding to the south of West avenue".

JOHN P. KIBBIE

S-3725

1 Amend the amendment, S-3674, to House File 421, as
 2 amended, passed, and reprinted by the House, as

3 follows:

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

5 following:

6 "___ . Page 1, by inserting before line 1, the

7 following:

8 "Section 1. NEW SECTION. 232.52B DISPOSITION OF
9 JUVENILE SEX OFFENDERS.

10 1. In addition to any other order of the juvenile
11 court, a person under age eighteen, who is adjudicated
12 delinquent for an act which, if committed by an adult,
13 would be a public offense under section 709.2, 709.3,
14 709.4, subsection 1 or subsection 2, paragraph "a",
15 "b", or "c", subparagraph (1) or (2), or section
16 709.11, shall register, as a condition of probation or
17 other supervision, as a sex offender with the juvenile
18 court officer responsible for the supervision of the
19 juvenile and shall provide bodily fluid samples in
20 accordance with section 901A.8.

21 2. Notwithstanding section 232.53, a person under
22 eighteen shall continue to register until the person
23 reaches age eighteen or satisfactorily completes a sex
24 offender treatment program, whichever is later.
25 However, the duty of a person under eighteen to
26 register under this section shall terminate at age
27 twenty-one.

28 3. A person required to register under this
29 section is subject to the recordkeeping requirements
30 of section 901A.7."

31 2. Page 1, by striking line 3.

32 3. Page 1, line 9, by striking the figure "10"

33 and inserting the following: "16".

34 4. Page 1, line 14, by striking the words "and

35 parole" and inserting the following: ", parole

36 officers, and juvenile court".

37 5. By renumbering as necessary.

MARK R. HAGERLA

HOUSE AMENDMENT TO
SENATE FILE 539

S-3726

1 Amend Senate File 539, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 34 through page 2,
4 line 2, and inserting the following: "distributed to
5 ultimate users in this state."

6 2. Page 2, line 23, by striking the word
7 "chapter," and inserting the following: "section,

8 section 155A.15, subsection 2, paragraph "a", "b",
9 "d", "e", "f", "g", "h", or "i".
10 3. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

S-3727

1 Amend the amendment, S-3687, to House File 700, as
2 passed by the House, as follows:
3 1. Page 1, line 5, by striking the word "eighty-
4 one" and inserting the following: "ninety-five".

MIKE CONNOLLY
RAY TAYLOR

S-3728

1 Amend the amendment, S-3713, to the House
2 amendment, S-3692, to Senate File 184, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 1, by inserting after line 5, the
5 following:
6 ""___. Page 3, line 14, by striking the word
7 "or".
8 ___ . Page 3, line 17, by inserting after the word
9 "grade", the following: "or if the parent or
10 guardian of the pupil participating in open enrollment
11 is an active member of the armed forces and resides in
12 permanent housing on government property provided by a
13 branch of the armed services"."

MARK HAGERLA
EUGENE S. FRAISE

S-3729

1 Amend Senate File 352 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 421.7, subsection 2, Code
5 1991, is amended to read as follows:
6 2. The rate of interest that shall be in effect
7 during a calendar year shall be the rate which is two
8 percentage points greater than the numerical average,
9 rounded to the nearest one percent, of the respective
10 prime rates for each of the months in the twelve-month
11 period that ends September 30 of the previous calendar
12 year. The rate of interest established by this
13 subsection takes effect January 1, and applies to any
14 amount which is due or becomes payable on or after

15 that date. However, the rate of interest assessed on
 16 taxes imposed under chapter 422 shall be at an annual
 17 rate of eighteen percent."

18 2. Title page, line 2, by striking the word
 19 "property".

RICHARD VARN
 BERL E. PRIEBE

S-3730

1 Amend the House amendment, S-3692, to Senate File
 2 184, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, line 3, by striking the word and
 5 figure "line 1" and inserting the following: "line
 6 3".

7 2. Page 1, line 4, by inserting after the figure
 8 "32" the following: ", and inserting the following:

9 "8. A pupil participating in open enrollment shall
 10 be counted, for state school foundation aid purposes,
 11 in the pupil's district of residence. A pupil's
 12 residence, for purposes of this section means a
 13 residence under section 282.1. The During the first
 14 full and any prior partial year of the pupil's
 15 attendance in the receiving district, the board of
 16 directors of the district of residence shall pay only
 17 fifty percent of the lower district cost per pupil of
 18 the two districts plus any moneys received for the
 19 pupil as a result of non-English speaking weighting
 20 under section 442.4, subsection 6, and any phase III
 21 moneys allocated for the full-time equivalent
 22 attendance of the pupil, to the receiving district.
 23 During the year following the first full year of the
 24 pupil's attendance, and in succeeding years, the board
 25 of directors of the district of residence shall pay to
 26 the receiving district the lower district cost per
 27 pupil of the two districts, plus any moneys received
 28 for the pupil as a result of non-English speaking
 29 weighting under section 442.4, subsection 6, for each
 30 school year. The district of residence shall also
 31 transmit the and any phase III moneys allocated to the
 32 district for the full-time equivalent attendance of
 33 the pupil, who is the subject of the request, to the
 34 receiving district specified in the request for
 35 transfer. This subsection does not apply to the
 36 financial arrangements for the payment of costs for
 37 the transfer of pupils requiring special education
 38 under open enrollment.
 39 A district of residence may apply to the school

40 budget review committee if a student who transfers
41 under this subsection was not included in the resident
42 district's enrollment count during the fall of the
43 year preceding the student's transfer under open
44 enrollment.

45 Payments from the district of residence to the
46 receiving district shall be made at the end of each
47 semester.

48 10. If a parent or guardian of a child pupil, who
49 is participating in open enrollment under this
50 section, moves to a different school district during

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1 the course of either district's academic year and the
2 parent or guardian determines that the pupil should
3 remain in the receiving district under open enrollment
4 instead of enrolling in the new resident district, the
5 child's pupil's first district of residence shall be
6 responsible, subject to the limitations contained in
7 subsection 8, for payment of the cost per pupil plus
8 weightings or special education costs to the receiving
9 school district for the balance of the school year in
10 which the move took place. The new district of
11 residence shall be responsible for the payments during
12 pay only fifty percent of the lower district cost per
13 pupil of the two districts plus any moneys received
14 for the pupil as a result of non-English speaking
15 weighting under section 442.4, subsection 6, and any
16 phase III moneys allocated for the full-time
17 equivalent attendance of the pupil, for the first full
18 year of the pupil's enrollment in the receiving
19 district. In succeeding years, the new district of
20 residence shall pay the lower district cost per pupil
21 of the districts plus any applicable weightings and
22 phase III moneys to the receiving district.

23 If a request to transfer is due to a change in
24 family residence, change in the state in which the
25 family residence is located, a change in a child's
26 parents' marital status, a guardianship proceeding,
27 placement in foster care, adoption, participation in a
28 foreign exchange program, or participation in a
29 substance abuse or mental health treatment program,
30 and the child pupil, who is the subject of the
31 request, is not currently using any provision of open
32 enrollment, the parent or guardian of the child pupil
33 shall have the option to have the child remain in the
34 child's original district of residence under open
35 enrollment with no interruption in the child's pupil's
36 educational program. If a parent or guardian

37 exercises this option, the child's pupil's new
 38 district of residence is not required to shall pay
 39 only fifty percent of the lower of the two district
 40 costs per pupil or other costs to the receiving
 41 district until the start of plus applicable weightings
 42 for the first full year of enrollment of the child.
 43 In subsequent years, the new district of residence
 44 shall pay the lower district cost per pupil plus
 45 applicable weightings to the receiving district.
 46 Quarterly payments shall be made to the receiving
 47 district.
 48 If the transfer of a pupil from one district to
 49 another results in a transfer from one area education
 50 agency to another, the sending district shall forward

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1 a copy of the request to the sending district's area
 2 education agency. The receiving district shall
 3 forward a copy of the request to the receiving
 4 district's area education agency. Any moneys received
 5 by the area education agency of the sending district
 6 for the pupil who is the subject of the request shall
 7 be forwarded to the receiving district's area
 8 education agency.

9 A district of residence may apply to the school
 10 budget review committee if a student who transfers
 11 under this subsection was not included in the resident
 12 district's enrollment count during the fall of the
 13 year preceding the student's transfer under open
 14 enrollment.

15 Payment made by a district of residence to a
 16 receiving district shall be made at the end of each
 17 semester.

18 This subsection does not apply to the financial
 19 arrangements for the payment of costs for the transfer
 20 of a pupil requiring special education under open
 21 enrollment."

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

24 "___ . Page 3, line 14, by striking the word "or".

25 ___ . Page 3, line 17, by inserting after the word
 26 "grade", the following: "or if the parent or
 27 guardian of the pupil participating in open enrollment
 28 is an active member of the armed forces and resides in
 29 permanent housing on government property provided by a
 30 branch of the armed services".

31 "___ . Page 3, by inserting after line 24, the
 32 following:

33 "Sec. ___ . Section 2 of this Act shall apply to

- 34 pupils participating in open enrollment as a result of
 35 whole grade sharing agreements entered into on or
 36 after July 1, 1990.””
 37 4. Page 1, by striking lines 5 through 8.
 38 5. Page 1, line 12, by inserting after the word
 39 “athletics” the following: “, and providing for the
 40 Act’s applicability”.
 41 6. By numbering and renumbering as necessary.

JOHN P. KIBBIE
 RICHARD J. VARN
 BILL HUTCHINS
 EMIL J. HUSAK
 EUGENE S. FRAISE

S-3731

- 1 Amend House File 702, 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. PURPOSE. It is the purpose of this
 6 Act to provide property tax relief to the counties of
 7 this state by providing state financial assistance for
 8 the funding of services provided to persons with
 9 mental retardation, developmental disabilities, or
 10 mental illness. In providing property tax relief, it
 11 is also the purpose of this Act that persons with
 12 mental retardation, developmental disabilities, or
 13 mental illness be provided with the support services
 14 necessary for these persons to be fully included as
 15 contributing members of their families, neighborhoods,
 16 and communities.
 17 Sec. 2. NEW SECTION. 225C.45 SPECIAL-MENTAL
 18 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
 19 DISABILITIES SERVICES FUND.
 20 1. This section applies to services provided to
 21 adult residents of this state with mental retardation,
 22 a developmental disability, or mental illness. For
 23 the purposes of this section, “resident” means an
 24 adult person with mental retardation, a developmental
 25 disability, or mental illness who is a legal resident
 26 of this state. For the purposes of this section,
 27 “mental illness” does not include organic mental
 28 disorders.
 29 2. A special mental health, mental retardation,
 30 and developmental disabilities services fund is
 31 established in the office of the treasurer of state
 32 under the control of the department. The fund shall
 33 consist of moneys appropriated to the fund by the

34 general assembly.

35 3. It is the intent of the Seventy-fourth General
36 Assembly, 1991 Session, that by the end of the fiscal
37 period beginning July 1, 1991, and ending June 30,
38 2001, the proportional shares of the sum of state and
39 county funding for mental health, mental retardation,
40 and developmental disabilities services provided to
41 residents shall be at least eighty percent state and
42 no more than twenty percent county. In order to
43 achieve this goal, moneys shall be provided annually
44 to counties from the special mental health, mental
45 retardation, and developmental disabilities services
46 fund established in subsection 2.

47 4. Except as provided in subsection 5, in each
48 fiscal year, the amount appropriated to the fund shall
49 be allocated to each county as follows:

50 a. Fifty percent based upon the county's

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1 proportion of the state's general population.

2 b. Fifty percent based upon the county's

3 proportion of the total expenditures of counties

4 during the fiscal year which began two years prior to

5 the beginning of the current fiscal year, for services

6 provided to persons with mental retardation, a

7 developmental disability, or mental illness.

8 5. In each fiscal year, the first two hundred

9 thousand dollars appropriated to the fund shall be

10 made available to the division to provide technical

11 assistance to counties and service providers relating

12 to the services listed in this subsection. Up to four

13 full-time equivalent positions shall be funded by this

14 amount and assigned by the division for the provision

15 of the technical assistance. The division shall

16 report by January 30 of each fiscal year to the

17 chairpersons and ranking members of the joint human

18 services appropriations subcommittee concerning the

19 status of the positions. If the positions are not

20 filled or are not filled for the entire fiscal year,

21 the moneys relating to the positions shall remain in

22 the fund for distribution as provided in this

23 subsection. The remainder of the funds shall be

24 allocated for each county as provided in subsection 4.

25 The following percentages of the amount allocated to a

26 county are available to the county for the following

27 purposes:

28 a. Fifty percent for the county's general

29 expenditures for mental health, mental retardation,

30 and developmental disabilities services to residents.

31 b. Fifty percent for the county's expenditures for
32 the following mental health, mental retardation, and
33 developmental disabilities services selected by
34 counties and provided to residents:
35 (1) Case management.
36 (2) Supported employment.
37 (3) Community-based housing, including but not
38 limited to group homes with five beds or less which
39 promote quality support services, appropriate levels
40 of independence, and community inclusion for
41 residents. However, expenditures relating to a group
42 home with more than five beds or a group home which
43 does not comply with the location requirements of
44 section 358A.25, subsection 3, or section 414.22,
45 subsection 3, are not eligible for reimbursement.
46 Expenditures for housing provided in intermediate care
47 facilities for the mentally retarded with ten beds or
48 less which received a certificate of need under
49 chapter 135 on or before July 1, 1991, are eligible
50 for payment under this allocation until July 1, 1997.

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1 (4) Individual support services provided to
2 residents living in community-based housing or an
3 independent living arrangement or to residents and
4 residents' families when a resident is living with the
5 resident's family. The support services are any
6 service deemed necessary by a county to support a
7 resident in a community-based housing or other living
8 arrangement described in this lettered paragraph, and
9 include any employment, training, or educational
10 program. The support services may also include
11 provision of or payment for the costs of food, medical
12 services, clothing, and counseling.
13 (5) Day programming provided to residents living
14 in community-based housing, an independent living
15 arrangement, or with the resident's family.
16 6. The rates established for reimbursement of
17 persons providing services to residents shall be
18 reasonable and adequate to cover the costs of
19 efficiently operated and economical services.
20 7. The state shall have sole responsibility for
21 funding any new services which the state requires to
22 be provided to residents. In the event that the state
23 includes a new population in the definition of
24 "resident", the state shall have sole responsibility
25 for funding services provided to that population.
26 Sec. 3. LEGISLATIVE INTENT. This Act is intended
27 by the general assembly to implement a funding formula

28 for state participation in funding of mental health,
29 mental retardation, and developmental disabilities
30 services as specified in section 331.438. Nothing in
31 this Act is intended by the general assembly to be the
32 provision of a fair and equitable funding formula
33 specified in 1985 Iowa Acts, chapter 249, section 9.
34 Nothing in this Act shall be construed, is intended,
35 or shall imply a claim of entitlement to any programs
36 or services specified in section 225C.28.

37 Nothing in this Act is intended, shall be
38 construed, or shall imply the creation of a new county
39 responsibility for funding of services and nothing in
40 this Act shall relieve a county from any existing
41 funding responsibility, including but not limited to
42 responsibilities required under section 222.60.

43 Sec. 4. RULES.

44 1. The mental health and mental retardation
45 commission shall adopt rules pursuant to chapter 17A,
46 establishing requirements for the services listed in
47 section 2, subsection 5, paragraph "b", of this Act.

48 2. The county finance committee shall adopt rules
49 providing accounting and reporting requirements for
50 counties relating to county expenditures for services

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1 to persons with mental retardation, a developmental
2 disability, or mental illness.

3 Sec. 5. GRANT APPLICATION. The division of mental
4 health, mental retardation, and developmental
5 disabilities of the department of human services shall
6 apply to the Robert Wood Johnson foundation for a
7 grant to investigate the feasibility of establishing a
8 system with a single state authority and regional
9 subauthorities for the planning, funding, and
10 administration of services for persons with mental
11 illness. The application process shall be coordinated
12 with the requirements of the federal Mental Health
13 Planning Act, Pub. L. No. 99-660 and federal mental
14 health law amendments enacted in 1990. The department
15 shall work with legislators, advocacy groups, county
16 representatives, and service providers as necessary in
17 developing the grant application.

18 Sec. 6. EFFECTIVE DATES.

19 1. Section 5 of this Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 2. Section 2 of this Act takes effect July 1,
22 1992."

EMIL HUSAK
EUGENE S. FRAISE

LARRY MURPHY
BERL E. PRIEBE

S-3732

1 Amend House File 706, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 11, the
4 following:
5 "NEW SUBSECTION. 11. The additional amount
6 imposed beginning July 1, 1991, under subsection 2,
7 unnumbered paragraph 2, shall not be imposed upon a
8 person disposing of solid waste at a sanitary landfill
9 if the person meets all of the following requirements:
10 a. The person is a private agency which collects
11 solid waste for the purpose of recycling, and the
12 person provides documentation of this activity to the
13 sanitary landfill owner or operator.
14 b. The person provides documentation to the
15 sanitary landfill owner or operator that, of the
16 initial amount of solid waste collected by the private
17 agency, the solid waste was recycled to the greatest
18 extent possible, and that the remaining solid waste,
19 for which the person seeks disposal at the sanitary
20 landfill, is not recyclable by the private agency.
21 The commission shall adopt rules to implement this
22 subsection including provisions for the form of
23 documentation required."

RICHARD VANDE HOEF

S-3733

1 Amend the House amendment, S-3698, to Senate File
2 496, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "___ . Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 80B.11, subsection 2, Code
9 1991, as amended by 1991 Iowa Acts, Senate File 444,
10 section 2, if enacted by the 1991 Session of the
11 follows:
12 follows:
13 2. Minimum basic training requirements law
14 enforcement officers employed after July 1, 1968, must
15 complete in order to remain eligible for continued
16 employment and the time within which such basic
17 training must be completed. Minimum requirements

18 shall mandate training devoted to the topic of
 19 domestic abuse. The council shall submit an annual
 20 report to the general assembly by January 15 of each
 21 year relating to the continuing education requirements
 22 devoted to the topic of domestic abuse, including the
 23 number of hours required, the substance of the classes
 24 offered, and other related matters.”

25 2. Page 1, by inserting after line 4, the
 26 following:

27 “Sec. ____ . Section 236.5, subsection 4, Code 1991,
 28 as amended by 1991 Iowa Acts, Senate File 444, section
 29 8, if enacted by the 1991 Session of the Seventy-
 30 fourth General Assembly, is amended to read as
 31 follows:

32 4. A certified copy of any order or approved
 33 consent agreement shall be issued to the plaintiff,
 34 the defendant and the county sheriff having
 35 jurisdiction to enforce the order or consent
 36 agreement, and the twenty-four hour dispatcher for the
 37 county sheriff. Any subsequent amendment or
 38 revocation of an order or consent agreement shall be
 39 forwarded by the clerk to all individuals and the
 40 county sheriff previously notified. The clerk shall
 41 notify the county sheriff and the twenty-four hour
 42 dispatcher for the county sheriff ~~by telephone or~~
 43 otherwise in writing so that the county sheriff and
 44 the county sheriff's dispatcher receive written notice
 45 within six hours of filing the order, approved consent
 46 agreement, amendment, or revocation. The county
 47 sheriff's dispatcher shall notify all law enforcement
 48 agencies having jurisdiction over the matter and the
 49 twenty-four hour dispatcher for the law enforcement
 50 agencies upon notification by the clerk. The clerk

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1 shall send or deliver a written copy of any such docu-
 2 ment to the law enforcement agencies and the twenty-
 3 four hour dispatcher within twenty-four hours of
 4 filing the document.

5 Sec. ____ . Section 236.14, subsection 2, unnumbered
 6 paragraph 1, Code 1991, is amended to read as follows:

7 When a person arrested for a domestic abuse
 8 assault, or taken into custody for contempt
 9 proceedings pursuant to section 236.11, is brought
 10 before a magistrate and the magistrate finds probable
 11 cause to believe that domestic abuse or a violation of
 12 an order or consent agreement has occurred and that
 13 the presence of the alleged abuser in the victim's
 14 residence poses a threat to the ~~victim's~~ victim's safety of the

15 alleged victim, persons residing with the alleged
16 victim, or members of the alleged victim's immediate
17 family, the magistrate shall enter an order which
18 shall require the alleged abuser to have no contact
19 with the alleged victim, persons residing with the
20 alleged victim, or members of the alleged victim's
21 immediate family, and to refrain from harassing the
22 alleged victim, persons residing with the alleged
23 victim, or members of the alleged victim's relatives
24 immediate family, in addition to any other conditions
25 of release determined and imposed by the magistrate
26 under section 811.2. A no-contact order requiring the
27 alleged abuser to have no contact with the alleged
28 victim's children shall prevail over any existing
29 order awarding custody or visitation rights, which may
30 be in conflict with the no-contact order.

31 Sec. ____ . Section 246.108, subsection 1, paragraph
32 p, Code 1991, as enacted by 1991 Iowa Acts, Senate
33 File 444, section 18, if enacted by the 1991 Session
34 of the Seventy-fourth General Assembly, is amended to
35 read as follows:

36 p. Adopt rules subject to the approval of the
37 board, requiring the establishment and implementation
38 of batterers' support groups programs in all of the
39 institutions under the jurisdiction of the
40 department."

41 3. Page 1, by inserting after line 40, the
42 following:

43 " ____ . Page 10, by inserting after line 4, the
44 following:

45 "Sec. ____ . Section 602.8105, subsection 1, Code
46 1991, is amended by adding the following new
47 unnumbered paragraph after paragraph u:
48 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
49 other provision of law to the contrary, including but
50 not limited to the other provisions of this section,

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1 five dollars of the fees imposed pursuant to paragraph
2 "a", the five dollar additional fee imposed pursuant
3 to paragraph "l", and fifteen dollars of the fees
4 imposed pursuant to paragraphs "m" and "n" shall be
5 remitted to the treasurer of state for deposit into
6 the general fund of the state, and shall not be
7 deposited in the court revenue distribution account,
8 and shall not be deposited in the judicial retirement
9 fund.

10 Sec. ____ . Section 602.8106, Code 1991, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 6. Notwithstanding any other
 13 provision of law to the contrary, including but not
 14 limited to the other provisions of this section, five
 15 dollars of the fee for filing and docketing of a
 16 complaint or information for a simple misdemeanor and
 17 five dollars of the fee for filing and docketing of a
 18 complaint or information for a nonscheduled simple
 19 misdemeanor imposed pursuant to subsection 1 shall be
 20 remitted to the treasurer of state for deposit into
 21 the general fund of the state, and shall not be
 22 deposited in the court revenue distribution account,
 23 and shall not be deposited in the judicial retirement
 24 fund.

25 Sec. ____ . Section 602.8105, subsection 1,
 26 paragraph m, Code 1991, as amended by 1991 Iowa Acts,
 27 Senate File 444, section 23, if enacted by the 1991
 28 Session of the Seventy-fourth General assembly, is
 29 amended to read as follows:

30 m. For filing an application for a license to
 31 marry, thirty dollars. ~~The clerk of the district
 32 court shall remit to the treasurer of state twenty
 33 dollars for each marriage license application filed.
 34 The treasurer of state shall deposit the funds
 35 received in the general fund of the state.~~ For
 36 issuing an application for an order of the district
 37 court authorizing the issuance of a license to marry
 38 prior to the expiration of three days from the date of
 39 filing the application for the license, five dollars.
 40 The court shall authorize the issuance of a marriage
 41 license without the payment of any fees imposed by
 42 this paragraph upon a showing that the applicant is
 43 unable to pay the fees."

44 ____ . Page 11, by inserting after line 2, the
 45 following:

46 "Sec. ____ . Section 708.2A, subsection 4, Code
 47 1991, as amended by 1991 Iowa Acts, Senate File 444,
 48 section 27, if enacted by the 1991 Session of the
 49 follows:

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1 4. A person convicted of violating this section
 2 shall serve a minimum term of two days of the sentence
 3 imposed by law, and shall not be eligible for
 4 suspension of the minimum sentence. The minimum term
 5 shall be served on consecutive days. This section
 6 does not prohibit the court from sentencing and the
 7 defendant from serving the maximum term of confinement
 8 or from paying the maximum fine permitted pursuant to
 9 chapters 902 and 903, and does not prohibit the court

10 from entering a deferred judgment or sentence pursuant
11 to section 907.3, if the defendant has not previously
12 received a deferred sentence or judgment for a
13 violation of section 708.2 or 708.2A which was issued
14 on a domestic abuse assault. However, once the
15 defendant has received one deferred sentence or
16 judgment involving a violation of section 708.2 or
17 708.2A which was issued on a domestic abuse assault,
18 the defendant shall not be eligible to receive another
19 deferred sentence or judgment for a violation of this
20 section.

21 Sec. ____ . Section 708.2A, subsection 6, Code 1991,
22 as amended by 1991 Iowa Acts, Senate File 444, section
23 27, if enacted by the 1991 Session of the Seventy-
24 fourth General Assembly, is amended to read as
25 follows:

26 6. In addition to the mandatory minimum term of
27 confinement imposed by this section, the court ~~may~~
28 shall order the defendant to participate in a
29 batterers' treatment program as required under section
30 708.2B. However In addition, as a condition of
31 deferring judgment or sentence pursuant to section
32 907.3, the court shall order the defendant to
33 participate in a batterers' treatment program. The
34 clerk of the district court shall send a copy of the
35 judgment or deferred judgment to the judicial district
36 department of correctional services."'

37 4. Page 2, by inserting after line 3, the
38 following:

39 "Sec. ____ . Section 907.3, subsection 1, Code 1991,
40 is amended by adding the following new paragraph:
41 NEW PARAGRAPH. h. Prior to the commission of the
42 offense the defendant had been granted a deferred
43 judgment or deferred sentence for a violation of
44 section 708.2 or 708.2A which was issued on a domestic
45 abuse assault, or was granted similar relief anywhere
46 in the United States concerning that jurisdiction's
47 statutes which substantially correspond to domestic
48 abuse assault as provided in section 708.2A, and the
49 current offense is a violation of section 708.2A.

50 Sec. ____ . Section 907.3, subsection 2, Code 1991,

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1 is amended to read as follows:

2 2. At the time of or after pronouncing judgment
3 and with the consent of the defendant, the court may
4 defer the sentence and assign the defendant to the
5 judicial district department of correctional services.
6 However, the court shall not defer the sentence for a

7 violation of section 708.2A if the defendant has
8 previously received a deferred judgment or sentence
9 for a violation of section 708.2 or 708.2A which was
10 issued on a domestic abuse assault, or if similar
11 relief was granted anywhere in the United States
12 concerning that jurisdiction's statutes which
13 substantially correspond to domestic abuse assault as
14 provided in section 708.2A. Upon a showing that the
15 defendant is not fulfilling the conditions of
16 probation, the court may revoke probation and impose
17 any sentence authorized by law. Before taking such
18 action, the court shall give the defendant an
19 opportunity to be heard on any matter relevant to the
20 proposed action. Upon violation of the conditions of
21 probation, the court may proceed as provided in
22 chapter 908."

23 5. Page 3, by inserting after line 10, the
24 following:

25 "Sec. ____ . Section 910A.11, subsection 4, Code
26 1991, as enacted by 1991 Iowa Acts, Senate File 444,
27 section 32, if enacted by the 1991 Session of the
28 Seventy-fourth General Assembly, is amended to read as
29 follows:

30 4. An application may be made pursuant to this
31 section in a criminal case, and if made, a district
32 associate judge or magistrate having jurisdiction of
33 the highest offense charged in the criminal case or a
34 district judge shall have jurisdiction to enter an
35 order under this section.

36 Sec. ____ . 1991 Iowa Acts, Senate File 444, section
37 16, if enacted by the 1991 Session of the Seventy-
38 fourth General Assembly, is amended to read as
39 follows:

40 SEC. 16. NEW SECTION. 236.17 DOMESTIC ABUSE
41 TRAINING REQUIREMENTS.

42 The department, in cooperation with victim service
43 providers, ~~may~~ shall work with various professional
44 organizations to encourage organizations to establish
45 training programs for professionals who work in the
46 area of domestic abuse prevention and services.
47 Domestic abuse training may include, but is not
48 limited to, the following areas:

49 1. The enforcement of both civil and criminal
50 remedies in domestic abuse matters.

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1 2. The nature, extent, and causes of domestic
2 abuse.

3 3. The legal rights and remedies available to
4 domestic abuse victims, including crime victim
5 compensation.

6 4. Services available to domestic abuse victims
7 and their children, including the domestic abuse
8 telephone hotline.

9 5. The mandatory arrest provisions of section
10 236.12, and other duties of peace officers pursuant to
11 this chapter.

12 6. Techniques for intervention in domestic abuse
13 cases.

14 Sec. ____ . 1991 Iowa Acts, Senate File 444, section
15 26, if enacted by the 1991 Session of the Seventy-
16 fourth General Assembly, is amended to read as
17 follows:

18 SEC. 26. Section 631.6, subsection 1, Code 1991,
19 is amended by adding the following new unnumbered
20 paragraph:

21 NEW UNNUMBERED PARAGRAPH. The clerk shall collect
22 an additional fee of five dollars upon docketing a
23 small claims action, and shall remit the fee to the
24 treasurer of state for deposit in the general fund of
25 the state. Notwithstanding any provision of law to
26 the contrary, including but not limited to the other
27 provisions of this section, the additional fee of five
28 dollars imposed in this paragraph shall not be
29 deposited in the court revenue distribution account,
30 and shall not be deposited in the judicial retirement
31 fund.

32 Sec. ____ . 1991 Iowa Acts, Senate File 444, section
33 28, if enacted by the 1991 Session of the Seventy-
34 fourth General Assembly, is amended to read as
35 follows:

36 SEC. 28. NEW SECTION. 708.2B TREATMENT OF
37 DOMESTIC ABUSE OFFENDERS.

38 As used in this section, "district department"
39 means a judicial district department of correctional
40 services, established pursuant to section 905.2. A
41 person convicted of, or receiving a deferred judgment
42 for, domestic abuse assault shall report to the
43 district department in order to participate in a
44 batterers' treatment program for domestic abuse
45 offenders; ~~if ordered to do so by the court pursuant~~
46 ~~to section 708.2A.~~ Participation in the batterers'
47 treatment program shall not require a person to be
48 placed on probation, but a person on probation may
49 participate in the program. The district departments
50 may contract for services in completing the duties

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1 relating to the batterers' treatment programs. The
2 district departments shall assess the fees for
3 participation in the program, and shall either collect
4 or contract for the collection of the fees to recoup
5 the costs of treatment, but may waive the fee or
6 collect a lesser amount upon a showing of cause. The
7 fees shall be used by each of the district departments
8 or contract service providers for the establishment,
9 administration, coordination, and provision of direct
10 services of the batterers' treatment programs.

11 Sec. ____ . 1991 Iowa Acts, Senate File 444, section
12 36, subsections 1 and 2, if enacted by the 1991
13 Session of the Seventy-fourth General Assembly, are
14 amended to read as follows:

15 1. The portion of section 27 of this Act which
16 enacts new subsection 6 of section 708.2A takes effect
17 on January 1, 1992, in order to permit the judicial
18 district departments of correctional services to
19 establish batterers' treatment programs. The district
20 departments shall establish at least one program in
21 each district by January 1, 1992, and shall establish
22 programs throughout the district so that the programs
23 are readily accessible to offenders by ~~January 1, 1992~~
24 August 1, 1992.

25 2. From July 1, 1991, through ~~December July~~ 31,
26 1992, the court ~~may shall~~ order a defendant who is
27 convicted of, or who receives a deferred judgment for,
28 a violation of section 708.2A to participate in a
29 batterers' treatment program through other treatment
30 or counseling services, until the programs are
31 established by the judicial district departments of
32 correctional services, to the extent that the court
33 has the authority under existing sentencing
34 procedures. The court shall order the defendant to
35 pay for the treatment, unless just cause is
36 demonstrated for waiving the fee.

37 Sec. ____ . 1991 Iowa Acts, Senate File 444, section
38 1, if enacted by the 1991 Session of the Seventy-
39 fourth General Assembly, is repealed.

40 Sec. ____ . PILOT PROGRAM FOR DOMESTIC ABUSE
41 PROSECUTION PLANS AND PROCEDURES.

42 1. The prosecuting attorneys training coordinator
43 shall establish a pilot program pertaining to the
44 prosecution of domestic abuse assaults. For the
45 purposes of this section, "domestic abuse assault"
46 means an assault, as defined in section 708.1 which is
47 domestic abuse as defined in section 236.2. The
48 prosecuting attorneys training coordinator, in

49 consultation with the criminal and juvenile justice
50 planning council, shall select five county attorneys

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1 whose jurisdictions have a dismissal rate in domestic
2 abuse assault cases of higher than fifty percent. If
3 the prosecuting attorneys training coordinator is
4 unable to select five county attorneys whose
5 jurisdictions have a dismissal rate of over fifty
6 percent, the coordinator shall select county attorneys
7 with the highest dismissal rates available. These
8 five county attorneys shall participate in the pilot
9 program.

10 2. The coordinator shall direct the five county
11 attorneys to develop and implement a written plan to
12 expedite and improve the efficiency and just
13 disposition of domestic abuse matters in their
14 respective jurisdictions. The county attorneys shall
15 solicit input from the chief judge of the judicial
16 district in which their county is located and law
17 enforcement agencies within their jurisdictions in
18 developing the written plan. The program participants
19 shall seek assistance from domestic abuse advocates
20 and other interested members of the public in the
21 development of a model plan and in the development or
22 adaptation of the plans in each of the jurisdictions
23 represented by the five county attorneys. Once a
24 model plan is developed, the prosecuting attorneys
25 training coordinator shall make it available to all
26 prosecuting attorneys, regardless of whether the
27 prosecuting attorneys are participants in the pilot
28 program. All plans must state goals and contain
29 policies and procedures to address the following
30 matters:

31 a. The early assignment of a prosecuting attorney,
32 who has the responsibility of handling a domestic
33 abuse assault matter through disposition, and who is
34 also responsible for establishing early contact with
35 the victim.

36 b. The facilitation of the earliest possible
37 contact between the prosecuting attorney's office and
38 the victim for the purpose of acquainting the victim
39 with the criminal justice process, the use of
40 subpoenas, the victim's role as a witness in the
41 prosecution, a victim's rights under chapter 236, and
42 available domestic abuse and victim services.

43 c. The coordination of the prosecuting attorney's
44 efforts with those of a domestic abuse advocate or
45 victim advocate, where available, and to facilitate

46 the early provision of victim advocacy services.
 47 d. Methods that will be used to identify, gather,
 48 and preserve evidence, in addition to the victim's
 49 testimony, that will enhance the ability to prosecute
 50 a case when a victim is reluctant to assist,

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1 including, but not limited to, physical evidence of
 2 the victim's injury, evidence relating to the scene of
 3 the crime, eye witness testimony, and statements of
 4 the victim made at or near the time of injury.
 5 e. The education of local law enforcement agencies
 6 about the contents of the plan and their role in
 7 assisting with its implementation.
 8 f. The use of subpoenas of victims and witnesses,
 9 where appropriate.
 10 g. Annual review of the plan to evaluate whether
 11 it is meeting its goals effectively and whether
 12 improvements are needed.
 13 h. A timetable for implementation.
 14 3. A copy of each plan shall be filed with the
 15 prosecuting attorneys training coordinator by July 1,
 16 1992. The county attorneys selected for the pilot
 17 program shall file a status report on the pilot
 18 program by July 1, 1993. The pilot program shall
 19 terminate on July 1, 1994. The status report must
 20 contain information on the number of prosecutions and
 21 dismissals of domestic abuse cases in the county
 22 attorney's office."
 23 —. Title page, line 3, by inserting after the
 24 word "facilities," the following: "relating to
 25 treatment, prevention, prosecution, and sentencing
 26 concerning domestic abuse cases,""
 27 6. By renumbering and correcting internal
 28 references as necessary.

MICHAEL E. GRONSTAL

S-3734

1 Amend House File 695, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 9 through 18.
 4 2. Title page, line 4, by striking the words
 5 "retroactive applicability and effective dates" and
 6 inserting the following: "an effective date".

MIKE CONNOLLY

S-3735

1 Amend House File 706 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 22, the
4 following:

5 "Sec. ____ . NEW SECTION. 18.8A TIRE-DERIVED FUEL.

6 1. The director shall complete a test burn of
7 tire-derived fuel as fuel in each fluidized bed boiler
8 by December 31, 1992. The results of the test burn
9 shall be reported to the governor, the general
10 assembly, and the department of natural resources by
11 March 1, 1993.

12 2. The director shall utilize a minimum of seven
13 percent tire-derived fuel with a goal of ten percent
14 utilization in the fluidized bed boilers if the
15 boilers are fueled by coal provided that the tests
16 required in subsection 1 are successful.

17 3. If the test burn of tire-derived fuel meets
18 state and federal air emission standards, the director
19 shall apply for, obtain, and meet the conditions of a
20 permit from the department of natural resources or the
21 United States environmental protection agency to
22 operate the fluidized bed boilers using tire-derived
23 fuel. The permit application shall be submitted
24 within twelve months of completion of a successful
25 test burn.

26 Sec. ____ . NEW SECTION. 218.102 TIRE-DERIVED
27 FUEL.

28 1. The director shall complete a test burn of
29 tire-derived fuel as fuel in each fluidized bed boiler
30 by December 31, 1992. The results of the test burn
31 shall be reported to the governor, the general
32 assembly, and the department of natural resources by
33 March 1, 1993.

34 2. The director shall utilize a minimum of seven
35 percent tire-derived fuel with a goal of ten percent
36 utilization in the fluidized bed boilers if the
37 boilers are fueled by coal provided that the tests
38 required in subsection 1 are successful.

39 3. If the test burn of tire-derived fuel meets
40 state and federal air emission standards, the director
41 shall apply for, obtain, and meet the conditions of a
42 permit from the department of natural resources or the
43 United States environmental protection agency to
44 operate the fluidized bed boilers using tire-derived
45 fuel. The permit application shall be submitted
46 within twelve months of completion of a successful
47 test burn.

48 Sec. ____ . NEW SECTION. 246.320 TIRE-DERIVED
49 FUEL.

50 1. The director shall complete a test burn of

Page 2

1 tire-derived fuel as fuel in each fluidized bed boiler
2 by December 31, 1992. The results of the test burn
3 shall be reported to the governor, the general
4 assembly, and the department of natural resources by
5 March 1, 1993.

6 2. The director shall utilize a minimum of seven
7 percent tire-derived fuel with a goal of ten percent
8 utilization in the fluidized bed boilers if the
9 boilers are fueled by coal provided that the tests
10 required in subsection 1 are successful.

11 3. If the test burn of tire-derived fuel meets
12 state and federal air emission standards, the director
13 shall apply for, obtain, and meet the conditions of a
14 permit from the department of natural resources or the
15 United States environmental protection agency to
16 operate the fluidized bed boilers using tire-derived
17 fuel. The permit application shall be submitted
18 within twelve months of completion of a successful
19 test burn.

20 Sec. ____ . NEW SECTION. 262.100 TIRE-DERIVED
21 FUEL.

22 1. The university of Iowa, the Iowa state
23 university of science and technology, and the
24 university of northern Iowa shall complete a test burn
25 of tire-derived fuel as fuel in the fluidized bed
26 boilers located at each of the universities by
27 December 31, 1992. The results of the test burns
28 shall be reported to the governor, the general
29 assembly, and the department of natural resources by
30 March 1, 1993.

31 2. The university of Iowa, the Iowa state
32 university of science and technology, and the
33 university of northern Iowa shall utilize a minimum of
34 seven percent tire-derived fuel with a goal of ten
35 percent utilization in the fluidized bed boilers
36 located at each of the universities if the boilers are
37 fueled by coal, provided that the tests required in
38 subsection 1 are successful.

39 3. If the test burn of tire-derived fuel at any or
40 all of the universities meets state and federal air
41 emission standards, the state board of regents shall
42 apply for, obtain, and meet the conditions of a permit
43 from the department of natural resources or the United
44 States environmental protection agency to operate the

45 fluidized bed boilers using tire-derived fuel. The
46 permit application shall be submitted within twelve
47 months of completion of a successful test burn.
48 Sec. ____ . NEW SECTION. 307.50 TIRE-DERIVED FUEL.
49 1. The director shall complete a test burn of
50 tire-derived fuel as fuel in each fluidized bed boiler

Page 3

1 by December 31, 1992. The results of the test burn
2 shall be reported to the governor, the general
3 assembly, and the department of natural resources by
4 March 1, 1993.

5 2. The director shall utilize a minimum of seven
6 percent tire-derived fuel with a goal of ten percent
7 utilization in the fluidized bed boilers if the
8 boilers are fueled by coal provided that the tests
9 required in subsection 1 are successful.

10 3. If the test burn of tire-derived fuel meets
11 state and federal air emission standards, the director
12 shall apply for, obtain, and meet the conditions of a
13 permit from the department of natural resources or the
14 United States environmental protection agency to
15 operate the fluidized bed boilers using tire-derived
16 fuel. The permit application shall be submitted
17 within twelve months of completion of a successful
18 test burn."

19 2. By renumbering as necessary.

RAY TAYLOR
EMIL HUSAK

S-3736

1 Amend the amendment, S-3733, to the House
2 amendment, S-3698, to Senate File 496, as amended,
3 passed and reprinted by the Senate as follows:

4 1. Page 8, line 10, by striking the word "direct"
5 and inserting the following: "notify".

6 2. Page 8, line 11, by striking the words
7 "attorneys to" and inserting the following:
8 "attorneys who shall".

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 335

S-3737

1 Amend the Senate amendment, H-4071, to House File
2 335, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 4 through 9 and
5 inserting the following: ""child." the following:
6 "Recovery may be made due to the injury or death of an
7 adult child by a parent for the loss of companionship
8 and society of the adult child. However, recovery for
9 actual expense and loss of services or support may
10 only be allowed when the parent is dependent upon the
11 adult child for actual services or support."

S-3738

1 Amend House File 706, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 8, by inserting after the word
4 "state." the following: "Requirements for
5 registration of a waste tire hauler shall include a
6 provision that waste tire haulers shall pay all
7 amounts due to any individual or group of individuals
8 when due for damages caused by improper disposal of
9 waste tires by the waste tire hauler or the waste tire
10 hauler's employee while acting within the scope of
11 employment."
12 2. Page 1, line 29, by striking the word "agent"
13 and inserting the following: "waste tire hauler".
14 3. By striking page 1, line 34, through page 2,
15 line 5, and inserting the following: "with this
16 section. The surety's liability under this subsection
17 is".
18 4. Page 2, line 7, by inserting after the word
19 "damages" the following: "or moneys due".
20 5. Page 2, by striking lines 12 and 13 and
21 inserting the following: "the commissioner of
22 insurance and written by a company authorized by the
23 commissioner of insurance to do business in this
24 state."
25 6. Page 2, line 35, by inserting after the word
26 "system" the following: "or to provide competitive
27 grants to councils of governments for projects related
28 to a by-products and waste exchange system".
29 7. Page 3, line 8, by inserting after the word
30 "expend" the following: "not more than".

31 8. Page 3, line 16, by inserting after the word
 32 "served" the following: "and so that collection
 33 services are available to the public on a regular
 34 basis".

35 9. Page 3, line 26, by inserting after the word
 36 "materials" the following: "or to Iowa businesses
 37 which purchase equipment to achieve source
 38 reductions".

39 10. Page 4, line 5, by inserting after the word
 40 "markets." the following: "Efforts shall include the
 41 reuse and recycling of sawdust."

42 11. Page 4, line 9, by inserting after the word
 43 "waste." the following: "For the fiscal year
 44 beginning July 1, 1992, and thereafter, fifty thousand
 45 dollars of the moneys appropriated under this
 46 paragraph shall be used by the department of economic
 47 development to provide grants or loans to Iowa
 48 businesses which have participated in the waste
 49 reduction assistance program of the department of
 50 natural resources or the program provided by the waste

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1 reduction center at the university of northern Iowa,
 2 and which have identified needs for equipment or
 3 retooling to achieve waste reduction."

4 12. Page 6, by striking lines 12 through 15.

5 13. Page 7, line 1, by inserting after the figure
 6 "455B.306." the following: "Notwithstanding the
 7 remittance requirement under this subparagraph
 8 subdivision part (ii), if a private agency is
 9 designated to develop and implement the comprehensive
 10 plan pursuant to section 455B.306, the fees collected
 11 under this subparagraph subdivision part (ii) shall be
 12 retained by the private agency for the purpose of
 13 implementation of the waste volume reduction and
 14 recycling requirement of the comprehensive plans filed
 15 pursuant to section 455B.306."

16 14. By renumbering and relettering as necessary.

RALPH ROSENBERG

S-3739

1 Amend the amendment, S-3680, to Senate File 540 as
 2 follows:

3 1. Page 1, by striking lines 10 through 22.

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 83

S-3740

- 1 Amend Senate File 83, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 5 through 19, and
4 inserting the following:
5 "Sec. 200. Section 422.16, subsection 1, Code
6 1991, is amended by adding the following new
7 unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. For the purposes of this
9 subsection, state income tax shall be withheld from
10 pensions, annuities, other similar periodic payments,
11 and other income payments of those persons whose
12 primary residence is in Iowa in those circumstances in
13 which those persons have federal income tax withheld
14 from pensions, annuities, other similar periodic
15 payments, and other income payments under sections
16 3402(o), 3402(p), 3402(s), 3405(a), and 3405(b) of the
17 Internal Revenue Code at a rate to be specified by the
18 department."
19 2. Page 3, by inserting after line 5 the
20 following:
21 "Sec. ____ . Section 200 of this Act takes effect
22 January 1, 1992, for tax years beginning on or after
23 that date."
24 3. By renumbering as necessary.

S-3741

- 1 Amend the amendment, S-3738, to House File 706, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 25 through 28.
5 2. Page 1, by inserting after line 30, the
6 following:
7 "____ . Page 3, line 12, by inserting after the
8 word "program." the following: "If regional economic
9 development centers cease to exist, the department
10 shall revise the criteria and rules for this program
11 to allow councils of governments or regional planning
12 councils to be applicants for competitive grants.""

JIM RIORDAN

S-3742

- 1 Amend the amendment, S-3680, to Senate File 540 as
- 2 follows:
- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "___ . Title page, line 4, by striking the words
- 6 "an effective date and inserting the following:
- 7 "retroactive applicability and effective dates."

WILLIAM W. DIELEMAN

S-3743

- 1 Amend the House amendment, S-3714, to Senate File
- 2 4, as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 21, by inserting after the figure
- 5 "368.11." the following: "If the board does not
- 6 approve the application, the application shall be
- 7 dismissed."
- 8 2. Page 3, line 7, by striking the word
- 9 "paragraph" and inserting the following:
- 10 "paragraphs".
- 11 3. Page 3, by striking lines 9 through 11 and
- 12 inserting the following: "a petition for involuntary
- 13 annexation is filed as provided in this section, the
- 14 petitioner shall make its intention known".
- 15 4. Page 3, by striking line 13 and inserting the
- 16 following: "by certified mail to the".
- 17 5. Page 3, line 15, by striking the word "and".
- 18 6. Page 3, line 16, by striking the word
- 19 "involved." and inserting the following: "involved,
- 20 and to each property owner listed in the petition.
- 21 The written notification shall include notice that the
- 22 petitioners shall hold a public meeting on the
- 23 petition for involuntary annexation prior to the
- 24 filing of the petition.
- 25 NEW UNNUMBERED PARAGRAPH. Before a petition for
- 26 involuntary annexation may be filed, the petitioner
- 27 shall hold a public meeting on the petition. Notice
- 28 of the meeting shall be published in a newspaper of
- 29 general circulation in each affected county and city
- 30 at least five days before the date of the public
- 31 meeting. The chairperson of the board of supervisors
- 32 of the county containing the greatest area of the
- 33 territory proposed to be annexed, or that person's
- 34 designee, shall serve as chairperson of the public
- 35 meeting. The auditor of the same county shall record
- 36 the proceedings of the public meeting. Any person

37 attending the meeting may submit written comments and
 38 may be heard on the petition. The minutes of the
 39 public meeting and all documents submitted at the
 40 public meeting shall be forwarded to the board by the
 41 chairperson of the meeting."

42 7. Page 3, by striking lines 20 through 33 and
 43 inserting the following:

44 The board may dismiss a petition only if it finds
 45 that the petition does not meet the requirements of
 46 this ~~part chapter~~, or that substantially the same
 47 incorporation, discontinuance, or boundary adjustment
 48 has been disapproved by a committee formed to consider
 49 the proposal, or by the voters, within the two years
 50 prior to the date the petition is filed with the

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1 board, or that the territory to be annexed, or a
 2 portion of that territory, has been voluntarily
 3 annexed under section 368.7. The board shall file for
 4 record a statement of each dismissal and the reason
 5 for it, and shall promptly notify the parties to the
 6 proceeding of its decision."

7 8. Page 3, by striking lines 36 through 38 and
 8 inserting the following:

9 "If a an involuntary petition is not dismissed, the
 10 board".

11 9. Page 5, by striking lines 7 and 8 and
 12 inserting the following:

13 "Sec. ____ . EFFECTIVE DATES.

14 1. Except as provided in subsection 2 of this
 15 section, this Act, being deemed of immediate
 16 importance, takes effect upon enactment.

17 2. Section 5 of this Act takes effect July 1,
 18 1991, and is applicable to petitions for involuntary
 19 annexation filed on or after July 1, 1991."

20 10. Page 5, line 11, by inserting after the word
 21 "date" the following: "and an applicability date".

22 11. By renumbering, relettering, redesignating,
 23 and correcting internal references as necessary.

JIM RIORDAN
 EUGENE S. FRAISE
 BEVERLY A. HANNON
 LARRY MURPHY
 JOHN P. KIBBIE
 BERL E. PRIEBE
 ALVIN V. MILLER
 JOHN A. PETERSON
 DONALD V. DOYLE

JOHN E. SOORHOLTZ
ALLEN BORLAUG
RAY TAYLOR
JOHN W. JENSEN
JACK W. HESTER
RICHARD VANDE HOEF
WILMER RENSINK
H. KAY HEDGE
DALE L. TIEDEN
WILLIAM W. DIELEMAN

S-3744

1 Amend the amendment, S-3738, to House File 706, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 34, the
5 following:
6 "___ . Page 3, line 22, by inserting after the
7 word "days." the following:
8 "Departmental rules adopted for implementation of
9 toxic cleanup days shall provide sufficient
10 flexibility to respond to the household hazardous
11 material collection needs of both small and large
12 communities."

RALPH ROSENBERG

S-3745

1 Amend House File 695, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 19, by striking the word and
4 figures "October 1, 1991" and inserting the following:
5 "January 1, 1992".

MIKE CONNOLLY

S-3746

1 Amend the amendment, S-3680, to Senate File 540 as
2 follows:
3 1. Page 1, line 16, by inserting after the figure
4 "422C.2" the following: "shall not be eligible for
5 the use tax exeption allowed by this section".

MIKE CONNOLLY

S-3747

1 Amend the amendment, S-3680, to Senate File 540 as
2 follows:
3 1. Page 1, by striking lines 23 and 24 and
4 inserting the following:
5 "— . Page 3, line 6 by striking the word and
6 figures "September 1, 1991" and inserting the
7 following: "January 1, 1992".

MIKE CONNOLLY

S-3748

1 Amend the House amendment, S-3714, to Senate File
2 4, as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 39 and 40 and
5 inserting the following: "shall be published in an
6 official county newspaper in each affected county at
7 least".
8 2. Page 2, line 21, by inserting after the figure
9 "368.11." the following: "If an application for
10 voluntary annexation is not approved pursuant to this
11 section, the board shall cause the conversion of the
12 application to a petition pursuant to section 368.13
13 and shall proceed under section 368.14A."
14 3. Page 3, line 7, by striking the word
15 "paragraph" and inserting the following:
16 "paragraphs".
17 4. Page 3, by striking lines 9 through 11 and
18 inserting the following: "a petition for involuntary
19 annexation is filed as provided in this section, the
20 petitioner shall make its intention known".
21 5. Page 3, by striking line 13 and inserting the
22 following: "by certified mail to the".
23 6. Page 3, line 15, by striking the word "and".
24 7. Page 3, line 16, by striking the word
25 "involved." and inserting the following: "involved,
26 and to each property owner listed in the petition.
27 The written notification shall include notice that the
28 petitioners shall hold a public meeting on the
29 petition for involuntary annexation prior to the
30 filing of the petition.
31 **NEW UNNUMBERED PARAGRAPH.** Before a petition for
32 involuntary annexation may be filed, the petitioner
33 shall hold a public meeting on the petition. Notice
34 of the meeting shall be published in an official
35 county newspaper in each affected county at least five
36 days before the date of the public meeting. The

37 chairperson of the board of supervisors of the county
38 containing the greatest area of the territory proposed
39 to be annexed, or that person's designee, shall serve
40 as chairperson of the public meeting. The auditor of
41 the same county, or the auditor's designee, shall
42 record the proceedings of the public meeting. Any
43 person attending the meeting may submit written
44 comments and may be heard on the petition. The
45 minutes of the public meeting and all documents
46 submitted at the public meeting shall be forwarded to
47 the board by the chairperson of the meeting."

48 8. Page 3, by striking lines 20 through 33 and
49 inserting the following:

50 The board may dismiss a petition only if it finds

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1 that the petition does not meet the requirements of
2 this part chapter, or that substantially the same
3 incorporation, discontinuance, or boundary adjustment
4 has been disapproved by a committee formed to consider
5 the proposal, or by the voters, within the two years
6 prior to the date the petition is filed with the
7 board, or that the territory to be annexed, or a
8 portion of that territory, has been voluntarily
9 annexed under section 368.7. The board shall file for
10 record a statement of each dismissal and the reason
11 for it, and shall promptly notify the parties to the
12 proceeding of its decision."

13 9. Page 3, by striking lines 36 through 38 and
14 inserting the following:

15 "If a an involuntary petition is not dismissed, the
16 board".

17 10. Page 4, line 5, by inserting after the word
18 "petitions" the following: "or voluntary
19 applications".

20 11. Page 4, line 7, by striking the words
21 "pursuant to section 368.11".

22 12. Page 4, line 23, by striking the word "part"
23 and inserting the following: "chapter".

24 13. Page 5, by striking lines 7 and 8 and
25 inserting the following:

26 "Sec. ____ . EFFECTIVE DATES.

27 1. Except as provided in subsection 2 of this
28 section, this Act, being deemed of immediate
29 importance, takes effect upon enactment.

30 2. Section 5 of this Act takes effect July 1,
31 1991, and is applicable to petitions for involuntary
32 annexation filed on or after July 1, 1991."

33 14. Page 5, line 11, by inserting after the word

- 34 "date" the following: "and an applicability date".
35 15. By renumbering, relettering, redesignating,
36 and correcting internal references as necessary.

MICHAEL E. GRONSTAL
RICHARD F. DRAKE

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 24

S-3749

- 1 Amend Senate Concurrent Resolution 24, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. By striking page 3, line 17, through page 4,
4 line 17, and inserting the following:
5 "2. The legislative council is also requested to
6 appoint as members of the task force, persons who are
7 members of the general assembly and persons who are
8 members of the general public. The legislative
9 council is further requested to ensure, to the extent
10 practicable, that the appointments of the members of
11 the task force are balanced as provided under sections
12 69.16 and 69.16A, and reflect the ethnic, demographic,
13 and geographic characteristics of Iowa's population.
14 The legislative council shall designate, from the task
15 force membership, two persons to serve as the
16 temporary co-chairpersons of the task force until the
17 first task force meeting, when the permanent co-
18 chairpersons shall be selected."

S-3750

- 1 Amend House File 695, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 1 through page 2,
4 line 31.
5 2. Page 3, line 8, by striking the figure "422C"
6 and inserting the following: "422, division IV or
7 this chapter".
8 3. Page 3, lines 12 and 13, by striking the words
9 and figure "as defined in section 422C.2".
10 4. Title page, by striking lines 1 and 2 and
11 inserting the following: "An Act providing a use tax
12 exemption".

MIKE CONNOLLY

S-3751

1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 19 and 20 and
4 inserting the following: "five members each, who may
5 be legislators or citizens, shall be".
6 2. Page 1, line 28, by striking the word
7 "historical".
8 3. Page 4, by striking lines 10 through 12, and
9 inserting the following:
10 "c. The special sesquicentennial fee for letter
11 number designated sesquicentennial plates is fifteen
12 dollars. The fee for personalized sesquicentennial
13 plates is twenty-five dollars which shall be paid in
14 addition to the special sesquicentennial fee of
15 fifteen dollars. The".
16 4. Page 4, by striking lines 27 through 34, and
17 inserting the following: "The annual special
18 sesquicentennial fee for letter number designated
19 plates is ten dollars which shall be paid in addition
20 to the regular annual registration fee. The annual
21 fee for personalized sesquicentennial plates is five
22 dollars which shall be paid in addition to the annual
23 special sesquicentennial fee and the regular annual
24 registration fee. The annual special sesquicentennial
25 fee shall be credited as provided under paragraph
26 "c"."

COMMITTEE ON STATE GOVERNMENT
JOHN KIBBIE, Chair

S-3752

1 Amend House File 709 as passed by the House, as
2 follows:
3 1. Page 32, by inserting after line 29, the
4 following:
5 "Sec. 10000. Section 602.8105, subsection 1,
6 paragraph a, Code 1991, is amended to read as follows:
7 a. For filing and docketing a petition other than
8 for modification of a dissolution decree to which a
9 written stipulation is attached at the time of filing
10 containing the agreement of the parties to the terms
11 of the modification, or an appeal or writ of error,
12 forty-five dollars. Four dollars of the fee shall be
13 deposited in the court revenue distribution account
14 established under section 602.8108, and forty-one
15 dollars of the fee shall be paid into the state
16 treasury. Of the amount paid to the state treasury,

17 one dollar shall be deposited in the judicial
 18 retirement fund established in section 602.9104 to be
 19 used to pay retirement benefits of the judicial
 20 retirement system, and the remainder shall be
 21 deposited in the general fund of the state. In
 22 counties having a population of ~~one hundred ninety-~~
 23 five thousand or over, an additional five dollars
 24 shall be charged and collected, to be known as the
 25 journal publication fee and used for the purposes
 26 provided for in section 618.13."

27 2. Page 34, by inserting after line 32, the
 28 following:

29 "Sec. ____ . EFFECTIVE DATE AND RETROACTIVITY
 30 PROVISIONS.

31 Section 10000 of this Act, being deemed of
 32 immediate importance, takes effect upon enactment, and
 33 applies retroactively to cases filed on or after
 34 January 1, 1991."

35 3. By renumbering and correcting internal
 36 references as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chair

S-3753

1 Amend House File 709, as passed by the House, as
 2 follows:

3 1. Page 34, by inserting after line 22, the
 4 following:

5 "Sec. ____ . Senate File 541, section 13, unnumbered
 6 paragraph 2, if enacted by the Seventy-fourth General
 7 Assembly, 1991 Session, is amended to read as follows:
 8 Funds appropriated by this subsection are the funds
 9 anticipated to be received from the federal government
 10 under Pub. L. No. ~~100-508~~ 101-508, section 5082, which
 11 provides for the child care and development block
 12 grant. The department shall expend the funds
 13 appropriated by this section as provided in the
 14 federal law making the funds available and in
 15 conformance with chapter 17A.

16 Sec. ____ . Senate File 541, section 14, unnumbered
 17 paragraph 1, if enacted by the Seventy-fourth General
 18 Assembly, 1991 Session, is amended to read as follows:
 19 There is appropriated from the fund created by
 20 section 8.41 to the department of human services for
 21 the federal fiscal year beginning October 1, 1990, and
 22 ending September ~~20~~ 30, 1991, the following amount:"

23 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chair

S-3754

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 33, by inserting after line 32 the
4 following:

5 "Sec. ____ . Section 910A.15, unnumbered paragraph
6 1, Code 1991, is amended to read as follows:

7 A ~~prosecuting~~ witness who is a child minor, as
8 defined in section ~~702.5~~ 599.1, in a any case
9 ~~involving a violation of chapter 709 or section 726.2,~~
10 ~~726.3, 726.6, or 728.12~~, is entitled to have the
11 witness's interests represented by a guardian ad litem
12 at all stages of the proceedings ~~arising from such~~
13 ~~violation~~. The guardian ad litem ~~shall~~ may be a
14 practicing attorney and shall be designated by the
15 court after due consideration is given to the desires
16 and needs of the ~~child~~ minor and the compatibility of
17 the child minor and the child's minor's interests with
18 the prospective guardian ad litem. If a guardian ad
19 litem has previously been appointed for the ~~child~~
20 minor in a proceeding under chapter 232 or a
21 proceeding in which the juvenile court has waived
22 jurisdiction under section 232.45, the court ~~shall~~ may
23 appoint the same guardian ad litem under this section.
24 The guardian ad litem shall receive notice of and may
25 attend all depositions, hearings and trial proceedings
26 to support the child minor and advocate for the
27 protection of the child minor but shall not be allowed
28 to separately introduce evidence or to directly
29 examine or cross-examine witnesses. However, the
30 guardian ad litem shall file reports to the court as
31 required by the court."

32 2. By renumbering and correcting internal
33 references as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chair

S-3755

1 Amend House File 209, as passed by the House, as
2 follows:

3 1. Page 28, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 321J.4A, subsection 3, Code
6 1991, is amended to read as follows:

7 3. If the court issues an impoundment order, the
8 registration certificate and registration plates shall
9 be surrendered to the court either three days after
10 the order is issued or on the date specified by the
11 court, whichever is later. If the registration plates
12 have been surrendered to the department pursuant to
13 section 321A.17, the defendant shall notify the court.
14 The court shall forward the notice and impoundment
15 order to the county treasurer. The court shall
16 forward surrendered registration certificates to the
17 county recorder treasurer within seven days after
18 surrender. The court may destroy the surrendered
19 registration plates. Except as provided in subsection
20 5, new registration plates shall not be issued to the
21 defendant or owner until the driver's license of the
22 violator has been reissued or reinstated. The court
23 shall notify the director within ten days after
24 issuing an impoundment order.

25 Sec. ____ . Section 321J.4A, subsection 4, paragraph
26 a, subparagraph (2), Code 1991, is amended to read as
27 follows:

28 (2) The defendant or owner has a temporary
29 restricted license issued pursuant to section ~~321J.20~~
30 321J.4, subsection 8.

31 Sec. ____ . Section 321J.4A, subsection 5, Code
32 1991, is amended to read as follows:

33 5. A registered owner shall not sell a motor
34 vehicle during the time its registration plates and
35 registration certificate have been ordered surrendered
36 or during the time its registration plates bear a
37 special series number, unless the registered owner
38 applies to the department for consent to transfer
39 title to the motor vehicle. If the department is
40 satisfied that the proposed sale is in good faith and
41 for valid consideration, that the registered owner
42 will be deprived of custody and control of the motor
43 vehicle, and that the sale is not for the purpose of
44 circumventing the provisions of this section, the
45 department may certify its consent to the county
46 recorder treasurer. The county recorder treasurer
47 shall then transfer the registration certificate title
48 to the new owner upon proper application and issue new
49 registration plates. After the registration plates
50 and registration certificate have been ordered

Page 2

1 surrendered to the court under this section, if the
2 title to the motor vehicle is transferred by the

3 cancellation of a conditional sales contract, a sale
 4 upon execution, or by decree or order of a court of
 5 competent jurisdiction, the department shall order the
 6 ~~registration certificate title~~ surrendered to the new
 7 registered owner. The county ~~recorder~~ treasurer shall
 8 then transfer the ~~registration certificate title~~ and
 9 issue new registration plates to the new registered
 10 owner."

COMMITTEE ON JUDICIARY
 AL STURGEON, Chair

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 706

S-3756

1 Amend amendment H-4107, to House File 706, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking lines 13 through 33.

S-3757

1 Amend House File 709, as passed by the House, as
 2 follows:
 3 1. Page 11, line 23, by striking the words "but
 4 without changing the meaning" and inserting the
 5 following: "but without changing the meaning".
 6 2. Page 11, by striking lines 28 through 30 and
 7 inserting the following: "making the corrections.
 8 The Code editor shall maintain a record of the
 9 corrections made under this paragraph. The record
 10 shall be available to the public."

WILLIAM D. PALMER

S-3758

1 Amend House File 703, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 14 through 32.
 4 2. Page 3, by inserting after line 8 the
 5 following:
 6 "g. Location permit for resident
 7 fur dealers \$ 30.00
 8 h. Location permit for nonresident
 9 fur dealers \$ 55.00".
 10 3. By renumbering as necessary.

MARK R. HAGERLA

S-3759

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 19, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 21.2, subsection 1, paragraph
6 f, Code 1991, is amended to read as follows:

7 f. A nonprofit corporation other than a county or
8 district fair or agricultural society, whose
9 facilities or indebtedness are supported in whole or
10 in part with property tax revenue and which is
11 licensed to conduct pari-mutuel wagering pursuant to
12 chapter 99D or a nonprofit corporation which is a
13 successor to the nonprofit corporation which built the
14 facility.

15 Sec. ____ . Section 22.1, unnumbered paragraphs 1
16 and 2, Code 1991, are amended to read as follows:

17 As used in this chapter, "public records" includes
18 all records, documents, tape, or other information,
19 stored or preserved in any medium, of or belonging to
20 this state or any county, city, township, school
21 corporation, political subdivision, nonprofit
22 corporation other than a county or district fair or
23 agricultural society whose facilities or indebtedness
24 are supported in whole or in part with property tax
25 revenue and which is licensed to conduct pari-mutuel
26 wagering pursuant to chapter 99D, or tax-supported
27 district in this state, or any branch, department,
28 board, bureau, commission, council, or committee of
29 any of the foregoing.

30 The term "government body" means this state, or any
31 county, city, township, school corporation, political
32 subdivision, tax supported district, nonprofit
33 corporation other than a county or district fair or
34 agricultural society whose facilities or indebtedness
35 are supported in whole or in part with property tax
36 revenue and which is licensed to conduct pari-mutuel
37 wagering pursuant to chapter 99D, or other entity of
38 this state, or any branch, department, board, bureau,
39 commission, council, committee, official or officer,
40 of any of the foregoing or any employee delegated the
41 responsibility for implementing the requirements of
42 this chapter."

JIM LIND

S-3760

1 Amend House File 703, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 3, by striking the figure "12.50"
4 and inserting the following: "13.00".
5 2. Page 2, line 4, by striking the figure "22.50"
6 and inserting the following: "23.00".
7 3. Page 2, line 6, by striking the figure "8.50"
8 and inserting the following: "9.00".
9 4. Page 2, line 10, by striking the figure
10 "12.50" and inserting the following: "13.00".
11 5. Page 2, line 16, by striking the figure
12 "60.50" and inserting the following: "61.00".
13 6. Page 2, line 24, by striking the figure
14 "23.50" and inserting the following: "24.00".
15 7. Page 2, line 28, by striking the figure
16 "37.50" and inserting the following: "38.00".
17 8. Page 2, line 33, by striking the figure
18 "20.50" and inserting the following: "21.00".
19 9. Page 3, line 1, by striking the figure "5.50"
20 and inserting the following: "6.00".
21 10. Page 3, line 3, by striking the figure
22 "175.50" and inserting the following: "176.00".
23 11. Page 3, by inserting after line 21, the
24 following:
25 "Sec. ____ . Section 110.12, unnumbered paragraph 2,
26 Code 1991, is amended to read as follows:
27 Depositories designated by the county recorder or
28 the director shall retain ~~twenty-five~~ fifty cents from
29 the sale of each license for the service rendered in
30 issuing the license. The county recorder shall retain
31 a writing fee of ~~fifty cents~~ one dollar from the sale
32 of each license sold by the county recorder's office
33 and a writing fee of ~~twenty-five~~ fifty cents from the
34 sale of each license sold by a depository designated
35 by the county recorder. The writing fees retained by
36 the county recorder shall be deposited in the general
37 fund of the county. A depository and county recorder
38 shall not retain any amount from the sale of trout
39 stamps, habitat stamps, and waterfowl stamps."

JOHN W. JENSEN

S-3761

1 Amend House File 704 as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 2, by striking lines 1 through 4 and
- 4 inserting the following: "the state."

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chair

S-3762

- 1 Amend Senate File 548 as follows:
- 2 1. Page 4, lines 12 through 14, by striking the
- 3 words "and the division of children, youth, and
- 4 families of the department of human rights,".

FLORENCE BUHR

S-3763

- 1 Amend House File 704, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, by inserting after line 35 the
- 4 following:
- 5 "Sec. ____ . NEW SECTION. 404.10 CREATION OF
- 6 AGRICULTURAL REVITALIZATION AREAS.
- 7 1. A county board of supervisors may by ordinance
- 8 designate part of the county as being appropriate for
- 9 intensive agricultural activities. This part shall be
- 10 referred to as an "agricultural revitalization area."
- 11 The land included within this agricultural
- 12 revitalization area is not required to be contiguous.
- 13 As used in this section "agricultural activity"
- 14 means an activity directly connected to the raising,
- 15 drying, or storage of crops, the care or feeding of
- 16 livestock as defined in section 267.1, the handling or
- 17 transportation of crops or livestock, or the treatment
- 18 or disposal of wastes resulting from livestock.
- 19 2. In a county that has adopted a zoning ordinance
- 20 that establishes one or more agricultural zones, all
- 21 of the land within an agricultural zone is eligible to
- 22 be included in the agricultural revitalization area,
- 23 except for land within the corporate limits of a city
- 24 or land within a state park or state preserve.
- 25 3. In a county that has not adopted a zoning
- 26 ordinance that establishes one or more agricultural
- 27 zones, all of the land within the county is eligible
- 28 to be included in the agricultural revitalization
- 29 area, except for land within the corporate limits of a
- 30 city, land within an area over which a city has
- 31 exercised its zoning authority under section 414.23,
- 32 or land within a state park or state preserve.
- 33 4. All of the eligible land shall be included in

34 the agricultural revitalization area, except to the
35 extent that the board of supervisors excludes eligible
36 land from the agricultural revitalization area because
37 the land is, or is located in close proximity to, one
38 of the following:

39 a. Land that is unique, and of scientifically
40 recognized ecological value.

41 b. Towns, residential subdivisions, or other
42 population centers.

43 c. Locations at which a significant number of
44 people regularly congregate.

45 The determination by the board of supervisors that
46 land is in close proximity to a location excluded
47 under this section shall be a legislative
48 determination.

49 5. The board of supervisors shall conduct a public
50 hearing on the adoption of a proposed ordinance

Page 2

1 establishing an agricultural revitalization area
2 within sixty days after either of the following:

3 a. The board of supervisors receives a petition
4 requesting adoption of such an ordinance. The
5 petition shall specify the proposed boundaries of the
6 agricultural revitalization area. The petition must
7 be signed by at least fifty eligible electors of the
8 county.

9 b. The board of supervisors approves a resolution
10 indicating its intent to establish an agricultural
11 revitalization area.

12 6. The board of supervisors may amend the
13 boundaries of the agricultural revitalization area,
14 rezone areas included within the agricultural
15 revitalization area, or eliminate the agricultural
16 revitalization area. When establishing an
17 agricultural revitalization area, rezoning the land
18 within the agricultural revitalization area, or
19 amending its borders, the board of supervisors shall
20 comply with the notice, hearing, and adoption
21 requirements provided in section 358A.6. When
22 establishing such an agricultural revitalization area,
23 the board of supervisors shall mail a notice, at least
24 ten days before the public hearing on the ordinance,
25 to the owners of any eligible parcel of land having
26 more than two acres which the board is considering
27 excluding from the agricultural revitalization area.
28 When amending the borders of the agricultural
29 revitalization area, or rezoning land within the
30 agricultural revitalization area, the board of

31 supervisors shall mail this notice to the owners of
32 any parcel of land within the agricultural
33 revitalization area having more than two acres which
34 the board is considering excluding from the
35 agricultural revitalization area.

36 7. Upon the creation of an agricultural
37 revitalization area, or the amendment of its borders,
38 the board of supervisors shall cause its description
39 to be filed with the county auditor and placed on
40 record in the office of the county recorder.

41 Sec. — . NEW SECTION. 404.11 NUISANCE
42 RESTRICTIONS WITHIN AGRICULTURAL REVITALIZATION AREAS.

43 1. Subject to the exceptions in subsection 2, an
44 agricultural activity located in an agricultural
45 revitalization area established pursuant to section
46 404.10 shall not be found to be a public or private
47 nuisance regardless of the established date of
48 operation or expansion of the agricultural activity.

49 2. This section does not apply to any of the
50 following:

Page 3

1 a. A public or private nuisance which is the
2 result of an agricultural activity determined to be in
3 violation of a federal statute or regulation or state
4 statute or rule.

5 b. An action or proceeding arising from injury or
6 damage to person or property caused by the
7 agricultural activity before the creation of the
8 agricultural revitalization area.

9 c. The right of a person to recover damages for
10 injury or damage sustained by the person because of
11 the pollution or change in condition of the waters of
12 a stream, the overflowing of such waters on the
13 person's land, or excessive soil erosion onto another
14 person's land.

15 3. This section shall apply to an agricultural
16 activity for fifteen years following the exclusion of
17 land within an agricultural revitalization area due to
18 the elimination of the agricultural revitalization
19 area, the rezoning of the land included in the
20 agricultural revitalization area by the county or a
21 city, or the change in the boundaries of the
22 agricultural revitalization area. This section shall
23 apply to an agricultural activity from the earliest
24 date of either the filing of an application by or on
25 behalf of the property owner for a local or state
26 permit authorizing work related to the activity, or
27 the commencement of construction of any facility

28 related to the activity.

29 4. As used in this section "agricultural activity"

30 means the same as defined in section 404.10.

31 Sec. ____ . **NEW SECTION. 427B.8 PROPERTY TAX**

32 **EXEMPTION FOR QUALIFIED LIVESTOCK FACILITIES.**

33 1. As used in this section, unless the context

34 otherwise requires:

35 a. "Agricultural revitalization area" means an
36 agricultural revitalization area created pursuant to
37 section 404.10.

38 b. "Livestock" means livestock as defined in
39 section 267.1.

40 c. "Livestock facility" means a building,
41 structure, or addition to an existing building or
42 structure which is primarily adapted for providing
43 shelter to or feeding of livestock.

44 2. The board of supervisors creating an
45 agricultural revitalization area may, as part of the
46 ordinance creating the agricultural revitalization
47 area, establish a partial exemption from taxation on
48 the assessed value of a structure which is constructed
49 or improved as a livestock facility within the
50 agricultural revitalization area, if the construction

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1 or improvements occur during the period when the
2 agricultural revitalization area exists. The assessed
3 value of the real estate must be increased by at least
4 ten percent by the construction or improvement. The
5 exemption is for a period of ten years, beginning in
6 the year that the construction or improvement is first
7 assessed for taxation. The amount of the partial
8 exemption is equal to a percent of the assessed value
9 added by the construction or improvements, which shall
10 be determined as follows:

11 a. For the first year, one hundred percent.

12 b. For the second year, one hundred percent.

13 c. For the third year, one hundred percent.

14 d. For the fourth year, ninety percent.

15 e. For the fifth year, eighty-five percent.

16 f. For the sixth year, eighty-five percent.

17 g. For the seventh year, eighty-five percent.

18 h. For the eighth year, eighty-five percent.

19 i. For the ninth year, eighty-five percent.

20 j. For the tenth year, eighty-five percent.

21 3. A person may submit an application to the board
22 of supervisors in the county where the real estate is
23 located and the agricultural revitalization area is
24 created. An application shall be filed for each new

25 exemption claimed. The first application for an
26 exemption shall be filed by the owner of the property
27 with the board of supervisors by February 1 of the
28 assessment year for which the exemption is claimed.
29 The application shall contain information relating to
30 the construction or improvement of the livestock
31 facility, including but not limited to all of the
32 following information:

33 a. The nature of the construction or improvement.

34 b. The date of completion.

35 c. The cost of the construction or improvement.

36 The board shall approve the application, subject to
37 review by the county assessor. A person is not
38 required to obtain approval of a previously approved
39 exemption for succeeding years.

40 4. The county assessor shall review each first-
41 year application by making a physical review of the
42 property, to determine if the construction or
43 improvements made increased the assessed value of the
44 real estate by at least ten percent. If the county
45 assessor determines that the assessed value of the
46 real estate has increased by at least ten percent, the
47 county assessor shall proceed to determine the
48 assessed value of the property and certify the
49 valuation determined pursuant to subsection 2 to the
50 county auditor at the time of transmitting the

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1 assessment rolls. The county assessor shall notify
2 the applicant of the determination, and the assessor's
3 decision may be appealed to the local board of review
4 as provided in section 441.37. If an application for
5 an exemption is denied as a result of a failure to
6 sufficiently increase the value of the real estate,
7 the owner may file a first annual application in a
8 subsequent year when additional improvements are made
9 to satisfy the requirement. After the tax exemption
10 is granted, the county assessor shall continue to
11 grant the tax exemption, with periodic physical review
12 by the assessor for the remaining period of the
13 scheduled exemption."

BERL E. PRIEBE
DONALD V. DOYLE
EMIL J. HUSAK
LEONARD L. BOSWELL
JACK W. HESTER
RICHARD VANDE HOEF
DERRYL McLAREN

JOHN E. SOORHOLTZ
H. KAY HEDGE
SHELDON RITTMER
EUGENE S. FRAISE
JOHN A. PETERSON
DALE L. TIEDEN

S-3764

- 1 Amend Senate File 548 as follows:
- 2 1. Page 1, line 14, by striking the figure
- 3 "61,200" and inserting the following: "60,000".
- 4 2. Page 1, line 17, by striking the figure
- 5 "75,100" and inserting the following: "73,600".
- 6 3. Page 1, line 20, by striking the figure
- 7 "61,200" and inserting the following: "60,000".
- 8 4. Page 1, line 23, by striking the figure
- 9 "61,200" and inserting the following: "60,000".
- 10 5. Page 1, line 26, by striking the figure
- 11 "61,200" and inserting the following: "60,000".
- 12 6. Page 1, line 29, by striking the figure
- 13 "78,300" and inserting the following: "76,700".
- 14 7. Page 1, line 32, by striking the figure
- 15 "61,200" and inserting the following: "60,000".
- 16 8. Page 2, line 10, by striking the figure
- 17 "89,000" and inserting the following: "87,200".
- 18 9. Page 2, line 12, by striking the figure
- 19 "85,700" and inserting the following: "84,000".
- 20 10. Page 2, line 14, by striking the figure
- 21 "85,600" and inserting the following: "83,900".
- 22 11. Page 2, line 16, by striking the figure
- 23 "82,400" and inserting the following: "80,700".
- 24 12. Page 2, line 18, by striking the figure
- 25 "81,500" and inserting the following: "79,900".
- 26 13. Page 2, line 21, by striking the figure
- 27 "78,300" and inserting the following: "76,700".
- 28 14. Page 2, line 23, by striking the figure
- 29 "68,300" and inserting the following: "66,900".
- 30 15. Page 2, line 25, by striking the figure
- 31 "17,200" and inserting the following: "16,800".
- 32 16. Page 3, by striking lines 2 through 9 and
- 33 inserting the following: "However, a salary
- 34 established under this section shall not exceed the
- 35 person's annual salary rate for the preceding fiscal
- 36 year."
- 37 17. Page 6, line 14, by striking the figure
- 38 "54,100" and inserting the following: "53,000".
- 39 18. Page 6, line 16, by striking the figure
- 40 "50,200" and inserting the following: "49,200".
- 41 19. Page 8, lines 28 through 30, by striking the

- 42 words "increases in the judges and magistrates
 43 salaries and related benefits as otherwise provided by
 44 law and for".

MICHAEL E. GRONSTAL
 EMIL J. HUSAK
 RICHARD J. VARN
 JOHN P. KIBBIE
 WILLIAM W. DIELEMAN
 AL STURGEON
 BERL E. PRIEBE
 JOHN A. PETERSON
 GEORGE R. KINLEY
 ELAINE SZYMONIAK
 RICHARD V. RUNNING
 DON E. GETTINGS
 BILL HUTCHINS
 JOE J. WELSH
 EUGENE S. FRAISE
 MICHAEL W. CONNOLLY
 BEVERLY A. HANNON

S-3765

- 1 Amend Senate File 548 as follows:
 2 1. Page 10, by inserting after line 33 the
 3 following:
 4 "Sec. ____ . Section 20.22, Code 1991, is amended by
 5 striking the section and inserting in lieu thereof the
 6 following:
 7 20.22 BINDING REFERENDUMS.
 8 1. If an impasse persists after findings of fact
 9 and recommendations are made public by the factfinder,
 10 the parties may continue to negotiate or, the board
 11 may require, upon the request of either party, the
 12 submission of the impasse items to a vote of the
 13 electorate. The board shall direct the state
 14 commissioner of elections on behalf of the state and
 15 its collective bargaining units and the county
 16 commissioner of elections on behalf of the various
 17 political subdivisions and their respective bargaining
 18 units to submit the impasse items to the qualified
 19 electorate at the next regular election. The total
 20 costs of submitting the impasse items to the
 21 electorate shall be equally shared by the two parties
 22 to the dispute.
 23 2. Each party shall submit the text of its final
 24 offer on each impasse item to the board. The board
 25 shall prepare the ballot proposition allowing the
 26 voter to approve one of the final offers for each

27 impasse item or the recommendation of the factfinder.
 28 Bargaining may continue before the election is held.
 29 If an agreement is reached before the ballots are
 30 printed, the impasse item shall be removed from the
 31 ballot.

32 3. The submission of the impasse items to the
 33 electorate shall be limited to those issues that have
 34 been considered by the factfinder and upon which the
 35 parties have not reached an agreement. With respect
 36 to each item, the electorate must select among the two
 37 final offers of the parties and the recommendation of
 38 the factfinder on each impasse item.

39 4. The impasse item or recommendation receiving
 40 the largest plurality of votes cast on the question
 41 shall be included in the collective bargaining
 42 agreement. The collective bargaining agreement takes
 43 effect on July 1 following the election.

44 5. As used in this section, "next regular
 45 election" means for the state or a county and its
 46 collective bargaining units, the next general
 47 election; for a city and its collective bargaining
 48 units, the next regular city election; and for a
 49 school district and its collective bargaining units,
 50 the next regular school election."

RAY TAYLOR

S-3766

1 Amend House File 703, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 14 through 32.

4 2. Page 3, by inserting after line 8 the
 5 following:

6 "g. Location permit for resident

7 fur dealers \$ 30.00

8 h. Location permit for nonresident

9 fur dealers \$ 55.00".

10 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chair

S-3767

1 Amend Senate File 548 as follows:

2 1. Page 10, by inserting after line 33 the

3 following:

4 "Sec. ____ . COMPENSATION AND BENEFITS STUDY. The
 5 director of the department of personnel, the director

6 of the legislative service bureau, and the executive
 7 director of the state board of regents, or a designee
 8 of each director, shall conduct a study to determine
 9 the impact of the salary adjustment provisions in this
 10 Act and the changes in salary relationships as a
 11 result of the implementation of this Act, and to
 12 identify issues of concern and compensation equity.
 13 The committee shall meet at the call of the director
 14 of the legislative service bureau who shall serve as
 15 temporary chairperson.
 16 The committee shall complete its study and report
 17 its findings and recommendations to the general
 18 assembly by February 1, 1992."

MARY KRAMER

S-3768

1 Amend the Committee amendment, S-3766, to House
 2 File 703, as amended, passed, and reprinted, by the
 3 House, as follows:
 4 1. Page 1, by striking line 3 and inserting the
 5 following:
 6 "___ . Page 1, by striking lines 24 and 25 and
 7 inserting the following: "A nonresident licensed fur
 8 dealer may purchase location permits to operate at
 9 locations other than at the".
 10 ___ . Page 1, line 26, by inserting after the word
 11 "license." the following: "A resident licensed fur
 12 dealer may obtain location permits without fee."
 13 ___ . Page 1, by striking line 32 and inserting
 14 the following: "if any, furnish the proper license
 15 and location permits to the dealer."
 16 2. Page 1, by striking lines 6 and 7.
 17 3. Page 1, line 8, by striking the letter "h" and
 18 inserting the following: "g".

MARK R. HAGERLA

S-3769

1 Amend the House amendment, S-3714, to Senate File
 2 4, as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 39 and 40 and
 5 inserting the following: "shall be published in an
 6 official county newspaper in each affected county at
 7 least".
 8 2. Page 2, line 21, by inserting after the figure
 9 "368.11." the following: "The board, or the

10 committee, if applicable, shall hold a public hearing
11 on the application for voluntary annexation in the
12 manner provided for involuntary petitions in section
13 368.15. The decision of the board under this
14 paragraph shall be made within ninety days of receipt
15 of the application by the board. The failure of the
16 board to approve an application under this paragraph
17 shall be deemed final agency action subject to
18 judicial review. An applicant may appeal a decision
19 of the board no earlier than one hundred eighty days
20 after the decision is issued or not later than thirty
21 days after a final decision is made by the special
22 local committee under section 368.14A, whichever is
23 earlier. If an application for voluntary annexation
24 is not approved pursuant to this section, the board
25 shall cause the conversion of the application to a
26 petition pursuant to section 368.13 and shall proceed
27 under section 368.14A. The conversion of an
28 application to a petition shall not prejudice the
29 status of the applicant. Judicial review of a board
30 decision under this paragraph shall be limited to
31 review of the testimony and documents presented to the
32 board prior to issuing its decision on the application
33 for voluntary annexation."

34 3. Page 3, line 7, by striking the word
35 "paragraph" and inserting the following:
36 "paragraphs".

37 4. Page 3, by striking lines 9 through 11 and
38 inserting the following: "a petition for involuntary
39 annexation is filed as provided in this section, the
40 petitioner shall make its intention known".

41 5. Page 3, by striking line 13 and inserting the
42 following: "by certified mail to the".

43 6. Page 3, line 15, by striking the word "and".

44 7. Page 3, line 16, by striking the word
45 "involved." and inserting the following: "involved,
46 and to each property owner listed in the petition.
47 The written notification shall include notice that the
48 petitioners shall hold a public meeting on the
49 petition for involuntary annexation prior to the
50 filing of the petition.

Page 2

1 NEW UNNUMBERED PARAGRAPH. Before a petition for
2 involuntary annexation may be filed, the petitioner
3 shall hold a public meeting on the petition. Notice
4 of the meeting shall be published in an official
5 county newspaper in each affected county at least five
6 days before the date of the public meeting. The

7 chairperson of the board of supervisors of the county
8 containing the greatest area of the territory proposed
9 to be annexed, or that person's designee, shall serve
10 as chairperson of the public meeting. The auditor of
11 the same county, or the auditor's designee, shall
12 record the proceedings of the public meeting. Any
13 person attending the meeting may submit written
14 comments and may be heard on the petition. The
15 minutes of the public meeting and all documents
16 submitted at the public meeting shall be forwarded to
17 the board by the chairperson of the meeting."

18 8. Page 3, by striking lines 20 through 33 and
19 inserting the following:

20 The board may dismiss a petition only if it finds
21 that the petition does not meet the requirements of
22 this ~~part chapter~~, or that substantially the same
23 incorporation, discontinuance, or boundary adjustment
24 has been disapproved by a committee formed to consider
25 the proposal, or by the voters, within the two years
26 prior to the date the petition is filed with the
27 board, or that the territory to be annexed, or a
28 portion of that territory, has been voluntarily
29 annexed under section 368.7. The board shall file for
30 record a statement of each dismissal and the reason
31 for it, and shall promptly notify the parties to the
32 proceeding of its decision."

33 9. Page 3, by striking lines 36 through 38 and
34 inserting the following:

35 "If a an involuntary petition is not dismissed, the
36 board".

37 10. Page 4, line 5, by inserting after the word
38 "petitions" the following: "or voluntary
39 applications".

40 11. Page 4, line 7, by striking the words
41 "pursuant to section 368.11".

42 12. Page 4, line 23, by striking the word "part"
43 and inserting the following: "chapter".

44 13. Page 4, by inserting after line 30 the
45 following:

46 "Sec. ____ . Section 368.19, unnumbered paragraph 1,
47 Code 1991, is amended to read as follows:

48 The committee shall approve or disapprove the
49 petition or plan as amended, within ninety days of the
50 final hearing, and shall file its decision for record

Page 3

1 and promptly notify the parties to the proceeding of
2 its decision. If a petition or plan is approved, the

3 board shall set a date ~~within~~ not less than thirty
 4 days nor more than ninety days after approval for a
 5 special election on the proposal and the county
 6 commissioner of elections shall conduct the election.
 7 In a case of incorporation or discontinuance,
 8 qualified electors of the territory or city may vote,
 9 and the proposal is authorized if a majority of those
 10 voting approves it. In a case of annexation or
 11 severance, qualified electors of the territory and of
 12 the city may vote, and the proposal is authorized if a
 13 majority of the total number of persons voting
 14 approves it. In a case of consolidation, qualified
 15 electors of each city to be consolidated may vote, and
 16 the proposal is authorized only if it receives a
 17 favorable majority vote in each city. The county
 18 commissioner of elections shall publish notice of the
 19 election as provided in section 49.53 and shall
 20 conduct the election in the same manner as other
 21 special city elections."

22 14. Page 5, by striking lines 7 and 8 and
 23 inserting the following:

24 "Sec. ____ . EFFECTIVE DATES.

25 1. Except as provided in subsection 2 of this
 26 section, this Act, being deemed of immediate
 27 importance, takes effect upon enactment.

28 2. Section 5 of this Act takes effect July 1,
 29 1991, and is applicable to petitions for involuntary
 30 annexation filed on or after July 1, 1991."

31 15. Page 5, line 11, by inserting after the word
 32 "date" the following: "and an applicability date".

33 16. By renumbering, relettering, redesignating,
 34 and correcting internal references as necessary.

JIM RIORDAN
 MICHAEL E. GRONSTAL
 RICHARD F. DRAKE
 EUGENE FRAISE

S-3770

1 Amend House File 703, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, line 5, by striking the word "Three-
 4 day" and inserting the following: "Seven-day".

5 2. Page 2, by inserting after line 20, the
 6 following:

7 "g. Seven-day hunting license for
 8 residents: \$ 8.50".

9 3. Page 2, line 23, by inserting before the word
 10 "Legal" the following: "a."

- 11 4. Page 2, by inserting after line 24 the
- 12 following:
- 13 "b. Legal residents,
- 14 seven-day license \$ 12.50".

JIM LIND

S-3771

- 1 Amend House File 712, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by striking the words "the
- 4 following person" and inserting the following: "each
- 5 of the following persons".
- 6 2. Page 1, by inserting after line 17 the
- 7 following:
- 8 "David W. Kirchner G90-1938 Outdated \$3,851.64
- 9 Cedar Falls, Iowa invoice".
- 10 3. Page 1, by striking lines 19 and 20, and
- 11 inserting the following: "claims submitted."

JOE WELSH
 JIM LIND
 HARRY G. SLIFE

HOUSE AMENDMENT TO
 SENATE FILE 548

S-3772

- 1 Amend Senate File 548, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 10, by striking the figure
- 4 "87,200" and inserting the following: "89,000".
- 5 2. Page 2, line 12, by striking the figure
- 6 "84,000" and inserting the following: "85,700".
- 7 3. Page 2, line 14, by striking the figure
- 8 "83,900" and inserting the following: "85,600".
- 9 4. Page 2, line 16, by striking the figure
- 10 "80,700" and inserting the following: "82,400".
- 11 5. Page 2, line 18, by striking the figure
- 12 "79,900" and inserting the following: "81,500".
- 13 6. Page 2, line 21, by striking the figure
- 14 "76,700" and inserting the following: "78,300".
- 15 7. Page 2, line 23, by striking the figure
- 16 "66,900" and inserting the following: "68,300".
- 17 8. Page 2, line 25, by striking the figure
- 18 "16,800" and inserting the following: "17,200".
- 19 9. Page 3, by striking lines 34 and 35, and
- 20 inserting the following:

21 "2. The following are range 1 positions: There
 22 are no range 1 positions as of the fiscal year
 23 beginning July 1, 1991."
 24 10. Page 4, line 22, by striking the word "full-
 25 time".
 26 11. Page 8, line 21, by inserting after the word
 27 "fund" the following: "increases in the judges' and
 28 magistrates' salaries and related benefits as
 29 otherwise provided by law and for".
 30 12. Page 10, by striking lines 7 through 12 and
 31 inserting the following:
 32 "Sec. ____ . There is appropriated from the health
 33 insurance reserve fund to the general fund of the
 34 state, on or before June 30, 1992, the following
 35 amount:".
 36 13. Page 11, by inserting after line 2, the
 37 following:
 38 "Sec. ____ . Section 99D.5, subsection 4, Code 1991,
 39 is amended to read as follows:
 40 4. Commission members are each entitled to receive
 41 an annual salary of six thousand dollars. Members
 42 shall also be reimbursed for actual expenses incurred
 43 in the performance of their duties to a maximum of ~~six~~
 44 thirty thousand dollars per year for ~~each member the~~
 45 commission. Each member shall post a bond in the
 46 amount of ten thousand dollars, with sureties to be
 47 approved by the governor, to guarantee the proper
 48 handling and accounting of moneys and other properties
 49 required in the administration of this chapter. The
 50 premiums on the bonds shall be paid as other expenses

Page 2

1 of the commission."
 2 14. By renumbering, relettering, or redesignating
 3 and correcting internal references as necessary.

S-3773

1 Amend House File 703, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 3, by striking the figure "12.50"
 4 and inserting the following: "10.50".
 5 2. Page 2, line 10, by striking the figure
 6 "12.50" and inserting the following: "10.50".
 7 3. Page 2, line 24, by striking the figure
 8 "23.50" and inserting the following: "19.50".
 9 4. Page 2, line 28, by striking the figure
 10 "37.50" and inserting the following: "32.50".
 11 5. By striking page 4, line 35 through page 5,

12 line 4.

13 6. By relettering paragraphs as necessary.

EMIL J. HUSAK

S-3774

1 Amend Senate File 549 as follows:

2 1. Page 4, by striking lines 16 through 20.

3 2. Page 5, by striking lines 26 and 27.

4 3. By renumbering and correcting internal

5 references, as necessary.

LEONARD L. BOSWELL

S-3775

1 Amend Senate File 549, as follows:

2 1. Page 6, by inserting after line 3 the follow-
3 ing:

4 "Sec. ____ . Notwithstanding House File 479, section
5 301, subsection 2, paragraph "a", if enacted by the
6 Seventy-fourth General Assembly, 1991-Session, the
7 number of full-time equivalent positions authorized
8 for the department of economic development, business
9 development division, business development operations,
10 is 16."

11 2. By renumbering as necessary.

LEONARD L. BOSWELL

S-3776

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 8 through 11 and
4 inserting the following: "1991, is amended by
5 striking the paragraph."

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

8 "Sec. ____ . Section 331.238, Code 1991, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 3. An alternative form of county
11 government shall provide for the partisan election of
12 its officers."

13 3. Page 11, line 33, by striking the word
14 "COUNTY-COUNTY" and inserting the following:
15 "MULTICOUNTY".

16 4. Page 11, line 34, by striking the word
17 "county-county" and inserting the following:

18 "multicounty".

19 5. Page 12, line 5, by striking the word "COUNTY-
20 " and inserting the following: "MULTI-".

21 6. Page 12, line 7, by striking the word "county-
22 county" and inserting the following: "multicounty".

23 7. Page 12, line 16, by striking the word
24 "county-county" and inserting the following:
25 "multicounty".

26 8. Page 12, line 17, by striking the word
27 "county-county" and inserting the following:
28 "multicounty".

29 9. Page 12, line 19, by striking the word
30 "county-county" and inserting the following:
31 "multicounty".

32 10. By renumbering as necessary.

LARRY MURPHY

S-3777

1 Amend House Concurrent Resolution 25, as passed by
2 the House, as follows:

3 1. Page 2, by striking lines 14 and 15, and
4 inserting the following: "letterhead of the General
5 Assembly, which shall be sent to the commanding
6 officer of each Iowa".

7 2. Page 2, line 18, by striking the word "with"
8 and inserting the following: "which shall express".

9 3. Page 2, by striking lines 20 and 21 and
10 inserting the following: "the members of the General
11 Assembly for the future endeavors of the members of
12 each national guard or reserve unit."

13 4. Page 2, by striking line 22 and inserting the
14 following:

15 "WHEREAS, the (Unit)".

16 5. Page 2, line 26, by striking the word
17 "person's" and inserting the following: "unit's".

18 6. Page 2, line 29, by striking the words "(Rank
19 and Name)" and inserting the following: "the (Unit
20 Designation, Branch of Service)".

21 7. Page 3, by striking lines 7 through 9, and
22 inserting the following:

23 "The General Assembly hereby commends the members
24 of the (Unit Designation, Branch of Service) for
25 having exhibited all the virtues of good citizenship;
26 thanks the members of the (Unit Designation, Branch of
27 Service) for devotion".

28 8. Page 3, line 13, by striking the words "(Rank
29 and Name)" and inserting the following: "members of
30 the (Unit Designation, Branch of Service)".

31 9. Page 3, by striking lines 21 and 22, and
 32 inserting the following: "President of the Senate and
 33 be sent to the commanding officer of the (Unit
 34 Designation, Branch of Service) with".

RULES AND ADMINISTRATION COMMITTEE
 BILL HUTCHINS, Chair

S-3778

1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 20, by striking lines 7 and 8 and
 4 inserting the following: "time, and place of the
 5 hearing shall be published in the official county
 6 newspapers of each county in which the participating
 7 cities are located."

WILLIAM DIELEMAN

HOUSE AMENDMENT TO
 SENATE FILE 550

S-3779

1 Amend Senate File 550 as passed by the Senate, as
 2 follows:
 3 1. Page 2, line 11, by inserting after the word
 4 "premiums." the following: "A motor carrier shall
 5 require the owner-operator to provide and maintain a
 6 certificate of workers' compensation insurance
 7 covering the owner-operator's employees."
 8 2. Page 2, line 11, by striking the words
 9 "However, an" and inserting the following: "An".
 10 3. By striking page 2, line 29 through page 4,
 11 line 31.

S-3780

1 Amend House File 712, as passed by the House, as
 2 follows:
 3 1. Page 1, line 10, by striking the words "the
 4 following person" and inserting the following: "each
 5 of the following persons".
 6 2. Page 1, by inserting after line 17 the
 7 following:
 8 "David W. Kirchner G90-1938 Outdated \$3,851.64
 9 Cedar Falls, Iowa invoice".

- 10 3. Page 1, by striking lines 19 and 20, and
11 inserting the following: "claims submitted."

COMMITTEE ON APPROPRIATIONS
LEONARD BOSWELL, Chair

S-3781

- 1 Amend House File 713 as follows:
2 1. Page 6, by inserting after line 33 the
3 following:
4 "Sec. 50. NEW SECTION. 422.12D CAREGIVER CREDIT.
5 The taxes imposed under this division, less the
6 credits allowed under sections 422.11A, 422.11B,
7 422.11C, 422.12, and 422.12B, shall be reduced by the
8 sum of fifteen hundred dollars for providing unskilled
9 in-home health-related care services for a frail
10 elderly who is the parent or spouse of the care-giving
11 taxpayer. If the credit exceeds the amount of tax,
12 such excess shall be refundable or credited to the tax
13 liability of the taxpayer for the following tax year,
14 as selected by the taxpayer.
15 The department of elder affairs in conjunction with
16 the department shall adopt rules for purposes of the
17 credit in this section."
18 2. Title page, line 3, by inserting after the
19 words "capitals fund," the following: "allowing
20 income tax credit for health-related care services
21 provided to certain frail elderly,".

BEVERLY HANNON

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 28

S-3782

- 1 Amend Senate Concurrent Resolution 28, as passed by
2 the Senate, as follows:
3 1. Page 1, line 18, by inserting after the word
4 "HOUSE" the words "OF REPRESENTATIVES".

S-3783

- 1 Amend the amendment, S-3773, to House File 703, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 8, by striking the figure "19.50"
5 and inserting the following: "21.00".

EMIL J. HUSAK

S-3784

1 Amend House File 713, 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. 2.110 GENERAL FUND
6 EXPENDITURE LIMIT.

7 1. For the fiscal year beginning July 1, 1992,
8 total expenditures from the general fund of the state
9 during the fiscal year beginning July 1, 1992, shall
10 not exceed the sum of the latest estimated general
11 fund revenue for the fiscal year beginning July 1,
12 1991, plus one-half of the estimated increase in
13 general fund revenues during the fiscal year beginning
14 July 1, 1992, and after estimated tax refunds due for
15 this fiscal period are subtracted as both estimates
16 are made by the revenue estimating conference prior to
17 January 1, 1992.

18 For fiscal years beginning on or after July 1,
19 1993, total expenditures from the general fund of the
20 state during a fiscal year shall not exceed the sum of
21 the latest estimated general fund revenue after
22 estimated tax refunds due for that revenue are
23 subtracted, for the previous fiscal year as made by
24 the revenue estimating conference prior to January 1
25 of that previous fiscal year.

26 The limitation provided in this subsection shall
27 only be exceeded in a fiscal year by passage by a two-
28 thirds vote of each house and approval by the
29 governor, of a joint resolution that provides that the
30 limitation shall not apply for the ensuing fiscal year
31 only.

32 2. Unless a joint resolution has been passed and
33 approved which authorizes exceeding the limitation on
34 general fund expenditures as provided in subsection 1,
35 before the general assembly shall adjourn the year's
36 session, the department of management and the
37 legislative fiscal bureau shall certify that the
38 expenditure limit in subsection 1 has not been
39 exceeded. If the department of management and the
40 legislative fiscal bureau certify that the limitation
41 has been exceeded, the general assembly shall pass a
42 bill reducing appropriations made previously in
43 enacted appropriations bills so that the limitation is

44 not exceeded.

45 Sec. 2. NEW SECTION. 2.111 PROGRAMS --

46 APPROPRIATIONS -- LIMITS.

47 Beginning with the fiscal year beginning July 1,
48 1992, the general assembly shall not establish new
49 programs to be administered by a state agency unless
50 the Act in which the new program is established

Page 2

1 contains an appropriation for the administration and
2 operating costs of the program for the first fiscal
3 year. In addition, such program shall only begin on
4 July 1 unless the program is required by the federal
5 government and it is not possible to begin the program
6 at the beginning of the fiscal year. In making
7 appropriations for a fiscal year, the general assembly
8 shall not make the appropriations contingent upon the
9 occurrence of some event, including but not limited
10 to, the passage of a bill by the general assembly,
11 establishment of a program, or unexpected increase in
12 state revenues.

13 Sec. 3. NEW SECTION. 2.112 STANDING
14 APPROPRIATIONS.

15 1. For purposes of this section, "standing
16 unlimited appropriation" means an appropriation made
17 from any state fund for more than one fiscal year
18 where the law making the appropriation does not
19 specify the exact dollar amount to be appropriated.
20 Standing unlimited appropriation includes but is not
21 limited to, phase II in section 294A.9, phase III in
22 section 294A.14, school foundation aid under section
23 257.16, programs for at-risk children under section
24 279.51, and transportation for nonpublic students in
25 section 285.2.

26 2. Notwithstanding the standing unlimited appro-
27 priation for fiscal years beginning on or after July
28 1, 1993, a standing unlimited appropriation shall not
29 exceed the amount appropriated for the previous fiscal
30 year unless the general assembly by constitutional
31 majority agrees to increase the appropriation.

32 Sec. 4. Section 8.6, Code 1991, is amended by
33 adding the following new subsections:

34 NEW SUBSECTION. 16. To review the treasurer of
35 state's report concerning the bonding levels and
36 activities of the state board of regents and to
37 monitor the lease-purchase and lease agreements of
38 state agencies, and the purchases made by state
39 agencies. An annual report shall be provided to the
40 general assembly within the first month of the

41 convening of a regular session which report covers the
42 fiscal year ending prior to the convening of the
43 session.

44 **NEW SUBSECTION. 17.** To analyze the cost to the
45 state and local governments of federal mandates. The
46 analysis shall include, in addition to the actual
47 cost, benefits and matching moneys received by the
48 state.

49 Sec. 5. Section 8.22, part II, Code 1991, is
50 amended by adding the following new unnumbered

Page 3

1 paragraph:

2 **NEW UNNUMBERED PARAGRAPH.** For fiscal years
3 beginning on or after July 1, 1992, the sum of the
4 governor's recommendations for appropriations from the
5 general fund of the state plus all standing
6 appropriations from the general fund of the state for
7 the ensuing fiscal year shall not exceed the latest
8 estimated general fund revenue for the year in
9 progress as adjusted by subtracting the estimated tax
10 refunds due on that revenue, as made by the revenue
11 estimating conference prior to January 1 of that year
12 in progress.

13 Sec. 6. Section 8.23, unnumbered paragraphs 1 and
14 2, Code 1991, are amended to read as follows:

15 **1. a.** On or before September 1, next prior to
16 each legislative session, all departments and
17 establishments of the government shall transmit to the
18 director, on blanks to be furnished by the director,
19 estimates of their expenditure requirements, including
20 every proposed expenditure, for the ensuing fiscal
21 year, classified so as to distinguish between
22 expenditures estimated for administration, operation,
23 and maintenance, and the cost of each project
24 involving the purchase of land or the making of a
25 public improvement or capital outlay of a permanent
26 character, together with supporting data and
27 explanations as called for by the director. The
28 budget estimates shall include for those agencies
29 which pay for energy directly a line item for energy
30 expenses itemized by type of energy and location. **The**
31 **For those designated departments and establishments of**
32 **the government and for the designated fiscal years as**
33 **provided in subsection 2, the estimates of expenditure**
34 **requirements shall be based upon ~~seventy-five~~ zero**
35 **percent of the funding provided for the current fiscal**
36 **year accounted for by program and the remainder of the**
37 **estimate of expenditure requirements prioritized by**

38 program. If the budget for the current year includes
39 a one-time capital appropriation, it shall not be
40 included in any budget estimates for the following
41 fiscal year. The estimates shall be accompanied with
42 performance measures for evaluating the effectiveness
43 of the program. If a department or establishment
44 fails to submit estimates within the time specified,
45 the governor shall cause estimates to be prepared for
46 that department or establishment as in the governor's
47 opinion are reasonable and proper. The director shall
48 furnish standard budget request forms to each
49 department or agency of state government.
50 b. On or before November 15 all departments and

Page 4

1 establishments of government and the judicial
2 department shall transmit to the department of
3 management and the legislative fiscal bureau estimates
4 of their receipts and expenditure requirements from
5 federal or other nonstate grants, receipts, and funds
6 for the ensuing fiscal year. The transmittal shall
7 include the names of the grantor and the grant or the
8 source of the funds, the estimated amount of the
9 funds, and the planned expenditures and use of the
10 funds. The format of the transmittal shall be
11 specified by the legislative fiscal bureau. In the
12 case where federal grants, receipts, or funds are
13 involved, the transmittal shall also include the
14 amount of any required state match.

15 Sec. 7. Section 8.23, Code 1991, is amended by
16 adding the following new subsection:

17 **NEW SUBSECTION. 2.** The following departments and
18 establishments of the government, beginning with the
19 designated fiscal year and for every sixth fiscal year
20 thereafter, shall provide budget estimates under
21 subsection 1 based upon zero percent of the funding
22 provided for the current fiscal year:

23 a. For the fiscal year beginning July 1, 1992, the
24 state departments of agriculture and land stewardship,
25 economic development, education, and human rights, and
26 the office of auditor of state.

27 b. For the fiscal year beginning July 1, 1993, the
28 state departments of commerce, elder affairs, human
29 services, and public health, and the offices of
30 governor's substance abuse prevention coordinator,
31 secretary of state, and state-federal relations.

32 c. For the fiscal year beginning July 1, 1994, the
33 state departments for the blind, inspections and
34 appeals, public defense, and public safety, campaign

35 finance disclosure commission, public employment
36 relations board, and state board of regents.
37 d. For the fiscal year beginning July 1, 1995, the
38 state departments of general services, justice, and
39 revenue and finance, the college student aid
40 commission, the office of governor, and the board of
41 parole.

42 e. For the fiscal year beginning July 1, 1996, the
43 state departments of cultural affairs, employment
44 services, natural resources, and transportation, Iowa
45 state civil rights commission, and the Iowa law
46 enforcement academy.

47 f. For the fiscal year beginning July 1, 1997, the
48 state departments of corrections, management, and
49 personnel, executive council, judicial department, and
50 office of treasurer of state.

Page 5

1 Sec. 8. NEW SECTION. 17A.4A FISCAL REVIEW.

2 1. If the administrative rules review committee
3 determines that a proposed rule may cost the state
4 more than one hundred thousand dollars in a fiscal
5 year or more than five hundred thousand dollars over a
6 five-year period, a fiscal note shall be prepared on
7 that rule. Notwithstanding the provisions of section
8 17A.4, a proposed rule for which a fiscal note is
9 required shall not take effect unless approved
10 pursuant to this section.

11 2. If the general assembly is meeting in regular
12 session, the proposed rule and fiscal note shall be
13 referred to an appropriations committee for approval
14 or disapproval. If the general assembly is not
15 meeting in regular session, the proposed rule and
16 fiscal note shall be referred to the fiscal committee
17 of the legislative council for approval or
18 disapproval.

19 3. If the proposed rule is approved and adopted,
20 following the first complete fiscal year after its
21 adoption, the agency which proposed the rule shall
22 submit a report of the actual expenses incurred by the
23 state and agencies and entities which contract with
24 the state in implementing the rule.

25 Sec. 9. Sections 6 and 7 of this Act take effect
26 July 1, 1991, for budget estimates provided for
27 appropriations for fiscal years beginning on or after
28 July 1, 1992."

29 2. Title page, by striking lines 2 through 6 and

30 inserting the following: "requiring certain financial
31 practices and providing an effective date."

LINN FUHRMAN
H. KAY HEDGE
RAY TAYLOR

S-3785

- (1 Amend House File 713, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 1 through 13.
4 2. Page 2, line 18, by inserting after the word
5 "expenditures" the following: ", or for transfer to
6 the GAAP deficit reduction fund under section 8.56".
7 3. Page 3, line 33, by striking the figure "1992"
8 and inserting the following: "1993".
9 4. By striking page 5, line 31, through page 7,
10 line 14, and inserting the following:
11 "Sec. ____ . LEGISLATIVE STUDY. The legislative
12 council shall create an interim committee, prior to
13 July 1, 1991, to study and make recommendations to the
14 general assembly on methods to address Iowa's chronic
15 budgetary problems. The study committee's charge
16 shall include, but not be limited to, review of the
17 state revenue projection process, state budgetary and
18 spending limitation procedures, state adherence to
19 generally accepted accounting principles, other
20 budgetary reforms, and tax equity issues. The
21 committee shall be composed of ten citizens, three
22 members of the senate, three members of the house of
23 representatives, the auditor of state, and the
24 treasurer of state. The committee shall issue a
25 preliminary report to the legislative council on
26 December 1, 1991, with its recommendations, and prior
27 to February 1, 1992, shall hold a series of public
28 hearings to gather citizen input on the recommend-
29 ations prior to submission of its final report to the
30 general assembly, which shall be submitted no later
31 than February 1, 1992."
32 5. Title page, by striking lines 3 through 6, and
33 inserting the following: "capitals fund."
34 6. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
LEONARD L. BOSWELL, Chair

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 709

S-3786

- 1 Amend the Senate amendment, H-4113, to House File
2 709, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 10, the
4 following:
5 " ____ . Page 18, by inserting after line 12, the
6 following:
7 "Sec. ____ . Section 17A.8, subsection 1, paragraphs
8 a and b, Code 1991, are amended to read as follows:
9 a. ~~Three~~ Five senators appointed by the majority
10 leader of the senate.
11 b. ~~Three~~ Five representatives appointed by the
12 speaker of the house."
13 2. Page 3, by striking lines 9 through 32.
14 3. By striking page 3, line 33 through page 4,
15 line 11.
16 4. Page 4, by inserting after line 31 the follow-
17 ing:
18 "Sec. ____ . House File 479, section 418, if enacted
19 by the Seventy-fourth General Assembly, 1991 Session,
20 is repealed."
21 5. Page 4, by striking lines 32 through 39.
22 6. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

S-3787

- 1 Amend House File 713, as passed by the House, as
2 follows:
- 3 1. Page 7, by inserting before line 15 the
4 following:
5 "Sec. 50. NEW SECTION. 422.12D CAREGIVER CREDIT.
6 The taxes imposed under this division, less the
7 credits allowed under sections 422.11A, 422.11B,
8 422.11C, 422.12, and 422.12B, shall be reduced by the
9 sum of fifteen hundred dollars for providing unskilled
10 in-home health-related care services for a frail
11 elderly who is the parent or spouse of the care-giving
12 taxpayer. If the credit exceeds the amount of tax,
13 such excess shall be refundable or credited to the tax
14 liability of the taxpayer for the following tax year,
15 as selected by the taxpayer.
16 The department of elder affairs in conjunction with
17 the department shall adopt rules for purposes of the
18 credit in this section.

19 Sec. ____ . Section 50 of this Act applies
20 retroactively to January 1, 1991, for tax years
21 beginning on or after that date.”
22 2. Title page, line 3, by inserting after the
23 words “capitals fund,” the following: “allowing
24 income tax credit for health-related care services
25 provided to certain frail elderly.”

BEVERLY HANNON

S-3788

1 Amend House File 713, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 14, the
4 following:
5 “Sec. ____ . Section 8.23, unnumbered paragraph 1,
6 Code 1991, is amended to read as follows:
7 1. 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 for those agencies
21 which pay for energy directly a line item for energy
22 expenses itemized by type of energy and location. The
23 For those designated departments and establishments of
24 the government and for the designated fiscal years as
25 provided in subsection 2, the estimates of expenditure
26 requirements shall be based upon ~~seventy-five~~ zero
27 percent of the funding provided for the current fiscal
28 year accounted for by program and ~~the remainder~~ of the
29 estimate of expenditure requirements prioritized by
30 program. The estimates shall be accompanied with
31 performance measures for evaluating the effectiveness
32 of the program. If a department or establishment
33 fails to submit estimates within the time specified,
34 the governor shall cause estimates to be prepared for
35 that department or establishment as in the governor's
36 opinion are reasonable and proper. The director shall
37 furnish standard budget request forms to each
38 department or agency of state government.

39 Sec. ____ . Section 8.23, Code 1991, is amended by
40 adding the following new subsection:
41 **NEW SUBSECTION. 2.** The following departments and
42 establishments of the government, beginning with the
43 designated fiscal year and for every sixth fiscal year
44 thereafter, shall provide budget estimates under
45 subsection 1 based upon zero percent of the funding
46 provided for the current fiscal year:
47 a. For the fiscal year beginning July 1, 1992, the
48 state departments of agriculture and land stewardship,
49 economic development, education, and human rights, and
50 the office of auditor of state.

Page 2

1 b. For the fiscal year beginning July 1, 1993, the
2 state departments of commerce, elder affairs, human
3 services, and public health, and the offices of
4 governor's substance abuse prevention coordinator,
5 secretary of state, and state-federal relations.

6 c. For the fiscal year beginning July 1, 1994, the
7 state departments for the blind, inspections and
8 appeals, public defense, and public safety, campaign
9 finance disclosure commission, public employment
10 relations board, and state board of regents.

11 d. For the fiscal year beginning July 1, 1995, the
12 state departments of general services, justice, and
13 revenue and finance, the college student aid
14 commission, the office of governor, and the board of
15 parole.

16 e. For the fiscal year beginning July 1, 1996, the
17 state departments of cultural affairs, employment
18 services, natural resources, and transportation, Iowa
19 state civil rights commission, and the Iowa law
20 enforcement academy.

21 f. For the fiscal year beginning July 1, 1997, the
22 state departments of corrections, management, and
23 personnel, executive council, judicial department, and
24 office of treasurer of state."

25 2. Page 1, line 33, by striking the words "in
26 December".

27 3. Page 3, line 27, by striking the words "in
28 December".

29 4. Page 3, line 35, by striking the word
30 "December".

RICHARD J. VARN

S-3789

- 1 Amend the amendment, S-3785, to House File 713, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by striking lines 9 and 10 and
- 4 inserting the following:
- 5 " . . . Page 7, by striking lines 10 and 11 and
- 6 inserting the following:".

MIKE CONNOLLY
JOE J. WELSH
JEAN LLOYD-JONES
ELAINE SZYMONIAK
LARRY MURPHY
BEVERLY A. HANNON
FLORENCE BUHR
DON E. GETTINGS
RICHARD V. RUNNING

S-3790

- 1 Amend the amendment, S-3788, to House File 713, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "program." the following: "The expenditure estimates
- 5 required under this section shall be organized so as
- 6 to provide a performance budget line item for each
- 7 program under the authority of the department or
- 8 establishment submitting the estimate. Each line item
- 9 shall be accompanied by documentation providing
- 10 measurements concerning the program's demand, employee
- 11 workload, productivity, effectiveness, and other
- 12 relevant information concerning the program's
- 13 performance."

MAGGIE TINSMAN
RICHARD J. VARN

S-3791

- 1 Amend Senate Concurrent Resolution 29 as follows:
- 2 1. Page 1, line 6, by striking the words and
- 3 figures "Saturday, May 11, 1991" and inserting the
- 4 following: "Sunday, May 12, 1991".

BILL HUTCHINS

S-3792

- 1 Amend House File 695 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 31, by inserting after the word

4 "fund" the following: " , except for fifty thousand
5 dollars, which shall be credited to the department of
6 revenue and finance to cover the cost of
7 administration of this chapter".

MIKE CONNOLLY

S-3793

1 Amend House File 695 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 35 through page 2, line 1 by
4 striking the words "TAX ON RENTAL OF AUTOMOBILES." and
5 inserting the following: "TAX TO GOUGE THE CONSUMER
6 IN ORDER TO FORGIVE THE USE TAX FOR THE RENTAL CAR
7 INDUSTRY."

MIKE CONNOLLY

S-3794

1 Amend House File 695 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, line 2, by striking the word "four"
4 and inserting the following: "two".

MIKE CONNOLLY

S-3795

1 Amend the amendment, S-3791, to Senate Concurrent
2 Resolution 29 as follows:
3 1. Page 1, line 4, by inserting after the figure
4 "1991" the following: " , Mother's Day".

JIM LIND

**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

**Filed During The
SEVENTY-FOURTH GENERAL ASSEMBLY
1991 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE CONCURRENT RESOLUTION 2

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the Senate and House for the seventy-fourth general assembly, respectfully make the following report:

1. That the House recedes from its amendment, S-3007.
2. That Senate Concurrent Resolution 2, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 7, by striking lines 26 through 30 and inserting the following:
 - "3. The authority of the".

On the Part of the Senate:

JOE WELSH, Chair
BILL HUTCHINS
JEAN LLOYD-JONES

On the Part of the House:

GLEN JESSE, Chair
LOUIS MUHLBAUER
DAVID SCHRADER

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 42

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 42, a bill for an Act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances, respectfully make the following report:

1. That the House recedes from its amendment, S-3495.
2. That Senate File 42, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, by striking lines 1 through 14.
 2. Page 1, by striking line 17 and inserting the following:

"NEW SUBSECTION. 3A. Notwithstanding subsection 3, a physician assistant shall not dispense prescription drugs as an incident to the practice of the supervising physician or the physician assistant, but may supply,"
 3. Page 1, line 26, by inserting after the word "devices." the following:

"Prescription drugs supplied under the provisions of this subsection shall be supplied for the purpose of accommodating the patient and shall not be sold for more than the cost of the drug and reasonable overhead costs, as they relate to supplying prescription drugs to the patient, and not at a profit to the physician or the physician assistant. If prescription drug supplying authority is delegated by a supervising physician to a physician assistant, a nurse or staff assistant may assist the physician assistant in providing that service. Rules shall be adopted by the board of physician assistant examiners, after consultation with the board

of pharmacy examiners, to implement this subsection."

4. Page 1, line 27, by inserting after the word and figure "subsection 1" the following: "and any other provision of this section to the contrary".

5. Page 2, line 4, by inserting after the word "examiners," the following: "after consultation with the board of medical examiners and the board of pharmacy examiners,".

6. Page 2, line 4, by inserting after the figure "1991." the following: "The rules shall be reviewed and approved by the physician assistant rules review group created under subsection 3D and shall be adopted in final form by January 1, 1993. However, the rules shall prohibit the prescribing of Schedule II controlled substances which are listed as stimulants or depressants pursuant to chapter 204."

7. Page 2, by striking lines 5 through 7, and inserting the following: "If rules are not reviewed and approved by the physician assistant rules review group created under subsection 3D and adopted in final form by January 1, 1993, a physician assistant may prescribe drugs as a delegated act of a supervising physician under rules adopted by the physician assistant board of examiners and subject to the rules review process established in section 148C.7. The board of".

8. Page 2, by striking lines 13 and 14 and inserting the following:

"NEW SUBSECTION. 3C. Health care providers shall".

9. Page 2, by inserting after line 18, the following:

"NEW SUBSECTION. 3D. A physician assistant rules review group is established consisting of two physician assistants selected by the board of physician assistants, two physicians selected by the board of medical examiners, and one physician currently practicing as a supervising physician of physician assistants selected by the four other members of the rules review group no later than August 1, 1991. The rules review group shall select its own chairperson.

The rules review group shall review and approve or disapprove rules proposed for adoption relating to the authority of physician assistants to supply or prescribe drugs, controlled substances, and medical devices pursuant to subsection 3B. Approval shall be by a simple majority of the members of the rules review group. A rule shall not become effective without the approval of the rules review group unless otherwise specified under this section."

10. Page 2, by inserting after line 24, the following:

"Sec. ____ . EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment."

11. Title page, line 3, by inserting after the word "substances" the following: ", and providing an effective date".

12. By renumbering, relettering, and correcting internal references as necessary.

On the Part of the Senate:

JAMES RIORDAN, Chair
 BEVERLY HANNON
 JOHN JENSEN
 MARY KRAMER
 LARRY MURPHY

On the Part of the House:

GENE BLANSHAN, Chair
 SCOTT KREBSBACH
 DAVID OSTERBERG
 JANE TEAFORD

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 184

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 184, a bill for an Act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4084.

2. That the House amendment, S-3692, to Senate File 184, as amended, passed, and reprinted by the Senate, is amended as follows:

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

“ ____ . Page 3, line 14, by striking the word “or”.

____ . Page 3, line 17, by inserting after the word “grade”, the following: “, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services”.

“ ____ . Page 3, by inserting after line 24, the following:

“Sec. ____ . Section 2 of this Act shall apply to pupils participating in open enrollment as a result of whole grade sharing agreements entered into on or after July 1, 1990.”

2. Page 1, line 12, by inserting after the word “athletics” the following: “, and providing for the Act’s applicability”.

3. By numbering, renumbering, and changing internal references as necessary.

On the Part of the Senate:

RICHARD VARN, Chair
EUGENE FRAISE
H. KAY HEDGE
JOHN P. KIBBIE
WILMER RENSINK

On the Part of the House:

MATTHEW WISSING, Chair
TOM BAKER
DONALD E. HANSON
BOB KISTLER
C. ARTHUR OLLIE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 209

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 209, a bill for an Act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety,

department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, and increasing the court civil penalty surcharge, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-3166.

2. That the House of Representatives recedes from its amendment, S-3085.

3. That Senate File 209, as amended, passed and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 22, the following:

"Sec. ____ . Notwithstanding the provisions of 1990 Iowa Acts, chapter 1270, section 6, the department of human services may revise the allocation of funds appropriated in that section for protective and state child care assistance as the department deems necessary to prevent a deficit in the appropriation. The revision actions the department may take include but are not limited to transfers of allocated funds between counties within a department of human services' district, transfers between the districts, and limiting the number of new persons who are approved to receive state child care assistance. If a transfer of allocated funds is necessary, consideration shall be given to transferring funds from those counties projecting a surplus in the allocation which have no waiting list for services and from those counties with unencumbered funds in the allocation which have a waiting list."

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

"Sec. ____ . There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1262, section 17, for emergency assistance to families with dependent children under Title IV-A of the federal Social Security Act to match federal dollars for homeless prevention programs:

..... \$ 400,000".

3. Page 7, by inserting after line 11, the following:

"Sec. ____ . There is appropriated from the general fund of the state to the judicial department 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 purposes designated:

1. To supplement other funds appropriated by the general assembly in 1990 Iowa Acts, chapter 1268, section 7, subsection 1, as amended by 1991 Iowa Acts, House File 173, for salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, and maintenance, equipment, and miscellaneous purposes:

..... \$ 200,000".

4. Page 7, line 25, by striking the figure "183,283" and inserting the following: "133,000".

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

"Sec. ____ . Moneys remaining unencumbered or unobligated from the funds appropriated to the Iowa finance authority for the housing assistance program for the fiscal year beginning July 1, 1989, in section 99E.32, subsection 3, paragraph "u" shall be used by the Iowa finance authority for the housing assistance program under the conditions and criteria set out in 1990 Iowa Acts, chapter 1262, section 3, as amended by section 23 of this Act, except that \$400,000 of such money shall be transferred to and deposited in the general fund of the state on the effective date of this Act.

Notwithstanding section 8.33, section 99E.32, subsection 7, and 1990 Iowa Acts, chapter 1255, section 37, subsection 2, moneys for the housing assistance program remaining unencumbered or unobligated on June 30, 1991, shall not revert or be transferred to any fund but shall be available for expenditure for purposes of the housing assistance program for the fiscal year beginning July 1, 1991."

6. Page 10, by inserting after line 11 the following:

"Sec. 100. Section 8.23, unnumbered paragraph 1, Code 1991, is amended to read as follows:

On or before September 1, next prior to each legislative session, all departments and establishments of the government shall transmit to the director, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, classified so as to distinguish between expenditures estimated for administration, operation, and maintenance, and the cost of each project involving the purchase of land or the making of a public improvement or capital outlay of a permanent character, together with supporting data and explanations as called for by the director. The budget estimates shall include for those agencies which pay for energy directly a line item for energy expenses itemized by type of energy and location. The estimates of expenditure requirements shall be based upon seventy-five percent of the funding provided for the current fiscal year accounted for by program reduced by the historical employee vacancy factor in form specified by the director and the remainder of the estimate of expenditure requirements prioritized by program. The estimates shall be accompanied with performance measures for evaluating the effectiveness of the program. If a department or establishment fails to submit estimates within the time specified, the governor shall cause estimates to be prepared for that department or establishment as in the governor's opinion are reasonable and proper. The director shall furnish standard budget request forms to each department or agency of state government.

Sec. ____ . Section 99F.4, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All license fees, operating fees, admissions fees, and penalties collected under this chapter after July 1, 1993, shall be deposited into the excursion boat gambling revolving fund created in the office of the treasurer of state.

Sec. ____ . 1991 Iowa Acts, House File 173, section 1241, is amended by striking the section and inserting in lieu thereof the following:

SEC. 1241. Section 523A.20, Code 1991, is amended to read as follows:
523A.20 INSURANCE DIVISION'S REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate

from the fees paid pursuant to section 523A.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.2 shall be deposited into the ~~insurance revolving fund; provided, however, that general fund of the state.~~ However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523A.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. However, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, any interest or earnings that are earned on the balance during that period shall be deposited into the general fund of the state. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523A.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars.

Sec. ____ . 1991 Iowa Acts, House File 173, section 1242, is amended by striking the section and inserting in lieu thereof the following:

SEC. 1242. Section 523E.20, Code 1991, is amended to read as follows:

523E.20 INSURANCE DIVISION'S REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate from the fees paid pursuant to section 523E.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523E.2 shall be deposited into the ~~insurance revolving fund; provided, however, that general fund of the state.~~ However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523E.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. However, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, any interest or earnings that are earned on the balance during that period shall be deposited into the general fund of the state. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523E.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars."

7. Page 10, by inserting after line 24, the following:

"Sec. ____ . NEW SECTION. 29C.22 PARTICIPATION IN FUNDING DISASTER RECOVERY FACILITY.

All state government departments and agencies may participate in sharing the cost of the design, construction, and operation of a disaster recovery facility located in the STARC armory at Camp Dodge. State departments and agencies may use funds from any source, including but not limited to, user fees, and appropriations for operational or capital purposes, to participate in the facility."

8. Page 10, line 32, by striking the word "Ninety" and inserting the following:

"Ninety Ninety-four".

9. Page 11, line 2, by striking the word "ten" and inserting the following: "ten six".

10. Page 11, line 3, by striking the word "ten" and inserting the following: "ten six".

11. Page 11, by inserting after line 6 the following:

"Sec. ____ . Moneys deposited into the general fund of the state during the fiscal period beginning July 1, 1991, and ending June 30, 1993, that would have been deposited into other funds or accounts but for the provisions of 1991 Iowa Acts, House File 173, division XII, shall only be used for the purposes for which the moneys were collected.

Sec. 200. Notwithstanding any provision relating to or contained in section 28.112, the value-added agricultural products and processes financial assistance fund; section 117.54, the Iowa real estate education fund; section 246.310, the canteen operating fund; section 246.706, the revolving farm fund; section 455A.18, the Iowa resources enhancement and protection fund; section 467A.71, the conservation practices revolving loan fund; and section 467F.4, the water protection fund; any interest earned on or income from investments of moneys in such funds received during the fiscal period beginning July 1, 1991, and ending June 30, 1993, shall not be deposited into such funds but shall be deposited into the general fund of the state.

Sec. ____ . 1991 Iowa Acts, House File 173, sections 1202, 1205, 1213, 1220, 1221, 1232, 1233, 1234, 1235, and 1250, are repealed.

Sec. ____ . EFFECTIVE DATE. Section 200 of this Act takes effect July 1, 1991."

12. Page 11, by striking line 9 and inserting the following: "apply to fines and forfeitures collected on or".

13. Page 11, line 10, by inserting after the word "date." the following: "Section 100 of this Act relating to departmental estimates takes effect July 1, 1991."

14. Title page, line 12, by inserting after the word "project," the following: "relating to certain interest, investment income, and funds received, relating to future budget estimates,".

15. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

LEONARD BOSWELL, Chair
EMIL HUSAK
ELAINE SZYMONIAK

On the Part of the House:

THOMAS JOCHUM, Chair
C. ARTHUR OLLIE
MICHAEL PETERSON

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 362

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 362, a bill for an Act relating to petroleum underground storage tanks by

raising the maximum use taxes deposited in the Iowa comprehensive underground storage tank fund and adjusting the diminution cost factor, establishing monitoring certificates, requiring certain corrective action rules, defining free product, providing for double-walled tanks as a corrective action cost, providing for payment of corrective action costs for certain not-for-profit organizations, establishing requirements for site cleanup reports, changing copayment schedules for remedial action, extending property liens, limiting cleanup payments, extending loan maturity dates and offering a special interest rate buy-down, extending upgrade dates, offering insurance coverage for certified tank installers and for property transfers, limiting rights of recovery and subrogation under the insurance account, requiring certification and registration of groundwater professionals, imposing an environmental damage offset, and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-3701.

2. That Senate File 362, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 12 the following:

"Sec. ____ . Section 424.2, subsections 5, 9, and 12, Code 1991, are amended to read as follows:

5. "Depositor" means the person who deposits petroleum into ~~a~~ an underground storage tank subject to regulation under chapter 455G or an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet.

9. "Owner or operator" means "owner or operator" of an underground storage tank as used in chapter 455G or the "owner" or "operator" of an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet.

12. "Tank" means an underground storage tank subject to regulation under chapter 455G or an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet."

2. Page 1, by striking line 17 and inserting the following: "board, after public hearing, ~~may shall~~ determine, or ~~may shall~~ adjust, the".

3. Page 1, line 18, by inserting after the words "factor to" the following: "the greater of either".

4. Page 1, line 21, by striking the words "interest, if any" and inserting the following: "interest, ~~if any or ten dollars~~".

5. Page 1, by inserting after line 24 the following:

"Sec. ____ . Section 455B.301, subsection 20, Code 1991, is amended to read as follows:

20. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by section 321.1, subsection 1. However, this division does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal project. Solid waste does not include hazardous waste as defined in section 455B.411 or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979, or petroleum contaminated soil which has been remediated to acceptable state or federal standards."

6. By striking page 1, line 28 through page 2, line 27 and inserting the following:

"d. Establishing criteria for classifying sites according to the release of a regulated substance in connection with an underground storage tank.

(1) The classification system shall consider the actual or potential threat to public health and safety, and to the environment posed by the contaminated site and shall take into account relevant factors, including the presence of contamination in soils, groundwaters, and surface waters, and the effect of conduits, barriers, and distances on the contamination found in those areas according to the following factors:

(a) Soils shall be evaluated based upon the depth of the existing contamination and its distance from the ground surface to the contamination zone and the contamination zone to the groundwater; the soil type and permeability, including whether the contamination exists in clay, till or sand and gravel; and the variability of the soils, whether the contamination exists in soils of natural variability or in a disturbed area.

(b) Groundwaters shall be evaluated based upon the depth of the contamination and its distance from the ground surface to the groundwater and from the contamination zone to the groundwater; the flow pattern of the groundwater, the direction of the flow in relation to the contamination zone and the interconnection of the groundwater with the surface or with surface water and with other groundwater sources; the nature of the groundwater, whether it is located in a high yield aquifer, an isolated, low yield aquifer, or in a transient saturation zone; and use of the groundwater, whether it is used as a drinking water source for public or private drinking water supplies, for livestock watering, or for commercial and industrial processing.

(c) Surface water shall be evaluated based upon its location, its distance in relation to the contamination zone, the groundwater system and flow, and its location in relation to surface drainage.

(d) The effect of conduits, barriers, and distances on the contamination found in soils, groundwaters, and surface waters. Consideration should be given to the following: the effect of contamination on conduits such as wells, utility lines, tile lines and drainage systems; the effect of conduits on the transport of the contamination; whether a well is active or abandoned; what function the utility line serves, whether it is a sewer line, a water distribution line, telephone line, or other line; the existence of barriers such as buildings and other structures, pavement, and natural barriers, including rock formations and ravines; and the distance which separates the contamination found in the soils, groundwaters, or surface waters from the conduits and barriers.

(2) A site shall be classified as either high risk, low risk, or no action required.

(a) A site shall be considered high risk under any of the following conditions:

(i) Contamination is affecting or likely to affect groundwater which is used as a source water for public or private water supplies, to a level rendering them unsafe for human consumption.

(ii) Contamination is actually affecting or is likely to affect surface water bodies to a level where surface water quality standards, under section 455B.173, will be exceeded.

(iii) Harmful or explosive concentrations of petroleum substances or vapors affecting structures or utility installations exist or are likely to occur.

(b) A site shall be considered low risk under any of the following conditions:

(i) Contamination is present and is affecting groundwater, but high risk conditions do not exist and are not likely to occur.

(ii) Contamination is above action level standards, but high risk conditions do not exist and are not likely to occur.

(c) A site shall be considered no action required if contamination is below action level standards and high or low risk conditions do not exist and are not likely to occur.

(d) A site shall be reclassified as a site with a higher or lower classification when the site falls within a higher or lower classification as established under this subparagraph."

7. Page 2, line 29, by striking the words "sites contaminated by tank releases" and inserting the following: "the release of a regulated substance in connection with an underground storage tank".

8. Page 2, line 30, by inserting after the word "include" the following: ", but not be limited to,".

9. Page 2, by striking lines 32 and 33 and inserting the following:

"(1) A requirement that the site cleanup report do all of the following:".

10. Page 3, line 1, by striking the word "Determine" and inserting the following: "Provide supporting data and a recommendation of".

11. Page 3, line 4, by striking the word "Determine" and inserting the following: "Provide supporting data and a recommendation of".

12. Page 3, by striking lines 18 through 26 and inserting the following:

"(5) Low risk sites shall be monitored according to the following schedule:

(a) Up to three times per year from years one through three.

(b) Up to two times per year from years four through six.

(c) One time per year from years seven through nine.

(d) In the twelfth year the site shall be monitored one time. If there has been no significant increase in contamination or the contamination has not moved, the site shall be reclassified as a no action required site. If at any time the contamination has increased or moved by a significant amount, the site shall be monitored according to the previous higher monitoring schedule as established under this subparagraph.

(e) The department shall have the authority to order monitoring in addition to the requirements as specified in this subparagraph with approval by the board.

(f) If at any time monitoring indicates that contamination has fallen below action level standards, the site shall be reclassified as a no action required site.

(5A) No action required sites shall not be required to be remediated or monitored."

13. Page 3, line 29, by inserting after the word "groundwater." the following: "For purposes of this subparagraph, "bioremediation" means the use of biological organisms, including microorganisms or plants, to degrade organic pollutants to common natural products."

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

"(9) The director may order an owner or operator to immediately take all corrective actions deemed reasonable and necessary by the director if the corrective action is consistent with the prioritization rules adopted under this paragraph. Any order taken by the director pursuant to this subparagraph shall be reviewed at the next meeting of the environmental protection commission."

15. Page 4, by striking lines 9 and 10 and inserting the following: "monitoring certificate shall be valid until the site is reclassified as a no action required site. A site which has been issued".

16. Page 4, line 34, by striking the word "subsection" and inserting the following: "subsections".

17. Page 5, line 3, by inserting after the word "installer" the following: "or inspector".

18. Page 5, by inserting after line 4 the following:

"NEW SUBSECTION. 3B. "Community remediation" means a program of coordinated testing, planning, or remediation, involving two or more tank sites potentially connected with a continuous contaminated area, pursuant to rules adopted by the board. A community remediation does not expand the scope of coverage otherwise available or relieve liability otherwise imposed under state or federal law."

19. Page 5, by inserting after line 33 the following:

"Sec. ____ . Section 455G.2, subsection 15, unnumbered paragraph 2, Code 1991, is amended by striking the unnumbered paragraph."

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

"Sec. ____ . Section 455G.9, subsection 1, paragraph a, subparagraph (1), Code 1991, is amended to read as follows:

(1) Corrective action for an eligible release reported to the department of natural resources on or after July 1, 1987, but prior to May 5, 1989. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release for a small business 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, in accordance with subsection 4 notwithstanding. For all other claims under this subparagraph, the remedial program shall pay the lesser of fifty thousand dollars of the total costs of corrective action for that release or total corrective action costs for that release as determined under subsection 4. 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 shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(b) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after July 1, 1987.

(c) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to January 31, 1990, except that cities and counties must have filed their claim with the board by September 1, 1990.

(d) 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.

Total payments for claims pursuant to this subparagraph are limited to no more than 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 eight million dollars or the then remaining balance of eight million dollars. If claims remain partially or totally unpaid after total payments equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment."

21. Page 6, by striking lines 18 through 22 and inserting the following: "26, 1990. School districts who reported a release to the department of natural resources prior to December 1, 1990, shall have until July 1, 1991, to report a claim to the board for remedial coverage under this subparagraph.

Sec. ____ . Section 455G.9, subsection 1, paragraph a, subparagraph (3), unnumbered paragraph 1, Code 1991, is amended to read as follows:

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 for a small business 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, in accordance with subsection 4 notwithstanding. For all other claims under this subparagraph, the remedial program shall pay the lesser of fifty thousand dollars of the total costs of corrective action for that release or total corrective action costs for that release as determined under subsection 4. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:"

22. Page 6, line 24, by striking the word "subparagraph" and inserting the following: "subparagraphs".

23. Page 6, by inserting after line 34 the following:

"NEW SUBPARAGRAPH. (5) For the purposes of calculating corrective action costs under this paragraph, corrective action shall include the cost of a tank system upgrade required by section 455B.474, subsection 1, paragraph "f" subparagraph (7). Payments under this subparagraph shall be limited to a maximum of ten thousand dollars for any one site.

NEW SUBPARAGRAPH. (6) For the purposes of calculating corrective action costs under this paragraph, corrective action shall include the costs associated with monitoring required by the rules adopted under section 455B.474, subsection 1, paragraph "f" but corrective action shall exclude monitoring used for leak detection required by rules adopted under section 455B.474, subsection 1, paragraph "a".

Sec. ____ . Section 455G.9, subsection 1, paragraphs b, c, and d, Code 1991, are amended to read as follows:

b. Corrective action and third-party liability for a release discovered on or after January 24, 1989, for which a responsible owner or operator able to pay cannot be found and for which the federal underground storage tank trust fund or other federal moneys do not provide coverage. For the purposes of this section property shall not be deeded or quitclaimed to the state or board in lieu of cleanup. Additionally, the ability to pay shall be determined after a claim has been filed. The board is not liable for any cost where either the responsible owner or operator, or both, have a net worth greater than fifteen thousand dollars, or where the responsible party can be determined. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution.

c. Corrective action and third-party liability for a tank owned or operated by a financial institution eligible to participate in the remedial account under section 455G.16 if the prior owner or operator is unable to pay, if so authorized by the board as part of a condition or incentive for financial institution participation in the fund pursuant to section 455G.16. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution.

d. One hundred percent of the costs of corrective action and third party liability

for a release situated on property acquired by a county for delinquent taxes pursuant to chapters 445 through 448, for which a responsible owner or operator able to pay, other than the county, cannot be found. A county is not a "responsible party" for a release in connection with property which it acquires in connection with delinquent taxes, and does not become a responsible party by sale or transfer of property so acquired. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution."

24. Page 7, line 1, by striking the word "paragraph" and inserting the following: "paragraphs".

25. Page 7, by inserting before line 13, the following:

"NEW PARAGRAPH. h. Corrective action for the costs of a release under all of the following conditions:

(1) The property upon which the tank causing the release was situated was transferred by inheritance, devise, or bequest.

(2) The property upon which the tank causing the release was situated has not been used to store or dispense petroleum since January 1, 1974.

(3) The person who received the property by inheritance, devise, or bequest was not the owner of the property during the period of time when the release which is the subject of the corrective action occurred.

(4) The release was reported to the board by July 1, 1991.

Corrective action costs and copayment amounts under this paragraph shall be paid in accordance with subsection 4.

A person requesting benefits under this paragraph may establish that the conditions of subparagraphs (1), (2), and (3) are met through the use of supporting documents, including a personal affidavit.

NEW PARAGRAPH. i. One hundred percent of the costs of corrective action for a governmental subdivision in connection with a tank which was in place on the date the release was discovered or reported if the governmental subdivision did not own or operate the tank which caused the release and if the governmental subdivision did not obtain the property upon which the tank giving rise to the release is located on or after May 3, 1991. Property acquired pursuant to eminent domain in connection with a United States department of housing and urban development approved urban renewal project is eligible for payment of costs under this paragraph whether or not the property was acquired on or after May 3, 1991."

26. Page 7, line 24, by striking the word "twenty" and inserting the following: "eighteen".

27. Page 8, line 13, by inserting after the word "value," the following: "adjusted for equipment and capital improvements."

28. Page 8, line 20, by inserting after the word "annually," the following: "An owner or operator under this subsection shall notify the board of the sale or transfer of the property interest in the tank site."

29. Page 9, line 19, by striking the word "subsection" and inserting the following: "subsections".

30. Page 9, by inserting after line 25 the following:

"NEW SUBSECTION. 10. For a self-insured as determined under IAC 567-136.6, to qualify for remedial benefits under this section, tanks shall be upgraded by January 1, 1995, as specified by the United States environmental protection agency in 40 C.F.R. 280.21, as amended through January 1, 1989. A self-insured

who qualifies for benefits under this section shall repay any benefits received if the upgrade date is not met."

31. Page 9, lines 26 and 27, by striking the words and figure "subsections 5 and 6, Code 1991, are" and inserting the following: "subsection 6, Code 1991, is".

32. By striking page 9, line 28 through page 10, line 8.

33. Page 10, by inserting after line 16 the following:

"Sec. ____ . Section 455G.11, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. To the extent that coverage under this section includes third-party liability, third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution."

34. Page 11, line 1, by inserting after the word "INSTALLER'S" the following: "AND INSPECTOR'S".

35. Page 11, line 3, by striking the words "an installer of a" and inserting the following: "installers and inspectors of".

36. Page 11, line 4, by striking the word "installation" and inserting the following: "installations".

37. Page 11, line 18, by striking the words "an installer" and inserting the following: "installers and inspectors".

38. Page 11, line 23, by inserting after the word "basis." the following: "The premium paid shall be fully earned and is not subject to refund or cancellation."

39. Page 11, by inserting after line 24 the following:

"(5) The board may offer coverage at rates based on sales if the qualifying installer or inspector cannot be rated on a per tank basis, or if the work the installer or inspector performs involves more than tank installation. The rates to develop premiums shall be based on the premium charged per tank under subparagraphs (1), (2), and (3)."

40. Page 11, line 25, by striking the words "An installer" and inserting the following: "Installers and inspectors".

41. Page 11, line 32, by striking the words "An installer" and inserting the following: "Installers and inspectors".

42. Page 12, line 3, by inserting after the word "installer" the following: "or inspector".

43. Page 12, line 9, by striking the words "or installer" and inserting the following: "installer or inspector".

44. Page 12, line 13, by striking the words "shall not" and inserting the following: "may".

45. Page 12, line 19, by inserting after the word "installers" the following: "and inspectors".

46. Page 12, line 26, by inserting after the word "installers" the following: "or inspectors".

47. Page 12, line 29, by inserting after the word "installer" the following: "or inspector".

48. Page 12, by striking lines 31 and 32 and inserting the following: "excess coverage of".

49. Page 15, line 25, by inserting after the word "technology." the following: "The board shall not have the authority to affect a contract which has been given written approval under section 455G.12A."

50. Page 15, by inserting after line 25 the following:

"Sec. ____ . Section 455G.12A, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. PRIOR APPROVAL BY ADMINISTRATOR. Unless emergency conditions exist, a contractor performing services pursuant to this section shall have the budget for the work approved by the administrator prior to commencement of the work. No expense incurred which is above the budgeted amount shall be paid unless the administrator approves such expense prior to it being incurred. All invoices or bills shall be submitted with appropriate documentation as deemed necessary by the board, no later than thirty days after the work has been performed. Neither the board nor an owner or operator is responsible for payment for work incurred which has not been previously approved by the board."

51. Page 15, line 26, by striking the word and figure "and 6," and inserting the following: ", 6, 8, and 9".

52. Page 15, line 31, by inserting after the word "other" the following: "potentially responsible".

53. Page 15, by striking line 34 and inserting the following: "and for all other costs; or including reasonable attorney fees and costs of litigation for which moneys are expended by the fund in".

54. Page 16, line 11, by striking the word "person" and inserting the following: "person potentially responsible party".

55. Page 16, by inserting after line 12, the following:

"8. Third-party contracts not binding on board, proceedings against responsible party. An insurance, indemnification, hold harmless, conveyance, or similar risk-sharing or risk-shifting agreement shall not be effective to transfer any liability for costs recoverable under this section. The fund, board, or department of natural resources may proceed directly against the owner or operator or other allegedly responsible party. This section does not bar any agreement to insure, hold harmless, or indemnify a party to the agreement for any costs or expenditures under this chapter, and does not modify rights between the parties to an agreement, except to the extent the agreement shifts liability to an owner or operator eligible for assistance under the remedial account for any damages or other expenses in connection with a corrective action for which another potentially responsible party is or may be liable. Any such provision is null and void and of no force or effect.

9. Later proceedings permitted against other parties. The entry of judgment against a party to the action does not bar a future action by the board or the department of natural resources against another person who is later alleged to be or discovered to be liable for costs and expenditures paid by the fund. Notwithstanding section 668.5 no other potentially responsible party may seek contribution or any other recovery from an owner or operator eligible for assistance under the remedial account for damages or other expenses in connection with corrective action for a release for which the potentially responsible party is or may be liable. Subsequent successful proceedings against another party shall not modify or reduce the liability of a party against whom judgment has been previously entered."

56. Page 16, line 23, by striking the word "subsections" and inserting the following: "subsection".

57. Page 16, line 24, by inserting after the word "INSTALLERS" the following: "AND INSPECTORS".

58. Page 16, line 28, by inserting after the word "installer" the following: "or an inspector".

59. By striking page 16, line 30 through page 17, line 10.

60. Page 17, by inserting after line 10, the following:

"Sec. ____ . Section 455G.13, subsection 10, Code 1991, is amended to read as follows:

10. SUBROGATION RIGHTS CLAIMS AGAINST POTENTIALLY RESPONSIBLE PARTIES. Payment Upon payment of a claim by the fund pursuant to this chapter, shall be conditioned upon the board's acquiring by subrogation the rights of the claimant to recover those costs and expenditures for corrective action for which the fund has compensated the claimant; from the person responsible or liable for the unauthorized release any potentially responsible party, are assumed by the board to the extent paid by the fund. A claimant is precluded from receiving double compensation for the same injury.

In an action brought pursuant to this chapter seeking damages for corrective action or third-party liability, the court shall permit evidence and argument as to the replacement or indemnification of actual economic losses incurred or to be incurred in the future by the claimant by reason of insurance benefits, governmental benefits or programs, or from any other source.

Sec. ____ . Section 455G.13, subsection 10, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A claimant may elect to permit the board to pursue the claimant's cause of action for any injury not compensated by the fund against any potentially responsible party, provided the attorney general determines such representation would not be a conflict of interest. If a claimant so elects, the board's litigation expenses shall be shared on a pro rata basis with the claimant, but the claimant's share of litigation expenses are payable exclusively from any share of the settlement or judgment payable to the claimant.

Sec. ____ . Section 455G.16, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Third-party liability expenses under this section specifically exclude any claim, cause of action, or suit, for personal injury, including, but not limited to loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution."

61. By striking page 17, line 11, through page 19, line 1, and inserting the following:

"Sec. ____ . Section 455G.17, subsection 3, Code 1991, is amended to read as follows:

3. The board shall adopt approved curricula for training persons to install underground storage tanks in such a manner that the resulting installation may be certified under section 455G.11, subsection 6, and provide fire safety and environmental protection guidelines for persons removing tanks.

Sec. ____ . Section 455G.17, subsection 4, Code 1991, is amended by striking the subsection.

Sec. ____ . NEW SECTION. 455G.17A GROUNDWATER PROFESSIONALS - REGISTRATION.

1. The department of natural resources shall adopt rules pursuant to chapter 17A requiring that groundwater professionals register with the department of natural resources.

2. A groundwater professional is a person who provides subsurface soil contamination and groundwater consulting services or who contracts to perform remediation or corrective action services and is one or more of the following:

a. A person certified by the American institute of hydrology, the national water well association, the American board of industrial hygiene, or the association of groundwater scientists and engineers.

b. A professional engineer registered in Iowa.

c. A professional geologist certified by a national organization.

d. Any person who has five years of direct and related experience and training as a groundwater professional or in the field of earth sciences as of the effective date of this Act.

e. Any other person with a license, certification, or registration to practice hydrogeology or groundwater hydrology issued by any state in the United States or by any national organization, provided that the license, certification, or registration process requires, at a minimum, all of the following:

(1) Possession of a bachelor's degree from an accredited college.

(2) Five years of related professional experience.

3. The department of natural resources may provide for a civil penalty of no more than fifty dollars for the failure to register. An interested person may obtain a list of registrants from the department of natural resources. The department of natural resources may impose a fee for the registration of persons under this section.

4. The registration of groundwater professionals shall not impose liability on the board, the department, or the fund for any claim or cause of action of any nature, based on the action or inaction of groundwater professionals registered pursuant to this section."

62. Page 19, by inserting after line 28, the following:

"Sec. ____ . Notwithstanding any limitations on division or department full-time equivalent positions in any enacted legislation, the department of natural resources may utilize funding, other than general fund moneys, to employ up to 4.00 additional full-time equivalent positions to work on the underground storage tank program for the fiscal year beginning July 1, 1991, and ending June 30, 1992."

63. Title page, line 1, by inserting after the word "underground" the following: "and aboveground".

64. Title page, line 17, by inserting after the word "offset," the following: "making technical changes."

65. By renumbering, relettering, or redesignating and correction internal references as necessary.

On the Part of the Senate:

MICHAEL GRONSTAL, Chair
RICHARD DRAKE
EUGENE FRAISE
EMIL HUSAK
DERRYL McLAREN

On the Part of the House:

JACK HATCH, Chair
BRADLEY BANKS
STEVEN GRUBBS
DAVID HIBBARD

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 471

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 471, a bill for an Act relating to state policies and procedures affecting children, respectfully make the following report:

1. That the Senate recedes from its amendment, H-3825.
2. That the House recedes from its amendment, S-3470.
3. That Senate File 471, as passed by the Senate, is amended as follows:

1. Page 1, by inserting after line 30 the following:

"Sec. ____ Section 232.22, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A Except as provided in subsection 6, a child may be placed in detention as provided in this section in one of the following facilities only:

Sec. ____ . Section 232.22, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A, and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3. However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult postarrest or pretrial detainees.

Sec. ____ . NEW SECTION. 232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT — PROCESSING.

1. Once jurisdiction over a child has been waived by the juvenile court as provided in section 232.45, and a conviction is entered by the district court, the clerk of the juvenile court shall immediately send a certified copy of the findings required by section 232.45, subsection 8, and the judgment of conviction to the department of public safety. The department shall maintain a file on each child who has previously been waived to and convicted by the district court in a prosecution as an adult. The file shall be accessible by law enforcement officers on a twenty-four hour per day basis.

2. Once a child sixteen years of age or older has been waived to and convicted of a forcible felony by the district court, all criminal proceedings against the child for any forcible felony occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for a forcible felony who has previously been waived to and convicted of a forcible felony by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45."

2. Page 5, by striking lines 3 through 25 and inserting the following:

"Sec. 9. Section 237A.2, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If the department has denied or revoked a license because the applicant or person has continually or repeatedly failed to operate a licensed center in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a child care center for a period of six months from the date the license is denied or revoked. The department shall not act on an application for a license submitted by the applicant or person during the six-month period.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and ending December 31, 1991, in accordance with the provisions of this paragraph, to permit a center to care for one more child than the amount of children authorized for the center. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child.

Sec. 10. Section 237A.3, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If the department has denied or revoked a registration because the applicant or person has continually or repeatedly failed to operate a registered child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a registered facility for a period of six months from the date the registration is denied or revoked. The department shall not act on an application for registration submitted by the applicant or person during the six-month period.

NEW SUBSECTION. 5. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and ending December 31, 1991, in accordance with the provisions of this subsection, to permit a family day care home or group day care home to care for one more child than the amount of children authorized for the home. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child."

3. By striking page 5, line 26, through page 6, line 18.

4. Page 6, by inserting after line 18, the following:

"Sec. ____ . **EFFECTIVE DATE.** Sections 9 and 10 of this Act, being deemed of immediate importance, take effect upon enactment."

5. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to state foster care, child care, children waived to adult court, and adoption registry policies and procedures and providing an effective date."

6. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

On the Part of the House:

RALPH ROSENBERG, Chair
 BEVERLY HANNON
 MARY E. KRAMER
 ELAINE SZYMONIAK
 MAGGIE TINSMAN

MARK A. HAVERLAND, Chair
 DOROTHY F. CARPENTER
 CHARLES HURLEY
 JOYCE NIELSEN
 MICHAEL K. PETERSON

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 476

To the President of the Senate and the Speaker of the House of Representatives:
 We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 476, a bill for an Act relating to campaign finance disclosure by changing the definition of a candidate's committee, requiring the reporting to the treasurer of a committee of all contributions received by a person for the committee, requiring disclosure reports of out-of-state political action committees, changing the number of disclosure reports required in nonelection years, providing that the treasurer of a committee is not responsible for filing disclosure reports or liable for civil penalties, directing the use of leftover campaign funds, and providing for a civil penalty for violations regarding placement of political signs, respectfully submit the following recommendations:

1. That the House amendment, S-3631, to Senate File 476, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking page 1, line 43, through page 2, line 18.

2. Page 5, by inserting after line 18 the following:

" ____ . Page 4, by inserting after line 28 the following:

"Sec. ____ . 1991 Iowa Acts, Senate File 505, section 12, if enacted by the Seventy-fourth General Assembly, 1991 Session, is amended to read as follows:

SEC. 12. ANTISEVERABILITY CLAUSE.

Notwithstanding section 4.12, if section 56.36A, subsections 3 or 4, or section 56.37, subsection 3, or the application thereof is invalid, this Act as a whole shall be invalid."

3. Page 5, by striking lines 24 through 26.

4. By renumbering as necessary.

On the Part of the Senate:

On the Part of the House:

JOHN P. KIBBIE, Chair
 MICHAEL E. GRONSTAL
 JEAN LLOYD-JONES
 RICHARD F. DRAKE
 PAUL D. PATE

ROD HALVORSON, Chair
 EUGENE BLANSHAN
 JANE TEAFORD
 DARRELL R. HANSON
 BOB RENKEN

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 496

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 496, a bill for an Act relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, and establishing additional public offenses and criminal penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4098.
2. That the House recedes from its amendment, S-3698.
3. That Senate File 496, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Section 1. Section 80B.11, subsection 2, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 2, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

2. Minimum basic training requirements law enforcement officers employed after July 1, 1968, must complete in order to remain eligible for continued employment and the time within which such basic training must be completed. Minimum requirements shall mandate training devoted to the topic of domestic abuse. The council shall submit an annual report to the general assembly by January 15 of each year relating to the continuing education requirements devoted to the topic of domestic abuse, including the number of hours required; the substance of the classes offered, and other related matters."

2. Page 1, by inserting after line 15 the following:

"Sec. ____ . Section 236.5, subsection 4, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 8, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

4. A certified copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant and the county sheriff having jurisdiction to enforce the order or consent agreement, and the twenty-four hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified. The clerk shall notify the county sheriff and the twenty-four hour dispatcher for the county sheriff by telephone or otherwise in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four hour dispatcher for the law enforcement agencies upon notification by the clerk. The clerk shall send or deliver a written copy of any such document to the law enforcement agencies and the twenty-four hour dispatcher within twenty-four hours of filing the document.

Sec. ____ . Section 236.14, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

When a person arrested for a domestic abuse assault, or taken into custody for contempt proceedings pursuant to section 236.11, is brought before a magistrate

and the magistrate finds probable cause to believe that domestic abuse or a violation of an order or consent agreement has occurred and that the presence of the alleged abuser in the victim's residence poses a threat to the victim's safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, the magistrate shall enter an order which shall require the alleged abuser to have no contact with the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, and to refrain from harassing the alleged victim, persons residing with the alleged victim, or members of the alleged victim's relatives immediate family, in addition to any other conditions of release determined and imposed by the magistrate under section 811.2. A no-contact order requiring the alleged abuser to have no contact with the alleged victim's children shall prevail over any existing order awarding custody or visitation rights, which may be in conflict with the no-contact order.

Sec. ____ . Section 246.108, subsection 1, paragraph p, Code 1991, as enacted by 1991 Iowa Acts, Senate File 444, section 18, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

p. Adopt rules subject to the approval of the board, requiring the establishment and implementation of batterers' support groups programs in all of the institutions under the jurisdiction of the department.

Sec. ____ . Section 246.206, subsection 1, Code 1991, is amended to read as follows:

1. The correctional release center at Newton shall be utilized for the preparation of inmates of the correctional institutions for discharge, work release, or parole. The director may transfer an inmate of a correctional institution within ninety days of the inmate's release from custody to the correctional release center for intensive training to assist the inmate in the transition to civilian living. The statutes applicable to an inmate at the corrective institution from which transferred shall remain applicable during the inmate's stay at the correctional release center."

3. Page 1, line 17, by striking the word "may" and inserting the following: "shall".

4. Page 1, by striking line 20 and inserting the following: "is for the confinement of offenders, for no longer than sixty days, who have".

5. Page 3, line 19, by inserting after the word "facilities" the following: "and institutions".

6. By striking page 3, line 35, through page 4, line 8, and inserting the following: "following classification. The facilities established shall meet all the following requirements:

a. Is a treatment facility meeting the licensure standards of the division of substance abuse of the department of public health.

b. Is a facility meeting applicable standards of the American corrections association.

c. Is a facility which meets any other rule or requirement adopted by the department pursuant to chapter 17A."

7. Page 5, lines 25 and 26, by striking the words "in the same manner following the fifth day of confinement".

8. Page 10, by inserting after line 4, the following:

"Sec. ____ . Section 602.8105, subsection 1, paragraph m, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 23, if enacted by the 1991 Session of the Seventy-fourth General assembly, is amended to read as follows:

m. For filing an application for a license to marry, thirty dollars. The clerk of the district court shall remit to the treasurer of state twenty dollars for each marriage license application filed. The treasurer of state shall deposit the funds

received in the general fund of the state. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars. The court shall authorize the issuance of a marriage license without the payment of any fees imposed by this paragraph upon a showing that the applicant is unable to pay the fees.

Sec. ____ . Section 602.8105, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph after paragraph u:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of law to the contrary, including but not limited to the other provisions of this section, five dollars of the fees imposed pursuant to paragraph "a" the five dollar additional fee imposed pursuant to paragraph "l" and fifteen dollars of the fees imposed pursuant to paragraphs "m" and "n" shall be remitted to the treasurer of state for deposit into the general fund of the state, and shall not be deposited in the court revenue distribution account, and shall not be deposited in the judicial retirement fund.

Sec. ____ . Section 602.8106, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding any other provision of law to the contrary, including but not limited to the other provisions of this section, five dollars of the fee for filing and docketing of a complaint or information for a simple misdemeanor and five dollars of the fee for filing and docketing of a complaint or information for a nonscheduled simple misdemeanor imposed pursuant to subsection 1 shall be remitted to the treasurer of state for deposit into the general fund of the state, and shall not be deposited in the court revenue distribution account, and shall not be deposited in the judicial retirement fund."

9. Page 11, by inserting after line 2, the following:

"Sec. ____ . Section 708.2A, subsection 4, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 27, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

4. A person convicted of violating this section shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. This section does not prohibit the court from sentencing and the defendant from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3, if the defendant has not previously received a deferred sentence or judgment for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault. However, once the defendant has received one deferred sentence or judgment involving a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, the defendant shall not be eligible to receive another deferred sentence or judgment for a violation of this section.

Sec. ____ . Section 708.2A, subsection 6, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 27, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

6. In addition to the mandatory minimum term of confinement imposed by this section, the court may shall order the defendant to participate in a batterers' treatment program as required under section 708.2B. However In addition, as a condition of deferring judgment or sentence pursuant to section 907.3, the court

shall order the defendant to participate in a batterers' treatment program. The clerk of the district court shall send a copy of the judgment or deferred judgment to the judicial district department of correctional services."

10. Page 11, line 6, by inserting after the word "corrections" the following: "or an officer, employee, or agent of a judicial district department of correctional services,".

11. Page 11, line 8, by inserting after the word "corrections" the following: "or a judicial district department of correctional services".

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

"Sec. ____ . Section 901.3, subsection 7, Code 1991, is amended by striking the subsection."

13. Page 12, by inserting after line 24, the following:

"Sec. ____ . Section 907.3, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.

Sec. ____ . Section 907.3, subsection 2, Code 1991, is amended to read as follows:

2. At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. However, the court shall not defer the sentence for a violation of section 708.2A if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. ____ . Section 907.9, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A probation officer or the director of the judicial district department of correctional services who acts in compliance with this section is acting in the course of the person's official duty and is not personally liable, either civilly or criminally, for the acts of a person discharged from probation by the officer after such discharge, unless the discharge constitutes willful disregard of the person's duty."

14. Page 12, line 32, by inserting after the figure "246.207" the following: "if the parole revocation officer or board panel determines that placement in a violator facility is necessary".

15. Page 15, by inserting after line 4, the following:

"Sec. ____ . NEW SECTION. 910.10 RESTITUTION LIEN.

1. The state or a person entitled to restitution under a court order may file a restitution lien.

2. The restitution lien shall set forth all of the following information, if known:

a. The name and date of birth of the person whose property or other interests are subject to the lien.

b. The present address of the residence and principal place of business of the person named in the lien.

c. The criminal proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number.

d. The name and business address of the attorney representing the state in the proceeding pursuant to which the lien is filed or the name and residence and business address of each person entitled to restitution pursuant to a court order.

e. A statement that the notice is being filed pursuant to this section.

f. The amount of restitution the person has been ordered to pay or is likely to be ordered to pay.

3. A restitution lien may be filed by either of the following:

a. A prosecuting attorney in a criminal proceeding in which restitution is likely to be sought after the filing of an information or indictment. At the time of arraignment, the prosecuting attorney shall give the defendant notice of any restitution lien filed.

b. A victim in a criminal proceeding after restitution is determined and ordered by the trial court following pronouncement of the judgment and sentence.

4. The filing of a restitution lien in accordance with this section creates a lien in favor of the state and the victim in any personal or real property identified in the lien to the extent of the interest held in that property by the person named in the lien.

5. This section does not limit the right of the state or any other person entitled to restitution to obtain any other remedy authorized by law.

Sec. ____ . Section 910A.11, subsection 4, Code 1991, as enacted by 1991 Iowa Acts, Senate File 444, section 32, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

4. An application may be made pursuant to this section in a criminal case, and if made, a district associate judge or magistrate having jurisdiction of the highest offense charged in the criminal case or a district judge shall have jurisdiction to enter an order under this section.

Sec. ____ . 1991 Iowa Acts, Senate File 444, section 16, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

SEC. 16. NEW SECTION. 236.17 DOMESTIC ABUSE TRAINING REQUIREMENTS.

The department, in cooperation with victim service providers, may shall work with various professional organizations to encourage organizations to establish training programs for professionals who work in the area of domestic abuse prevention and services. Domestic abuse training may include, but is not limited to, the following areas:

1. The enforcement of both civil and criminal remedies in domestic abuse matters.

2. The nature, extent, and causes of domestic abuse.

3. The legal rights and remedies available to domestic abuse victims, including crime victim compensation.

4. Services available to domestic abuse victims and their children, including the domestic abuse telephone hotline.

5. The mandatory arrest provisions of section 236.12, and other duties of peace officers pursuant to this chapter.

6. Techniques for intervention in domestic abuse cases.

Sec. ____ . 1991 Iowa Acts, Senate File 444, section 26, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

SEC. 26. Section 631.6, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The clerk shall collect an additional fee of five dollars upon docketing a small claims action, and shall remit the fee to the treasurer of state for deposit in the general fund of the state. Notwithstanding any provision of law to the contrary, including but not limited to the other provisions of this section, the additional fee of five dollars imposed in this paragraph shall not be deposited in the court revenue distribution account, and shall not be deposited in the judicial retirement fund.

Sec. ____ . 1991 Iowa Acts, Senate File 444, section 28, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

SEC. 28. NEW SECTION. 708.2B TREATMENT OF DOMESTIC ABUSE OFFENDERS.

As used in this section, "district department" means a judicial district department of correctional services, established pursuant to section 905.2. A person convicted of, or receiving a deferred judgment for, domestic abuse assault shall report to the district department in order to participate in a batterers' treatment program for domestic abuse offenders; if ordered to do so by the court pursuant to section 708.2A. Participation in the batterers' treatment program shall not require a person to be placed on probation, but a person on probation may participate in the program. The district departments may contract for services in completing the duties relating to the batterers' treatment programs. The district departments shall assess the fees for participation in the program, and shall either collect or contract for the collection of the fees to recoup the costs of treatment, but may waive the fee or collect a lesser amount upon a showing of cause. The fees shall be used by each of the district departments or contract service providers for the establishment, administration, coordination, and provision of direct services of the batterers' treatment programs.

Sec. ____ . 1991 Iowa Acts, Senate File 444, section 36, subsection 2, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

2. From July 1, 1991, through December 31, 1992, the court ~~may~~ shall order a defendant who is convicted of, or who receives a deferred judgment for, a violation of section 708.2A to participate in a batterers' treatment program through other treatment or counseling services, until the programs are established by the judicial district departments of correctional services, to the extent that the court has the authority under existing sentencing procedures. The court shall order the defendant to pay for the treatment, unless just cause is demonstrated for waiving the fee.

Sec. ____ . 1991 Iowa Acts, Senate File 444, section 1, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is repealed.

Sec. ____ . PILOT PROGRAM FOR DOMESTIC ABUSE PROSECUTION PLANS AND PROCEDURES.

1. The prosecuting attorneys training coordinator shall establish a pilot program pertaining to the prosecution of domestic abuse assaults. For the purposes of this section, "domestic abuse assault" means an assault, as defined in section 708.1 which is domestic abuse as defined in section 236.2. The prosecuting attorneys training coordinator, in consultation with the criminal and juvenile justice planning council, shall select county attorneys whose jurisdictions have a high dismissal

rate in domestic abuse assault cases and where there are more than a de minimus number of cases. A minimum number of five county attorneys shall participate in the pilot program.

2. The coordinator shall notify the county attorneys who shall develop and implement a written plan to expedite and improve the efficiency and just disposition of domestic abuse matters in their respective jurisdictions. The county attorneys shall solicit input from the chief judge of the judicial district in which their county is located and law enforcement agencies within their jurisdictions in developing the written plan. The program participants shall seek assistance from domestic abuse advocates and other interested members of the public in the development of a model plan and in the development or adaptation of the plans in each of the jurisdictions represented by the five county attorneys. Once a model plan is developed, the prosecuting attorneys training coordinator shall make it available to all prosecuting attorneys, regardless of whether the prosecuting attorneys are participants in the pilot program. All plans must state goals and contain policies and procedures to address the following matters:

a. The early assignment of a prosecuting attorney, who has the responsibility of handling a domestic abuse assault matter through disposition, and who is also responsible for establishing early contact with the victim.

b. The facilitation of the earliest possible contact between the prosecuting attorney's office and the victim for the purpose of acquainting the victim with the criminal justice process, the use of subpoenas, the victim's role as a witness in the prosecution, a victim's rights under chapter 236, and available domestic abuse and victim services.

c. The coordination of the prosecuting attorney's efforts with those of a domestic abuse advocate or victim advocate, where available, and to facilitate the early provision of victim advocacy services.

d. Methods that will be used to identify, gather, and preserve evidence, in addition to the victim's testimony, that will enhance the ability to prosecute a case when a victim is reluctant to assist, including, but not limited to, physical evidence of the victim's injury, evidence relating to the scene of the crime, eye witness testimony, and statements of the victim made at or near the time of injury.

e. The education of local law enforcement agencies about the contents of the plan and their role in assisting with its implementation.

f. The use of subpoenas of victims and witnesses, where appropriate.

g. Annual review of the plan to evaluate whether it is meeting its goals effectively and whether improvements are needed.

h. A timetable for implementation.

3. A copy of each plan shall be filed with the prosecuting attorneys training coordinator by July 1, 1992. The county attorneys selected for the pilot program shall file a status report on the pilot program by July 1, 1993. The pilot program shall terminate on July 1, 1994. The status report must contain information on the number of prosecutions and dismissals of domestic abuse cases in the county attorney's office."

16. Title page, line 3, by inserting after the word "facilities," the following: "relating to treatment, prevention, prosecution, and sentencing concerning domestic abuse cases."

17. By renumbering and correcting internal references as necessary.

On the Part of the Senate:

On the Part of the House:

AL STURGEON, Chair
 ALLEN BORLAUG
 MICHAEL E. GRONSTAL
 JACK W. HESTER
 LARRY MURPHY

GARY SHERZAN, Chair
 MICHAEL K. PETERSON
 MATTHEW WISSING

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 529

To the President of the Senate and the Speaker of the House of Representatives:
 We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 529, a bill for an Act relating to and making appropriations to state departments, agencies, programs, funds, and the interstate agricultural grain marketing commission, and providing effective dates, respectfully submit the following recommendations:

1. That the House recedes from its amendment, S-3625.
2. That Senate File 529, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 11, by striking the figure "1,623,450" and inserting the following: "2,123,450".
 2. By striking page 2, line 34, through page 3, line 1 and inserting the following: "2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:
 \$ 38,000".
 3. Page 3, by striking line 7 and inserting the following: "clearinghouse."
 4. Page 3, line 16, by striking the figure "752,033" and inserting the following: "791,614".
 5. Page 6, by inserting after line 26 the following:
 "The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. The department of general services shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee, and to the legislative fiscal bureau, concerning the savings generated as a result of implementation of these projects."
 6. Page 13, line 19, by striking the figure "10,787,985" and inserting the following: "10,825,147".
 7. Page 13, line 23, by striking the figure "6,744,640" and inserting the following: "6,750,450".
 8. Page 13, line 27, by striking the figure "2,053,165" and inserting the following: "2,006,656".
 9. Page 13, line 31, by striking the figure "1,362,581" and inserting the following: "1,383,566".
 10. Page 13, line 35, by striking the figure "2,225,415" and inserting the following: "2,172,978".

11. Page 14, line 4, by striking the figure "964,784" and inserting the following: "1,033,213".

12. Page 15, by inserting after line 1 the following:

" ____ . As a condition, limitation, and qualification of the appropriations made in this section, the department of revenue and finance, utilizing the resources available through the governor's planning council for developmental disabilities and the commission of persons with disabilities, shall study and determine the process by which persons with disabilities will deduct expenses they pay for personal assistance services that enable them to be employed. For purposes of this subsection, "disability" means a severe, disabling condition that persists indefinitely, and causes problems in language, learning, mobility, or capacity for self-sufficiency. The department shall file a report of its study with the governor and the general assembly by January 15, 1992."

13. Page 15, line 30, by striking the figure "1,524,880" and inserting the following: "1,574,880".

14. Page 17, by inserting before line 15 the following:

"Sec. ____ . NEW SECTION. 7.15A APPOINTMENTS.

The governor, when appointing a person to fill a full-time position for a division, department, board, commission, or council of the state shall provide all necessary information regarding the appointive position to the department of personnel.

The department of personnel shall give public notice of recruitment for the position, and the position shall remain open for at least fifteen calendar days following the date of public notice.

Recruitment for the position may be limited to a specific geographic area or to persons with specific background qualifications, or both. Recruitment announcements shall specify the title, salary range, method for making application, closing date for receiving applications, and any specific availability or background requirements. Recruitment announcements shall be posted in conspicuous locations throughout the relevant state agency and in the offices of the division of job service of the department of employment services. Recruitment announcements shall also be sent to newspapers, radio stations, educational institutions, professional and vocational associations, and other recruitment sources as funds allow."

15. By striking page 17, line 28, through page 18, line 5, and inserting the following:

"Sec. ____ . USE OF RECOVERED ADMINISTRATIVE FUNDS. The funds collected as administrative and related overhead costs under section 12.8 for the fiscal year beginning July 1, 1991, shall be credited to the general fund of the state. The treasurer of state shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee, to the legislative fiscal committee, and to the legislative fiscal bureau, as to the amounts collected. It is the intent of the general assembly that commencing with the fiscal year beginning July 1, 1992, the administrative and related overhead costs recovered shall become part of the budget of the office of treasurer of state."

16. Page 18, line 11, by striking the word "initial" and inserting the following: "continued".

17. Page 18, line 20, by striking the word "locate" and inserting the following: "maintain".

18. Page 18, by inserting after line 23 the following:

"Sec. ____ . SPECIAL OLYMPICS FUND. There is appropriated from the general fund of the state to the Iowa special olympics fund for the fiscal year

beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa special olympics fund:

..... \$ 5,000

1. An Iowa special olympics fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year.

2. The moneys in the Iowa special olympics fund shall be expended at the request of the honorary chairperson of the Iowa special olympics.

Sec. ____ . Section 421.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 32. INDIRECT COST ALLOCATION.

a. To develop and administer an indirect cost allocation system for state agencies. The system shall be based upon standard cost accounting methodologies and shall be used to allocate both direct and indirect costs of state agencies or state agency functions in providing centralized services to other state agencies. A cost that is allocated to a state agency pursuant to this system shall be billed to the state agency and the cost is payable to the general fund of the state. The source of payment for the billed cost shall be any revenue source except for the general fund of the state. If a state agency is authorized by law to bill and recover direct expenses, the state agency shall recover indirect costs in the same manner.

b. For the purposes of this subsection, "state agency" means a board, commission, department, including the department of revenue and finance, or other administrative office, institution, bureau, or unit of the state of Iowa. The term "state agency" does not include the general assembly, the governor, the courts, or any political subdivision of the state, or its offices and units."

19. Page 18, by striking lines 24 through 32.

20. Page 19, line 10, by striking the figure "985,358" and inserting the following: "1,085,919".

21. Page 19, line 23, by striking the figure "32.20" and inserting the following: "38.20".

22. Page 19, by inserting after line 28, the following:

" ____ . As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" \$140,000 and 5.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing agricultural land."

23. Page 19, line 33, by striking the figure "828,873" and inserting the following: "911,000".

24. Page 19, line 34, by striking the figure "19.0" and inserting the following: "21.0".

25. Page 20, line 1, by striking the figure "163,820" and inserting the following: "65,000".

26. Page 20, by inserting after line 6, the following:

" ____ . As a condition, limitation, and qualification of the appropriation under paragraph "a" \$500 shall be allocated from the appropriation for reimbursement of a poultry association conducting a statewide poultry show. The poultry association shall submit a claim for reimbursement to the department which details their annual income and includes a statement of expenditures incurred for the statewide

show."

27. Page 20, line 31, by striking the word "paragraph," and inserting the following: "paragraph "a"".

28. Page 20, by inserting after line 33, the following:

"Also as a condition, limitation, and qualification of the appropriation under this paragraph "a" \$200,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators."

29. Page 21, line 28, by striking the figure "5,232,428" and inserting the following: "5,132,428".

30. Page 23, line 24, by striking the figure "500,000" and inserting the following: "400,000".

31. Page 23, line 35, by striking the figure "40,000" and inserting the following: "25,000".

32. Page 25, line 1, by striking the figure "711,672" and inserting the following: "725,672".

33. Page 25, line 13, by striking the figure "5,170,899" and inserting the following: "5,377,899".

34. Page 25, by inserting after line 14 the following:

"As a condition, limitation, and qualification of the appropriation under this subsection, the department of natural resources shall construct a safety fence on the dam at Beeds lake in Franklin county."

35. Page 25, line 25, by striking the figure "1,223,941" and inserting the following: "1,323,941".

36. Page 25, line 26, by striking the figure "58.62" and inserting the following: "59.62".

37. Page 25, line 31, by striking the figure "1,965,992" and inserting the following: "1,973,992".

38. By striking page 27, line 23 through page 28, line 7.

39. Page 28, line 23, by striking the figure "1,350,000" and inserting the following: "2,620,568".

40. Page 28, line 31, by striking the figure "850,000" and inserting the following: "750,000".

41. Page 31, by inserting after line 20 the following:

"Sec. ____ . The laboratory division of the department of agriculture and land stewardship, the university of Iowa, and Iowa state university of science and technology shall cooperate together in developing a plan for sharing laboratory resources, eliminating duplication of efforts, and reducing the expenditures of moneys from the general fund of the state."

42. Page 32, by inserting after line 10 the following:

"Sec. ____ . The general assembly requests that the department of natural resources study to the extent practicable the contribution to groundwater and surface water contamination caused by the application of lawn care chemicals. A report prepared by the department shall be forwarded to the secretary of the senate and chief clerk of the house of representatives as soon as possible."

43. Page 34, by striking lines 6 through 9.

44. By striking page 34, line 34, through page 35, line 30, and inserting the following:

"Sec. ____ . Section 173.14B, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board may issue and sell negotiable revenue bonds of the authority in

denominations and amounts as the board deems for the best interests of the fair; for any of the following purposes after authorization. However, the board must first submit a list of the purposes ranked by priority and a purpose must be authorized by a constitutional majority of each house of the general assembly and approval approved by the governor. A purpose must be one of the following:

Sec. ____ . Section 173.14B, subsection 2, Code 1991, is amended to read as follows:

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time under subsection 1 and this subsection shall not exceed one hundred fifty six million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code."

45. Page 37, lines 4 and 5, by striking the words "AND RECORDS".

46. Page 37, by striking lines 6 through 8 and inserting the following:

"The department may establish a schedule of fees for subscriptions to publications produced by the".

47. By striking page 37, line 16, through page 38, line 13, and inserting the following: "the publication."

48. Page 39, by striking lines 3 through 15.

49. Page 40, by inserting after line 34 the following:

"Sec. ____ . EFFECTIVE DATE. Section 221 of this Act, being deemed of immediate importance, takes effect upon enactment."

50. Page 41, line 10, by striking the figure "995,421" and inserting the following: "1,031,421".

51. Page 41, line 33, by striking the figure "130,853" and inserting the following: "180,853".

52. Page 42, line 4, by striking the figure "318,858" and inserting the following: "344,358".

53. Page 42, line 7, by striking the figure "125,000" and inserting the following: "130,000".

54. Page 42, line 9, by striking the figure "33,500" and inserting the following: "44,000".

55. Page 42, by striking lines 11 through 26.

56. Page 43, line 13, by striking the figure "229,415" and inserting the following: "351,806".

57. Page 43, line 14, by striking the figure "5.00" and inserting the following: "10.00".

58. Page 43, by striking lines 15 through 19 and inserting the following:

"a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, not less than \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements

established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice."

59. Page 43, by inserting before line 20, the following:

"9. COMMUNITY ACTION AGENCIES DIVISION

For the expenses of the community action agencies commission:

..... \$ 3,644".

60. Page 43, line 28, by striking the figure "1,400,576" and inserting the following: "1,418,576".

61. Page 43, by inserting after line 29, the following:

"Of the funds appropriated under this section, \$18,000 shall be used to fund the continuation of the vending program throughout the state."

62. Page 44, line 5, by striking the figure "\$50,000" and inserting the following: "a sufficient amount".

63. Page 44, line 20, by striking the figure "83,000" and inserting the following: "73,000".

64. Page 44, line 28, by inserting after the word "care," the following: "respite care, case management for the frail elderly,".

65. Page 45, by striking lines 3 through 11.

66. Page 45, line 20, by striking the letter "a."

67. Page 45, by striking lines 25 through 31.

68. Page 46, by inserting after line 2 the following:

"The department shall not add any new full-time equivalent positions for administration of the certificate of need program and shall submit a full-time equivalent position needs report to the general assembly by January 1, 1992."

69. Page 46, line 18, by striking the figure "100,000" and inserting the following: "300,000".

70. Page 46, by inserting after line 28 the following:

"The health data commission shall submit a report to the general assembly annually by January 15 regarding the feasibility of providing matching funds for state dollars provided. The report shall also include a summary of the previous fiscal year budget including receipts and expenditures of private and public funds generated and a projected budget for the next fiscal year."

71. Page 46, line 33, by striking the figure "2,301,510" and inserting the following: "2,407,574".

72. Page 46, line 34, by striking the figure "82.04" and inserting the following: "85.54".

73. Page 49, line 12, by striking the figure "8,571,941" and inserting the following: "8,472,000".

74. Page 49, line 20, by striking the figure "4,345,820" and inserting the following: "4,347,820".

75. Page 49, line 23, by striking the figure "631,000" and inserting the following: "578,969".

76. Page 49, by striking lines 25 and 26, and inserting the following: "funds, \$282,969 shall be allocated for regional".

77. Page 49, line 31, by striking the figure "99,000" and inserting the following: "77,000".

78. Page 49, line 33, by striking the figure "657,500" and inserting the following: "754,500".

79. Page 50, line 15, by striking the figure "341,500" and inserting the following:

"321,993".

80. Page 50, line 21, by striking the figure "125,000" and inserting the following:
"119,497".

81. Page 50, line 23, by striking the figure "67,000" and inserting the following:
"64,044".

82. Page 50, line 31, by striking the figure "101,500" and inserting the following:
"97,092".

83. Page 51, line 26, by striking the figure "2,682,249" and inserting the following:
"2,596,249".

84. Page 53, line 14, by striking the figure "8,975,159" and inserting the following:
"8,875,159".

85. Page 57, line 24, by striking the figure "606,945" and inserting the following:
"605,000".

86. Page 58, line 5, by striking the word "section" and inserting the following:
"paragraph".

87. Page 60, by inserting after line 5 the following:

"Sec. 3001. 1990 Iowa Acts, chapter 1166, section 2, is repealed.

Sec. 3002. EFFECTIVE DATE. Section 3001 of this Act takes effect June 30, 1991."

88. Page 65, by striking lines 31 through 34 and inserting the following:

"..... \$ 1,612,239
..... FTEs 117.00

Of the amount appropriated in this subsection, \$110,438, or so much thereof as is necessary, shall be expended for 7.00".

89. Page 66, by inserting after line 1 the following:

"A nursing home regulation review task force is established for the purpose of reviewing rules and recommendations to implement federal requirements for nursing home reform and to make recommendations on whether the department of inspections and appeals is in need of increased funding and staffing levels for implementing appropriate nursing home reform. The task force is to be organized and convened by the department of inspections and appeals. The membership of the task force is to consist of the following:

1. One member representing the department of inspections and appeals to be appointed by the director of that department.
2. One member representing the department of human services to be appointed by the director of that department.
3. One member representing the nursing home ombudsman within the department of elder affairs to be appointed by the director of that department.
4. One member representing the Iowa health care association.
5. One member representing the Iowa association of homes for the aging.
6. One member representing the Iowa hospital association.
7. One member representing the Iowa council of health care centers.
8. Legislative members to be appointed by the legislative council. Legislative members shall include members from the senate and the house of representatives who serve on the regulation appropriations subcommittee and the standing committees on human resources.

The task force shall meet as necessary and shall report the conclusions and recommendations of the task force to the general assembly by September 1, 1991."

90. By striking page 66, line 32 through page 67, line 2, and inserting the following:

..... \$ 265,910
..... FTEs 5.50".

91. Page 68, by striking lines 22 through 32 and inserting the following: "appeals, including the amount of restitution collected for attorney fees as follows:

- a. By county.
- b. By case type in the following categories:

(1) Juvenile cases involving delinquency actions, child in need of assistance actions, or termination of parental rights actions.

(2) Adult cases involving misdemeanor or felony prosecutions.

Sec. 2001. Section 13B.1, subsection 1, Code 1991, is amended to read as follows:

1. "Appointed attorney" means an attorney appointed by the court and compensated by the state to represent an indigent defendant.

Sec. 2002. NEW SECTION. 13B.2A INDIGENT DEFENSE ADVISORY COMMISSION ESTABLISHED.

An indigent defense advisory commission is established within the department to advise and make recommendations to the state public defender regarding the establishment and implementation of cost-effective methods to provide indigent defense. The advisory commission shall consist of nine members: four members to be appointed by the governor, subject to senate confirmation, including two members from nominees made by the Iowa state bar association, and two members from nominees made by the Iowa judges association; two members appointed by the governor, subject to senate confirmation; one member to be appointed by the governor, subject to senate confirmation, from nominees made by the Iowa county attorney's association; and two members one from each chamber of the general assembly to be appointed by the legislative council with no more than one of the members from any one political party. Each member shall serve a three-year term, with initial terms to be staggered. The members should represent a balance of attorneys and nonattorneys.

The members of the commission are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of the duties of the commission. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

Sec. 2003. NEW SECTION. 13B.2B DUTIES AND POWERS OF THE INDIGENT DEFENSE ADVISORY COMMISSION.

The advisory commission shall advise the state public defender regarding all of the following:

- 1. Recommendations for quality, cost-effective methods for delivery of indigent defense services.
- 2. Recommendations for the budget to be developed by the state public defender for all indigent defense costs.
- 3. Recommendations for client indigency criteria to be applied statewide.
- 4. Recommendations related to mechanisms for enhancing restitution and recoupment efforts and for monitoring recoupment efforts.
- 5. Recommendations regarding other methods to contain indigent defense costs.
- 6. Recommendations regarding proposed administrative rules regarding the operations of the state public defender.
- 7. The advisory commission shall also make recommendations to the supreme court regarding fee guidelines for court-appointed counsel.

The advisory commission shall also file a written report with the governor and the general assembly on January 1 of each year regarding the recommendations

and activities of the commission for the preceding fiscal year.

Sec. 2004. Section 13B.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

13B.4 DUTIES AND POWERS OF STATE PUBLIC DEFENDER.

1. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908. The state public defender shall not engage in the private practice of law.

2. The state public defender shall file with the court in each county served by a public defender a designation of which local public defender office shall receive notice of appointment of cases. Except as otherwise provided, in each county in which the state public defender files such designation, the state public defender or its designee shall be appointed by the court to all cases, whether criminal or juvenile in nature. Such appointment shall not be made if the state public defender notifies the court that the local public defender will not provide legal representation in cases involving offenses as identified in the notification by the state public defender.

3. The state public defender may contract with persons admitted to practice law in this state for the provision of legal services to indigent persons where there is no local public defender available to provide such services.

4. The state public defender is authorized to review any claim made for payment of indigent defense costs and to request a hearing before the court granting a claim within thirty days of receipt of such claim if the state public defender believes the claim to be excessive.

5. The state public defender is authorized to contract with county attorneys to provide collection services related to court-ordered indigent defense restitution of court-appointed attorney fees or the expense of a public defender.

6. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter.

Sec. 2005. Section 13B.8, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Before establishing or abolishing a local public defender office, the state public defender shall provide a written report detailing the reasons for the action to be taken to the justice systems regulation appropriations subcommittee, the chairperson, vice chairperson, and ranking member of the senate committee on judiciary and committee on appropriations, and the chairperson, vice chairperson, and ranking member of the house of representatives committee on judiciary and law enforcement and committee on appropriations. The report shall contain a statement of the estimated fiscal impact of the action taken. Any action taken in establishing or abolishing a local public defender office shall only take effect upon the approval of the general assembly. If the state public defender proposes to abolish a local public defender office prior to the beginning of any regular session of the general assembly and the general assembly takes no action regarding that proposal during the first ninety days of the first regular session occurring after the proposal is made, the office shall be abolished.

Sec. 2006. Section 13B.9, Code 1991, is amended to read as follows:

13B.9 POWERS AND DUTIES OF LOCAL PUBLIC DEFENDERS.

1. The local public defender shall do all of the following:

a. Represent without fee an indigent person who is under arrest or charged with a crime if the indigent person requests it representation or the court orders it representation. The local public defender shall counsel and defend an indigent defendant at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the local public defender considers to be in the interest of justice unless the court appoints other counsel is appointed to the case.

b. Represent an indigent party, without fee and upon an order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 in a county served by a public defender. The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 in a county served by a public defender and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless the court appoints other counsel is appointed to the case. The state public defender shall be reimbursed by the counties for services rendered by employees of the local public defenders' offices under this subsection, pursuant to section 232.141.

c. Make an initial determination of indigence as required under section 815.9 prior to the initial arraignment or other initial court appearance.

d. Make an annual report to the state public defender. The report shall include all cases handled by the local public defender during the preceding calendar year.

2. An appointed attorney under this section is not liable to a person represented by the attorney pursuant to this chapter for damages as a result of a conviction unless the court determines in a postconviction appeal that the person's conviction resulted from ineffective assistance of counsel.

3. The local public defender may appoint the number of assistant public defenders, clerks, investigators, stenographers, and other employees as approved by the state public defender. An assistant local public defender must be an attorney licensed to practice before the Iowa supreme court. Appointments shall be made in the manner prescribed by the state public defender.

4. The local public defender shall handle every case to which the local public defender is appointed if the local public defender can reasonably handle the case.

5. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. The court may appoint a contract attorney or a private noncontracting attorney, who has agreed to take the case, considering the experience of the attorney and the difficulty of the case."

92. Page 70, by striking lines 11 and 12 and inserting the following:
"..... \$ 1,470,846
..... FTEs 41.50"

93. Page 71, by striking lines 16 through 19 and inserting the following:
"The banking division shall provide technical assistance and staffing assistance to the director of the department of commerce, as necessary, to assist the director in the director's capacity as superintendent of savings and loan associations as provided in Senate File 494, if enacted by the 1991 Session of the Seventy-fourth General Assembly."

94. By striking page 74, line 19, through page 75, line 21, and inserting the following:

"Sec. ____ . Section 96.7, subsection 9, Code 1991, is amended by striking the subsection."

95. Page 78, by inserting after line 12, the following:

"Sec. 2007. Section 815.10, Code 1991, is amended to read as follows:

815.10 APPOINTMENT OF COUNSEL BY COURT.

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, may shall appoint a public defender or any attorney who is admitted to the practice of law in this state the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney pursuant to section 13B.9 to represent an indigent person at any state stage of the criminal or juvenile proceedings or on appeal of any criminal or juvenile action in which the indigent person is entitled to legal assistance at public expense. However, in juvenile cases the court may directly appoint an existing nonprofit corporation established for and engaged in the provision of legal services for juveniles. An appointment shall not be made unless the person is determined to be indigent under section 815.9.

2. If a court finds that a person desires legal assistance and is not indigent, but refuses to employ an attorney, the court shall appoint a public defender or another attorney to represent the person at public expense. If the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney other than a public defender is appointed, the fee paid to the attorney pursuant to section 13B.9 to represent the person. The cost of providing legal assistance shall be taxed as a court cost against the person.

3. An attorney other than a public defender or a contract attorney who is appointed by the court under subsection 1 or 2 this section shall apply to the district court for compensation and for reimbursement of costs incurred. The amount of compensation due shall be determined in accordance with section 815.7.

Sec. ____ . NEW SECTION. 815.10A CLAIM FOR COMPENSATION — REQUIREMENTS.

1. The department of inspections and appeals shall require all claims for compensation filed by court-appointed attorneys for indigent defense cases, whether adult or juvenile, to include specific information as required by rules of the department.

2. If the information required in this section is submitted with the claim for compensation, the court may then award reasonable and proper compensation to the attorney. If information required is not submitted with the claim for compensation, the department may reject the claim until such information is submitted.

Sec. 2008. The state public defender shall make an initial filing as required in section 13B.4, subsection 2, as amended in this Act, regarding the designation of public defender offices to receive notice of appointment of cases no later than forty days after July 1, 1991.

Sec. 2009. Sections 2001 through 2006, and sections 2007 and 2008 of this division are repealed effective July 1, 1995, and the Code editor shall return the language in the Code sections amended in this Act to the language appearing in the 1991 Code.

Sec. 2010. It is the intent of the general assembly that the state public defender provide for the defense of major felony case defendants by public defenders on a regional basis.

Sec. 2011. Sections 2001 through 2006, and sections 2007, 2008, and 2009 of

this division of this Act, being deemed of immediate importance, are effective upon enactment."

96. Page 79, line 8, by striking the figure "3,315,946" and inserting the following: "3,405,823".

97. Page 79, line 28, by striking the figure "9,676" and inserting the following: "10,185".

98. Page 80, line 2, by inserting after the word "system," the following: "and the missing person program,".

99. Page 80, by inserting after line 13, the following:

"As a condition, limitation, and qualification of the appropriation in this subsection, the department of public safety shall continue to collect, classify, and disseminate statistics as provided in section 80.40 and section 236.9 on violations relating to section 729.5 and on incidents involving domestic abuse."

100. Page 80, line 27, by striking the figure "6,250,157" and inserting the following: "6,954,157".

101. Page 80, line 28, by striking the figure "141.00" and inserting the following: "149.00".

102. Page 80, by inserting after line 28 the following:

"It is the intent of the general assembly that the department of public safety shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. However, new positions filled shall not exceed 4 per riverboat and the positions shall not be filled more than 120 days before the riverboat is expected to receive passengers."

103. Page 81, line 29, by striking the figure "27,771" and inserting the following: "29,544".

104. Page 82, by striking lines 19 through 21.

105. Page 86, line 20, by striking the figure "2,959.00" and inserting the following: "2,951.00".

106. Page 86, by inserting before line 21 the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, the department shall conduct a pilot project for contracting with counties for winter maintenance on state primary highways. The department shall continue this project for a duration that is sufficient to determine the feasibility of performing permanent contractual maintenance with counties. Participating counties shall meet minimum criteria relating to highway maintenance functions, as determined by the department. The department shall submit an annual report to the general assembly outlining the progress of the pilot project."

107. Page 88, by inserting after line 6, the following:

"13. For the purchase of land adjacent to the department's maintenance facility site in Hamlin:

..... \$ 15,000".

108. By striking page 88, line 26 through page 89, line 1 and inserting the following:

"1. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 307B; and for airport engineering studies and improvement projects as provided in chapter 328:

..... \$ 5,230,546

From the appropriation in this subsection, up to the following amounts shall be used for the following airport improvement projects:

- a. For runway extension in Belle Plaine: \$ 112,500
- b. For ramp extension and runway drainage in Decorah: \$ 103,000
- c. For ramp reconstruction in Fort Dodge: \$ 97,000
- d. For land acquisition for a new runway in Greenfield: \$ 182,000
- e. For land and grading for runway extension in Harlan: \$ 86,000
- f. For runway and taxiway lighting system upgrade in Iowa Falls: \$ 49,000
- g. For land and grading for a new runway in Washington: \$ 190,000
- h. For ramp reconstruction in Webster City: \$ 73,000".

109. Page 89, line 3, by striking the figure "900,000" and inserting the following: "500,000".

110. Page 89, line 5, by striking the figure "\$900,000" and inserting the following: "\$500,000".

111. Page 89, by striking lines 8 through 17 and inserting the following:

"a. Grants for interstate and intrastate air travel, in an amount up to \$100,000. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.

b. Grants in an amount up to \$10,000 for marketing of essential air service airports to facilitate air travel. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.

c. Grants for the air service development program for the commercial air service airports identified in the state aviation plan."

112. Page 90, by inserting after line 22 the following:

"Sec. ____ . Section 307.45, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

However, an assessment in excess of sixty thousand dollars in effect on or after December 1, 1990, is not valid unless it is provided for or contained within a capital appropriation by the general assembly."

113. Page 90, by inserting after line 35, the following:

"Sec. ____ . Section 312.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 22. The treasurer of state, before making the allotments provided for in this section shall, for the fiscal year beginning July 1, 1991, credit from the revenues otherwise to be credited to the road use tax fund under section 423.24, subsection 1, paragraph "c" the sum of seven hundred fifty thousand dollars to the state department of transportation to be used for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18, for use by the railway finance authority as provided in chapter 307B, for airport engineering studies and improvement projects as provided for in chapter 328, and for essential air service airports. However, the amount transferred shall not

be used unless authorized by the transportation commission. All unexpended funds from this appropriation shall revert to the road use tax fund. To authorize any such use, the commission must find that one or more of the following conditions exist as sole and sufficient justification for use of this appropriation:

a. The funds may be used to match federal funds that cannot otherwise be matched due to lack of available state matching moneys, when such federal funds are or may be made available to the state. Notwithstanding the provisions of section 8.33, all funds obligated for match of federal funds shall remain available until expended or no longer needed for matching purposes, at which time they shall be reverted in accordance with the provisions of this section.

b. Unforeseen emergencies or circumstances arise, after the transportation commission has adopted an annual program of projects, that would require the elimination of an approved project, provided that such projects would otherwise be eligible for expenditure."

114. Page 91, by inserting before line 1 the following:

"Sec. ____ . Section 313.2A, subsection 2, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials.

Sec. ____ . Section 313.2A, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. NETWORK DEVELOPMENT. In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the willingness of local officials to provide financial or other assistance for the development of projects."

115. Page 91, by striking lines 10 through 32.

116. Page 92, by inserting after line 10, the following:

"Sec. ____ . As a condition, limitation, and qualification of the appropriations made in this division, the state department of transportation shall develop a proposal, including necessary appropriation recommendations, for an air cargo service and development study program. The recommendations shall be reported to the general assembly by January 15, 1992. The department shall consult with local officials, airport authorities, representatives of business and industry, representatives of air cargo service providers, and the state department of economic development in developing these recommendations."

117. Page 92, by inserting after line 11 the following:

"DIVISION VI
STATE BUDGETING, CAPITAL PROJECTS,
AND LEASE-PURCHASE AGREEMENTS

Sec. ____ . Section 2.47A, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Receive ~~quarterly~~ semiannual status reports for all ongoing capital projects of state agencies, pursuant to section 18.12, subsection 15.

Sec. ____ . Section 8.6, subsection 13, Code 1991, is amended to read as follows:

13. CAPITAL PROJECT BUDGETING REQUESTS. To compile annually; ~~no~~ later than October 1; all capital project budgeting requests of all state agencies,

as defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission to the legislative capital projects committee not later than ~~October~~ November 1; ~~with any.~~ Any additional information regarding the capital project budgeting requests or priorities ~~to shall~~ be compiled and submitted in the same ~~manner no later than November 1~~ report.

Sec. ____ . Section 8.6, subsection 14, unnumbered paragraph 1, Code 1991, is amended to read as follows:

To prepare annually, in cooperation with the department of general services, a five-year capital project priority plan for all state agencies, as defined in section 8.3A, to be submitted no later than July November 1, ~~beginning in the year 1990~~, to the legislative capital projects committee. The plan shall include but is not limited to the following:

Sec. ____ . Section 8.29, unnumbered paragraph 4, Code 1991, is amended to read as follows:

The state board of regents, with the approval of the director of the department of management and the director of the legislative fiscal bureau, shall establish a uniform budgeting and accounting system for the institutions of higher education under its control, and shall require each of the institutions of higher education to begin operating under the uniform system not later than June 30, ~~1976~~ 1991.

Sec. ____ . Section 8.35A, subsection 2, Code 1991, is amended to read as follows:

2. Commencing September 1, the director shall provide weekly budget tapes in the form and level of detail requested by the legislative fiscal bureau reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The director shall transmit all agency requests in final form to the legislative fiscal bureau by November 15. ~~Final~~ The final budget records information required under sections 8.22 and 8.28 containing the governor's recommendation and final agency requests shall be transmitted to the legislative fiscal bureau by January 1 ~~or no later than the date the governor's budget document is delivered to the printer~~. The governor's recommendation included on this record shall be considered confidential by the legislative fiscal bureau until it is made public by the governor. The legislative fiscal bureau shall use this data in the preparation of information for the legislative appropriation process.

Sec. ____ . NEW SECTION. 8.46 LEASE-PURCHASE — REPORTING.

For the purposes of this section, unless the context otherwise requires, "state agency" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

1. Before entering into a contract involving a lease-purchase arrangement in which any part or the total amount of the contract is at least fifty thousand dollars, a state agency shall notify the legislative fiscal committee of the legislative council regarding the contract. The notification is required regardless of the source of payment for the lease-purchase arrangement. The notification shall include all of the following information:

- a. A description of the object of the lease-purchase arrangement.
- b. The cost of the contract.
- c. The terms of the contract.
- d. The total cost of the contract, including principal and interest costs.
- e. An identification of the means and source of payment of the contract.
- f. An analysis of consequences of delaying or abandoning the commencement of the contract.

2. The legislative fiscal committee shall report to the legislative council concerning the notifications it receives pursuant to this section.

3. A state agency shall report quarterly to the legislative fiscal committee concerning its contracts involving a lease-purchase arrangement. The format of the report shall be determined by the legislative fiscal bureau in consultation with the department of management. The report shall include all of the following information:

- a. A description of the objects of a lease-purchase arrangement under contract.
- b. The total costs of the contracts.
- c. Total principal and interest cost in each fiscal year of each contract.
- d. An identification of the means and source of payment for each contract.

Sec. ____ . Section 18.12, subsection 10, unnumbered paragraph 1, paragraphs b, d, and e, and unnumbered paragraphs 2 and 3, Code 1991, are amended to read as follows:

On behalf of the department, enter into lease-purchase contracts for real or personal property, wherever located within the state, to be used for buildings, facilities, and structures, or for additions or improvements to existing buildings, facilities, and structures, to carry out the provisions of this chapter section or for the proper use and benefit of the state and its state agencies on the following terms and conditions:

b. The lease-purchase contract may provide for ultimate ownership of the property by the state. Title to all property acquired in this manner shall be taken and held in the name of the state. The state shall be the lessee or contracting party under all lease-purchase contracts entered into pursuant to this chapter section. The lease-purchase contract may contain provisions similar to provisions customarily found in lease-purchase contracts between private persons, including, but not limited to, provisions prohibiting the acquisition or use by the lessee of competing property or property in substitution for the lease-purchased property, obligating the lessee to pay costs of operation, maintenance, insurance, and taxes relating to the property, and permitting the lessor to retain a security interest in the property lease-purchased, until title passes to the state, which may be assigned or pledged by the lessor. The director may contract for additional security or liquidity for a lease-purchase contract and may enter into agreements for letters of credit, lines of credit, insurance, or other forms of security with respect to rental and other payments due under a lease-purchase contract. Fees for the costs of additional security or liquidity are a cost of entering into the lease-purchase contract and may be paid from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available. The lease-purchase contract may include the costs of entering into the lease-purchase contract as a cost of the lease-purchased property. The provision of a lease-purchase contract which provides that a portion of the periodic rental payment be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 does not apply to lease-purchase contracts entered into pursuant to this chapter section. Rental and other costs due under lease-purchase contracts entered into pursuant to this chapter section shall be payable from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available.

d. The director shall not enter into lease-purchase contracts pursuant to this chapter section without prior authorization by a constitutional majority of each

house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased. However, the director shall not enter into a lease-purchase contract for real or personal property which is to be constructed for use as a prison or prison-related facility without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased and with the construction in accordance with space needs as established by an independent study of space needs authorized by the general assembly.

e. A contract for acquisition, construction, erection, demolition, alteration, or repair by a private person of real or personal property to be lease-purchased by the director pursuant to this chapter section is exempt from section 18.6, subsections 1 and 9, unless the lease-purchase contract is funded in advance by a deposit of the lessor's moneys to be administered by the director under a lease-purchase contract which requires rent payments to commence upon delivery of the lessor's moneys to the lessee.

This subsection provides an alternative and independent method for carrying out projects under this chapter and for entering into lease-purchase contracts in connection ~~therewith~~ with the projects, without reference to any other statute, and is not an amendment of or subject to the provision of any other law. No publication of any notice, whether under section 23.12 or otherwise, and no other or further proceedings with respect to the lease-purchase contracts is referred to in this section are required except as set forth in this chapter section, any provisions of other statutes of the state to the contrary notwithstanding.

For purposes of this subsection and subsection 12, "state agency" means a board, commission, bureau, division, office, department, or branch of state government.

Sec. ____ . Section 18.12, subsection 15, Code 1991, is amended to read as follows:

15. Prepare quarterly semiannual status reports for all ongoing capital projects of all state agencies, as defined in section 8.3A, and submit the status reports to the legislative capital projects committee.

Sec. ____ . Section 262A.3, Code 1991, is amended to read as follows:

262A.3 TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR BOND PROPOSAL SUBMITTED EACH YEAR.

The board shall prepare and submit to the general assembly for approval or rejection a proposed ten-year five-year building program for each institution, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of this chapter during each year of the ensuing biennium. ~~Such~~ The program and estimate shall be submitted no later than seven days after the passage of this chapter by the general assembly and thereafter no later than seven days after the convening of each regular annual session of the general assembly. The building program shall contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions. This list shall be revised annually, but no project shall be eliminated from the list when bonds have previously been issued by the board to pay the cost ~~thereof of the project~~. Each such list shall contain an estimate of the cost of each of the buildings and facilities referred to therein in the list. If the general assembly rejects or fails to approve any proposed ten-year five-year building program, such this action or inaction shall not affect the status or legality of any project previously or subsequently authorized by the general

assembly as provided in section 262A.4.

Sec. ____ **NEW SECTION. 455A.9 STATE FISH AND GAME PROTECTION FUND — CAPITAL PROJECTS AND CONTINGENCIES.**

Funds remaining in the state fish and game protection fund during a fiscal year which are not specifically appropriated by the general assembly are appropriated and may be used for capital projects and contingencies under the jurisdiction of the fish and wildlife division arising during the fiscal year. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this section, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this section are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly."

118. Title page, by striking lines 2 and 3 and inserting the following: "departments, agencies, funds, and certain other entities, making related statutory changes, and providing".

119. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
BILL HUTCHINS
JACK RIFE
DALE L. TIEDEN
JOE J. WELSH

On the Part of the House:

THOMAS J. JOCHUM, Chair
JANET L. ADAMS
HAROLD VAN MAANEN
PHILIP WISE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 536

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 536, a bill for an Act relating to the limitation period for filing for an Iowa income tax credit or refund, respectfully make the following report:

1. That the House recedes from its amendment, S-3716.
2. That Senate File 536, as passed by the Senate, is amended as follows:
 1. Page 1, by inserting before line 1 the following:

"Section 1. Section 422.73, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall enter into an agreement with the Internal Revenue Service for the transmission of federal income tax reports on individuals required to file an Iowa income tax return who

have been involved in an income tax matter with the Internal Revenue Service. After final disposition of the income tax matter between the taxpayer and the Internal Revenue Service, the department shall determine whether the individual is due a state income tax refund as a result of final disposition of such income tax matter. If the individual is due a state income tax refund, the department shall notify the individual within thirty days and request the individual to file a claim for refund or credit with the department."

2. By renumbering as necessary.

On the Part of the Senate:

WILLIAM D. PALMER, Chair
MIKE CONNOLLY
WILLIAM W. DIELEMAN

On the Part of the House:

JANE SVOBODA, Chair
GORDON BURKE
JANET ADAMS
HORACE DAGGETT
JANET METCALF



**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
Previously Printed During the**

SEVENTY-FOURTH GENERAL ASSEMBLY

1991 Regular Session

1 SENATE RESOLUTION 1

2 By: Committee on Rules and Administration

3 A Senate Resolution relating to permanent rules of the
4 senate for the seventy-fourth general assembly.5 BE IT RESOLVED BY THE SENATE, That the permanent
6 rules of the senate for the seventy-fourth general
7 assembly be as follows:

8 RULES OF THE SENATE

9 Rule 1

10 Quorum

11 A constitutional majority shall constitute a quorum
12 of the senate. Any senator may insist a quorum be
13 present.

14 Rule 2

15 Adoption and Amendment of Rules

16 Whenever the senate is operating under temporary
17 rules, the rules may be amended or repealed, or
18 permanent rules may be adopted, by a constitutional
19 majority of the senators. After adoption of permanent
20 rules of the senate during any general assembly, the
21 rules may be amended or repealed by a constitutional
22 majority of the senators.

23 Rule 3

24 Rules of Parliamentary Procedure

25 In cases not covered by senate rules or joint
26 rules, Mason's Manual of Legislative Procedure shall
27 govern.

28 Rule 4

29 Sessions of the General Assembly

30 The election of officers, organization, hiring and

Page 21 compensation of employees, and committees of the
2 senate shall carry over from the first to the second
3 regular sessions and to any extraordinary sessions of
4 the same general assembly.5 All bills and resolutions introduced in the first
6 regular session of a general assembly which are not
7 withdrawn, lost, or indefinitely postponed shall carry
8 over into the second regular session and to any
9 extraordinary session of the same general assembly.10 Appointments received from the governor for senate
11 confirmation during any session of a general assembly
12 shall be acted upon prior to adjournment of that
13 session as provided by section 2.32 of the Code.14 Except as provided by this rule, upon the adjournment
15 of the first regular session and any extraordinary
16 session, each bill or resolution shall be
17 automatically referred back to the committee to which

18 it was originally assigned. The secretary of the
 19 senate shall publish in the Journal a list of the
 20 bills returned to committee under this rule. Within
 21 seven days after the first committee meeting after the
 22 convening of the second regular session, committees
 23 shall either authorize the chair to refer such bills
 24 and resolutions to a subcommittee for consideration or
 25 report them out to the floor and place them on the
 26 calendar. The committee chair shall report to the
 27 senate the bill or resolution number and the names of
 28 the subcommittee members.

29 Bills and resolutions which have been voted upon on
 30 final passage in any session shall remain on the

Page 3

1 calendar in the same status as at the end of the
 2 session at any subsequent regular or extraordinary
 3 session.

4

Rule 5

5

Regular Order of Daily Business

6

The following order shall govern, subject to any
 7 special order:

8

1. Correction of the journal.

9

2. Senators to be excused.

10

3. Communications to the Senate.

11

4. Introduction of bills and resolutions.

12

5. Points of personal privilege.

13

6. Consideration of senate calendar.

14

Rule 6

15

Senate Calendar

16

1. Each legislative day the secretary of the

17

senate shall prepare a listing of bills to be known as

18

the "Senate Calendar".

19

2. The senate calendar may contain a listing under

20

the category "Special Order" which shall be placed at

21

the head of the calendar. Bills in such category

22

shall be those which are specifically set for debate

23

by the majority leader with the consent of the senate.

24

on a certain date and time. Bills shall be listed by

25

the secretary in the order they are set for debate.

26

3. The senate calendar shall include separate

27

listings for any bills and resolutions in the

28

following categories:

29

a. Conference Committee Report

30

b. Bills in Conference Committee

Page 4

1

c. House Amendment to Senate Amendment to House

2 File

3 d. House Refuses to Concur in Senate Amendment to
4 House File

5 e. Senate Files Amended by the House

6 f. Unfinished Business

7 g. Motions to Reconsider

8 h. Administrative Rules Nullification Resolutions

9 i. Veto Messages from the Governor

10 4. The secretary shall list bills and resolutions
11 in the above categories in the order they are
12 received. Upon their first publication in the
13 calendar, bills and resolutions in the above
14 categories may be called up for debate at any time by
15 the majority leader. Motions to reconsider shall be
16 called up as provided by Rule 24.

17 5. The senate calendar shall include a listing of
18 senate appropriations committee bills and bills
19 reported out by the senate appropriations committee.
20 The list shall be known as the "Appropriations
21 Calendar". The secretary shall list the bills in the
22 order they are received. Upon their first publication
23 in the calendar, bills on the appropriations calendar
24 may be called up for debate at any time by the
25 majority leader provided they are eligible under Rule
26 8.

27 6. The senate calendar shall include a listing of
28 bills which pertain to the levy, assessment or
29 collection of taxes sponsored by or initially assigned
30 to and reported out by the senate ways and means

Page 5

1 committee. The list shall be known as the "Ways and
2 Means Calendar". The secretary shall list the bills
3 in the order they are received. Upon their first
4 publication in the calendar, bills on the ways and
5 means calendar may be called up for debate at any time
6 by the majority leader provided they are eligible
7 under Rule 8.

8 7. The senate calendar shall include a list of
9 bills and resolutions, known as the "Regular
10 Calendar", which shall consist of bills and
11 resolutions reported out by a senate committee. The
12 bills and resolutions reported out each day shall be
13 placed in the order of their file numbers and
14 following those reported out on previous days.
15 Priority shall be given to senate over house bills and
16 resolutions and to joint resolutions over bills.
17 Bills and resolutions on the regular calendar shall be
18 considered in the order they are listed, provided they

19 are eligible under Rule 8. Upon their first
20 publication in the calendar, bills on the regular
21 calendar may be called up for debate at any time by
22 the majority leader, provided they are eligible under
23 Rule 8.

24 A bill reported out of committee which is
25 subsequently referred to the ways and means or
26 appropriations committee and then reported out of that
27 committee, shall be returned to the regular calendar
28 and retain its original place thereon.

29 8. The senate calendar shall include a listing of
30 the governor's appointees to state boards,

Page 6

1 commissions, and other offices requiring senate
2 confirmation. This listing shall be known as the
3 "Confirmation Calendar". Names on the confirmation
4 calendar may be called up for confirmation at any time
5 by the majority leader provided they are eligible
6 under rule 59.

7 9. The majority leader, or in the absence of the
8 majority leader the assistant majority leaders, may
9 select from among the first twenty bills on the
10 previous legislative day's regular Senate calendar and
11 from the bills selected create a new listing which
12 shall be known as the "Debate Calendar". The debate
13 calendar shall list bills as the majority leader
14 expects to take them up during the following week. A
15 bill or resolution on the debate calendar may be
16 debated only when eligible under Rule 8.

17 10. The majority leader, or in the absence of the
18 majority leader the assistant majority leaders, shall
19 may create a list of bills or resolutions about which
20 no controversy is believed to exist which shall be
21 known as the "Proposed Noncontroversial Calendar".
22 Bills or resolutions included on this listing may be
23 debated at any time upon being called up for debate by
24 the majority leader. Any bill or resolution which
25 appeared on the previous day's regular Senate calendar
26 may be placed by any senator on the proposed
27 noncontroversial calendar, which shall be published.
28 Any bill or resolution on the proposed
29 noncontroversial calendar shall be stricken from the
30 list if any senator files a written objection with the

Page 7

1 secretary of the senate on the first or second
2 legislative day after it appears on the proposed

3 noncontroversial calendar. Any bill stricken from the
 4 proposed noncontroversial calendar shall be returned
 5 to its former place on the ~~regular~~ Senate calendar.
 6 The secretary shall prepare the noncontroversial
 7 calendar which shall consist of all bills or
 8 resolutions on the proposed noncontroversial calendar
 9 to which no objection was received.

10 11. If the senate shall not be in session on a day
 11 assigned in paragraphs nine and ten for action upon a
 12 calendar, such assigned action shall occur on the next
 13 succeeding legislative day.

14 12. On any bill called up for debate from any
 15 calendar, debate may continue from day to day until it
 16 is adopted, fails, or is postponed or deferred. If
 17 further debate is postponed or deferred without a time
 18 to continue being set, except for bills on the debate
 19 calendar, the bill shall be listed as unfinished
 20 business. Bills which are returned to the committee
 21 of first referral or to a different committee after
 22 being considered by the senate and classified as
 23 unfinished business shall be returned to the
 24 unfinished business calendar by that committee when
 25 the bill is reported out of committee. The unfinished
 26 business date on the calendar shall be the date on
 27 which the bill was returned to committee. Bills on
 28 the debate calendar upon which further debate is
 29 postponed or deferred without a time to continue being
 30 set shall return to the regular calendar.

Page 8

1

Rule 7

2

Steering Committee

3 The senate may authorize the appointment of a
 4 steering committee. The majority leader shall appoint
 5 the majority party members to the steering committee.
 6 The minority leader shall appoint the minority party
 7 members to the steering committee. The function of
 8 the steering committee shall be to create its own
 9 calendar from the bills and resolutions on the regular
 10 calendar. Bills and resolutions on the steering
 11 committee calendar shall have priority over bills and
 12 resolutions on all other calendars, except the
 13 appropriations calendar.

14

Rule 8

15

When Eligible for Consideration

16 Bills, resolutions, and appointments shall be
 17 eligible for consideration by the senate as follows:
 18 1. An appointment by the governor which requires
 19 senate confirmation shall be eligible on the

- 20 legislative day after it is first printed in the
21 senate calendar as provided by Rule 59.
- 22 2. A house or individually sponsored bill or
23 resolution reported out by a committee shall be
24 eligible on the legislative day after it is first
25 printed in the senate calendar.
- 26 3. A committee bill or resolution sponsored by the
27 appropriations committee shall be eligible on the
28 legislative day after it is first printed in the
29 senate calendar.
- 30 4. Any committee bill or resolution, other than a

Page 9

- 1 bill or resolution sponsored by the appropriations
2 committee, shall be eligible on the third legislative
3 day it is printed in the senate calendar.
- 4 5. A bill that has been reported out to the senate
5 calendar, referred to a different committee and
6 reported out by that committee is eligible for
7 consideration by the senate on the day it would have
8 been eligible under subsection 2, 3, or 4, whichever
9 is applicable, as if the bill had been printed in the
10 calendar after having been reported out by the first
11 committee.
- 12 6. Any bill or resolution placed on the steering
13 committee calendar is eligible for consideration on
14 the day of its placement on that calendar.
- 15 When a bill or resolution on the calendar is not
16 yet eligible, the date when it will become eligible
17 shall be printed in the calendar.

Rule 9

Debate and Decorum

- 20 Before addressing the senate, the senator shall
21 request recognition by depressing the "speak" device
22 and, when recognized, rise and respectfully address
23 the chair.
- 24 The senator shall confine all remarks to the
25 question under debate and shall avoid discussing
26 personalities or implication of improper motives. No
27 questions except by the senator recognized shall be
28 entertained after a senator is recognized to give
29 final remarks.

30 Rule 10

Page 10

1 Point of Personal Privilege

- 2 A point of personal privilege shall only be
3 recognized when there is no motion pending or other

4 business being considered by the senate. Senators
 5 speaking on a point of personal privilege shall be
 6 limited to ten minutes.

7 **Rule 11**

8 **Introduction and Presentation of Guests**

9 Only former members of the senate and former and
 10 present members of Congress shall be presented to the
 11 senate, except that the president of the senate may
 12 present a visitor whose presence is of special
 13 significance to the senate. No presentation shall be
 14 made during debate or discussion of legislation. The
 15 presence of school groups accompanied by school
 16 officials shall be announced by the president of the
 17 senate and shall be recorded in the journal upon
 18 written request of a member of the senate.

19 **Rule 12**

20 **Form and Withdrawal of Motions, Amendments and Signatures**

21 Motions need not be in writing unless required by
 22 the president or by the senate. No motion requires a
 23 second. Any amendment, motion (including a motion to
 24 reconsider), or resolution may be withdrawn by the
 25 mover if it has not been amended by the senate and if
 26 no amendment is pending. All amendments to bills,
 27 resolutions, and reports shall be in writing and filed
 28 before being acted upon by the senate.

29 No amendment, resolution, bill, or conference
 30 committee report shall be considered by the senate

Page 11

1 without a copy of the amendment, resolution, bill, or
 2 conference committee report being on the desks of the
 3 entire membership of the senate prior to
 4 consideration.

5 All amendments, reports, petitions or other
 6 documents requiring a signature shall have the name
 7 typed under the place for the signature. Once a
 8 signature is affixed and the document containing the
 9 signature filed with the recording clerk in the well,
 10 that signature shall not be removed.

11 When an amendment to a main amendment is filed that
 12 would negate the effect of the main amendment and
 13 thereby leave the bill unchanged, the presiding
 14 officer shall have the authority to declare the
 15 amendment to the main amendment out of order, subject
 16 to an appeal to the full senate.

17 When a house amendment to a senate file is before
 18 the senate, an amendment to the house amendment shall
 19 be considered an amendment in the first degree.

20 When a ruling on germaneness is issued by the

21 presiding officer, it shall be accompanied by an
22 explanation of the ruling.

23 Rule 13

24 Order and Precedence of Motions and Amendments

25 When a question is under debate, no motion shall be
26 received but to adjourn, to recess, questions of
27 privilege, to lay on the table, for the previous
28 question, to postpone to a day certain, to refer, to
29 amend, to postpone indefinitely, to defer, or
30 incidental motions. A substitute is not in order

Page 12

1 unless it is in the form of a motion to substitute.
2 Such motions shall have precedence in the order in
3 which they are named. No motion to postpone to a day
4 certain, to refer, or postpone indefinitely, being
5 decided, shall be again allowed on the same day with
6 regard to the same question. A motion to strike out
7 the enacting clause of a bill shall have precedence
8 over all amendments and, if carried, shall be
9 considered equivalent to the rejection of the bill.
10 A motion to strike everything after the enacting
11 clause has precedence over a committee amendment and
12 all other amendments except one to strike the enacting
13 clause. A committee amendment has precedence over all
14 other amendments except as provided in this rule.
15 A motion to rerefer a bill to committee may specify
16 when the committee shall report the bill to the
17 senate. If the motion is adopted in such form, the
18 committee must report the bill by the date specified
19 with or without recommendation or the bill shall
20 automatically be returned to the calendar. When the
21 bill is returned to the calendar, it shall occupy the
22 same position it occupied at the time the bill was
23 rereferred to the committee. If the committee to
24 which the bill is rereferred submits an amendment in
25 its report, that committee amendment shall take
26 precedence over other amendments except if that
27 committee amendment is in conflict with amendments
28 previously adopted, the committee amendment shall not
29 be considered until consideration of motions to
30 reconsider the previously adopted amendments result in

Page 13

1 removing the conflict.

2 Rule 14.

3 MOTIONS BEFORE THE SENATE

4 Motions before the senate shall be displayed on the

5 electronic voting system display boards.

6 Rule 15

7 Nondebatable Motions

8 The following motions are not debatable:

9 Adjourn

10 Recess

11 Call of the Senate

12 Lay on Table or Take from Table

13 Previous Question

14 Reconsider vote by which bill was placed on last reading.

15 A Motion to Reconsider and Lay the Motion to Reconsider

16 on the Table (Double-barreled Motion).

17 Rule 16

18 Division of the Question

19 Any senator may call for a division of a question,

20 which shall be divided if it includes propositions so

21 distinct that if one is taken away, a substantive

22 proposition shall remain in a technically proper form

23 for the decision of the senate. A motion to strike

24 out and insert is indivisible; but a motion to strike

25 out, if lost, shall not preclude amendments to the

26 matter attempted to be stricken or a motion to strike

27 out and insert.

28 Rule 17

29 The Previous Question

30 The previous question shall be in this form:

Page 14

1 "Shall debate be closed on the pending question?" A

2 motion for the previous question may be adopted by a

3 majority of the senators present and voting. Its

4 effect shall be to put an end to debate and bring the

5 senate to a direct vote upon the pending question.

6 However, any senator who has not previously spoken on

7 the pending question and who, after the main question

8 is taken up and before the motion for the previous

9 question has been made, requested recognition by

10 depressing the "speak" device may speak no longer than

11 five minutes on the pending question. If action on

12 the pending question continues into another

13 legislative day or is deferred, the previous question

14 shall apply and the requests to be recognized shall be

15 honored.

16 When the motion applies to an amendment, the

17 senator proposing the amendment shall have five

18 minutes to close debate on the amendment.

19 The senator handling the measure under

20 consideration shall have ten minutes to close debate

21 on the main question.

22 Rule 18
 23 Call of the Senate
 24 Ten senators may file in writing a call of the
 25 senate on any single-item of legislative business. A
 26 call of the senate requires the presence of every
 27 senator and is in order at any time prior to the vote
 28 being announced by the president. The sergeant-at-
 29 arms shall return promptly all absent senators.
 30 Debate on the item may continue while absent senators

Page 15

1 are returning, but no vote on the item is in order on
 2 it until all have returned. Adoption of a motion to
 3 recess or adjourn to a specific time will not lift the
 4 call. The call may be lifted, or a senator may be
 5 excused from the call without lifting the call, by a
 6 vote of a constitutional majority of the senators.
 7 Those senators excused prior to the filing of the call
 8 are excused from the call.

9 Rule 19
 10 Committee of the Whole
 11 The senate may resolve itself into a committee of
 12 the whole senate when it wishes to permit more free
 13 and informal discussion. Persons other than senators
 14 may appear and present information.
 15 Any senator may move "that the senate now resolve
 16 itself into a committee of the whole to consider" a
 17 stated subject. ~~The motion to resolve into a~~
 18 ~~committee of the whole is equivalent to a motion to~~
 19 ~~refer.~~
 20 The president of the senate shall be chair of the
 21 committee of the whole unless otherwise ordered by the
 22 senate.
 23 The procedure in committee of the whole is subject
 24 to the rules of the senate. The previous question and
 25 the motion to reconsider shall be in order.
 26 The committee of the whole cannot take any final
 27 action and its power is limited to recommendation to
 28 the senate. The proceedings of the committee of the
 29 whole, including any roll call vote, shall be printed
 30 in the journal.

Page 16

1 Any senator may at any time, except while voting or
 2 while a senator has the floor, move that "the
 3 committee rise ~~and report~~" which is equivalent to a
 4 motion to adjourn.
 5 After adoption of the motion to rise, the chair

6 shall may report to the senate in the same manner as
7 other committee reports are given.

8 Rule 20

9 Last Reading and Passage of Bills

10 When a motion to place a bill on its last reading
11 is lost, the same motion shall be in order at any
12 later time. After the last reading of a bill, no
13 amendment shall be received. The vote on final
14 passage shall be taken immediately without debate.

15 Rule 21

16 Engrossment of Bills

17 An engrossment is a proofreading and verification
18 in order to be certain that a bill before the senate
19 is identical with the original bill as introduced with
20 all amendments which have been adopted correctly
21 inserted. A bill shall be considered engrossed when
22 ordered to its last reading.

23 In an engrossed bill, all obvious typographical,
24 spelling or other clerical errors are corrected and
25 section or paragraph numbers and internal references
26 are changed as required to conform the original bill
27 to any amendments which have been adopted. All such
28 corrections or changes shall be reported in the
29 journal by the secretary of the senate. The engrossed
30 bill shall be placed in the bill file with the

Page 17

1 original bill and amendments.

2 Rule 22

3 Manner of Voting

4 On voice vote, the question shall be distinctly put
5 in this form: "Those in favor of (the question) say
6 "aye"." "Those opposed to (the question) say "no"."

7 A non-record or record roll call vote may be
8 requested by any senator or ordered by the president
9 any time before the results are announced. A non-
10 record roll call shall be requested by asking for a
11 "division". A record roll call shall be requested by
12 asking for a "roll call". Upon request for a non-
13 record or record roll call vote, the president shall
14 announce that such a non-record or record roll call
15 vote has been requested and shall state the question
16 to be put to the senate. The president then shall
17 direct the secretary of the senate to receive the
18 votes.

19 Senators present may cast their votes, either by
20 operating the voting mechanism located at their
21 assigned desk or by signaling the president if they
22 are unable to vote at their assigned desk. The

23 president shall enter the votes of senators signaling
24 their votes.

25 After sufficient time has elapsed for all senators
26 present to record their votes, the president shall
27 direct the secretary of the senate to close the voting
28 system. The president shall still enter the senators'
29 votes at any time prior to directing the secretary of
30 the senate to lock the voting system. The president

Page 18

1 shall then immediately announce the vote.

2 During a non-record or record roll call vote, both
3 individual votes and vote totals shall be indicated.
4 openly on the display boards. On non-record roll
5 calls, only vote totals shall be printed in the
6 journal.

7 In the event the electronic voting system is not in
8 operating order, the president shall direct the
9 secretary of the senate to take the non-record or
10 record roll call by calling the names of the senators
11 in alphabetical order.

Rule 23

Duty of Voting

14 Every senator present when a question is put shall
15 vote "aye", "no" or "present" unless previously
16 excused by the senate. Upon demand being made by any
17 senator, the secretary of the senate shall call in
18 alphabetical order the names of the senators not
19 voting or voting "present". Those senators called
20 shall vote "aye" or "no" unless the senator states a
21 personal interest in the question or concludes that he
22 or she should not vote under the senate code of
23 ethics.

Rule 24

Reconsideration

26 When a main motion or main question has been
27 decided by the senate, any senator having voted on the
28 prevailing side may move to reconsider the vote on the
29 same or next legislative day. Motions to reconsider a
30 vote by which a bill or joint resolution was adopted

Page 19

1 on final passage shall be in writing and filed with
2 the secretary of the senate. A motion to reconsider
3 an amendment to a main motion or main question shall
4 be in writing and filed with the secretary of the
5 senate. A motion to reconsider an amendment to a main
6 motion or main question shall be taken up for

7 consideration only prior to the disposition of the
 8 main question or upon reconsideration of the main
 9 question. A constitutional majority by a record roll
 10 call is necessary to reconsider a bill or joint
 11 resolution. During three legislative days from the
 12 date the motion to reconsider a bill or resolution is
 13 filed, only the mover may call it up. Thereafter, any
 14 senator may call up the motion. If a date for
 15 adjournment has been set by resolution of the senate,
 16 any senator may call up a motion to reconsider at any
 17 time within three days prior to the date set for
 18 adjournment.

19 If the motion to reconsider a bill or resolution
 20 prevails, motions to reconsider amendments thereto
 21 shall be in order and shall be disposed of without
 22 delay.

23 A motion that any action taken by the senate be
 24 reconsidered and the motion to reconsider be laid upon
 25 the table shall be a single and indivisible motion,
 26 known as the double-barreled motion, which, if
 27 carried, shall have the effect of preventing
 28 reconsideration unless a motion to take from the table
 29 prevails. A constitutional majority is necessary for
 30 the double-barreled motion to prevail on a bill or

Page 20

1 joint resolution. The double-barreled motion can only
 2 be made from the floor after the vote is announced and
 3 the member who moved the final reading shall have
 4 priority in making it.

5 A motion to reconsider and lay on the table shall
 6 have priority over a motion to reconsider if they are
 7 both filed on the same legislative day.

8 In the event that a motion to reconsider is pending
 9 at the end of the first session or any extraordinary
 10 session of any general assembly, or the general
 11 assembly adjourns sine die, and the motion has not
 12 been voted upon by the senate, it shall be determined
 13 to have failed.

14

Rule 25

15 Suspension of Rules and Taking from Table
 16 No standing rule or rules incorporated by reference
 17 under Rule 3 or order of the senate shall be rescinded
 18 or suspended, nor shall any matter, tabled upon
 19 a motion, be taken up, except by an affirmative vote of
 20 a constitutional majority of the senate.

21 INTRODUCTION AND FORM OF BILLS

22

Rule 26

23 Time and Method of Introducing Bills and Amendments

24 All bills to be introduced in the senate shall be
25 typed in proper form by the legislative service bureau
26 and shall be filed with the recording clerk.

27 All amendments shall be typed in proper form and
28 filed with the recording clerk not later than 4:30
29 p.m., or adjournment, whichever is later, in order to
30 be listed in the following day's clip sheet.

Page 21

1 An "impact amendment" is an amendment which
2 reasonably could have an annual effect of at least one
3 hundred thousand dollars or a combined total effect
4 within five years after enactment of five hundred
5 thousand dollars or more on the aggregate revenues,
6 expenditures or fiscal liability of the state or its
7 subdivisions.

8 An impact amendment to a bill which has been on the
9 special order calendar for at least three full
10 legislative days prior to its consideration shall not
11 be taken up by the senate unless:

- 12 1) a fiscal note is attached, and the amendment is
13 filed at least one legislative day prior to the date
14 set for consideration of the bill; or
- 15 2) the amendment is an appropriation or other
16 measure where the total effect is stated in dollar
17 amounts.

Rule 27

Limit on Introduction of Bills

18
19
20 No bill or joint resolution, except bills and joint
21 resolutions cosponsored by the majority and minority
22 floor leaders, shall be introduced in the senate after
23 4:00 p.m. on Friday of the seventh week of the first
24 regular session of a general assembly unless a written
25 request for drafting the bill has been filed with the
26 legislative service bureau before that time. After
27 adjournment of the first regular session, bills may be
28 prefiled at any time before the convening of the
29 second regular session. No bill shall be introduced
30 after 4:00 p.m. on Friday of the second week of the

Page 22

1 second regular session of a general assembly unless a
2 written request for drafting the bill has been filed
3 with the legislative service bureau before that time.
4 However, standing committees may introduce bills and
5 joint resolutions at any time. A bill which relates
6 to departmental rules sponsored by the administrative
7 rules review committee and approved by a majority of

8 the members of the committee in each house may be
 9 introduced at any time and must be referred to a
 10 standing committee which must take action on the bill
 11 within three weeks. Senate and concurrent resolutions
 12 may be introduced at any time.

13 No bill, joint resolution, concurrent resolution or
 14 senate resolution shall be introduced at any
 15 extraordinary session unless sponsored by a standing
 16 committee or the committee of the whole.

17 Rule 28

18 Introduction, Reading and Form of Bills and Resolutions

19 Every senate bill and resolution shall be
 20 introduced by one or more senators or by any standing
 21 committee of the senate and shall at once be given its
 22 first reading.

23 If the senate is in session when a bill or
 24 resolution is introduced, the first reading shall
 25 consist of reading its file number, the title and
 26 sponsor of the bill. If the senate is not in session
 27 but a journal is published for the day, the first
 28 reading shall consist of a journal entry of the bill's
 29 file number, title, sponsor and the notation "Read
 30 first time under Rule 28."

Page 23

1 Any bill or resolution approved for introduction by
 2 a standing committee during an interim period between
 3 sessions of one General Assembly shall be introduced
 4 without further action by the committee at the next
 5 succeeding regular session of the same General
 6 Assembly and placed immediately upon the regular
 7 calendar.

8 Every bill and resolution referred to committee
 9 shall have received two readings before its passage.

10 The subject of every bill shall be expressed in its
 11 title.

12 Rule 29

13 Explanations

14 No bill, except appropriation committee bills and
 15 simple or concurrent resolutions, shall be introduced
 16 unless a concise and accurate explanation is attached.
 17 The chief sponsor or a committee to which the bill has
 18 been referred may add a revised explanation at any
 19 time before the last reading, and it shall be included
 20 in the daily clip sheet.

21 Rule 30

22 Resolutions

23 A "senate resolution" is a resolution acted upon
 24 only by the senate which expresses sentiment or is

25 used for the appointment of special committees within
26 the senate. A senate resolution requires the
27 affirmative vote of a majority of the senators present
28 and voting. A senate resolution shall be filed with
29 the secretary of the senate. A senate resolution
30 shall be printed in the bound journal after its

Page 24

1 adoption and in the daily journal upon written request
2 to the secretary of the senate by the sponsor of the
3 resolution.

Rule 31

Nullification Resolutions

6 A nullification resolution may be introduced by a
7 standing committee, the administrative rules review
8 committee, or any member of the senate. A
9 nullification resolution introduced by the
10 administrative rules review committee or a member of
11 the senate shall be referred to the same standing
12 committee it would be referred to if it was a bill.

13 Any nullification resolution may be referred to the
14 administrative rules review committee by a majority
15 vote of the standing committee which introduced it or
16 to which it was referred. The administrative rules
17 review committee may seek an agreement with the
18 affected administrative agency wherein the agency
19 agrees to voluntarily rescind or modify a rule or
20 rules relating to the subject matter of the
21 nullification resolution. An agreement to voluntarily
22 rescind or modify an administrative agency rule shall
23 be in writing and signed by the chief administrative
24 officer of the administrative agency and a majority of
25 the administrative rules review committee members of
26 each house and shall be placed on file in the offices
27 of the chief clerk of the house, the secretary of the
28 senate and the secretary of state. If an agreement is
29 not reached, or the nullification resolution is not
30 approved by a majority of the administrative rules

Page 25

1 review committee members of each house, within two
2 weeks of the date the resolution is referred to the
3 committee, the resolution shall be placed on the
4 calendar. If the nullification resolution is approved
5 by the administrative rules review committee it shall
6 be placed on the calendar. A nullification resolution
7 is subject to a motion to withdraw the nullification
8 resolution as provided in rule 42.

9 A nullification resolution is debatable, but cannot
10 be amended on the floor of the senate.

11 Rule 32

12 Resolutions, Applicable Rules

13 All rules applicable to bills shall apply to
14 resolutions, except as otherwise provided in the
15 rules.

16 Rule 33

17 Study Bills

18 1. A study bill is any matter which a senator
19 wishes to have considered by a standing committee or
20 appropriations subcommittee for introduction as a
21 committee bill or resolution. The term "study bill"
22 includes "proposed bills" provided for in Rule 37 and
23 departmental requests prefiled in the manner specified
24 in section 2.16 of the Code.

25 2. A study bill shall bear the name of the member
26 who wishes to have the bill considered. A study bill
27 submitted by a state agency shall bear the name of the
28 agency. A committee chair may submit a study bill in
29 the name of that committee.

30 3. Upon first receiving a study bill from a

Page 26

1 senator, a committee chairperson shall submit three
2 copies to the secretary of the senate. Study bills
3 received in the secretary of the senate's office
4 before 3:00 p.m. shall be filed, numbered, and
5 reported in the journal for that day. Study bills
6 received in the secretary of the senate's office after
7 3:00 p.m. shall be filed, numbered, and reported in
8 the journal for the subsequent day. The secretary
9 shall number such bills in consecutive order. The
10 secretary shall maintain a record of all study bills
11 and their assigned number. Committee records shall
12 refer to study bills by the number assigned by the
13 secretary.

14 4. The secretary shall file a report in the
15 journal of each study bill received. The report shall
16 show the study bill number, its title or subject
17 matter and the committee which is considering it. If
18 a study bill is referred to a subcommittee, then the
19 committee chairperson shall report in the journal the
20 names of the subcommittee members to which it is
21 assigned.

22 5. If a committee bill or resolution is introduced
23 which was not previously the subject of a study bill
24 in the sponsoring committee, the majority leadership
25 may re-refer the bill back to the committee.

26 6. A study bill not prepared by the legislative
 27 service bureau may be submitted to a standing
 28 committee, but shall not be considered by the full
 29 committee unless reviewed and typed in proper form by
 30 the legislative service bureau.

Page 27

1 COMMITTEES AND COMMITMENT

2 Rule 34

3 Committee Appointments

4 Committee appointments shall be made by the
 5 majority leader for majority party members, after
 6 consultation with the president, and by the minority
 7 leader for minority party members, after consultation
 8 with the president. No senator shall serve on more
 9 than five committees. The majority leader, after
 10 consultation with the president, shall designate the
 11 chairperson and vice-chairperson of each standing
 12 committee. The minority leader, after consultation
 13 with the president, shall designate the ranking
 14 member of each standing committee from the minority
 15 membership of that committee.

16 Rule 35

17 Standing Committees

18 The names of the standing committees of the senate
 19 shall be:

20 Agriculture
 21 Appropriations
 22 Business and labor relations
 23 Commerce
 24 Education
 25 Environment and energy utilities
 26 Human resources
 27 Judiciary
 28 Local government
 29 Natural resources
 30 Rules and administration

Page 28

1 Small business and economic development
 2 State government
 3 Transportation
 4 Ways and means

5 Rule 36

6 Committee on Rules and Administration

7 The committee on rules and administration shall
 8 recommend rules and rule changes to the senate, shall
 9 hire senate employees, shall recommend salary scales

10 for all senate employees, and shall oversee senate
11 budget and administration matters.

12 The committee on rules and administration will
13 select, for senate approval, an individual to serve as
14 secretary of the senate.

15 Upon authorization being given by the committee on
16 rules and administration, the minority party members
17 of the committee will select, for senate approval, an
18 individual to serve as assistant parliamentarian.

19 The committee shall have the following standing
20 subcommittees:

21 1. Joint Rules

22 2. Senate Rules

23 3. Administrative Services

24 4. Caucus Services.

25 The majority leader shall serve as chair of the
26 rules and administration committee and as chair of the
27 standing subcommittee on caucus services. The
28 president of the senate shall serve as vice-chair of
29 the rules and administration committee, and as chair
30 of the subcommittee on administrative services.

Page 29

1

Rule 37

2

Appropriations Committee

3

4 The appropriations committee shall receive bills
5 committed to it and shall assign each to one of the
6 appropriations subcommittees.

6

7 There shall be ten appropriations subcommittees
8 which shall be named: .

8

Administration

9

Agriculture/Natural Resources

10

Claims

11

Economic Development and Iowa Plan

12

Education

13

Health and Human Rights

14

Human Services

15

Justice System

16

Regulation

17

Transportation and Safety

18

19 The appropriations subcommittees shall receive
20 bills assigned to them or may originate proposed bills
21 within the subcommittee's jurisdiction as defined by
22 the appropriations committee for consideration by the
23 appropriations committee. Each subcommittee may
24 submit amendments to bills together with the
25 subcommittee's recommended action to the
26 appropriations committee.

26

If a bill or proposed bill is first submitted by an

27 appropriations subcommittee to the appropriations
 28 committee prior to Friday of the 7th week of the first
 29 session or the 3rd week of the second session; the
 30 appropriations committee may either report the bill

Page 30

1 out or approve the proposed bill for introduction by
 2 the appropriations committee or re-refer it together
 3 with the appropriations committee's objections to the
 4 appropriations subcommittee from which it was
 5 originally referred or which originated the proposed
 6 bill.

7 If a bill or proposed bill is submitted to the
 8 appropriations committee a second time by an
 9 appropriations subcommittee, or if a bill or proposed
 10 bill is submitted after Friday of the 7th week of the
 11 first session or the 3rd week of the second session;
 12 the appropriations committee may:

- 13 1. report the bill or approve the proposed bill
- 14 for introduction by the appropriations committee;
- 15 2. report the bill with any appropriations
- 16 committee-approved amendments incorporated;
- 17 3. draft a new bill for sponsorship by the
- 18 appropriations committee and report it; or
- 19 4. re-refer it together with the appropriations
- 20 committee's objections to the appropriations
- 21 subcommittee from which it was originally referred or
- 22 which originated the draft bill.

23 The appropriations committee and subcommittees may
 24 meet jointly with the appropriations committee of the
 25 house of representatives.

26 Rule 38

27 First Reading and Commitment

28 Upon the first reading of an individual bill or
 29 resolution, or a house committee bill or resolution,
 30 the president shall refer the bill or resolution to an

Page 31

1 appropriate standing committee unless otherwise
 2 ordered by the senate. If the bill or resolution is a
 3 senate committee bill or resolution, the president
 4 shall place it on the calendar after its first
 5 reading. If the subject of the bill or resolution is
 6 not germane to the title of the committee presenting
 7 it, the president or the senate may refer it to a
 8 committee deemed appropriate.

9 All bills carrying an appropriation for any purpose
 10 or involving the expenditure of state funds shall be

11 referred to the committee on appropriations.

12 All bills pertaining to the levy, assessment or
13 collection of taxes or fees shall be referred to the
14 committee on ways and means.

15 Any bill which provides for a new state board,
16 commission, agency or department or makes separate or
17 autonomous an existing state board, commission, agency
18 or department, shall be referred to the committee on
19 state government. This rule shall also apply when
20 such a provision is added to a bill or resolution by
21 amendment adopted by the senate. If the bill or
22 resolution is so referred after being sponsored or
23 reported out by another committee, and if the
24 committee on state government does not report out the
25 bill or resolution within ten legislative days after
26 referral, the bill or resolution shall automatically
27 be restored to the calendar with the same priority it
28 had immediately before referral.

29 Rule 39

30 Rules for Standing Committees

Page 32

1 The following rules shall govern all standing
2 committees of the senate. Any committee may adopt
3 additional rules which are consistent with these
4 rules:

5 1. A majority of the members shall constitute a
6 quorum.

7 2. The chair of a committee shall refer each bill
8 and resolution to a subcommittee within seven days
9 after the bill or resolution has been referred to the
10 committee. The chair may appoint subcommittees for
11 study of bills and resolutions without calling a
12 meeting of the committee, but the subcommittee must be
13 announced at the next meeting of the committee. No
14 bill or resolution shall be reported out of a
15 committee until the next meeting after the
16 subcommittee is announced, except that the chair of
17 the appropriations committee may make the announcement
18 of the assignment to a subcommittee by placing a
19 notice in the journal. Any bill so assigned by the
20 appropriations committee chair shall be eligible for
21 consideration by the committee upon report of the
22 subcommittee but not sooner than three legislative
23 days following the publication of the announcement in
24 the journal.

25 When a bill or resolution has been assigned to a
26 subcommittee, the chair shall report to the senate the
27 bill or resolution number and the names of the

28 subcommittee members and such reports shall be
29 reported in the journal. Subcommittee assignments
30 shall be reported to the journal daily. Reports filed

Page 33

1 before 3:00 p.m. shall be printed in the journal for
2 that day; reports filed after 3:00 p.m. shall be
3 printed in the journal for the subsequent day.

4 Where standing subcommittees of any committee have
5 been named, the names of the members and the title of
6 the subcommittee shall be published once and
7 thereafter publication of assignments may be made by
8 indicating the title of the subcommittee.

9 3. No bill or resolution shall be considered by a
10 committee until it has been referred to a subcommittee
11 and the subcommittee has made its report unless
12 otherwise ordered by a majority of the members.

13 4. The rules adopted by a committee, including
14 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
15 be suspended by an affirmative vote of a majority of
16 the members of the committee.

17 5. The affirmative vote of a majority of the
18 members of a committee is needed to sponsor a
19 committee bill or resolution or to report a bill or
20 resolution out for passage.

21 6. The vote on all bills and resolutions shall be
22 by roll call unless a short-form vote is unanimously
23 agreed to by the committee. A record shall be kept by
24 the secretary.

25 7. No committee, except a conference committee or
26 the steering committee, is authorized to meet when the
27 senate is in session.

28 8. A subcommittee shall not report a bill to the
29 committee unless the bill has been typed into proper
30 form by the legislative service bureau.

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1 9. A bill or resolution shall not be voted upon
2 the same day a public hearing is held on that bill or
3 resolution. The presence or participation of a member
4 of the legislature, official of the state, state
5 department head, member of the press, legislative
6 staff member assigned to the committee, or a person
7 invited by the committee is not considered a public
8 hearing.

9 10. Public hearings may be called at the
10 discretion of the chair. The chair shall call a
11 public hearing upon the written request of one-half

- 12 the membership of the committee. The chair shall set
 13 the time and place of the public hearing.
 14 11. A subcommittee chair must notify the committee
 15 chair not later than one legislative day prior to
 16 bringing the bill or resolution before the committee.
 17 The committee cannot vote on a bill or resolution for
 18 at least one full day following the receipt of the
 19 subcommittee report by the chairperson.
 20 12. A motion proposing action on a bill or
 21 resolution that has been defeated by a committee shall
 22 not be voted upon again at the same session of the
 23 committee.
 24 13. Committee meetings shall be open.

Rule 40

Voting in Committee

- 27 All committee meetings shall be open at all times.
 28 Voting by secret ballot is prohibited. Roll call
 29 votes shall be taken in each committee when final
 30 action on any bill or resolution is voted, unless a

Page 35

- 1 short-form vote is unanimously agreed to by the
 2 committee. A roll call vote also shall be taken in
 3 each committee at the request of a member upon any
 4 amendment or motion. All results shall be entered in
 5 the minutes which shall be public records. Records of
 6 these votes shall be made available by the chair or
 7 the committee secretary at any time. This rule also
 8 applies to the steering committee and appropriations
 9 subcommittees.
 10 The committee shall not authorize the introduction
 11 of a committee bill or resolution until the members
 12 have received final copies of the bill or resolution
 13 with amendments or changes incorporated, and typed
 14 into proper form by the legislative service bureau.
 15 The committee may, by unanimous consent, dispense with
 16 this requirement when only nonsubstantive amendments
 17 or changes are necessary to correct the bill or
 18 resolution, or when a study bill or individually
 19 sponsored bill is voted out as a committee bill with
 20 no change in the text of the bill or the title.
 21 The legislative service bureau shall file a report
 22 with the committee members detailing the amendments or
 23 changes and this report shall become a part of the
 24 committee report.

Rule 41

Announcement of Committee Meetings

- 27 It shall be in order for the chair of any committee
 28 to announce to the senate the time and place of

29 committee meetings. The announcement shall include a
30 proposed agenda for the meeting. The sergeant-at-arms

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1 shall post at the rear of the chamber the daily
2 schedule of committee meetings.

3 Rule 42

4 Withdrawal of Bills and Resolutions from Committee

5 The secretary of the senate shall note on each bill
6 and resolution the date of its reference to committee.
7 No bill or resolution shall be withdrawn from any
8 committee within fifteen legislative days after the
9 bill or resolution has been referred to the committee
10 and thereafter only upon written petition for the
11 withdrawal of such bill or resolution signed by a
12 constitutional majority of the senators, except as
13 provided in Rule 37. Only senators may circulate such
14 a petition.

15 Rule 43

16 Committee Reports

17 All committees shall file a report with the
18 secretary of the senate of committee meetings. Such
19 reports shall contain the following information:

- 20 a. The time the meeting convened;
- 21 b. Those senators who were present and absent at
22 the time the meeting convened, as well as the time any
23 senator, who was not present at the time the meeting
24 convened, arrives for the meeting;
- 25 c. The vote on any bill or resolution reported out
26 of the committee for floor action;
- 27 d. The title of the bill;
- 28 e. The file number of the bill or resolution (if
29 known);
- 30 f. Whether the committee recommends that the bill

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- 1 or resolution be passed, amended and passed,
- 2 indefinitely postponed, or considered without
- 3 committee recommendation;
- 4 g. An indication of other bills or matters
- 5 discussed;
- 6 h. Such other matters as the committee chair shall
- 7 direct; and
- 8 i. The time the meeting adjourned.
- 9 No committee report shall be read, but all
- 10 committee reports shall be printed by the secretary in
- 11 the journal. Upon printing, all committee reports
- 12 shall then stand approved unless the senate directs

13 otherwise.

14 Rule 44

15 Bills or Resolutions Recommended for Indefinite Postponement

16 When a question is postponed indefinitely, it shall
 17 not be again acted upon during that session of the
 18 general assembly. ~~If a bill or resolution is reported~~
 19 ~~back from a committee recommending indefinite~~
 20 ~~postponement, the report shall be placed on the~~
 21 ~~calendar and shall be disposed of within three~~
 22 ~~legislative days. If not, the committee~~
 23 ~~recommendation shall be considered adopted. However,~~
 24 no senate bill or resolution recommended for
 25 indefinite postponement shall be considered in the
 26 absence of the chief sponsor or, if a house bill or
 27 resolution, in the absence of the senator representing
 28 the district in which the sponsor resides. ~~If a~~
 29 ~~committee report recommends indefinite postponement,~~
 30 ~~it shall require a vote of thirty-four senators to~~

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1 ~~prevent indefinite postponement, and debate shall be~~
 2 ~~limited to ten minutes on each side.~~

3 GENERAL RULES

4 Rule 45

5 Admission to Senate Chamber

6 The persons who shall have access to the senate
 7 chamber, and the times access shall be available, and
 8 the rules governing their activities in the chamber
 9 shall be as prescribed by the rules and administration
 10 committee pursuant to a written policy adopted by the
 11 committee and filed with the secretary of the senate.

12 Rule 46

13 Legislative Interns and Aides

14 Legislative interns for senators shall be allowed
 15 on the floor of the senate in accordance with Rule 45;
 16 provided that each intern first has obtained a name
 17 badge from the secretary of the senate. The secretary
 18 of the senate shall issue an appropriate name badge to
 19 all interns for senators.

20 In addition, those persons designated as "aides to
 21 senators" shall be allowed on the floor of the senate.
 22 The secretary of the senate shall issue an appropriate
 23 name badge for such individuals.

24 Rule 47

25 Clearing of Lobby and Gallery

26 In case of disturbance or disorderly conduct in the
 27 lobby or gallery, the presiding officer may order it
 28 cleared.

29 Rule 48
30 Presentation of Petitions

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1 Each petition shall contain a brief statement of
2 its subject matter and the name of the senator
3 presenting it. Petitions shall be filed with the
4 secretary of the senate and shall be noted in the
5 journal.

6 Rule 49

7 Distribution of Printed Material

8 No general distribution of printed material in the
9 senate shall be allowed unless authorized by the
10 secretary of the senate or by a senator.

11 Rule 50

12 Concerning the Printing of Papers

13 Any paper, other than that contemplated by Section
14 10, Article III of the Constitution of the State of
15 Iowa, presented to the senate may, with the consent of
16 a constitutional majority, be printed in the journal.

17 Rule 51

18 Reprinting of Documents

19 When any bill has been substantially amended by the
20 senate, the secretary of the senate shall order the
21 bill reprinted on paper of a different color. All
22 adopted amendments inserting new material shall be
23 distinguishable.

24 The secretary of the senate may order the printing
25 of a reasonable number of additional copies of bills,
26 resolutions, amendments or journals.

27 OFFICERS AND EMPLOYEES

28 Rule 52

29 Duties of the President

30 The senate shall elect, from its membership, a

Page 40

1 president. The president shall call the senate to
2 order at the hour to which the senate is adjourned.
3 Unless otherwise ordered by the senate, the president
4 shall proceed with the regular order of daily
5 business. The president shall preserve order and
6 decorum and decide all questions of order and
7 corrections to the journal, subject to an appeal to
8 the senate. The president shall direct voting as
9 provided in rule 22. When a ruling on germaneness is
10 issued by the presiding officer, it shall be
11 accompanied by an explanation of the ruling. The
12 president of the senate shall be the chair of the

13 committee of the whole unless otherwise ordered by the
14 senate, under rule 19.

15 Upon the first reading of an individual bill or
16 resolution, or a house committee bill or resolution,
17 the president shall refer the bill or resolution to
18 the appropriate standing committee unless otherwise
19 ordered by the senate. If the bill or resolution is a
20 senate committee bill or resolution, the president
21 shall place it on the calendar after its first
22 reading. If the subject of the bill or resolution is
23 not germane to the title of the committee presenting
24 it, the president of the senate may refer it to the
25 appropriate committee.

26 The president shall sign legislative enactments
27 upon their enrolling as provided under Joint Rule 14.

28 The president of the senate shall serve as a member
29 of the legislative council and the senate rules and
30 administration committee. The president shall serve

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1 on the rules and administration committee as chair of
2 the standing subcommittee designated to supervise the
3 secretary of the senate and other employees of the
4 administrative services division of the senate.

Rule 53

The President Pro Tempore

7 The senate shall elect, from its membership, a
8 president pro tempore. When the president is absent,
9 the president pro tempore shall preside, except when
10 the chair is filled by temporary appointment by the
11 president or the majority leader.

12 The president pro tempore, when presiding, shall
13 perform duties as prescribed in rule 52, paragraphs 1
14 and 2.

15 The president pro tempore shall serve as a member
16 of the legislative council, as chair of the senate
17 ethics committee, and as a member of the senate
18 committee on rules and administration.

Rule 54

Secretary of the Senate

21 The secretary of the senate shall be an officer of
22 the senate and shall:

- 23 1. Serve as chief administrative officer of the
24 senate.
- 25 2. Have charge of the secretary's desk.
- 26 3. Be responsible for the custody and safekeeping
27 of all bills, resolutions, and amendments filed,
28 except while they are in the custody of a committee.
- 29 4. Have charge of the daily journal.

30 5. Have control of all rooms assigned for the use

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- 1 of the senate.
 2 6. Keep a detailed record of senate action on all
 3 bills and resolutions.
 4 7. Insert adopted amendments into bills before
 5 transmittal to the house of representatives and prior
 6 to final enrollment.
 7 8. Prescribe the duties of and supervise all
 8 senate employees.
 9 9. Authorize all expenditures of funds within the
 10 senate budget.
 11 The secretary of the senate shall also act as
 12 senate parliamentarian and shall:
 13 1. Advise the presiding officer of the senate
 14 about parliamentary procedures during deliberations of
 15 the senate.
 16 2. Perform other duties as prescribed by the
 17 committee on rules and administration.
 18 3. Process the handling of amendments when filed
 19 and during the floor consideration of bills.
 20 Rule 55
 21 Legal Counsel
 22 The legal counsel shall be a contractual employee
 23 of the senate and shall:
 24 1. Serve as attorney and counselor for the senate.
 25 2. At the request of the majority and minority
 26 leaders, research any legal issue in which the senate
 27 has an interest. However, the legal counsel shall not
 28 issue nor venture any opinions on unresolved questions
 29 of law unless permitted by both the majority and
 30 minority leaders.

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- 1 Rule 56
 2 Sergeant-at-Arms
 3 The sergeant-at-arms shall be an employee of the
 4 senate and shall:
 5 1. Wear the appropriate badge of his or her
 6 office.
 7 2. Attend the senate during its sessions.
 8 3. Aid in the enforcement of order under the
 9 direction of the president of the senate and the
 10 secretary of the senate.
 11 4. Execute the commands of the senate.
 12 5. See that no unauthorized person disturbs the
 13 contents of the senators' desks.

- 14 6. Supervise the doorkeepers, the assistant
 15 sergeant-at-arms, and pages.
 16 7. Announce all delegations from the governor or
 17 house.
 18 8. Supervise the seating of visitors and press
 19 representatives.

20 Rule 57

21 Senate Secretaries

- 22 Every senator shall be permitted to employ for each
 23 session of a general assembly a personally selected
 24 secretary.

25 Rule 58

26 Use of Electronic Voting System

- 27 Any officer or employee of the senate, other than a
 28 duly elected member of the senate, who operates the
 29 electronic voting machine mechanism located at the
 30 desk of said member of the senate shall be subject to

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- 1 immediate termination from employment. The provisions
 2 of this paragraph only shall apply during the taking
 3 of a roll call vote or division utilizing the
 4 electronic voting system.

5 CONFIRMATION OF APPOINTMENTS

6 Rule 59

7 Appointments

- 8 The secretary of the senate shall:
 9 a. send, to each appointee submitted by the
 10 governor for senate confirmation, a copy of a senate
 11 questionnaire as approved by the rules and
 12 administration committee;
 13 b. receive completed questionnaires from
 14 appointees and forward copies of the completed
 15 questionnaires to appropriate committee members;
 16 c. maintain "Confirmation Calendar" categories on
 17 the senate calendar as directed under this rule,
 18 senate rule 6, and by the committee on rules and
 19 administration. No appointee shall be listed as
 20 eligible on the confirmation calendar until the
 21 secretary has received the appointee's completed
 22 senate questionnaire.
 23 The secretary of the senate shall maintain a file
 24 of all appointments received from the governor for
 25 confirmation. The file shall contain a description of
 26 the duties and the compensation for each nominee. The
 27 file shall show the date an appointment was received
 28 from the governor, whether the appointment letter was
 29 read to the senate, whether the nominee has been
 30 introduced, whether a committee report has been filed,

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1 when the senate questionnaire was sent to the
2 appointee, and shall include a copy of the appointee's
3 completed senate questionnaire, upon receipt.
4 INVESTIGATING COMMITTEES. All appointments
5 received from the governor shall be referred to the
6 rules and administration committee by the secretary of
7 the senate on the same day they are read to the
8 senate. The rules and administration committee shall
9 establish an en bloc confirmation calendar which must
10 be filed with the secretary of the senate. Within
11 three (3) legislative days after receiving an
12 appointment, the committee shall either place a
13 nominee on the en bloc confirmation calendar or assign
14 the nominee to an appropriate standing committee for
15 further investigation, publishing notice of such
16 assignment in the senate journal for the next
17 legislative day. If the rules and administration
18 committee fails to take action on a nominee within the
19 three days, the nominee shall automatically be placed
20 on the en bloc confirmation calendar.
21 Within the three (3) legislative days after an
22 appointment has been referred to the rules and
23 administration committee, any ten senators may require
24 that the nominee be assigned to an appropriate
25 standing committee by filing a written, signed request
26 therefor with the chairperson of the rules and
27 administration committee. The committee chair shall
28 refer the appointment to a subcommittee within one (1)
29 legislative day after a standing committee receives an
30 appointment for further investigation, publishing

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1 notice of such assignment in the senate journal for
2 the next legislative day. Within ten (10) legislative
3 days after a standing committee receives an
4 appointment for further investigation the subcommittee
5 shall file its report with the standing committee.
6 Within fourteen (14) legislative days after a
7 standing committee receives an appointment for further
8 investigation, the committee shall conduct an
9 investigation of the nominee and file its report
10 thereon with the secretary of the senate, who shall
11 then place the nominee on the en bloc calendar or
12 individual confirmation calendar as directed by the
13 committee. The failure of a committee to file its
14 report within the prescribed time means that the
15 nominee is to be automatically placed, without

16 recommendation, upon the individual confirmation
17 calendar.
18 Any senator within five (5) legislative days
19 following a nominee's name being published in the
20 journal may request that said nominee be introduced to
21 the full senate by filing a written request with the
22 secretary of the senate. In any event, all nominees
23 who are referred by the rules and administration
24 committee to a standing committee shall be introduced
25 to the full senate prior to a vote on confirmation of
26 the nominee. If an individual is nominated both to
27 fill a vacancy for an unexpired term and is also
28 nominated for reappointment to that position during
29 the same session, a single introduction is sufficient
30 for eligibility for confirmation to both terms.

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1 HEARINGS. Any member of a committee investigating
2 an appointment may, within five (5) legislative days
3 after the committee receives the appointment, obtain
4 a hearing with the nominee by filing a written request
5 with the secretary of the senate who shall forward it
6 to the chair of the standing committee and the chair
7 of the subcommittee. Notice of the hearing shall be
8 published in the journal at least two (2) legislative
9 days prior to the hearing. At the hearing, which
10 shall be before the subcommittee, the nominee may be
11 questioned as to his or her qualifications to fulfill
12 the office to which nominated and further questioned
13 as to his or her viewpoints on issues facing the
14 office to which nominated. Any senator may at the
15 discretion of the chair of the subcommittee be
16 permitted to submit oral questions. The public may, at
17 the discretion of the investigating committee, be
18 permitted to submit oral or written statements as to
19 the qualifications of the nominee.

20 Also, within five (5) legislative days after the
21 subcommittee receives an appointment for
22 investigation, any senator may submit written
23 questions to be answered by the nominee prior to
24 consideration of the nominee's confirmation by the
25 senate.

26 INFORMATIONAL MEETINGS. After a nominee has been
27 placed on the calendar and prior to the vote on
28 confirmation, any senator may request an informational
29 meeting on the nomination which shall be held before
30 the subcommittee.

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1 VOTING ON CONFIRMATIONS. Upon the motion of the
2 majority leader or his or her designee, the nominees
3 on the en bloc confirmation calendar shall be
4 confirmed en bloc by the affirmative vote of two-
5 thirds of the members elected to the senate. The
6 journal shall reflect a single roll call accompanied
7 by a statement of the names of those individuals
8 subject to the en bloc confirmation vote.

9 Prior to an en bloc vote, any senator may request,
10 either in writing or from the floor, an individual
11 vote on any nominee on the en bloc confirmation
12 calendar. The senate shall vote separately on the
13 nominee.

14 Nominees on the individual confirmation calendar
15 shall be confirmed by a two-thirds vote; however, the
16 senate shall take a separate roll call on each
17 nominee, unless by unanimous consent, it determines to
18 take one vote on all nominees under consideration. In
19 any case, the journal shall reflect a single roll call
20 vote for each nominee.

21 If an individual is nominated both to fill a
22 vacancy for an unexpired term and is also nominated
23 for reappointment to that position, and such
24 appointment and reappointment appear on the senate
25 calendar as eligible at the same time, a single vote
26 is sufficient for confirmation to both terms.

1 SENATE RESOLUTION 2

2 By: Tinsman, Deluhery, and Rife

3 A Resolution recommending the issuance of a commemorative
4 stamp for the 100th anniversary of the chiropractic
5 profession.

6 WHEREAS, the chiropractic profession was
7 established in Davenport, Iowa, in 1895; and

8 WHEREAS, chiropractic is the largest drugless
9 healing art in the world; and

10 WHEREAS, the first chiropractic college was founded
11 in Iowa; and

12 WHEREAS, the chiropractic profession will be
13 holding centennial celebrations throughout the world
14 in 1995; NOW, THEREFORE,

15 BE IT RESOLVED BY THE SENATE, That the United
16 States Postal Service should issue a commemorative
17 stamp honoring the 100th anniversary of the
18 chiropractic profession in 1995; and

19 BE IT FURTHER RESOLVED, That the United States
20 Postal Service should allow the chiropractic

21 profession to be involved with the design of the
 22 stamp; and
 23 BE IT FURTHER RESOLVED, That the Secretary of the
 24 Senate send copies of this resolution to the United
 25 States Postal Service.

1 SENATE RESOLUTION 3

2 By: Committee on Ethics Resolution

3 A Resolution to provide the senate rules governing lobbyists.

4 BE IT RESOLVED BY THE SENATE, That the senate rules
 5 governing lobbyists for the ~~Seventy-third~~ Seventy-
 6 fourth General Assembly shall be as follows:

7 SENATE RULES GOVERNING LOBBYISTS

8 1. DEFINITIONS. For the purposes of these rules
 9 "lobbyist" is defined as a person who:
 10 a. Is paid compensation or expends money for
 11 encouraging the passage, defeat, or modification of
 12 legislation, or influencing the decision of the
 13 members of a legislative committee or a subcommittee;
 14 or
 15 b. Represents on a regular basis an organization
 16 which has as one of its purposes the encouragement of
 17 the passage, defeat, or modification of legislation,
 18 or influencing the decision of the members of a
 19 legislative committee or a subcommittee; or
 20 c. Is a federal, state, or local government
 21 official or employee representing the official
 22 position of the official or employee's department,
 23 commission, board, or agency and who attempts to
 24 encourage the passage, defeat, or modification of
 25 legislation, or influencing the decision of the
 26 members of a legislative committee or a subcommittee
 27 while the senator is at the state capitol for a
 28 legislative session or for official legislative
 29 business.
 30 As used in these rules the word "gift" and the.

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1 phrases "immediate family member" and "public
 2 disclosure" have the meaning provided in chapter 68B.
 3 As used in these rules the term "political action
 4 committee" means a committee, but not a candidate's
 5 committee, which accepts contributions, makes expendi-
 6 tures, or incurs indebtedness in the aggregate of more
 7 than two hundred fifty dollars in any one calendar
 8 year for the purpose of supporting or opposing a
 9 candidate for public office or ballot issue or
 10 influencing legislative action, or an association,

11 lodge, society, cooperative, union, fraternity,
12 sorority, educational institution, civic organization,
13 labor organization, religious organization, or
14 professional or other organization which makes
15 contributions in the aggregate of more than two
16 hundred fifty dollars in any one calendar year for the
17 purpose of supporting or opposing a candidate for
18 public office or ballot issue or influencing
19 legislative action.

20 2. EXCEPTIONS. The term "lobbyist" shall not
21 include within its definition:

22 a. Officials and employees of a political party
23 organized in the state of Iowa representing more than
24 two percent of the total votes cast for governor in
25 the last preceding general election, but only when
26 representing the political party in an official
27 capacity.

28 b. Representatives of the news media engaged only
29 in the reporting and dissemination of news and
30 editorials.

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1 c. Federal, state, or local government officials
2 and employees who in the course of their official
3 duties submit proposed legislation or amendments to a
4 senator or senate committee or who provide information
5 or are requested or required to provide information to
6 a senator or to appear before a senate committee and
7 who do not actively encourage the passage, defeat, or
8 modification of legislation.

9 d. The governor and lieutenant governor of the
10 state of Iowa, and all other elected state officials.

11 e. Persons who exclusively represent their own
12 interests (as distinguished from the interests of a
13 group, employer, or organization), provided they are
14 not compensated by anyone for lobbying.

15 3. APPLICABILITY. These rules are only applicable
16 to lobbying activities involving the Iowa general
17 assembly.

18 4. REGISTRATION REQUIRED. All lobbyists shall, on
19 or before the day their lobbying activity begins,
20 register with the secretary of the senate by filing a
21 lobbyist's registration statement listing:

22 a. Name, permanent business address, temporary
23 residential and business address in Polk county during
24 the legislative session, and telephone numbers. If
25 two or more lobbyists are associated together or
26 consistently work together in all their lobbying, then
27 they may file a joint registration. The name,

28 permanent business address, temporary residential and
 29 business address in Polk county during the legislative
 30 session, and telephone numbers of all persons included

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1 in the joint registration shall be listed.
 2 b. The name and address of all individuals,
 3 companies, firms, corporations, unions, associations,
 4 or causes for which the individual lobbies.
 5 c. The general subjects of legislation in which
 6 the lobbyist is or may be interested, the numbers of
 7 the bills and resolutions (if known) which will be
 8 lobbied, and whether the lobbyist intends to lobby for
 9 or against each bill (if known).
 10 d. A detailed description of any agreement,
 11 arrangement, or understanding concerning contingent
 12 fees.

13 Any change in or addition to the foregoing
 14 information shall be registered with the secretary of
 15 the senate within ten days after the change or
 16 addition is known to the lobbyist.

17 Registration expires upon the commencement of the
 18 next regular session of the general assembly, except
 19 that the secretary of the senate may adopt and
 20 implement a reasonable pre-registration procedure in
 21 advance of each regular session during which persons
 22 may register for that session and the following
 23 legislative interim.

24 5. CANCELLATION OF REGISTRATION. If a lobbyist's
 25 service on behalf of a particular employer, client, or
 26 cause is concluded prior to the end of the calendar
 27 year, the lobbyist may cancel the registration on
 28 appropriate forms supplied by the secretary of the
 29 senate. Upon cancellation of registration, a lobbyist
 30 is prohibited from engaging in any lobbying activity

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1 on behalf of that particular employer, client, or
 2 cause until ~~re-registering~~ reregistering and complying
 3 with these rules. A lobbyist's registration is valid
 4 for only one session of a general assembly.

5 6. GOVERNMENT OFFICIALS. All federal, state, and
 6 local officials or employees representing the official
 7 positions of their departments, commissions, boards,
 8 or agencies shall present to the secretary of the
 9 senate a letter of authorization from their department
 10 or agency heads prior to the commencement of their
 11 lobbying. The lobbyist registration statement of

12 these officials and employees shall not be deemed
13 complete until the letter of authorization is
14 attached. Federal, state, and local officials who
15 wish to lobby in opposition to the official position
16 of their departments, commissions, boards, or agencies
17 must indicate such on their lobbyist registration
18 statements.

19 7. CHARGE ACCOUNTS. Lobbyists and the
20 organizations they represent shall not allow any
21 senators to charge any amounts or items to any charge
22 account to be paid for by those lobbyists or by the
23 organizations they represent.

24 8. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, an
25 employer of a lobbyist, or a political action
26 committee shall not offer economic or investment
27 opportunity or promise of employment to any senator
28 with intent to influence the senator's conduct in the
29 performance of official duties.

30 A lobbyist shall not take action intended to

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1 negatively affect the economic interests of a senator.

2 For purposes of this rule, supporting or opposing a
3 candidate for office or supporting or opposing a bill,
4 amendment, or resolution shall not be considered to be
5 action intended to negatively affect the economic
6 interests of a senator.

7 9. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
8 employer of a lobbyist, shall not pay for membership
9 in or contributions to clubs or organizations on
10 behalf of a senator.

11 10. ACCESS TO SENATE FLOOR. Lobbyists shall not
12 be permitted on the floor of the senate while the
13 senate is in session. Elected state officials, except
14 the governor, lieutenant governor, and the members of
15 the house of representatives, shall not be permitted
16 on the floor of the senate while the senate is in
17 session to encourage the passage, defeat, or
18 modification of legislation.

19 11. EFFECTIVE PERIOD. These rules governing
20 lobbyists shall be in effect throughout the calendar
21 year, whether or not the general assembly is in
22 session.

23 12. REPORTING OF GIFTS. Persons who have made
24 gifts to any senator, senate employee, or any
25 immediate family member of a senator or senate
26 employee which has a value in excess of fifteen
27 dollars on any one calendar day shall file a report
28 with the secretary of the senate which includes:

29 a. A list of senators, senate employees, or their
30 immediate family members each to whom a gift was made,

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1 the date of the occurrence, and the nature and amount
2 of the gift.

3 b. A monthly total of all gifts made by persons
4 and their employer or employers regardless of the
5 dollar value to senators, senate employees, and their
6 immediate family members, including the following:

- 7 (1) Food and refreshment.
- 8 (2) Entertainment, including the cost of a hospitality room.
- 9 (3) Travel.
- 10 (4) Recreation expense.
- 11 (5) Lodging expense.
- 12 (6) Other (including the nature of the gift).

13 c. If a gift is made to two or more members of the
14 general assembly, employees of the general assembly,
15 or their immediate families which cannot be precisely
16 attributed to each recipient, the value of the gift
17 shall be divided by the number of individuals
18 receiving the gift.

19 d. The reports required to be filed under this
20 rule shall be filed not later than the fifteenth day
21 of a month for gifts made or received during the
22 preceding month.

23 13. REPORTING GROUP EVENTS. Persons who host a
24 group event to which all members of the senate, or all
25 members of both houses, have been invited shall file a
26 report with the secretary of the senate, separately
27 for each event, listing the date, location, and total
28 expense incurred by the donor or donors for food,
29 beverages, registration, and scheduled entertainment.
30 The reporting requirements of Rule 12 apply.

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1 14. REPORTING OF HONORARIA. Persons who have
2 provided honorarium in excess of fifteen dollars on
3 any one calendar day to any senator, senate employee,
4 or any immediate family member of a senator or senate
5 employee for a speech, writing for publication, or
6 other similar activity shall file a report with the
7 secretary of the senate. The report shall include the
8 identity of the person to whom the honorarium was
9 provided, the date it was provided, the nature and
10 amount of the honorarium, and the nature and amount of
11 reimbursement for or payment of actual expenses
12 incurred for public speaking engagements or other

13 formal public appearances. The report shall be filed
 14 on the fifteenth of the month following the month in
 15 which the honorarium was paid.

16 15. REPORTING OF ATTRIBUTED HONORARIUM. Persons
 17 who have provided an honorarium for a speech, writing
 18 for publication, or other similar activity in excess
 19 of fifteen dollars in value on any one calendar day to
 20 any person or organization, in the name of a senator,
 21 shall file a report with the secretary of the senate.
 22 The report shall include the identity of the senator
 23 on whose behalf the honorarium was given, the person
 24 or organization to whom the honorarium was given, the
 25 date it was given, and the nature and amount of the
 26 honorarium. The report shall be filed on the
 27 fifteenth of the month following the month in which
 28 the honorarium was given.

29 16. COMPLAINTS. Rules 9 through 15 of the senate
 30 code of ethics apply to complaints and procedures

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1 regarding violations of these rules.

1 SENATE RESOLUTION 4

2 By: Committee on Ethics
 3 (SUCCESSOR TO LSB 1826XC)

4 A Resolution to provide for the Senate Code of Ethics.

5 BE IT RESOLVED BY THE SENATE, That the Senate Code
 6 of Ethics for the ~~Seventy-third~~ Seventy-fourth General
 7 Assembly shall be as follows:

8 SENATE CODE OF ETHICS

9 PREAMBLE. Every legislator owes a duty to uphold
 10 the integrity and honor of the general assembly, to
 11 encourage respect for the law and for the general
 12 assembly and the members thereof, and to observe the
 13 legislative code of ethics.

14 In doing so, each member of the senate has a duty
 15 to conduct oneself so as to reflect credit on the
 16 general assembly, and to inspire the confidence,
 17 respect, and trust of the public, and to strive to
 18 avoid both unethical and illegal conduct and the
 19 appearance of unethical and illegal conduct.

20 Recognizing that service in the Iowa general
 21 assembly is a part-time endeavor and that members of
 22 the general assembly are honorable individuals who are
 23 active in the affairs of their localities and
 24 elsewhere and that it is necessary that they maintain
 25 a livelihood and source of income apart from their
 26 legislative compensation, the following rules are

27 adopted pursuant to section 68B.10, to assist the
28 members in the conduct of their legislative affairs.
29 1. ECONOMIC INTEREST OF SENATOR. Taking into
30 account that legislative service is part-time, a

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1 senator shall not accept economic or investment
2 opportunity, under circumstances where the senator
3 knows, or should know, that there is a reasonable
4 possibility that the opportunity is being afforded the
5 senator with intent to influence the senator's conduct
6 in the performance of official duties.
7 a. Divestiture. Where a senator learns that an
8 economic or investment opportunity previously accepted
9 was offered with the intent of influencing the
10 senator's conduct in the performance of official
11 duties, the senator shall take steps to divest that
12 senator of that investment or economic opportunity,
13 and shall report the facts of the situation to the
14 senate ethics committee.
15 b. Charges for Services. A senator shall not
16 charge to or accept from a person, corporation,
17 partnership, or association known to have a
18 legislative interest a price, fee, compensation, or
19 other consideration for the sale or lease of any
20 property or the furnishing of services which is in
21 excess of that which the senator would charge another.
22 c. Use of Confidential Information. A senator in
23 order to further the senator's own economic interests,
24 or those of any other person, shall not disclose or
25 use confidential information acquired in the course of
26 official duties.
27 d. Honoraria. A senator shall not accept an
28 honorarium from any person for a speech, writing for
29 publication, or other similar activity, that is in
30 excess of the usual and customary value for those

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1 services five hundred dollars in value.
2 e. Employment. A senator shall not accept
3 employment, either directly or indirectly, from a
4 political action committee. A senator may accept
5 employment from a political party, but shall disclose
6 the employment relationship in writing to the
7 secretary of the senate within ten days after the
8 beginning of each legislative session. If a senator
9 accepts employment from a political party during a
10 legislative session, the senator shall disclose the

11 employment relationship within ten days after
12 acceptance of the employment.
13 For the purpose of this rule, a political action
14 committee means a committee, but not a candidate's
15 committee, which accepts contributions, makes
16 expenditures, or incurs indebtedness in the aggregate
17 of more than two hundred fifty dollars in any one
18 calendar year for the purpose of supporting or
19 opposing a candidate for public office or ballot issue
20 or influencing legislative action, or an association,
21 lodge, society, cooperative, union, fraternity,
22 sorority, educational institution, civic organization,
23 labor organization, religious organization, or
24 professional organization which makes contributions in
25 the aggregate of more than two hundred fifty dollars
26 in any one calendar year for the purpose of supporting
27 or opposing a candidate for public office or ballot
28 issue or influencing legislative action.
29 2. ECONOMIC INTERESTS OF LOBBYIST. With the
30 exception of exercising unfettered discretion in

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1 supporting or refusing to support proposed
2 legislation, a senator shall not take action intended
3 to affect the economic interests of a lobbyist or
4 citizen supporting or opposing proposed legislation.
5 3. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
6 senator may appear before a governmental agency or
7 board in any representation case, except that the
8 senator shall not appear before a governmental agency
9 or board for compensation if the matter is subject to
10 legislative review. Whenever a senator appears before
11 a governmental agency or board, the senator shall
12 carefully avoid all conduct which might in any way
13 lead members of the general public to conclude that
14 the senator is using the senator's official position
15 to further the senator's professional success or
16 personal financial interest.
17 4. CONFLICTS OF INTERESTS. In order to permit the
18 general assembly to function effectively, a senator
19 will sometimes be required to vote on bills and
20 participate in committee work which will affect the
21 senator's employment and other monetary interests. In
22 making a decision relative to the senator's activity
23 on given bills or committee work which are subject to
24 the code, the following factors shall be considered:
25 a. Whether a substantial threat to the senator's
26 independence of judgment has been created by the
27 conflict situation.

- 28 b. The effect of the senator's participation on
29 public confidence in the integrity of the legislature.
30 c. Whether the senator's participation is likely

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- 1 to have any significant effect on the disposition of
2 the matter.
3 d. The need for the senator's particular
4 contribution, such as special knowledge of the subject
5 matter, to the effective functioning of the
6 legislature.
7 A senator with a conflict of interest may
8 participate in floor debate if prior to debate the
9 senator indicates the conflict of interest.
10 5. DISCLOSURE REQUIRED. Each senator shall file
11 with the secretary of the senate within ten days after
12 the adoption of the code of ethics by the senate, and
13 within ten days after the convening of the second
14 session of the general assembly, a statement on forms
15 provided by the secretary of the senate setting forth
16 the following information:
17 a. The nature of each business in which the
18 senator is engaged and the nature of the business of
19 each company in which the senator or the senator's
20 spouse has a financial interest. A senator shall not
21 be required to file a report or be assumed to have a
22 financial interest if an investment in stocks, bonds,
23 bills, notes, mortgages, or other securities offered
24 for sale through recognized financial brokers is less
25 than five percent of the total outstanding issue of
26 any such stock, bonds, bills, notes, mortgages, or
27 other securities of the offering entity.
28 b. The name of any state or national business,
29 trade, labor, farm, professional, religious,
30 educational, or charitable association, foundation, or

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- 1 organization which is involved in supporting or
2 opposing legislation brought before the general
3 assembly and by which the senator, the senator's
4 partner, or business associate is employed or retained
5 or has rendered services for compensation within the
6 last twelve months.
7 c. Every office or directorship held by the
8 senator in any corporation, firm, enterprise, labor
9 union, farm organization, cooperative, religious,
10 educational, or charitable association or
11 organization, or trade or professional association

12 held during the last twelve months and every
13 membership in such an organization which is engaged in
14 actively supporting or opposing legislation in the
15 general assembly. The name of the entity shall be set
16 out.

17 Disclosures required under this rule shall be as of
18 the date filed unless provided to the contrary, and
19 shall be amended to include interests and changes
20 encompassed by this rule that occur while the general
21 assembly is in session. All filings under this rule
22 shall be open to public inspection in the office of
23 the secretary of the senate at all reasonable times.

24 The secretary of the senate shall inform the ethics
25 committee of the statements which are filed and shall
26 report to the ethics committee the names of any
27 senators who appear not to have filed complete
28 statements. The chairperson of the ethics committee
29 shall request in writing that a senator who has failed
30 to complete the report or appears to have filed an

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1 incomplete report do so within five days, and, upon
2 the failure of the senator to comply, the ethics
3 committee shall require the senator to appear before
4 the committee.

5 d. Senators and employees of the senate shall file
6 a report with the secretary of the senate, of a gift,
7 which does not include food or drink provided for
8 immediate consumption, or series of gifts made to them
9 or each family member from any one donor which exceed
10 fifteen dollars in cumulative value in any one
11 calendar day. The report shall list the nature, date,
12 amount or equivalent value, and donor of the gift and
13 shall be filed by the fifteenth of the month covering
14 the preceding month.

15 e. A senator who receives an honorarium in excess
16 of fifteen dollars in value for a speech, writing for
17 publication, or other similar activity, relating to
18 the senator's duties in the general assembly, shall
19 report the honorarium to the secretary of the senate.
20 The report shall include the nature and amount of the
21 honorarium, the date it was provided, from whom it was
22 received, and the nature and amount of reimbursement
23 for or payment of any actual expenses. The report
24 shall be filed by the senator on the fifteenth of the
25 month following the month in which the honorarium was
26 paid.

27 f. A senator, in whose name an honorarium in
28 excess of fifteen dollars in value is given to a

29 person or organization for a speech, writing for a
30 publication, or other similar activity, and who has

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1 knowledge of such honorarium, shall report the
2 honorarium to the secretary of the senate. The report
3 shall include the nature and amount of the honorarium,
4 the date it was given, by whom it was given, and to
5 whom it was given. The report shall be filed by the
6 senator on the fifteenth of the month following the
7 month in which the honorarium was given.
8 6. STATUTORY VIOLATIONS. Members of the general
9 assembly are urged to familiarize themselves with
10 chapter 68B and chapter 722.
11 7. CHARGE ACCOUNTS. Senators shall not charge any
12 amount or item to any charge account to be paid for by
13 any lobbyist or any organization ~~he or she~~ the
14 lobbyist represents.
15 8. TRAVEL EXPENSES. A senator shall not charge to
16 the state of Iowa amounts for travel and expenses
17 unless the senator actually has incurred those mileage
18 and expense costs. Senators shall not file the
19 vouchers for weekly mileage reimbursement required by
20 section 2.10, subsection 1, unless the travel was
21 actually incurred at commensurate expense to the
22 senator.
23 9. COMPLAINTS. Complaints or charges against any
24 senator or any lobbyist shall be in writing, made
25 under oath, and filed with the secretary of the senate
26 or the chairperson of the ethics committee. If filed
27 with the secretary of the senate, the secretary shall
28 immediately advise the chairperson of the ethics
29 committee of the receipt of the complaint.
30 Complaint forms shall be available from the

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1 secretary of the senate, or the chairperson of the
2 ethics committee, but a complaint shall not be
3 rejected for failure to use an approved form if the
4 complaint substantially complies with senate
5 requirements.
6 A complainant may submit exhibits and affidavits
7 attached to the complaint.
8 10. FILING OF COMPLAINTS.
9 a. Persons entitled. Complaints may be filed by
10 any person believing that a senator or lobbyist has
11 violated the senate ethics code, the senate rules
12 governing lobbyists, or chapter 68B of the Iowa Code.

13 A violation of the criminal law may be considered to
14 be a violation of this code of ethics if the violation
15 constitutes a serious misdemeanor or greater, or a
16 repetitive and flagrant violation of the law.
17 b. Committee complaint. The ethics committee may,
18 upon its own motion, initiate a complaint,
19 investigation, or disciplinary action.
20 c. Timeliness of filing. A complaint will be
21 considered to be timely filed if it is filed during
22 the legislative session when an alleged violation of
23 the ethics code occurs. If the alleged unethical
24 conduct occurs after adjournment, the complaint may be
25 filed at any time up to and including the first
26 fifteen days of the following legislative session.
27 If the complaint alleges a violation of Iowa's
28 criminal law, it is timely if filed during the
29 legislative session when the alleged violation
30 occurred, or during the session when the criminal

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1 charges are disposed of.
2 11. PERMANENT RECORD. The secretary of the senate
3 shall maintain a permanent record of all complaints
4 filed, including a separate card file containing the
5 date filed, name and address of the complainant, name
6 and address of the respondent, a brief statement of
7 the charges made, and ultimate disposition of the
8 complaint. The secretary shall keep each such
9 complaint confidential until public disclosure is made
10 by the ethics committee.
11 12. PRE-HEARING PREHEARING PROCEDURE.
12 a. Defective complaint. Upon receipt of a
13 complaint, the chairperson and ranking member of the
14 ethics committee shall determine whether the complaint
15 substantially complies with the requirements of this
16 code of ethics. If the complaint does not
17 substantially comply with the code of ethics, the
18 complaint may be returned to the complainant with a
19 statement that the complaint is not in compliance with
20 the code and a copy of the code. If the complainant
21 fails to amend the complaint to comply with the code
22 within a reasonable time, the chair and ranking member
23 may dismiss the complaint with prejudice for failure
24 to prosecute.
25 b. Service of complaint on respondent. Upon
26 receipt of any complaint substantially complying with
27 the requirements of this code of ethics, the
28 chairperson of the ethics committee shall cause a copy
29 of the complaint and any supporting information to be

30 delivered promptly to the respondent, requesting a

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1 written response to be filed within ten days. The
2 response may:

3 (1) Admit or deny the allegation or allegations,
4 or

5 (2) Object that the allegation fails to allege a
6 violation of the code of ethics, or

7 (3) Object to the jurisdiction of the committee,
8 or

9 (4) Request a more specific statement of the
10 allegation or allegations; or

11 (5) Object c. Objection to member. In addition
12 to the items which may be included in a response
13 pursuant to paragraph "b", the response may also
14 include an objection to the participation of any
15 member of the committee in the consideration of the
16 allegation or allegations on the grounds that the
17 member cannot render an impartial and unbiased
18 decision.

19 e d. Extension of time. At the request of the
20 respondent and upon a showing of good cause, the
21 committee, or the chairperson and ranking member, may
22 extend the time for response, not to exceed ten
23 additional days.

24 d e. Scheduling hearing. Upon receipt of the
25 response, the committee shall schedule a public
26 meeting to review the complaint and available
27 information, and shall:

28 (1) Notify the complainant that no further action
29 will be taken, unless further substantiating
30 information is produced, or

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1 (2) Conduct its own investigation or, upon
2 approval of the senate or the senate rules and
3 administration committee when the senate is not in
4 session, arrange for an investigation of the complaint
5 by independent counsel, to be received within a
6 reasonable time, or

7 (3) Cause the complaint to be scheduled for a
8 public hearing before the committee, or

9 (4) Cause the complaint to be scheduled for a
10 public hearing upon receipt of the report of the
11 independent counsel.

12 13. HEARING PROCEDURE.

13 a. Notice of hearing. If the committee causes a

14 complaint to be scheduled for a public hearing, notice
15 of the hearing date and time shall be given to the
16 complainant and respondent in writing, and of the
17 respondent's right to appear in person, be represented
18 by legal counsel, present statements and evidence, and
19 examine and cross-examine witnesses. The committee
20 shall not be bound by formal rules of evidence, but
21 shall receive relevant evidence, subject to
22 limitations on repetitiveness. Any evidence taken
23 shall be under oath.

24 b. Subpoena power. The committee may require, by
25 subpoena or otherwise, the attendance and testimony of
26 witnesses and the production of such books, records,
27 correspondence, memoranda, papers, documents, and any
28 other things it deems necessary to the conduct of the
29 inquiry.

30 c. Ex post facto. An investigation shall not be

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1 undertaken by the committee of a violation of a law,
2 rule, or standard of conduct that is not in effect at
3 the time of violation.

4 d. Disqualification of member. Members of the
5 committee may disqualify themselves from participating
6 in any investigation of the conduct of another person
7 upon submission of a written statement that the member
8 cannot render an impartial and unbiased decision in a
9 case. A member may also be disqualified by a vote of
10 four-fifths of the legislative members of the
11 committee.

12 A member of the committee is ineligible to
13 participate in committee meetings, as a member of the
14 committee, in any proceeding relating to the member's
15 own official conduct.

16 If a member of the committee is disqualified to
17 act, the majority leader, after consultation with the
18 minority leader, shall appoint a senator of the same
19 political party as the disqualified committee member
20 to serve as a member of the committee during the
21 period of disqualification.

22 e. Hearing. At the hearing, the chairperson shall
23 open the hearing by stating the charges, the purpose
24 of the hearing, and its scope. The burden of proof
25 rests upon the complainant to establish the facts as
26 alleged, by clear and convincing evidence. However,
27 questioning of witnesses shall be conducted by the
28 members of the committee, by legal counsel appointed
29 by the committee, or by a senator, the senate legal
30 counsel, or legal counsel from the legislative service

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1 bureau, if designated by the chairperson and ranking
2 member of the committee. The chairperson shall also
3 permit questioning by legal counsel representing the
4 complainant or respondent.

5 The chairperson or other member of the committee
6 presiding at a hearing shall rule upon procedural
7 questions or any question of admissibility of evidence
8 presented to the committee. Rulings may be reversed
9 by a majority vote of the committee members present.

10 The committee may continue the hearing to a future
11 date if necessary for appropriate reasons or purposes.

12 f. Committee action. Upon receipt of all relevant
13 evidence and arguments, the committee shall consider
14 the same and recommend to the senate:

15 (1) That the complaint be dismissed, or

16 (2) That the senator or lobbyist be censured or
17 reprimanded, and recommend the appropriate form of
18 censure or reprimand, or

19 (3) Any other appropriate sanction, including
20 suspension or expulsion from membership in the senate,
21 or suspension of lobbying privileges.

22 g. Disposition resolution. By appropriate
23 resolution, the senate may amend, adopt, or reject the
24 report of the ethics committee, including the
25 committee's recommendations regarding disciplinary
26 action.

27 14. COMMITTEE AUTHORIZED TO MEET. The senate
28 ethics committee is authorized to meet during the time
29 the general assembly is not in session to conduct
30 hearings and other business that properly may come

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1 before it. If the committee submits a report seeking
2 senate action against a senator or lobbyist after the
3 second regular session of a general assembly has
4 adjourned sine die, the report shall be submitted to
5 and considered by the subsequent general assembly.

6 15. COMPLAINT FILING FORM. The following form
7 shall be used to file a complaint under these rules:

8 THE SENATE

9 Ethics Complaint Form

10 Re: _____ (Senator/Lobbyist),

11 of _____, Iowa.

12 I, _____, (Complainant), residing

13 at _____, in the City of _____,

14 State of _____, hereby complain that

15 _____ (Senator/Lobbyist), whose

16 address is _____,
17 has violated the Senate Rule of Ethics or Senate Rules
18 Governing Lobbyists in that:

19 (Explain the basis for the complaint here. Use addi-
20 tional pages, if necessary).

21 Under penalty of perjury, I certify that the above
22 complaint is true and correct as I verily believe.

23 _____
24 Signature of Complainant

25 SUBSCRIBED AND AFFIRMED to before me this _____
26 day of _____, 19_____.

27 _____
28 Notary Public in and for the
29 State of _____

30 16. COMPLAINT NOTICE FORM. The following form

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1 shall be used for notice of a complaint under these
2 rules:

3 STATE OF IOWA
4 THE SENATE
5 COMMITTEE ON ETHICS)
6 IOWA STATE SENATE)
7)
8 On The Complaint Of) NOTICE OF COMPLAINT
9)
10 _____)
11 _____)
12 And Involving)
13 _____)
14 _____)
15 _____)

16 TO _____,

17 Senator or Lobbyist named above:

18 You are hereby notified that there is now on file
19 with the Secretary of the Senate, State Capitol, Des
20 Moines, Iowa, a complaint which alleges that you have
21 committed a violation of the Senate's Ethics Code or
22 Senate Rules Governing Lobbyists.

23 A copy of said the complaint and the Senate rules
24 for processing the same are attached hereto and made a
25 part of this notice.

26 You are further notified and requested to file your
27 written answer to said the complaint within ten days of the
28 date upon which the notice was caused to be delivered
29 to you, _____, 19____. Your answer is
30 to be filed with the Secretary of the Senate, State

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1 Capitol, Des Moines, Iowa.

2 Dated this _____ day of _____, 19__.

3

4 _____
 5 Chair, Senate Ethics Committee,
 6 or, Secretary of the Senate

7 17. HEARING NOTICE FORM. The following form

8 shall be used for notice of a hearing under these

9 rules:

10 STATE OF IOWA

11 THE SENATE

12 COMMITTEE ON ETHICS)

13 IOWA STATE SENATE)

14)

15 On The Complaint Of) NOTICE OF HEARING

16)

17 _____)

18 And Involving)

19)

20 _____)

21)

22 TO _____,

23 Senator or Lobbyist named above:

24 You are hereby notified that there is now on file
 25 with the Secretary of the Senate, State Capitol, Des
 26 Moines, Iowa, a complaint which alleges that you have
 27 committed a violation of the Senate's Ethics Code or
 28 Senate Rules Governing Lobbyists.

29 A copy of said the complaint and the Senate rules
 30 for processing the same are attached hereto and made a

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1 part of this notice.

2 You are further notified that, after preliminary
 3 review, the committee has caused a public hearing to
 4 be scheduled on

5 (date) _____, 19__, at (hour) _____

6 (a.m.) (p.m.), in Room _____, State Capitol, Des Moines,
 7 Iowa.

8 At said the hearing, you will have the right to
 9 appear in person, be represented by legal counsel at
 10 your own expense, present statements and evidence, and
 11 examine and cross-examine witnesses. The committee
 12 shall not be bound by formal rules of evidence, but
 13 shall receive relevant evidence, subject to
 14 limitations on repetitiveness. Any evidence taken
 15 shall be under oath.

16 The committee may continue the hearing to a future
17 date if necessary for appropriate reasons or purposes.

18 You are further notified that the committee will
19 receive such evidence and take such action as
20 warranted by the evidence.

21 Dated this _____ day of _____, 19____.

22

23

24

Chair, Senate Ethics Committee,
or, Secretary of the Senate

1 **SENATE RESOLUTION 5**

2 By: Committee on Rules and Administration

3 A Resolution relating to gubernatorial appointments
4 requiring senate confirmation.

5 WHEREAS, section 2.32, subsection 7, requires the
6 governor to provide the secretary of the senate with a
7 list of all gubernatorial appointments requiring
8 senate confirmation during this session by February 1;
9 and

10 WHEREAS, this information has been submitted and is
11 on file in the office of the secretary of the senate;
12 and

13 WHEREAS, that subsection also requires that the
14 senate by resolution approve the list or request
15 corrections by February 15; NOW THEREFORE,

16 **BE IT RESOLVED BY THE SENATE**, That the following
17 list of appointments submitted by the governor
18 pursuant to section 2.32, subsection 7, and on file
19 with the secretary of the senate is approved:

20 Accountancy Examining Board

21 3 terms commencing 5-1-91 and ending 4-30-94

22 Adjutant General, State of Iowa

23 1 term served at the pleasure of the Governor

24 Advance Funding Authority, Iowa

25 2 terms commencing 5-1-91 and ending 4-30-97

26 Alcoholic Beverages Commission

27 1 term commencing 5-1-91 and ending 4-30-96

28 Architectural Examining Board

29 2 terms commencing 5-1-91 and ending 4-30-94

30 Barber Examiners, State Board of

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1 2 terms commencing 5-1-91 and ending 4-30-94

2 Blacks, Commission on the status of

3 1 term ending 4-30-92

4 1 term ending 4-30-94

5 Blind, Administrator of the Division for the

6 1 term commencing 3-15-91 and ending 4-30-95

- 7 Blind, Commission for the
- 8 1 term commencing 5-1-91 and ending 4-30-94
- 9 Campaign Finance Disclosure Commission
- 10 2 terms commencing 5-1-91 and ending 4-30-97
- 11 1 term ending 4-30-95
- 12 Children, Youth, and Families, Administrator of
- 13 the Division of
- 14 1 term ending 4-30-93
- 15 Chiropractic Examiners, State Board of
- 16 3 terms commencing 5-1-91 and ending 4-30-94
- 17 1 term ending 4-30-92
- 18 1 term ending 4-30-93
- 19 Civil Rights Commission, Director of
- 20 the Iowa State
- 21 1 term served at the pleasure of the Governor
- 22 Civil Rights Commission, Iowa State
- 23 3 terms commencing 5-1-91 and ending 4-30-95
- 24 Community Action Agencies, Administrator of the
- 25 Division of
- 26 1 term served at the pleasure of the Governor
- 27 Community Action Agencies, Commission on
- 28 3 terms commencing 5-1-91 and ending 4-30-94
- 29 3 terms ending 4-30-91
- 30 3 terms ending 4-30-92

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- 1 3 terms ending 4-30-93
- 2 Consumer Advocate
- 3 1 term commencing 5-1-91 and ending 4-30-95
- 4 Corrections, Board of
- 5 4 terms commencing 5-1-91 and ending 4-30-95
- 6 Cosmetology Examiners, State Board of
- 7 2 terms commencing 5-1-91 and ending 4-30-94
- 8 County Finance Committee
- 9 4 terms commencing 5-1-91 and ending 4-30-95
- 10 Credit Union Review Board
- 11 3 terms commencing 5-1-91 and ending 4-30-94
- 12 Cultural Affairs, Director of the Department of
- 13 1 term served at the pleasure of the Governor
- 14 Deaf, Commission on the
- 15 2 terms commencing 5-1-91 and ending 4-30-94
- 16 Dental Examiners, State Board of
- 17 3 terms commencing 5-1-91 and ending 4-30-94
- 18 Dietetic Examiners, State Board of
- 19 3 terms commencing 5-1-91 and ending 4-30-94
- 20 Disabilities, Persons with, Administrator of
- 21 the Division of
- 22 1 term served at the pleasure of the Governor
- 23 Drug Abuse Prevention and Education Advisory Council

- 24 1 term commencing 5-1-91 and ending 4-30-95
- 25 1 term ending 4-30-93
- 26 Economic Development, Director of the Department of
- 27 1 term served at the pleasure of the Governor
- 28 Economic Development Board, Iowa
- 29 2 terms commencing 5-1-91 and ending 4-30-95
- 30 1 term ending 4-30-93

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- 1 Education, State Board of
- 2 1 term ending 4-30-92
- 3 1 term ending 4-30-96
- 4 Educational Examiners, Board of
- 5 5 terms commencing 5-1-91 and ending 4-30-95
- 6 Elder Affairs, Commission of
- 7 2 terms commencing 5-1-91 and ending 4-30-95
- 8 Elder Affairs, Director of the Department of
- 9 1 term served at the pleasure of the Governor
- 10 Emergency Response Commission, Iowa
- 11 1 term commencing 5-1-91 and ending 4-30-94
- 12 Engineering and Land Surveying Examining Board
- 13 2 terms commencing 5-1-91 and ending 4-30-94
- 14 Environmental Protection Commission
- 15 4 terms commencing 5-1-91 and ending 4-30-95
- 16 First in the Nation in Education Foundation
- 17 Governing Board
- 18 2 terms commencing 5-1-91 and ending 4-30-97
- 19 Foster Care Review Board, State
- 20 2 terms commencing 5-1-91 and ending 4-30-95
- 21 1 term ending 4-30-92
- 22 Health Facilities Council
- 23 1 term commencing 5-1-91 and ending 4-30-97
- 24 1 term ending 4-30-95
- 25 Hearing Aid Dealers, Board of Examiners for the
- 26 Licensing and Regulation of
- 27 1 term commencing 5-1-91 and ending 4-30-94
- 28 Higher Education Loan Authority
- 29 1 term commencing 5-1-91 and ending 4-30-97
- 30 Higher Education Strategic Planning Council

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- 1 7 terms ending 4-30-94
- 2 Highway Research Board, Iowa
- 3 7 terms commencing 5-1-91 and ending 4-30-95
- 4 Human Services, Council on
- 5 1 term ending 4-30-91
- 6 2 terms commencing 5-1-91 and ending 4-30-97
- 7 Industrial Commissioner

- 8 1 term ending 4-30-97
- 9 Insurance, Commissioner of
- 10 1 term commencing 5-1-91 and ending 4-30-95
- 11 1 term ending 4-30-91
- 12 Iowa Finance Authority
- 13 3 terms commencing 5-1-91 and ending 4-30-97
- 14 IPERS, Investment Board of the
- 15 1 term commencing 5-1-91 and ending 4-30-97
- 16 Job Service Advisory Council
- 17 3 terms commencing 5-1-91 and ending 4-30-97
- 18 Judicial Nominating Commission, State
- 19 2 terms commencing 5-1-91 and ending 4-30-97
- 20 Judicial Qualifications, Commission on
- 21 2 terms commencing 5-1-91 and ending 4-30-97
- 22 Landscape Architectural Examining Board
- 23 2 terms commencing 5-1-91 and ending 4-30-94
- 24 Law Enforcement Academy Council, Iowa
- 25 1 term commencing 5-1-91 and ending 4-30-95
- 26 Lottery Board
- 27 2 terms ending 4-30-94
- 28 Lottery, Commissioner of the
- 29 1 term served at the pleasure of the Governor
- 30 Management, Director of the Department of

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- 1 1 term served at the pleasure of the Governor
- 2 Medical Examiners, State Board of
- 3 3 terms commencing 5-1-91 and ending 4-30-94
- 4 Mental Health and Mental Retardation Commission
- 5 7 terms commencing 5-1-91 and ending 4-30-94
- 6 Mortuary Science Examiners, State Board of
- 7 3 terms commencing 5-1-91 and ending 4-30-94
- 8 Narcotics Enforcement Advisory Council
- 9 3 terms commencing 5-1-91 and ending 4-30-95
- 10 Natural Resource Commission
- 11 2 terms commencing 5-1-91 and ending 4-30-97
- 12 Natural Resources, Director of the Department of
- 13 1 term served at the pleasure of the Governor
- 14 Nursing Examiners, State Board of
- 15 2 terms commencing 5-1-91 and ending 4-30-94
- 16 Nursing Home Administrators, State Board of
- 17 Examiners for
- 18 5 terms commencing 5-1-91 and ending 4-30-94
- 19 1 term ending 4-30-93
- 20 Optometry Examiners, State Board of
- 21 3 terms commencing 5-1-91 and ending 4-30-94
- 22 Parole, Board of
- 23 1 term commencing 5-1-91 and ending 4-30-95
- 24 Personnel Commission

- 25 1 term commencing 5-1-91 and ending 4-30-97
- 26 Personnel, Director of the Department of
- 27 1 term served at the pleasure of the Governor
- 28 Pharmacy Examiners, State Board of
- 29 2 terms commencing 5-1-91 and ending 4-30-94
- 30 Physical and Occupational Therapy Examiners, State

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- 1 Board of
- 2 2 terms commencing 5-1-91 and ending 4-30-94
- 3 Physician Assistant Examiners, State Board of
- 4 3 terms commencing 5-1-91 and ending 4-30-94
- 5 Podiatry Examiners, State Board of
- 6 2 terms commencing 5-1-91 and ending 4-30-94
- 7 Product Development Corporation, Iowa
- 8 4 terms commencing 5-1-91 and ending 4-30-95
- 9 Psychology Examiners, State Board of
- 10 2 terms commencing 5-1-91 and ending 4-30-94
- 11 Public Health, Director of
- 12 1 term served at the pleasure of the Governor
- 13 Racing and Gaming Commission, State
- 14 2 terms commencing 5-1-91 and ending 4-30-94
- 15 Real Estate Appraiser Examining Board
- 16 2 terms commencing 5-1-91 and ending 4-30-94
- 17 Real Estate Commission
- 18 2 terms commencing 5-1-91 and ending 4-30-94
- 19 Regents, State Board of
- 20 3 terms commencing 5-1-91 and ending 4-30-97
- 21 Respiratory Care Advisory Committee
- 22 2 terms commencing 5-1-91 and ending 4-30-94
- 23 Revenue and Finance, Director of
- 24 1 term served at the pleasure of the Governor
- 25 Savings and Loan Associations, Superintendent of
- 26 1 term ending 4-30-94
- 27 Social Work Examiners, State Board of
- 28 1 term commencing 5-1-91 and ending 4-30-94
- 29 Soil Conservation Committee, State
- 30 3 terms commencing 5-1-91 and ending 4-30-97

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- 1 Speech Pathology and Audiology Examiners, State
- 2 Board of
- 3 2 terms commencing 5-1-91 and ending 4-30-94
- 4 Tax Review, State Board of
- 5 1 term commencing 5-1-91 and ending 4-30-97
- 6 Title Guaranty Division Board
- 7 1 term commencing 5-1-91 and ending 4-30-97
- 8 Transportation Commission, State

- 9 1 term commencing 5-1-91 and ending 4-30-95
- 10 Utilities Board
- 11 1 term commencing 5-1-91 and ending 4-30-97
- 12 Utilities Board, Chair of
- 13 1 term commencing 5-1-91 and ending 4-30-93
- 14 Veterinary Medicine, Iowa Board of
- 15 2 terms commencing 5-1-91 and ending 4-30-94
- 16 Wallace Technology Transfer Foundation of Iowa
- 17 1 term commencing 5-1-91 and ending 4-30-95
- 18 1 term ending 4-30-94
- 19 Women, Administrator of the Division on the
- 20 Status of
- 21 1 term served at the pleasure of the Governor

1 **SENATE RESOLUTION 6**

- 2 By: Dieleman, Hutchins, Horn, Miller, Riordan,
- 3 Kibbie, Gronstal, Fraise, Peterson, Doyle, Kersten,
- 4 Running, Boswell, Taylor, Tieden, Hester, Jensen,
- 5 Vande Hoef, Drake, Nystrom, Hedge, Soorholtz, Lind,
- 6 Kramer, Hagerla, McLaren, Connolly, Deluhery,
- 7 Borlaug, Slife, Tinsman, Rosenberg, Pate, Varn,
- 8 Priebe, Palmer, Rittmer, and Kinley
- 9 A Senate Resolution supporting military personnel
- 10 in the Persian Gulf.
- 11 WHEREAS, President George Bush ordered American
- 12 military personnel into Saudi Arabia after Iraq
- 13 invaded Kuwait in August 1990; and
- 14 WHEREAS, nearly one in three Iowans has a close
- 15 relationship with a military person serving in the
- 16 Persian Gulf region; and
- 17 WHEREAS, the military personnel in the Persian Gulf
- 18 represent the citizens of Iowa, the wives, husbands,
- 19 children, parents, and friends they have left behind;
- 20 and
- 21 WHEREAS, the military personnel have taken with
- 22 them the hopes, the hearts, and the respect of the
- 23 citizens of Iowa; and
- 24 WHEREAS, the military personnel have taken with
- 25 them the ideals this country was founded upon, and
- 26 which have made it strong, the love of freedom, the
- 27 duty to help those in need, and the responsibility to
- 28 act with honor in the face of infamy; NOW THEREFORE,
- 29 BE IT RESOLVED BY THE SENATE, That even though the
- 30 citizens of Iowa may have differing opinions about the

Page 2

- 1 war in the Persian Gulf, all recognize and appreciate
- 2 the sacrifices of the military men and women in the

3 Persian Gulf, look forward to their safe return, and
 4 honor and support them in the difficult tasks ahead.
 5 BE IT FURTHER RESOLVED, That the Secretary of the
 6 Senate send a copy of this resolution to Jim Litwiller
 7 of the Fraternal Order of Eagles, who will distribute
 8 copies to Iowa's military personnel in the Persian
 9 Gulf and to their closest family member.

1 SENATE RESOLUTION 7

2 By: Riordan

3 A Senate Resolution to urge and request that the
 4 Senate Agriculture Committee and House Agriculture
 5 Committee of the United States Congress support
 6 American agriculture by immediately working to
 7 ensure that the federal 1990 Farm Bill improves
 8 family farm profitability in order to enhance
 9 this nation's vitality and economic revitalization.
 10 WHEREAS, the State of Iowa is one of the major
 11 agricultural production regions of the world, having
 12 33,500,000 acres of fertile farmland, and generating
 13 more than \$9,000,000,000 annually from the production
 14 of agricultural commodities; and

15 WHEREAS, a reasonably priced, adequate supply of
 16 food and fiber can most efficiently be produced by a
 17 family farm system based on widely dispersed land
 18 ownership; and

19 WHEREAS, the family farm system occupies a
 20 preeminent position as the nation's supplier of
 21 agricultural products which derives from farmers'
 22 commitment to the values of hard work and honest
 23 enterprise, and an integrated rural community
 24 infrastructure devoted to producing and marketing the
 25 finest commodities for world consumption; and

26 WHEREAS, the economic viability of this nation,
 27 including main street businesses, is contingent upon
 28 the production of wealth generated primarily from food
 29 and fiber produced on America's family farms and
 30 ranches; and

Page 2

1 WHEREAS, conditions in rural America have changed
 2 dramatically since the federal 1990 Farm Bill was
 3 originally drafted, commodity prices have declined
 4 while production costs are escalating due to dramatic
 5 increases in the cost of fuel, fertilizers, and
 6 pesticides; and

7 WHEREAS, the failure of the Uruguay Round of the
 8 General Agreement on Tariffs and Trade negotiations

9 stifles the ability of the American farmer to fairly
10 compete in the world market; and

11 WHEREAS, federal spending devoted to supporting
12 family farm American agriculture suffered severe
13 reductions due to budget cuts implemented in the
14 federal Budget Reconciliation Act; and

15 WHEREAS, federal legislation reduces the federal
16 deficit by reducing an approved increase in food stamp
17 funding which is desperately needed by this nation's
18 poor and homeless; and

19 WHEREAS, a recent report by the Congressional
20 Budget Office projects a 20 percent decrease in net
21 farm income; and

22 WHEREAS, the Congressional Budget Office reports
23 that to maintain farm income at current levels would
24 require this nation to sacrifice nearly 500,000 farms;
25 and

26 WHEREAS, Congress is needed to intervene to protect
27 family farm agriculture in order to enhance the
28 nation's vitality at a time of recession, to increase
29 the value of farm exports, to improve family farm
30 profitability, and to spur the rural economic

Page 3

1 revitalization; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 Agriculture Committee and House Agriculture Committee
4 of the United States Congress initiate all legislative
5 action necessary to amend the federal 1990 Farm Bill
6 to increase commodity loan rates to raise farm income
7 generated from the marketplace while reducing
8 government costs, increase price support levels and
9 establish inventory management programs for dairy
10 production, target farm program benefits to provide
11 price and income protection at the family farm level
12 of production, and to strengthen food and nutrition
13 programs to provide needed assistance to the poor and
14 homeless; and

15 BE IT FURTHER RESOLVED, That copies of this
16 resolution be sent by the Secretary of the Senate to
17 the Honorable Senator Patrick Leahy, chairman of the
18 Senate Agriculture Committee, and the Honorable
19 Congressman Kika de la Garza, chairman of the House
20 Agriculture Committee; and

21 BE IT FURTHER RESOLVED, That copies of this
22 resolution be sent by the Secretary of the Senate to
23 the President of the United States Senate, the Speaker
24 of the United States House of Representatives, the
25 President of the United States, the United States

26 Secretary of Agriculture, and to the members of Iowa's
27 congressional delegation.

1 SENATE RESOLUTION 8

2 By: Tinsman, Rife, and Deluhery

3 A Senate Resolution to support the Quad Cities' Acquisition
4 Committee's effort to acquire a class AAA baseball franchise.
5 WHEREAS, the members of the Iowa Senate are pleased
6 to promote the Quad Cities' bid for a class AAA
7 baseball franchise; and

8 WHEREAS, Davenport, Iowa, is one of four locations
9 now under consideration for a class AAA team, the
10 others being Charlotte, North Carolina; Brigham,
11 Alabama; and Tulsa, Oklahoma; and

12 WHEREAS, although the team would be based at the
13 John O'Donnell Stadium in Davenport, Iowa, the
14 committee formed for the acquisition is made up of
15 members from all of the Quad Cities; and

16 WHEREAS, the Quad Cities are united in their desire
17 to bring a class AAA team to their region for such a
18 franchise would be a welcome addition, a recreational
19 opportunity, and would bring in revenue that would
20 benefit the entire area; and

21 WHEREAS, the Quad Cities' area is endowed with
22 qualities that make it an excellent site for a class
23 AAA baseball team; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, That the Senate joins
25 enthusiastically in support of the Quad Cities'
26 Acquisition Committee's effort to acquire a class AAA
27 baseball franchise; and

28 BE IT FURTHER RESOLVED, That suitable copies of
29 this Resolution be presented to the mayors and
30 chambers of commerce in Scott County, Iowa, and Rock

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1 Island County, Illinois.

1 SENATE RESOLUTION 10

2 By: Lloyd-Jones, Varn, Drake, and Kramer

3 A Senate Resolution posthumously honoring Paul Engle,
4 Clark Fisher Ansley Professor of Creative Writing at
5 the University of Iowa, and honoring his wife,
6 novelist Hualing Nieh.

7 WHEREAS, Professor Engle was a native Iowan who
8 gained international prominence as a poet, writer,
9 teacher, fundraiser, and philosopher; and

10 WHEREAS, Professor Engle and Hualing Nieh founded

11 and led the University of Iowa International Writer's
 12 program to international prominence as its directors
 13 for twenty-three years and Professor Engle led the
 14 Iowa Writer's Workshop for twenty-five years; and
 15 WHEREAS, Professor Engle wrote and edited more than
 16 twenty books, including poetry, essays, fiction, and
 17 literary criticism; and
 18 WHEREAS, Professor Engle gained fame for nurturing
 19 many of the best young writers in the United States
 20 and other countries, including Flannery O'Connor, Kurt
 21 Vonnegut, John Irving, John Cheever, Gail Godwin,
 22 Philip Roth, Robert Penn Warren, Tracy Kidder, United
 23 States Poet Laureate Mark Strand, and many others; and
 24 WHEREAS, Professor Engle served on the Committee of
 25 the National Arts Council from 1965 to 1971, was an
 26 advisor on the Planning Committee of the Kennedy
 27 Center, and with Hualing Nieh, was nominated for the
 28 Nobel Peace Prize; and
 29 WHEREAS, due to his efforts to improve writing and
 30 fine arts and to foster international understanding,

Page 2

1 Professor Engle has been described as the most
 2 influential American writer of this century; NOW
 3 THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, That the Senate pay
 5 tribute to Professor Engle and Hualing Nieh, for their
 6 accomplishments and contributions to writing, the
 7 arts, and international understanding; and
 8 BE IT FURTHER RESOLVED, That the Senate express
 9 appreciation to Professor Engle and Hualing Nieh for
 10 the honor they have brought to the state and to the
 11 University of Iowa through the years; and
 12 BE IT FURTHER RESOLVED, That, upon passage,
 13 enrolled copies of this resolution be sent to Hualing
 14 Nieh and the children of Paul Engle.

1 SENATE RESOLUTION 11
 2 By: Committee on Rules and Administration
 3 A Senate Resolution deferring action on the
 4 confirmation of an appointment submitted by the
 5 Governor.
 6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 defers consideration of the following appointment
 8 submitted by the Governor under the provisions of
 9 section 2.32, subsection 3:
 10 Higher Education Strategic
 11 Planning Council

Douglas E. Gross

12 (Term beginning May 1, 1991 and ending April 30, 1994)

1 SENATE RESOLUTION 15

2 By: Committee on Rules and Administration
3 A Resolution protesting the lack of
4 progress and results of investigations of
5 Americans missing in action in Southeast Asia.
6 WHEREAS, 2,285 Americans, including 38 Iowans,
7 remain missing as a result of the conflict in
8 Southeast Asia as of January 17, 1991; and
9 WHEREAS, as of January 3, 1991, 1,447 firsthand
10 live sighting reports of Americans have been received
11 since 1975 according to Defense Intelligence Agency
12 statistics; and
13 WHEREAS, of the 119 live sightings which have
14 remained unresolved and under investigation, 59 deal
15 with reported Americans seen in prisoner situations
16 and 60 in nonprisoner situations; and
17 WHEREAS, official United States government policy
18 has insisted, since April 12, 1973, that it has no
19 evidence of living POWs in all of Indochina; and
20 WHEREAS, there is substantial evidence obtained
21 through congressional hearings, interviews with
22 prisoners of war, declarations of a high ranking
23 Defense Intelligence Agency official, foreign
24 government and diplomatic officials, and investigative
25 reporting that there are live American prisoners held
26 in Vietnam and Laos; and
27 WHEREAS, there is substantial evidence that,
28 through abuse of official secrecy and bureaucratic
29 inertia, efforts to follow up on reports of live
30 sightings are thwarted by officials who concentrate on

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1 discrediting live sighting sources while exaggerating
2 the capabilities of forensic science and making
3 identification of human remains based on dubious
4 presumptions and illogical deductions rather than
5 actual physical identification; and
6 WHEREAS, after a one-year investigation, the
7 minority staff of the United States Senate Foreign
8 Relations Committee issued an interim report
9 presenting several preliminary conclusions including
10 that the staff review of Defense Intelligence Agency
11 live sight report files shows a disturbing pattern of
12 arbitrary rejection of evidence that connected a
13 sighting to a specific POW/MIA, that the arbitrary
14 rejection resulted in a declaration of presumptive

15 finding of death in each individual case except one,
16 and that the internal United States government policy
17 that all POW/MIAs are presumed dead results in an
18 emphasis on finding and identifying remains of dead
19 persons rather than searching for living POW/MIAs; and
20 WHEREAS, the POW/MIA Accountability Bill, H.R.
21 3603, introduced by Congressman Denny Smith, directs
22 the heads of federal departments and agencies to
23 disclose information concerning United States armed
24 forces personnel classified as prisoners of war or
25 missing in action from World War II, the Korean
26 Conflict, and the Vietnam Conflict; and
27 WHEREAS, the executive branch of the United States
28 government has failed to address adequately the
29 concerns of the family members of the POW/MIAs, and
30 has profoundly mishandled the POW/MIA problem; NOW

Page 3

1 THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
3 insists that the President of the United States renew
4 and recommit the full diplomatic and intelligence
5 resources of the United States Department of State and
6 the United States Department of Defense to provide the
7 fullest possible accounting for the Americans who are
8 prisoners, missing, or unaccounted for as a result of
9 the conflict in Southeast Asia and the conflict in the
10 Persian Gulf.
11 BE IT FURTHER RESOLVED, That the Iowa Senate urges
12 the United States Congress to pass, and the President
13 of the United States to support, H.R. 3603 requiring
14 federal departments and agencies to disclose
15 information concerning United States armed forces
16 personnel classified as prisoners of war or missing in
17 action from World War II, the Korean Conflict, and the
18 Vietnam Conflict to enable them to be brought home.
19 BE IT FURTHER RESOLVED, That the Secretary of the
20 Senate place a POW/MIA flag in the Senate chamber,
21 placement to be at the discretion of the President of
22 the Senate, until all of the Americans missing as a
23 result of the conflicts in Southeast Asia and the
24 Persian Gulf (Operation Desert Shield and Operation
25 Desert Storm) are returned to the United States or are
26 fully accounted for.
27 BE IT FURTHER RESOLVED, That the Secretary of the
28 Senate send a copy of this resolution to the President
29 of the United States, the President of the United
30 States Senate, the Speaker of the United States House

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1 of Representatives, and the members of the Iowa
2 congressional delegation.

1 **SENATE RESOLUTION 16**

2 By: Committee on Rules and Administration

3 A Resolution honoring former Senator C. Joseph Coleman.

4 WHEREAS, former Senator C. Joseph Coleman served

5 thirty-four consecutive years in office as a state

6 Senator, retiring as the Dean of the Senate; and

7 WHEREAS, former Senator Coleman's distinguished

8 career as a state legislator has included service as

9 President Pro Tempore, Assistant Majority Leader, and

10 Assistant Minority Leader of the Iowa Senate; and

11 WHEREAS, former Senator Coleman's service as

12 Chairperson of the Transportation and Appropriations

13 Committees, Vice Chairperson of the State Government

14 Committee, and Vice Chairperson of the Transportation

15 and Law Enforcement, Human Resources, and

16 Transportation and Safety Appropriations Subcommittees

17 is well recognized; and

18 WHEREAS, former Senator Coleman has been a devoted

19 legislator and is distinguished by his many years of

20 work in the areas of transportation, appropriations,

21 human services, judiciary, and state government, and

22 by his many years of service as a member of the

23 Legislative Council; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, That the Senate pay

25 tribute to former Senator C. Joseph Coleman for his

26 devoted service to the Iowa General Assembly, the

27 Legislative Council, and the citizens of this state

28 and wish him the very best in the years ahead.

29 BE IT FURTHER RESOLVED, That an official copy of

30 this Resolution be prepared and presented to former

Page 2

1 Senator C. Joseph Coleman.

1 **SENATE RESOLUTION 21**

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, 1991 and ending June 30, 1992, 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 \$2,335,000.
27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$299,000.
30 3. Fixed expenses, including permanent employees'

Page 2

1 compensation and equipment in an amount not to exceed
2 \$1,352,000.
3 4. A special fund for renovation, restoration, and
4 equipment improvements in the Senate chamber and
5 adjacent areas to be used with the authorization of
6 the Committee on Rules and Administration, in an
7 amount not to exceed \$30,000.
8 Sec. 2. The Secretary of the Senate shall
9 immediately provide written notice to the majority and
10 minority leaders of the Senate and to the Chair and
11 Ranking Member of the Senate Appropriations Committee
12 if actual expenditures payable pursuant to Iowa Code
13 sections 2.10 through 2.14 inclusive exceed the
14 maximum amount allocated to any category of the budget
15 provided by section 1 of this resolution. The written
16 notice shall specify the amount of and reasons for any
17 excess expenditure.
18 Sec. 3. The expenditures referred to in section 2
19 of this resolution shall consist only of those sums
20 required for payment of the various expenses of the
21 General Assembly including such items as legislative
22 printing expenses, unpaid expenses incurred during the
23 interim between sessions of the General Assembly,
24 expenditures incurred pursuant to resolutions, and
25 expenses for purchases of legislative equipment and

26 supplies necessary to carry out the functions of the
 27 General Assembly. Joint expenditures or special
 28 expenditures approved by the Committee on Rules and
 29 Administration or the Legislative Council are not
 30 included in the budget set forth in this resolution.

Page 3

1 Sec. 4. If a special session of the General
 2 Assembly is held, the Committee on Rules and
 3 Administration shall provide for consideration of a
 4 budget for the special session.

1 SENATE RESOLUTION 22

2 By: Committee on Rules and Administration
 3 A Resolution relating to a gubernatorial appointment
 4 requiring senate confirmation.
 5 WHEREAS, David J. Lyons was confirmed by the Senate
 6 as Commissioner of Insurance on March 19, 1991 for a
 7 term expiring April 30, 1991, and
 8 WHEREAS, the reappointment letter for Mr. Lyons was
 9 not received from the office of the Governor until May
 10 10, 1991, after the March 15 deadline for notice of
 11 appointments to be submitted, NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, That the following
 13 appointment submitted by the governor is eligible for
 14 consideration by the Senate on May 11, 1991,
 15 notwithstanding section 2.32 and Senate Rule 59:
 16 Commissioner of Insurance: David J. Lyons
 17 A term commencing 5-1-91 and ending 4-30-95

1 SENATE CONCURRENT RESOLUTION 1

2 By: Committee on Rules and Administration
 3 A Concurrent Resolution relating to the compensation
 4 of chaplains, officers and employees of the
 5 seventy-fourth general assembly.
 6 WHEREAS, section 2.11 of the Code provides that
 7 "The compensation of chaplains, officers and employees
 8 of the general assembly shall be fixed by joint action
 9 of the house and senate by resolution at the opening
 10 of each session, or as soon thereafter as conveniently
 11 can be done.", NOW THEREFORE,
 12 BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING,
 13 That the compensation for the following officers for
 14 the period commencing January 9, ~~1989~~ 14, 1991 and
 15 ending January 7, ~~1991~~ 11, 1993, shall be within the
 16 following ranges:
 17 Secretary of the Senate and Chief

18 Clerk of the House \$32,572 to \$56,628
 19 \$39,022 to \$67,860
 20 Within the indicated ranges the exact compensation
 21 shall be set or adjusted for the senate officers by
 22 the senate rules and administration committee and for
 23 the house officers by the house administration
 24 committee. The committees shall report the exact
 25 compensation assigned to each position on the next
 26 legislative day, or, if such action is during the
 27 interim, on the first day the senate or house shall
 28 convene. Any action by the senate or house to
 29 disapprove or amend the report shall be effective the
 30 day after the action.

Page 2

1 BE IT FURTHER RESOLVED, That the compensation of
 2 the employees of the ~~seventy-third~~ seventy-fourth
 3 general assembly is set, effective from January 9,
 4 1989 14, 1991, until January 7, 1991 11, 1993, in
 5 accordance with the following salary schedule:

6	#8	#9	#10	#11	#12
7	\$9,880.00	\$10,379.20	\$10,920.00	\$11,460.80	\$12,043.20
8	4.75	4.99	5.25	5.51	5.79
9					
10	#13	#14	#15	#16	#17
11	\$12,646.40	\$13,312.00	\$13,977.60	\$14,664.00	\$15,371.20
12	6.08	6.40	6.72	7.05	7.39
13					
14	#18	#19	#20	#21	#22
15	\$16,120.00	\$16,868.80	\$17,721.60	\$18,532.80	\$19,448.00
16	7.75	8.11	8.52	8.91	9.35
17					
18	#23	#24	#25	#26	#27
19	\$20,384.00	\$21,320.00	\$22,360.00	\$23,441.60	\$24,564.80
20	9.80	10.25	10.75	11.27	11.81
21					
22	#28	#29	#30	#31	#32
23	\$25,750.40	\$26,998.40	\$28,267.20	\$29,660.80	\$31,033.60
24	12.38	12.98	13.59	14.26	14.92
25					
26	#33	#34	#35	#36	#37
27	\$32,572.80	\$34,112.00	\$35,734.40	\$37,460.80	\$39,270.40
28	15.66	16.40	17.18	18.01	18.88
29					
30	#38	#39	#40	#41	#42

Page 3

1 \$41,163.20 \$43,139.20 \$45,219.20 \$47,382.40 \$49,649.60

SENATE RESOLUTIONS

3119

2	<u>19.79</u>	<u>20.74</u>	<u>21.74</u>	<u>22.78</u>	<u>23.87</u>
3	#8	#9	#10	#11	#12
4	<u>\$10,753.60</u>	<u>\$11,273.60</u>	<u>\$11,856.00</u>	<u>\$12,459.20</u>	<u>\$13,083.20</u>
5	<u>5.17</u>	<u>5.42</u>	<u>5.70</u>	<u>5.99</u>	<u>6.29</u>
6					
7	#13	#14	#15	#16	#17
8	<u>\$13,728.00</u>	<u>\$14,456.00</u>	<u>\$15,204.80</u>	<u>\$15,953.60</u>	<u>\$16,702.40</u>
9	<u>6.60</u>	<u>6.95</u>	<u>7.31</u>	<u>7.67</u>	<u>8.03</u>
10					
11	#18	#19	#20	#21	#22
12	<u>\$17,513.60</u>	<u>\$18,324.80</u>	<u>\$19,260.80</u>	<u>\$20,134.40</u>	<u>\$21,132.80</u>
13	<u>8.42</u>	<u>8.81</u>	<u>9.26</u>	<u>9.68</u>	<u>10.16</u>
14					
15	#23	#24	#25	#26	#27
16	<u>\$22,152.00</u>	<u>\$23,171.20</u>	<u>\$24,315.20</u>	<u>\$25,459.20</u>	<u>\$26,686.40</u>
17	<u>10.65</u>	<u>11.14</u>	<u>11.69</u>	<u>12.24</u>	<u>12.83</u>
18					
19	#28	#29	#30	#31	#32
20	<u>\$27,976.00</u>	<u>\$29,328.00</u>	<u>\$30,721.60</u>	<u>\$32,240.00</u>	<u>\$33,716.80</u>
21	<u>13.45</u>	<u>14.10</u>	<u>14.77</u>	<u>15.50</u>	<u>16.21</u>
22					
23	#33	#34	#35	#36	#37
24	<u>\$35,401.60</u>	<u>\$37,065.60</u>	<u>\$38,833.60</u>	<u>\$40,705.60</u>	<u>\$42,681.60</u>
25	<u>17.02</u>	<u>17.82</u>	<u>18.67</u>	<u>19.57</u>	<u>20.52</u>
26					
27	#38	#39	#40	#41	#42
28	<u>\$44,720.00</u>	<u>\$46,883.20</u>	<u>\$49,150.40</u>	<u>\$51,500.80</u>	<u>\$53,976.00</u>
29	<u>21.50</u>	<u>22.54</u>	<u>23.63</u>	<u>24.76</u>	<u>25.95</u>

30 In this schedule, each numbered block shall be the

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- 1 yearly and hourly compensation for the pay grade of
- 2 the number heading the block. Within each grade there
- 3 shall be six steps numbered "1" through "6". In the
- 4 above schedule the steps for all grades are determined
- 5 in the following manner. Each numbered block is
- 6 counted as the "1" step for that grade. The next
- 7 higher block is counted as the "2" step; the next
- 8 higher block is the "3" step; the next higher block is
- 9 the "4" step; the next higher block is the "5" step;
- 10 the next higher block is the "6" step.
- 11 All employees shall be available to work daily
- 12 until completion of the senate's and house of
- 13 representatives' business. The secretary of the
- 14 senate and chief clerk of the house shall schedule all
- 15 employees' working hours to, as far as possible,
- 16 maintain regular working hours.
- 17 All employees, other than those designated "part-
- 18 time" shall be compensated for 40 hours of work in a

19 one-week pay period. Secretaries to senators and
 20 representatives are presumed to have 40 hours of work
 21 each week the legislature is in session and shall be
 22 paid only on that basis. Except for the personnel
 23 designated to the contrary in this resolution,
 24 employees who are required to work in excess of 40
 25 hours in a one-week pay period shall either be
 26 compensated at a rate of pay equal to one and one-half
 27 times the hourly pay provided in this resolution or
 28 allowed compensatory time off at a rate of one and
 29 one-half hours for each hour of overtime.
 30 The following personnel shall not be paid an

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1 overtime premium:
 2 Secretary of the Senate
 3 Chief Clerk of the House
 4 Assistant Secretary of the Senate
 5 Assistant Chief Clerk of the House
 6 Senate Legal Counsel
 7 House Legal Counsel
 8 Finance Officer
 9 Senior Finance Officer
 10 Senior Journal Editor
 11 All Administrative Assistants
 12 All Research Analysts
 13 All Research Assistants
 14 All Secretaries to Senators and Representatives
 15 All Caucus Staff Directors
 16 All Senior Caucus Secretaries
 17 Administrative, Executive, and Confidential
 18 Secretaries to Speaker, Leader or
 19 Secretary of Senate or Chief Clerk of House
 20 BE IT FURTHER RESOLVED, That part-time employees
 21 shall be compensated at the scheduled hourly rate for
 22 their pay grade and step.
 23 BE IT FURTHER RESOLVED, That compensatory time off
 24 shall be granted to employees not eligible for
 25 overtime pay in a uniform manner for all legislative
 26 employees as determined by the legislative council.
 27 BE IT FURTHER RESOLVED, That in the event the
 28 salary schedule for employees of the State of Iowa as
 29 promulgated by the personnel commission pursuant to
 30 section 19A.9, subsection 2, Code 1989, is revised

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1 upward at any time during the ~~seventy-third~~ seventy-
 2 fourth general assembly, such revised schedule shall

3 simultaneously be adopted for the compensation of the
 4 employees of the ~~seventy-third~~ seventy-fourth general
 5 assembly assigned a grade by this resolution. The pay
 6 ranges of those positions specifically listed on page
 7 one of this resolution shall be automatically adjusted
 8 to reflect any cost of living increases granted to
 9 those employees not included in the collective
 10 bargaining agreement made final under chapter 20 of
 11 the Code and increases provided by the legislative
 12 council for agency directors.

13 BE IT FURTHER RESOLVED, That adjustments in the
 14 positions listed in this resolution may be made
 15 through an annual interim review of all legislative
 16 employees. Such review shall be conducted by a
 17 legislative committee made up of members of the
 18 service committee of legislative council and the
 19 appropriate salary subcommittees of the senate and
 20 house. Only one such review may be done in any fiscal
 21 year and adjustments suggested must be approved by the
 22 appropriate hiring body.

23 BE IT FURTHER RESOLVED, That the employees of the
 24 ~~seventy-third~~ seventy-fourth general assembly be
 25 placed in the following pay grades:

26 EMPLOYEES OF THE HOUSE

27 Assistant Chief Clerk of the House	Grade 34
28 Legal Counsel II	Grade 33
29 Legal Counsel I	Grade 29
30 Caucus Staff Director	Grade 34

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1 Sr. Caucus Staff Director	Grade 36
2 Administrative Assistant to Leader	
3 or Speaker I	Grade 27
4 Administrative Assistant to Leader	
5 or Speaker II.	Grade 30
6 Administrative Assistant to Leader	
7 or Speaker III	Grade 33
8 Sr. Administrative Assistant to	
9 Leader or Speaker	Grade 35
10 Research Assistant	Grade 24
11 Legislative Research Analyst I	Grade 27
12 Legislative Research Analyst II	Grade 30
13 Legislative Research Analyst III	Grade 33
14 Sr. Legislative Research Analyst	Grade 35
15 Secretary to Leader	Grade 19
16 Caucus Secretary	Grade 21
17 <u>Senior Caucus Secretary</u>	<u>Grade 23</u>
18 Administrative Secretary to Leader,	
19 Speaker, or Chief Clerk	Grade 21

20	Executive Secretary to Leader,	
21	Speaker or Chief Clerk	Grade 23
22	Confidential Secretary to Leader,	
23	Speaker, or Chief Clerk	Grade 26
24	Clerk to Chief Clerk	Grade 16
25	Supervisor of Sec/Computer Trainer	Grade 23 24
26	Senior Journal Editor	Grade 29
27	Journal Editor	Grade 24
28	Assistant Journal Editor	Grade 21
29	Compositor	Grade 17
30	<u>Text Processor III</u>	<u>Grade 25</u>

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1	Senior Finance Officer	Grade 31
2	Finance Officer II	Grade 27
3	Finance Officer I	Grade 24
4	Assistant Finance Officer	Grade 21
5	Recording Clerk/Supervisor of Pages	Grade 21
6	Assistant Legal Counsel	Grade 26
7	Assistant to the Legal Counsel and	
8	Engrossing/Enrolling Clerk	Grade 24
9	Assistant to the Legal Counsel	Grade 17
10	Chief Indexer	Grade 24
11	Indexer	Grade 21
12	Indexing Assistant	Grade 18
13	Supply Clerk	Grade 15 16
14	Switchboard Operator	Grade 13
15	Legislative Secretary	Grade 15
16	Legislative Committee Secretary	Grade 17
17	Bill Clerk	Grade 13
18	Assistant Bill Clerk	Grade 12
19	Postmaster	Grade 11 12
20	Sergeant-at-Arms	Grade 16 17
21	Assistant Sergeant-at-Arms	Grade 13 14
22	Doorkeepers	Grade 10 11
23	Pages	Minimum Wage

EMPLOYEES OF THE SENATE

24		
25	Assistant Secretary of the Senate	Grade 34
26	Legal Counsel II	Grade 33
27	Legal Counsel I	Grade 29
28	Caucus Staff Director	Grade 34
29	Sr. Caucus Staff Director	Grade 36
30	Administrative Assistant to Leader I	Grade 27

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1	Administrative Assistant to Leader II	Grade 30
2	Administrative Assistant to Leader III	Grade 33
3	Sr. Administrative Assistant to Leader	Grade 35

4	Research Assistant	Grade 24
5	Legislative Research Analyst I	Grade 27
6	Legislative Research Analyst II	Grade 30
7	Legislative Research Analyst III	Grade 33
8	Sr. Legislative Research Analyst	Grade 35
9	Caucus Secretary	Grade 21
10	<u>Senior Caucus Secretary</u>	<u>Grade 23</u>
11	Secretary to Leader	Grade 19
12	Administrative Secretary to Leader	
13	or Secretary of the Senate	Grade 21
14	Executive Secretary to Leader	
15	or Secretary of the Senate	Grade 23
16	Confidential Secretary to Leader	
17	or Secretary of the Senate	Grade 26
18	Supervisor of Sec/Computer Trainer	Grade 23 <u>24</u>
19	Senior Journal Editor	Grade 29
20	Journal Editor	Grade 24
21	Assistant Journal Editor/	
22	Assistant Finance Officer	Grade 23
23	Assistant Journal Editor	Grade 21
24	Compositor	Grade 17
25	Assistant Legal Counsel	Grade 26
26	Assistant to the Legal Counsel/	
27	Assistant Finance Officer	Grade 18
28	Assistant to the Legal Counsel	Grade 17
29	Senior Finance Officer	Grade 31
30	Finance Officer II	Grade 27

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1	Finance Officer I	Grade 24
2	Assistant Finance Officer	Grade 21
3	Recording Clerk	Grade 20
4	Chief Indexer	Grade 24
5	Indexer	Grade 21
6	Indexing Assistant	Grade 18
7	Records and Supply Clerk	Grade 17 <u>18</u>
8	Switchboard Operator	Grade 13
9	Legislative Secretary	Grade 15
10	Legislative Committee Secretary	Grade 17
11	Bill Clerk	Grade 13
12	Assistant Bill Clerk	Grade 12
13	Postmaster	Grade 11 <u>12</u>
14	Sergeant-at-Arms	Grade 16 <u>17</u>
15	Assistant Sergeant-at-Arms	Grade 13 <u>14</u>
16	Chief Doorkeeper	Grade 11 <u>12</u>
17	Doorkeepers	Grade 10 <u>11</u>
18	Pages	Minimum Wage
19	BE IT FURTHER RESOLVED, That there shall be four	
20	classes of appointments as employees of the general	

21 assembly:

22 A "permanent full-time" or "permanent part-time"
23 employee is one who is employed the year around and
24 eligible to receive state benefits.

25 An "exempt full-time" employee is one who is
26 employed for the period of the sessions with
27 extensions post-session and pre-session as scheduled.
28 This class is eligible to receive state benefits with
29 the cost of benefits to the state to be paid by the
30 employee when not on the payroll.

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1 A "session-only" employee is one who is employed
2 for only a portion of the year, usually the
3 legislative session. This class is not eligible for
4 state benefits, except IPERS.

5 A "part-time" employee is one who is employed to
6 work less than 40 hours per week. This class is not
7 eligible for state benefits, except IPERS if eligible.

8 BE IT FURTHER RESOLVED, That the exact
9 classification for individuals in a job series created
10 by this resolution shall be set or changed for senate
11 employees by the senate rules and administration
12 committee and for the house employees by the house
13 administration committee. The committees shall base
14 the classification upon the following factors:

15 1. The extent of formal education required of the
16 position; and,

17 2. The extent of the responsibilities to be
18 assigned to the position; and,

19 3. The amount of supervision placed over the
20 position; and,

21 4. The number of persons the position is assigned
22 to supervise and skill and responsibilities of those
23 positions supervised.

24 The committees shall report the exact
25 classifications assigned to each individual on the
26 next legislative day, or, if such action is during the
27 interim, on the first day the senate or house shall
28 convene. Any action by the senate or house to
29 disapprove a report or a portion of a report shall be
30 effective the day after the action.

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1 Recommendations for a pay grade for a new position
2 shall be developed in accordance with the factor
3 scores in the comparable worth report. Every four
4 years the senate rules and administration committee,

5 the house administration committee, and the
6 legislative council shall review all positions in the
7 legislative branch to assure conformity to comparable
8 worth.

9 BE IT FURTHER RESOLVED, That a senator or
10 representative may employ a secretary who in the
11 judgment of the senator or representative employing
12 such person, possesses the necessary skills to perform
13 the duties such senator or representative shall
14 designate, under the administrative direction, as
15 appropriate, of the secretary of the senate or the
16 chief clerk of the house.

17 Each standing committee chairperson, ethics
18 committee chairperson, and each appropriations
19 subcommittee chairperson shall designate a secretary
20 who is competent to perform the following duties:
21 prepare committee minutes, committee reports, type
22 committee correspondence, maintain committee records,
23 and otherwise assist the committee. Such duties shall
24 be performed in accordance with standards which shall
25 be provided by the secretary of the senate and chief
26 clerk of the house. In making the designation,
27 chairpersons shall consider persons for possible
28 designation as the secretary to the committee in the
29 following order:

30 First: The secretary to the chairperson.

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1 Second: The secretary to the committee's vice-
2 chairperson.

3 Third: The secretary to any other member of the
4 committee.

5 Fourth: The secretary to any other member in the
6 same house as the committee.

7 BE IT FURTHER RESOLVED, That a Legal Counsel II
8 shall be a person who has graduated from an accredited
9 school of law and is admitted to practice in Iowa as
10 an Attorney and Counselor at Law and possesses either
11 a Masters of Law degree or has at least two years of
12 legal experience after admission to practice.

13 A Legal Counsel I shall be a person who has
14 graduated from an accredited school of law and is
15 admitted to practice in Iowa as an Attorney and
16 Counselor at Law.

17 BE IT FURTHER RESOLVED, That employees of the
18 general assembly may be eligible for either:

19 a) increases in salary grade or step based on
20 evaluation of their job performance and
21 recommendations of their administrative officers,

22 subject to approval of the senate committee on rules
 23 and administration or the house committee on
 24 administration, as appropriate; or
 25 b) mobility within pay steps at the discretion of
 26 the chief clerk of the house and the secretary of the
 27 senate, subject to the approval of the house committee
 28 on administration or the senate committee on rules and
 29 administration, as appropriate -- in accord with the
 30 following schedule:

Page 14

- 1 (1) Progression from step "1" to "2" -- six months
 2 of actual employment.
 3 (2) Progression from step "2" to "3", and step "3"
 4 to "4", and step "4" to "5" -- twelve months of actual
 5 employment.
 6 (3) Progression from step "5" to "6" -- twelve
 7 months of actual employment.
 8 BE IT FURTHER RESOLVED, that in addition to the
 9 steps provided in the preceding paragraph, that
 10 secretaries to senators and representatives who were
 11 employees of the senate or house of representatives
 12 during any general assembly prior to January 9, 1989,
 13 and who have received certification for passing a
 14 typing and shorthand performance examination shall be
 15 eligible for two additional steps.
 16 BE IT FURTHER RESOLVED, That in addition to the
 17 steps provided in the preceding paragraph, that
 18 secretaries to senators and representatives shall be
 19 eligible for a maximum of three additional grades
 20 beyond grade 15, in any combination, as provided in
 21 this paragraph:
 22 1. One additional grade for a secretary to a
 23 standing committee chair, ethics committee chair or
 24 appropriations subcommittee chair who is not the
 25 designated committee secretary.
 26 2. One additional grade for a secretary to a vice-
 27 chairperson or ranking member of a standing committee,
 28 ethics committee or appropriations subcommittee.
 29 3. One additional grade for a secretary to the
 30 chairperson of the chaplain's committee.

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- 1 4. Two additional grades for a secretary to an
 2 assistant floor leader or speaker pro tempore or
 3 president pro tempore.
 4 5. One additional grade for a designated committee
 5 secretary who is also the designated committee

6 secretary for an additional standing committee, ethics
7 committee, or appropriations subcommittee.

8 BE IT FURTHER RESOLVED, That the entrance salary
9 for employees of the general assembly shall be at step
10 1 in the grade of the position held. Such employee
11 may be hired above the entrance step if possessing
12 outstanding and unusual experience for the position,
13 provided that the entrance is not beyond step 3. Such
14 employee who is hired above the entrance step shall be
15 mobile above that step in the same period of time as
16 other employees in that same step. An officer or
17 employee who is moved to another position may be
18 considered for partial or full credit for their
19 experience in the former position in determining the
20 step in the new grade.

21 The entry level for the position of research
22 analyst shall be Legislative Research Analyst I,
23 unless extraordinary conditions justify increasing
24 that entry level; however, that entry level may not be
25 increased beyond Legislative Research Analyst II. A
26 research analyst must have shown knowledge of
27 legislative rules and procedures as well as the Code
28 of Iowa to be considered at any level above a
29 Legislative Research Analyst I.

30 BE IT FURTHER RESOLVED, That a pay increase for

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1 employees of one step within the pay grade for the
2 position may be made for exceptionally meritorious
3 service in addition to step increases provided for in
4 this resolution, upon recommendation of the secretary
5 of the senate or chief clerk of the house and the
6 approval of the senate committee on rules and
7 administration or the house committee on
8 administration. Exceptionally meritorious service pay
9 increases shall be governed by the following:

10 a. The employee must have served in the position
11 for at least twelve months;

12 b. Written justification, setting forth in detail
13 the nature of the exceptionally meritorious service
14 rendered, must be submitted to the senate rules and
15 administration committee or house administration
16 committee and approved in advance of granting the pay
17 increase;

18 c. No more than one exceptionally meritorious
19 service pay increase may be granted in any twelve-
20 month period.

21 d. Such meritorious service pay increase shall not
22 be granted beyond the six-step maximum for that

23 position.

24 BE IT FURTHER RESOLVED, That the secretary of the
25 senate and chief clerk of the house shall receive
26 applications for employment, arrange for any necessary
27 examinations, contact references and make
28 recommendations for hiring. The senate rules and
29 administration committee and the house administration
30 committee shall both hire officers and employees for

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1 their respective bodies and fill any vacancies which
2 may occur, to be effective at such time as they shall
3 set. The committee shall report the names of those it
4 has hired for the positions specified in this
5 resolution or the filling of any vacancies on the next
6 legislative day or, if such action is during the
7 interim, on the first day the senate or house shall
8 convene. Any action by the senate or house to amend
9 or disapprove a report or a portion of a report shall
10 be effective the day after the action.

11 The chief clerk of the house shall submit to the
12 house committee on administration and the secretary of
13 the senate shall submit to the senate committee on
14 rules and administration the list of names, or
15 amendments thereto, of employee classifications and
16 recommended pay step for each officer and employee.
17 Such list shall include recommendations for the pay
18 step for all employees. Each respective committee
19 shall approve or amend the list of recommended
20 classifications and pay steps and publish said list in
21 the journal.

22 BE IT FURTHER RESOLVED, That permanent employees of
23 the general assembly shall receive vacation
24 allowances, sick leave, health and accident insurance,
25 life insurance, and disability income insurance as are
26 provided for full-time permanent state employees. The
27 computations shall be maintained by the finance
28 officers in each house and coordinated with the
29 department of management.

30 BE IT FURTHER RESOLVED, That should any employee

Page 18

1 have a grievance concerning their compensation, hours
2 of work, performance of work, or other matter, the
3 grievance shall be resolved as provided in this
4 paragraph or by procedures determined by the senate
5 rules and administration committee for senate
6 employees or the house administration committee for

7 house employees.

8 The grievance shall first be brought to the
9 attention of the secretary of the senate or chief
10 clerk of the house, as appropriate. The procedure may
11 be informal and oral except that the secretary or
12 chief clerk shall give his or her final conclusion in
13 writing.

14 An employee may appeal in writing an adverse ruling
15 of the secretary or chief clerk to the senate rules
16 and administration committee for senate employees or
17 the house administration committee for house employees
18 which shall consider the grievance. The committee's
19 consideration shall be informal except that accurate
20 minutes shall be kept and the final conclusion shall
21 be in writing.

22 Any employee having a grievance shall have access
23 to all relevant house or senate records, may have the
24 assistance of counsel, and, if the grievance involves
25 a disciplinary action, shall have a written statement
26 of the grounds for the disciplinary action.

27 BE IT FURTHER RESOLVED, That it is the intent of
28 the general assembly that the legislative council
29 adopt a resolution similar to this resolution which
30 provides for the compensation and benefits of all

Page 19

1 legislative central staff agency employees for the
2 ~~seventy-third~~ seventy-fourth general assembly. The
3 resolution shall be adopted as soon as practicable
4 after the first meeting of the legislative council
5 during the ~~1989~~ 1991 session and published in the
6 journals of the senate and house.

7 BE IT FURTHER RESOLVED, That the compensation of
8 chaplains officiating at the opening of the daily
9 sessions of the house of representatives and the
10 senate of the ~~seventy-third~~ seventy-fourth general
11 assembly be fixed at ten dollars for each house of the
12 general assembly, and that mileage for chaplains be
13 fixed at the rate of twenty-one cents per mile to and
14 from the State Capitol.

1 SENATE CONCURRENT RESOLUTION 2

2 By: Rules and Administration Committee

3 A concurrent resolution relating to joint rules
4 of the senate and house for the seventy-fourth
5 general assembly.

6 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
7 That the joint rules of the senate and house in the

8 seventy-fourth general assembly shall be:

9 JOINT RULES OF THE
10 SENATE AND HOUSE

11 Rule 1

12 Suspension of Joint Rules

13 The joint rules of the general assembly may be
14 suspended by concurrent resolution, duly adopted by a
15 constitutional majority of the senate and the house.

16 Rule 2

17 Designation of Sessions

18 Each regular session of a general assembly shall be
19 designated by the year in which such regular session
20 commences.

21 Rule 3

22 Sessions of a General Assembly

23 The election of officers, organization, hiring and
24 compensation of employees, and standing committees in
25 each house of the general assembly and action taken by
26 each house shall carry over from the first to the
27 second regular session and to any extraordinary
28 session of the same general assembly. The status of
29 each bill and resolution shall be the same at the
30 beginning of each second session as it was immediately

Page 2

1 before adjournment of the previous regular or
2 extraordinary session; however the rules of either
3 house may provide for re-referral of some or all bills
4 and resolutions to standing committees upon
5 adjournment of each session or at the beginning of a
6 subsequent regular or extraordinary session, except
7 those which have been adopted by both houses in
8 different forms.

9 Upon final adoption of a concurrent resolution at
10 any extraordinary session affecting that session, or
11 at a regular session affecting any extraordinary
12 session which may be held before the next regular
13 session, the creation of any calendar by either house
14 shall be suspended and the business of the session
15 shall consist solely of those bills or subject matters
16 stated in the resolution adopted. Bills named in the
17 resolution, or bills containing the subject matter
18 provided for in the resolution, may, at any time, be
19 called up for debate in either house by the majority
20 leader of that house.

21 Rule 4

22 Presentation of Messages

23 All messages between the two houses shall be sent
24 by the secretary of the senate or the chief clerk of

25 the house of representatives, shall be announced and
26 communicated to the chair.

27

28

Rule 5

29

Printing and Form of Bills
and Other Documents

30

Page 3

1 Bills and joint resolutions shall be introduced,
2 numbered, prepared, and printed as provided by law, or
3 in the absence of such law, in a manner determined by
4 the secretary of the senate and the chief clerk of the
5 house of representatives.

6 All bills and joint resolutions introduced shall be
7 in a form and number approved by the secretary of the
8 senate and chief clerk of the house.

9 The legal counsel's office of each house shall
10 approve all bills before introduction.

11

Rule 6

12

Companion Bills

13 Identical bills introduced in each house shall be
14 called companion bills. Each house shall designate
15 the sponsor in the usual way followed in parentheses
16 by the sponsor of the companion bill in the other
17 house. The house where the bill is first introduced
18 shall print the complete text.

19

Rule 7

20

Reprinting of Bills

21 Whenever any bill has been substantially amended by
22 either house, the secretary of the senate or the chief
23 clerk shall order the bill reprinted on paper of a
24 different color. All adopted amendments shall be
25 distinguishable.

26 The secretary of the senate or the chief clerk may
27 order the printing of a reasonable number of
28 additional copies of any bill, resolution, amendment,
29 or journal.

30

Rule 8

Page 4

1 Daily Clip Sheet

2 The secretary of the senate and the chief clerk
3 shall prepare a daily clip sheet covering all
4 amendments filed.

5

Rule 9

6 Reintroduction of Bills and Other Measures

7 A bill or resolution which has passed one house and
8 is rejected in the other shall not be introduced again

9 during that general assembly.

10 **Rule 10**

11 **Certification of Bills and Other Enrollments**

12 When any bill or resolution which has passed one
13 house is rejected or adopted in the other, notice of
14 such action and the date thereof shall be given to the
15 house of origin in writing signed by the secretary or
16 the chief clerk.

17 **Rule 11**

18 **Code Editor's Correction Bill**

19 A bill recommended by the code editor which is
20 introduced by a committee of the house or senate
21 within the first four weeks of convening of a
22 legislative session and which contains code
23 corrections of a nonsubstantive nature shall not be
24 amended on the floor of either house except pursuant
25 to corrective or nonsubstantive amendments filed by
26 the judiciary committee of the senate or the judiciary
27 and law enforcement committee of the house. Such
28 committee amendments shall not be incorporated into
29 the bill in the originating house but shall be filed
30 separately.

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1 A bill recommended by the code editor which is
2 introduced by a committee of the house or senate
3 within the first four weeks of convening of a
4 legislative session and which contains code
5 corrections beyond those of a nonsubstantive nature
6 shall not be amended on the floor of either house
7 except pursuant to amendments filed by the judiciary
8 committee of the senate or the judiciary and law
9 enforcement committee of the house. Such committee
10 amendments shall not be incorporated into the bill in
11 the originating house but shall be filed separately.
12 Such a bill shall be limited to corrections which:
13 Adjust language to reflect current practices, insert
14 earlier omissions, delete redundancies and
15 inaccuracies, delete temporary language, resolve
16 inconsistencies and conflicts, update ongoing
17 provisions, and remove ambiguities.

18 **Rule 12**

19 **Amendments by Other House**

20 I. When a bill which originated in one house is
21 amended in the other house, the house originating the
22 bill may amend the amendment, concur in full in the
23 amendment, or refuse to concur in full in the
24 amendment. The amendment of the other house shall not
25 be ruled out of order based on a question of

26 germaneness. Precedence of motions shall be in that
27 order.

28 A. If the house originating the bill concurs in
29 the amendment, the bill shall then be immediately
30 placed upon its final passage.

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1 B. If the house originating the bill refuses to
2 concur in the amendment, the bill shall be returned to
3 the amending house which shall either:

4 1. Recede, after which the bill shall be read for
5 the last time and immediately placed upon its final
6 passage; or

7 2. Insist, which will send the bill to a
8 conference committee.

9 C. If the house originating the bill amends the
10 amendment, that house shall concur in the amendment as
11 amended and the bill shall be immediately placed on
12 final passage, and shall be returned to the other
13 house. The other house cannot further amend the bill.

14 1. If the amending house which gave second
15 consideration to the bill concurs in the amendment to
16 the amendment, the bill shall then be immediately
17 placed upon its final passage.

18 2. If the amending house refuses to concur in the
19 amendment to the amendment, the bill shall be returned
20 to the house originating the bill which shall either:

21 a. Recede, after which the bill shall be read for
22 the last time as amended and immediately placed upon
23 its final passage; or

24 b. Insist, which will send the bill to a
25 conference committee.

26 II. A motion to recede has precedence over a
27 motion to insist. Failure to recede means to insist;
28 and failure to insist means to recede.

29 III. A motion to lay on the table or to
30 indefinitely postpone shall be out of order with

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1 respect to motions to recede from or insist upon and
2 to amendments to bills which have passed both houses.

3 IV. A motion to concur, refuse to concur, recede,
4 insist, or adopt a conference committee report is in
5 order even though the subject matter has previously
6 been acted upon.

7 Rule 13
8 Conference Committee

9 1. Within one legislative day after either house

10 insists upon an amendment to a bill, the presiding
11 officer of the house, after consultation with the
12 majority leader, shall appoint three majority party
13 members and, after consultation with the minority
14 leader, shall appoint two minority party members to a
15 conference committee. The majority leader of the
16 senate, after consultation with the president, shall
17 appoint three majority party members and, after
18 consultation with and approval by the minority leader,
19 shall appoint two minority party members to a
20 conference committee. The papers shall remain with the
21 house that originated the bill.

22 2. The conference committee shall meet before the
23 end of the next legislative day after their
24 appointment, shall select a chair and shall discuss
25 the controversy.

26 3. The authority of the conference committee shall
27 cover free conference during which the committee has
28 authority to propose amendments to any portion of a
29 bill provided the amendment is within the scope of the
30 title of the bill as passed by the house of origin or

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1 amended by the second house.

2 4. An agreement on recommendations must be
3 approved by at least three members from each house.
4 The committee shall submit two originals of the report
5 signed by at least three members of each house with
6 one signed original and three copies to be submitted
7 to each house. The report shall first be acted upon
8 in the house originating the bill. Such action,
9 including all papers, shall be immediately referred by
10 the secretary of the senate or the chief clerk of the
11 house of representatives to the other house.

12 5. The report of agreement is debatable, but
13 cannot be amended. If the report contains recommended
14 amendments to the bill, adoption of the report shall
15 automatically adopt all amendments contained therein.
16 After the report is adopted, there shall be no more
17 debate, and the bill shall immediately be placed upon
18 its final passage.

19 6. Refusal of either house to adopt the conference
20 committee report has the same effect as if the
21 committee had disagreed.

22 7. If the conference committee fails to reach
23 agreement, a report of such failure signed by at least
24 three members of each house shall be given promptly to
25 each house. The bill shall be returned to the house
26 that originated the bill, the members of the committee

27 shall be immediately discharged, and a new conference
28 committee appointed in the same manner as the first
29 conference committee.

30 Rule 14

Page 9

1 Enrollment and Authentication of Bills

2 A bill or resolution which has passed both houses
3 shall be enrolled in the house of origin under the
4 direction of either the secretary or the chief clerk
5 and its house of origin shall be certified by the
6 endorsement of the secretary or the chief clerk.

7 After enrollment, each bill shall be signed by the
8 president and by the speaker.

9 Rule 15

10 Concerning other Enrollments

11 All resolutions and other matters which are to be
12 presented to the governor for approval shall be
13 enrolled, signed, and presented in the same manner as
14 bills.

15 All resolutions and other matters which are not to
16 be presented to the governor or the secretary of state
17 shall be enrolled, signed and retained permanently by
18 the secretary of the senate or chief clerk of the
19 house.

20 Rule 16

21 Transmission of Bills to the Governor

22 After a bill has been signed in each house, it
23 shall be presented to the governor by the secretary or
24 the chief clerk of the house of origin. The secretary
25 or the chief clerk shall report the date of the
26 presentation, which shall be entered upon the journal
27 of the house of origin.

28 Rule 17

29 Fiscal Notes

30 A fiscal note shall be attached to any bill or

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1 joint resolution which reasonably could have an annual
2 effect of at least one hundred thousand dollars or a
3 combined total effect within five years after
4 enactment of five hundred thousand dollars or more on
5 the aggregate revenues, expenditures or fiscal
6 liability of the state or its subdivisions. This rule
7 does not apply to appropriation and ways and means
8 measures where the total effect is stated in dollar
9 amounts.

10 Each fiscal note shall state in dollars the

11 estimated effect of the bill on the revenues,
12 expenditures, and fiscal liability of the state or its
13 subdivisions during the first five years after
14 enactment. The information shall specifically note
15 the fiscal impact for the first two years following
16 enactment and the anticipated impact for the
17 succeeding three years. The fiscal note shall specify
18 the source of the information. Sources of funds for
19 expenditures under the bill shall be stated, including
20 federal funds. If the fiscal director cannot make an
21 accurate estimate, the director shall state the best
22 available estimate or shall state that no dollar
23 estimate can be made and state concisely the reason.
24 The preliminary determination of whether the bill
25 appears to require a fiscal note shall be made by the
26 legislative service bureau which shall send a copy of
27 the request to the legislative fiscal bureau unless
28 the requestor specifies the request is to be
29 confidential. Upon completion of the bill draft, the
30 legislative service bureau shall immediately send a

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1 copy to the legislative fiscal director for review.
2 When a committee reports a bill to the floor, the
3 committee shall state in the report whether a fiscal
4 note is or is not required.
5 The legislative fiscal director shall review all
6 bills placed on the senate or house calendars to
7 determine whether the bills are subject to this rule.
8 Additionally, a legislator may request the
9 preparation of a fiscal note by legislative fiscal
10 bureau for any bill or joint resolution introduced
11 which reasonably could be subject to this rule.
12 The legislative fiscal director shall cause to be
13 prepared and shall approve a fiscal note within a
14 reasonable time after receiving a request or
15 determining that a bill is subject to this rule. All
16 fiscal notes approved by the legislative fiscal bureau
17 director shall be transmitted immediately to the
18 secretary of the senate or the chief clerk of the
19 house, after notifying the sponsor of the bill that a
20 fiscal note has been prepared, for publication in the
21 daily clip sheet. The secretary of the senate or
22 chief clerk of the house shall attach the fiscal note
23 to the bill as soon as it is available.
24 The legislative fiscal director may request the
25 cooperation of any state department or agency in
26 preparing a fiscal note.
27 A revised fiscal note may be requested by a

28 legislator if the fiscal effect of the bill has been
29 changed by adoption of an amendment. However, a
30 request for a revised fiscal note shall not delay

Page 12

1 action on a bill unless so ordered by the presiding
2 officer of the house in which the bill is under
3 consideration.
4 If a date for adjournment has been set, then a
5 constitutional majority of the house in which the bill
6 is under consideration may waive the fiscal note
7 requirement during the three days prior to the date
8 set for adjournment.

Rule 18

10 Legislative Interns

11 Legislators may arrange student internships during
12 the legislative session with Iowa college, university,
13 or law school students, for which the students may
14 receive college credit at the discretion of their
15 schools. Each legislator is allowed only one intern
16 at a time per legislative session, and all interns
17 must be registered with the offices of the secretary
18 of the senate and the chief clerk of the house.

19 The purpose of the legislative intern program shall
20 be: 1) to provide useful staff services to
21 legislators not otherwise provided by the general
22 assembly; 2) to give interested college, graduate, and
23 law school students practical experience in the
24 legislative process as well as providing a meaningful
25 educational experience; and 3) to enrich the
26 curriculum of participating colleges and universities.
27 The secretary of the senate and the chief clerk of
28 the house or their designees shall have the following
29 responsibilities as regards the legislative intern
30 program:

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- 1 1. Identify a supervising faculty member at each
2 participating institution who shall be responsible for
3 authorizing students to participate in the intern
4 program.
- 5 2. Provide legislators with a list of
6 participating institutions and the names of
7 supervising professors to contact if interested in
8 arranging for an intern.
- 9 3. Provide interns with name badges which will
10 allow them access to the floor of either house when
11 required to be present by the legislators for whom

12 they work.

13 4. Provide orientation materials to interns prior

14 to the convening of each session.

15

Rule 19

16 Administrative Rules Review Committee Bills

17 A bill which relates to departmental rules and

18 which is approved by the administrative rules review

19 committee by a majority of the committee's members of

20 each house is eligible for introduction in either

21 house at any time and must be referred to a standing

22 committee, which must take action on the bill within

23 three weeks of referral, except bills referred to

24 appropriations and ways and means committees.

25

Rule 20

26 Time of Committee Passage and Consideration of Bills

27 1. This rule does not apply to concurrent or

28 simple resolutions, joint resolutions nullifying

29 administrative rules, senate confirmations, bills

30 embodying redistricting plans prepared by the

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1 legislative service bureau pursuant to chapter 42, or

2 bills passed by both houses in different forms.

3 Subsection 2 of this rule does not apply to

4 appropriations bills, ways and means bills, legalizing

5 acts, administrative rules review committee bills,

6 bills cosponsored by majority and minority floor

7 leaders of one house, bills in conference committee,

8 and companion bills sponsored by the majority floor

9 leaders of both houses after consultation with the

10 respective minority floor leaders. For the purposes

11 of this rule, a joint resolution is considered as a

12 bill. To be considered an appropriations or ways and

13 means bill for the purposes of this rule, the

14 appropriations committee or the ways and means

15 committee must either be the sponsor of the bill or

16 the committee of first referral in the originating

17 house.

18 2. To be placed on the calendar in the house of

19 origin, a bill must be first reported out of the

20 committee of first referral by Friday of the 10th week

21 of the first session and the 8th week of the second

22 session. To be placed on the calendar in the other

23 house, a bill must be first reported out of the

24 committee of first referral by Friday of the 13th week

25 of the first session and the 11th week of the second

26 session.

27 However, for the second session of the Seventy-

28 third General Assembly only, to be placed on the
29 calendar in the house of origin a bill must be first
30 reported out of the committee of first referral by

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1 Friday of the 6th week, and to be placed on the
2 calendar in the other house, a bill must be first
3 reported out of the committee of first referral by the
4 end of business on Monday of the 10th week.

5 3. During the 11th week of the first session and
6 the 9th week of the second session, each house shall
7 consider only bills originating in that house and
8 unfinished business. During the 14th week of the
9 first session and the 12th week of the second session,
10 each house shall consider only bills originating in
11 the other house and unfinished business. Beginning
12 with the 15th week of the first session and the 13th
13 week of the second session, each house shall consider
14 only bills passed by both houses, bills exempt from
15 subsection 2 and unfinished business.

16 However, for the second session of the Seventy-
17 third General Assembly only, during the 7th week each
18 house shall consider only bills originating in that
19 house and unfinished business, beginning on Tuesday of
20 the 10th week each house shall consider only bills
21 originating in the other house and unfinished
22 business, and beginning with the 11th week each house
23 shall consider only bills passed by both houses, bills
24 exempt from subsection 2, and unfinished business.

25 4. A motion to reconsider filed and not disposed
26 of on an action taken on a bill or resolution which is
27 subject to a deadline under this rule may be called up
28 at any time before or after the day of the deadline by
29 the person filing the motion or after the deadline by
30 the majority floor leader, notwithstanding any other

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1 rule to the contrary.

2 Rule 21
3 Resolutions

4 1. A "concurrent resolution" is a resolution to be
5 adopted by both houses of the general assembly which
6 expresses the sentiment of the general assembly or
7 deals with temporary legislative matters. It may
8 authorize the expenditure, for any legislative
9 purpose, of funds appropriated to the general
10 assembly. A concurrent resolution is not limited to,

11 but may provide for a joint convention of the general
12 assembly, adjournment or recess of the general
13 assembly, or requests to a state agency or to the
14 general assembly or a committee. A concurrent
15 resolution requires the affirmative vote of a majority
16 of the senators or representatives present and voting
17 unless otherwise specified by statute. A concurrent
18 resolution does not require the governor's approval
19 unless otherwise specified by statute. A concurrent
20 resolution shall be filed with the secretary of the
21 senate or the chief clerk of the house. A concurrent
22 resolution shall be printed in the bound journal after
23 its adoption.

24 2. A "joint resolution" is a resolution which
25 requires for approval the affirmative vote of a
26 constitutional majority of each house of the general
27 assembly. A joint resolution which appropriates funds
28 or enacts temporary laws must contain the clause "Be
29 It Enacted by the General Assembly of the State of
30 Iowa.", is equivalent to a bill, and must be

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1 transmitted to the governor for his approval. A joint
2 resolution which proposes amendments to the
3 Constitution of the State of Iowa, ratifies amendments
4 to the Constitution of the United States, proposes a
5 request to Congress or an agency of the government of
6 the United States of America, proposes to Congress an
7 amendment to the Constitution of the United States of
8 America, nullifies an administrative rule, or creates
9 a special commission or committee must contain the
10 clause "Be It Resolved by the General Assembly of the
11 State of Iowa:" and shall not be transmitted to the
12 governor. A joint resolution shall not amend a
13 statute in the Code of Iowa.

14 Rule 22

15 Nullification Resolutions

16 A "nullification resolution" is a joint resolution
17 which nullifies all of an administrative rule, or a
18 severable item of an administrative rule adopted
19 pursuant to chapter 17A of the Code. A nullification
20 resolution shall not amend an administrative rule by
21 adding language or by inserting new language in lieu
22 of existing language.

23 A nullification resolution is debatable, but cannot
24 be amended on the floor of the house or senate. The
25 effective date of a nullification resolution shall be
26 stated in the resolution. Any motions filed to
27 reconsider adoption of a nullification resolution must

28 be disposed of within one legislative day of the
29 filing.
30

Rule 23

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1 Consideration of Vetoes

2 1. The senate and house calendar shall include a
3 list known as the "Veto Calendar." The veto calendar
4 shall consist of:

5 a. Bills returned to that house by the governor in
6 accordance with Article III, section 16 of the
7 Constitution of the State of Iowa.

8 b. Appropriations items returned to that house by
9 the governor in accordance with Article III, section
10 16 of the Constitution of the State of Iowa.

11 c. Bills and appropriations items received from
12 the other house after that house has voted to override
13 a veto of them by the governor.

14 2. Vetoed bills and appropriations items shall
15 automatically be placed on the veto calendar upon
16 receipt. Vetoed bills and appropriations items shall
17 not be referred to committee.

18 3. Upon first publication in the veto calendar,
19 the senate majority leader or the house majority
20 leader may call up a vetoed bill or appropriations
21 item at any time.

22 4. The affirmative vote of two-thirds of the
23 members of the body by record roll call is required on
24 a motion to override an executive veto or item veto.

25 5. A motion to override an executive veto or item
26 veto is debatable. A vetoed bill or appropriation
27 item cannot be amended in this case.

28 6. The vote by which a motion to override an
29 executive veto or item veto passes or fails to pass
30 either house is not subject to reconsideration under

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1 senate rule 24 or house rule 73.

2 7. The secretary of the senate or the chief clerk
3 of the house shall immediately notify the other house
4 of the adoption or rejection of a motion to override
5 an executive veto or item veto.

6 8. All bills and appropriations items on the veto
7 calendar shall be disposed of before adjournment sine
8 die, unless the house having a bill or appropriation
9 item before it declines to do so by unanimous consent.

10 9. Bills and appropriations items on the veto
11 calendar are exempt from deadlines imposed by joint

12 rule 20.

13

Rule 24

14 Special Rules Regarding Redistricting for 1991

15 1. If, pursuant to chapter 42, either the senate
 16 or the house rejects a redistricting plan submitted by
 17 the legislative service bureau, the house rejecting
 18 the plan shall convey the reasons for the rejection of
 19 the plan to the legislative service bureau by
 20 resolution.

21 2. If, pursuant to chapter 42, the legislative
 22 service bureau submits a third redistricting plan as
 23 provided by law, the senate and house, when
 24 considering a bill embodying plan III, shall be
 25 allowed to accept for filing as amendments only such
 26 amendments which constitute the total text of a
 27 congressional plan without striking a legislative
 28 redistricting plan, the total text of a legislative
 29 redistricting plan without striking a congressional
 30 plan, or the combined total text of a congressional

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1 plan and a legislative redistricting plan, and
 2 nonsubstantive, technical corrections to the text of
 3 any such bills or amendments.

1 SENATE CONCURRENT RESOLUTION 5

2 By: Lloyd-Jones, Boswell, Hagerla, Kramer, Rife, and
 3 Szymoniak

4 A Concurrent Resolution relating to the recognition of
 5 the thirtieth anniversary of Iowa's sister state
 6 relationship with Yamanashi prefecture, Japan.
 7 WHEREAS, in 1960 the state of Iowa sent 35 live
 8 hogs and 60,000 bushels of corn to aid relief efforts
 9 in Yamanashi prefecture after a destructive typhoon;
 10 and

11 WHEREAS, the Yamanashi prefectural assembly passed
 12 a resolution establishing a sister state relationship
 13 with Iowa on March 4, 1960; and

14 WHEREAS, the Iowa General Assembly passed a joint
 15 resolution establishing a sister state relationship
 16 with Yamanashi prefecture for the purpose of creating
 17 lasting friendship between the people of the state of
 18 Iowa and the people of Yamanashi prefecture on April
 19 11, 1961; and

20 WHEREAS, in 1962 Yamanashi's governor presented a
 21 great bronze temple bell and bell house to Iowa as a
 22 symbol of friendship, which now stands south of the
 23 Iowa state capitol; and

24 WHEREAS, the Iowa-Yamanashi sister state
25 relationship was Iowa's first, and also the first
26 between any United States state and Japanese
27 prefecture; and
28 WHEREAS, the Iowa sister states committee was
29 established in 1985 to oversee and facilitate
30 exchanges with Iowa's sister states; and

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1 WHEREAS, the intentions of the original resolutions
2 have been fulfilled, the friendship between the two
3 states has deepened, the peoples of Iowa and Yamanashi
4 have enjoyed countless exchanges involving citizens of
5 all ages, education, and business backgrounds, and
6 personal friendships have been created; and

7 WHEREAS, the governors of Iowa and Yamanashi
8 reaffirmed the sister state relationship in a document
9 signed on May 23, 1988; and

10 WHEREAS, Yamanashi prefecture celebrated the
11 thirtieth anniversary of sister state relations with
12 Iowa at a gala celebration on November 30, 1990; and

13 WHEREAS, the governor of Iowa has invited the
14 governor of Yamanashi to lead a delegation to the
15 thirtieth anniversary celebration in Iowa in June
16 1991; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
18 That the citizens of Iowa recognize, commemorate, and
19 celebrate the thirtieth anniversary of sister state
20 relations with Yamanashi prefecture and look forward
21 to continued friendly and mutually beneficial
22 relations between the people of the state of Iowa and
23 the people of Yamanashi prefecture.

1 SENATE CONCURRENT RESOLUTION 7

2 By: Committee on Rules and Administration

3 A Senate Concurrent Resolution relating to a
4 Biennial Memorial Session.

5 WHEREAS, it has been the custom to hold a biennial
6 memorial session in recognition of the public service
7 of deceased members of the general assembly; and

8 WHEREAS, both houses desire to participate in such
9 an observance; NOW THEREFORE,

10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
11 REPRESENTATIVES CONCURRING, That an evening session of
12 the seventy-fourth general assembly be held in the
13 senate chamber Wednesday, April 10, 1991, at 7:00 p.m.

14 BE IT FURTHER RESOLVED, That a joint committee of
15 eight members be appointed, four from the senate to be

16 appointed by the majority leader of the senate, and
17 four from the house to be appointed by the speaker of
18 the house, to make suitable arrangements for a joint
19 memorial session.

1 SENATE CONCURRENT RESOLUTION 8

2 By: Committee on Rules and Administration

3 A Concurrent Resolution petitioning the United States
4 Navy for the return of the battleship USS Iowa's silver
5 service.

6 WHEREAS, the Twenty-sixth General Assembly of Iowa
7 commissioned a silver service for the battleship USS
8 Iowa for \$5,000 in 1896; and

9 WHEREAS, the silver service was installed on the
10 battleship USS Iowa in 1896, where it remained until
11 the ship was decommissioned in 1923; and

12 WHEREAS, the Navy returned the silver service to
13 the state by 1926, when it was installed in the
14 Historical, Memorial and Art Department of Iowa; and

15 WHEREAS, the silver service graced the World War II
16 battleship USS Iowa from 1944 until 1949, the cruiser
17 USS Des Moines for two years, and the recommissioned
18 battleship USS Iowa from 1984 until 1990, and between
19 its naval tours resided in Iowa for another 26 years;
20 and

21 WHEREAS, the State of Iowa and the U.S. Navy have
22 established a tradition of care and regard for the
23 silver service whereby the U.S. Navy honors the people
24 of Iowa by using the silver service on naval vessels
25 named for the state, and the state preserves and
26 displays the service for the people of Iowa when the
27 U.S. Navy decommissions a naval vessel named for the
28 state; NOW THEREFORE,

29 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
30 That the State of Iowa petition the U.S. Navy for the

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1 return of the silver service to the State of Iowa,
2 where it will be kept in a place of honor until the
3 U.S. Navy commissions or recommissions a major naval
4 vessel named for the State of Iowa.

5 BE IT FURTHER RESOLVED, That the State of Iowa also
6 petitions the U.S. Navy for the return of the ship's
7 bell from the battleship USS Iowa, to the State of
8 Iowa where it will be kept in a place of honor.

9 BE IT FURTHER RESOLVED, That the Secretary of the
10 Senate send a copy of this resolution to the President
11 of the United States, the Secretary of Defense, the

- 12 Secretary of the Navy, the Governor of Iowa, and to
13 all members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 13

2 By: Szymoniak

3 A Concurrent Resolution relating to assistive technology
4 and endorsing the efforts of the Iowa Council on
5 Assistive Technology.

6 WHEREAS, it has been demonstrated that a wide
7 variety of equipment and products may serve as
8 assistive technology devices because they can enhance
9 the functional capabilities of persons with
10 disabilities; and

11 WHEREAS, assistive technology has the potential for
12 dramatically increasing the independence and
13 productivity, and improving the lifestyles, of many
14 people who have disabilities; and

15 WHEREAS, significant gaps in service and delivery
16 systems in Iowa and throughout the United States
17 present obstacles to individuals wishing to acquire
18 the technology that best fits their needs; and

19 WHEREAS, the Iowa Program for Assistive Technology
20 is a federally funded program chartered to work to
21 improve the availability and accessibility of
22 assistive technology within the State of Iowa, and the
23 Iowa Council on Assistive Technology is a voluntary
24 advisory board to the Iowa Program for Assistive
25 Technology, serving as the primary vehicle for
26 coordinated evaluation of existing assistive
27 technology programs and services; and

28 WHEREAS, The Iowa Council on Assistive Technology,
29 in conjunction with the Iowa Program for Assistive
30 Technology and its numerous groups, including persons

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1 who use assistive technology, service providers'
2 staff, personnel from local, regional, and state
3 agencies, representatives of private enterprise, and
4 others who are interested in promoting assistive
5 technology services, are currently examining the
6 availability and accessibility of assistive technology
7 to persons with disabilities in the State of Iowa; and

8 WHEREAS, during the next 18 months the persons
9 representing these organizations, advocacy groups,
10 agencies, and individuals with disabilities will be
11 developing a state plan which once implemented will
12 enhance the consumer-driven, consumer-responsive
13 nature of assistive technology services and service

14 delivery for persons with disabilities; NOW THEREFORE,
 15 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 16 That the Iowa General Assembly pledges to review the
 17 Iowa Council on Assistive Technology's state plan upon
 18 its publication, and to consider the Council's
 19 findings and recommendations. Those findings and
 20 recommendations which afford the state an opportunity
 21 to enhance the quality of life for persons with
 22 disabilities will be referred by the General Assembly
 23 to the proper state agencies for appropriate response
 24 in their annual state plans.
 25 BE IT FURTHER RESOLVED, That the Iowa General
 26 Assembly endorses the efforts of the Iowa Council on
 27 Assistive Technology and congratulates its members for
 28 their exemplary public service contributions.

1 SENATE CONCURRENT RESOLUTION 23

2 By: Welsh

3 A Concurrent Resolution expressing opposition to a pro-
 4 posed graduated annual fee for recreational vessels
 5 operated on navigable waters of the United States
 6 where the coast guard is present.
 7 WHEREAS, the federal government has proposed the
 8 imposition of a graduated annual fee for recreational
 9 vessels operated on navigable waters of the United
 10 States where the coast guard is present; and
 11 WHEREAS, the proposed federal fee to provide coast
 12 guard programs such as search and rescue, boating
 13 safety, and aids to navigation is approximately twice
 14 the amount paid for state license fees; and
 15 WHEREAS, the federal fee will be allocated to
 16 reduce the federal budget deficit and no additional
 17 services will be provided in the navigable waters of
 18 the state of Iowa; and
 19 WHEREAS, the coast guard services provided along
 20 the Missouri and Mississippi rivers are limited
 21 primarily to attending buoys for commercial barge
 22 traffic; and
 23 WHEREAS, the proposed annual fee for recreational
 24 vessels will cost vessel owners in excess of two
 25 million dollars annually without any additional
 26 services, NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 28 That the General Assembly of the state of Iowa opposes
 29 the imposition of the proposed coast guard annual fees
 30 on recreational vessels operated on the Missouri and

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1 Mississippi rivers for the reasons previously stated
 2 in this resolution.
 3 BE IT FURTHER RESOLVED, That the Secretary of the
 4 Senate send a copy of this Resolution to the Executive
 5 Secretary, Marine Safety Council, United States Coast
 6 Guard Headquarters, 2100 Second Street S.W.,
 7 Washington, D.C., 20593-0001.
 8 BE IT FURTHER RESOLVED, That the Secretary of the
 9 Senate send a copy of this Resolution to the members
 10 of Iowa's delegation to the United States House of
 11 Representatives and the United States Senate.

1 SENATE CONCURRENT RESOLUTION 24

2 By: Committee on Education
 3 (SUCCESSOR TO SSB 357)

4 A Concurrent Resolution requesting the Legislative
 5 Council to establish a task force to study Iowa's
 6 early childhood, primary, and secondary education
 7 system and requiring reporting by certain dates.
 8 WHEREAS, the General Assembly of the State of Iowa
 9 is the body in which the constitutional responsibility
 10 for the enactment and amendment of the state's laws,
 11 the appropriation of state funds, and providing for
 12 the educational interest of the state is vested and
 13 which, consequently, will have to act in order to
 14 create and fund new structural change in the state's
 15 early childhood, primary, and secondary education
 16 system; and
 17 WHEREAS, the State Board of Education, the Iowa
 18 Future Project, and the Iowa Business and Education
 19 Roundtable have been involved in a study of Iowa's
 20 primary and secondary public education system which
 21 resulted in the submission of a report as to their
 22 conclusions on needed changes in that system; and
 23 WHEREAS, the Iowa State Education Association, the
 24 Iowa Parent-Teacher Association, the Iowa Association
 25 of School Boards, and the School Administrators of
 26 Iowa, as well as the Department of Education and
 27 Iowa's postsecondary institutions, have ongoing
 28 initiatives and interests in the transformation of
 29 Iowa's early childhood, primary, and secondary
 30 educational system; and

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1 WHEREAS, due to the lack of consensus on what, if
 2 any, strategies are needed to bring about even the

3 changes suggested by the various studies and
4 initiatives, it is apparent that further study is
5 warranted and necessary to bring about any appropriate
6 changes in the state's early childhood, primary, and
7 secondary education system; NOW THEREFORE,
8 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
9 REPRESENTATIVES CONCURRING, That the Legislative
10 Council is requested to establish a task force to
11 study and make recommendations regarding the goals and
12 legislation necessary to meet the goals of the state's
13 early childhood, primary, and secondary education
14 system in the future.

- 15 1. The study shall include, but not be limited to,
16 the following:
 - 17 a. School-based decision making, that includes
18 giving teachers responsibility for organizing school
19 curricula and managing the school, which may include,
20 but is not limited to, incentives and motivating
21 factors related to school management.
 - 22 b. Alternative approaches to assessment of
23 students' progress, which may include, but is not
24 limited to, desired results and outcomes.
 - 25 c. Analyses of and recommendations regarding
26 initiatives in early childhood education.
 - 27 d. Educational technology, emphasizing technology
28 that encourages active student learning and
29 individualized instruction techniques.
 - 30 e. Teacher training programs which include

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- 1 collaborative research and development efforts between
2 local school districts and higher education
3 institutions.
- 4 f. Strategies and recommendations to increase
5 parental involvement in the schools.
- 6 g. Methods which increase collaboration between
7 the schools and health and human service agencies and
8 reduce physical and socioeconomic barriers to student
9 learning.
- 10 h. Strategies for the development of partnerships
11 between the business community and the schools.
- 12 i. Staff development activities that provide for
13 noninstructional time for experienced teachers and
14 reduced class loads for novice teachers.
- 15 j. Extension of the time that students are under
16 instruction.
- 17 2. The legislative council is also requested to
18 appoint as members of the task force, persons who are
19 members of the general assembly and persons who are

20 members of the general public. The legislative
21 council is further requested to ensure, to the extent
22 practicable, that the appointments of the members of
23 the task force are balanced as provided under sections
24 69.16 and 69.16A, and reflect the ethnic, demographic,
25 and geographic characteristics of Iowa's population.
26 The legislative council shall designate, from the task
27 force membership, two persons to serve as the
28 temporary co-chairpersons of the task force until the
29 first task force meeting, when the permanent co-
30 chairpersons shall be selected.

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1 3. The task force may, as deemed appropriate by
2 the task force, form subcommittees to study the
3 subject matter areas assigned to the task force. The
4 membership of the subcommittees, including which of
5 the subcommittee members are to serve as the
6 subcommittee chairpersons, shall be determined by an
7 affirmative vote of a majority of the entire task
8 force. Each subcommittee shall, however, include a
9 task force member who is also a member of the general
10 assembly and may include persons who are not members
11 of the task force.

12 Each of the members of the general public of the
13 task force shall be individuals who possess a
14 demonstrated interest in early childhood, primary, or
15 secondary education or experience with research at the
16 early childhood, primary, or secondary education
17 level. The co-chairpersons of the task force shall be
18 two of the public members of the task force. The task
19 force may work with one or more education consultants
20 familiar with projected national trends and goals in
21 early childhood, primary, and secondary education for
22 the year 2000 and beyond. The task force shall be
23 appointed no later than June 1, 1991, and shall report
24 to the Legislative Council by July 15, 1991, on how it
25 will be organized and conduct its research in order to
26 report its preliminary recommendations to the
27 Legislative Council and the General Assembly by
28 December 15, 1991, and submit its final report by
29 December 15, 1992. If the Legislative Council
30 approves of the task force organizational plan, it may

Page 5

1 authorize the task force to employ an executive
2 director and may authorize the expenditure of moneys
3 from section 2.12 to fund the cost of the task force.

4 The task force may request and receive research
 5 assistance from the Education Commission of the
 6 States. The task force may accept gifts, donations,
 7 and funds appropriated for purposes of paying the
 8 expenses associated with the duties of the task force.
 9 The Legislative Council may authorize the payment of
 10 per diem and expenses for the citizen members of the
 11 task force.
 12 Staff assistance to the task force shall be
 13 provided by the Legislative Service Bureau, the
 14 Legislative Fiscal Bureau, and the partisan research
 15 staffs, who shall work under the direction of the co-
 16 chairpersons of the task force and the staffs shall
 17 cooperate with and coordinate the work of the task
 18 force with the executive director if an executive
 19 director is employed.

1 **SENATE CONCURRENT RESOLUTION 28**

2 By: Committee on Rules and Administration
 3 A Senate Concurrent Resolution to approve and confirm the
 4 appointment of the citizens' aide.

5 WHEREAS, chapter 601G provides that the citizens'
 6 aide shall be appointed by the legislative council
 7 with the approval and confirmation of a constitutional
 8 majority of the Senate and with the approval and
 9 confirmation of a constitutional majority of the House
 10 of Representatives; and

11 WHEREAS, on January 10, 1991, the legislative council
 12 reappointed Mr. William P. Angrick II as citizens'
 13 aide for a term commencing July 1, 1991, and is
 14 submitting his name for approval and confirmation by a
 15 constitutional majority of the Senate and House of
 16 Representatives; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 18 REPRESENTATIVES CONCURRING, That Mr. William P. Angrick II is
 19 approved and confirmed as citizens' aide for a four-
 20 year term which commences July 1, 1991, as provided in
 21 sections 601G.3 and 601G.5.

1 **SENATE CONCURRENT RESOLUTION 29**

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 Saturday, May 11, 1991
 7 it be the final adjournment of the 1991 Regular
 8 Session of the Seventy-fourth General Assembly.

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Senate Resolution 11 - defer action on confirmation of Douglas E. Gross, appointee. S.J. 1235, 1236 adopted.

Senate Resolution 12 - defer action on confirmation of Larry J. Wilson, appointee. S.J. 1235, 1236, 1239, 1240 failed.

Senate Resolution 22 - gubernatorial appointment requiring senate confirmation, David J. Lyons, Commissioner of Insurance. S.J. 1790, 1791, 1792 adopted, 1798 confirmed.

Without recommendation—540, 911, 1176, 1193

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Accountancy Examining, Board of:

Erpelding, Thomas L.—569, 603, 605, 702, 931

Henze, Daryl K.—569, 603, 605, 911, 953-955

Kappmeyer-Elleson, Judy—724 deferred

O'Rourke-Hartwig, Angela M.—716, 764, 802, 1123, 1189-1190

Adjutant General:

Lawson, Warren—717, 764, 802, 999, 1210-1211

Agricultural Development Authority:

Sievers, Sharon K.—717, 761, 799, 987, 1051-1053

Alcoholic Beverages Commission:

Venter, Wayne R.—569, 603, 605, 703, 1127-1128

Architectural Examiners, Board of:

Huntington, Glen D.—717, 764, 802, 911, 953-955

Pattschull, Richard W.—569, 603, 605, 999, 1210-1211

Barber Examiners, Board of:

Ruffcorn, Dennis—717, 764, 802, 911, 1051-1053

Weiss, Donna J.—569, 603, 605, 911, 953-955

Blind, Commission for the:

Martin, Robert J.—570, 602, 623, 1045, 1188-1190

Slayton, R. Craig (Director)—719, 762, 844, 1154, 1188-1190

Campaign Finance Disclosure Commission:

Barrer, Dana L.—570, 603, 606, 703, 1188-1190
 Healy, Harriet—570, 603, 606, 765, 1051-1053
 Thompson, Sandra A.—361, 383, 404, 510, 694-695

Chiropractic Examiners, Board of:

Evans, Ronald C.—362, 383, 404, 510, 694
 Kennedy, Ramona K.—717, 763, 802, 912, 1188-1190
 Mueller, Kenneth L.—570, 603, 606, 911, 1224
 Rowedder, Janis P.—362, 383, 404, 579, 895-896
 Whitty, Sister Marilyn S.—570, 603, 606, 912, 953-955

Civil Rights Commission:

Bumbary-Langston, Inga (Director)—574 deferred
 Abebe, Ruby—572, 603, 605, 765, 953-955
 O'Donnell, Sally M.—721, 762, 801, 1027, 1090-1091
 Robinson, Kenneth A.—572, 603, 605, 725, 1090-1091

Community Action Agencies, Commission on:

Smith, James E. (Administrator)—717, 762, 844, 1193, 1222-1223

Axeen, Allan L.—363, 382, 416, 649, 694-695
 Carroll, Danny C.—363, 382, 416, 649, 694-695
 Dull, Bonnie B.—363, 382, 416, 649, 694-695
 Eichacker, Lois H.—363, 382, 416, 649, 895-896
 Evans, Sandra G.—363, 382, 416, 649, 694-695
 Houser, Hubert M.—363, 382, 416, 649, 694-695
 Johnson, Stephanie Ann—718, 762, 844, 1154, 1188-1190
 Nugent, Thomas F.—363, 382, 416, 649, 694-695
 Stebens, Stephanie A.—363, 382, 416, 649, 895-896

Consumer Advocate:

Maret, James—574-575, 602, 637, 789-791, 799

Corrections, Department of:

Klingaman, Jean—569, 603, 605, 725, 1210-1211
 McCormick, Harold—569, 603, 605, 725, 1051-1053
 Vande Mey, Richard R.—717, 762, 801, 1027, 1090-1091
 Vold, Donald O.—717, 762, 801, 1027, 1090-1091

Cosmetology Examining Board:

Bruxvoort, Reuvena M.—718, 764, 802, 912, 1188-1190
 Chapman, Roger A.—571, 603, 606, 766, 851-852

County Finance Committee:

Benbow, James E.—718, 763, 801, 1015, 1127-1128
 Kramme, Robert I.—718, 763, 801, 938, 1223
 Vande Hoef, Duane J.—718, 763, 801, 938, 1051-1053
 Winchell, Sharon L.—718, 763, 801, 938, 1051-1053

Credit Union Review Board:

Sarvis, Tom N.—571, 602, 614, 702, 789
 Sizer, William—571, 602, 614, 765, 851-852
 Thomas, H. Idris—571, 602, 614, 765, 851-852

Cultural Affairs, Department of:

Jackson, William H. (Director)—719, 762, 800, 927, 1065, 1224-1225

- Deaf, Commission on the:
 Sell, Patrick R.—718, 762, 844, 1072, 1188-1190
 Snyder, James G.—570, 602, 623, 1045, 1127-1128
- Dental Examiners, Board of:
 Cochrane, R. Bruce—718, 764, 802, 912, 1188-1190
 McNeill, Carolyn A.—718, 764, 802, 1097, 1127-1128
 Reschly, Vicki—718, 764, 802, 912, 1051-1053
- Dietetic Examiners, Board of:
 Carlson, Mary K.—719, 764, 803, 912, 953-955
 Finch, Charles—571, 604, 606, 703, 789-791
 Garrells, Richard—571, 604, 606, 703, 931
- Drug Abuse Prevention and Education Advisory Council:
 Oelrich, Michael K.—719, 763, 801, 1027, 1090-1091
 Ricklefs, Connie Sue—719, 763, 801, 1027, 1090-1091
- Economic Development, Board of:
 Thoms, Allan (Director)—363, 382, 386, 540, 1225-1226
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 Lazar, Toni—571, 603, 623, 966, 1051-1053
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 Dudden, Marcia—362, 382, 385, 551, 694-695
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 Halliburton, Calvin W.—569, 602, 636, 710, 789-791
 Parkin, Jacqueline M.—717, 762, 800, 1027, 1090-1091
 Walker, Rhea Renee—569, 602, 636, 748, 852
- Elder Affairs, Commission on:
 Grandquist, Betty (Director)—719, 762, 844, 1072, 1127-1128
 Bidne, Bertrum T.—570, 602, 623, 1045, 1127-1128
 Vermeer, Elmer—570, 602, 623, 1045, 1127-1128
- Emergency Response Commission:
 Feldmann, Lynn M.—571, 604, 606, 937 resigned
- Engineering and Land Surveying Examiners, Board of:
 Belzung, Jolee L.—571, 604, 606, 766, 852
 Marr, Richard—571, 604, 606, 672, 789-791
- Environmental Protection Commission:
 Mohr, Charlotte—720, 762, 800, 1140, 1188-1190
 Priebe, Gary—720, 762, 800, 948, 1222-1223
 Siebenmann, Nancy Lee—720, 762, 800, 948, 1051-1053
 Yeager, Clark—720, 762, 800, 1140, 1188-1190
- First in the Nation in Education Foundation Governing Board:
 Neu, Arthur A.—571, 602, 636, 710, 953-955
 Sievert, Mary E.—571, 602, 636, 748, 1051-1053
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Jud, Coral M.—570, 604, 606, 703, 895-896
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Hartung, John V.—720, 762, 800, 927, 953-955
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Dudden, Marcia—362, 382, 385, 551, 695
Gardner, Gene—362, 382, 385, 551, 695
Gentry, Barbara—362, 382, 385, 517, 695
Gross, Doug—362, 382, 385, 517, 691
Hartung, John V.—362, 382, 385, 483, 695
Pomerantz, Marvin—362, 382, 385, 517, 789-791
Williams, Mary C.—362, 382, 385, 551, 695
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Davis, Jim D.—718, 762, 844, 1072, 1189-1190
Dayhoff, Arlene H.—571, 602, 623, 1045, 1189-1190
- Industrial Commissioner:
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- Insurance Commissioner:
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- Iowa Finance Authority:
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Anderson, Donald A.—572, 604, 607, 690, 790-791
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Snyder, Donald E.—720, 764, 803, 912, 953-955

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Ellis, Michael R.—572, 602, 622, 778, 1051-1053

Gerhard, William G.—572, 602, 623, 778, 852

Hulse, Merlin D.—572, 602, 623, 778, 895-896

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Zimmerman, Mary Jane—723, 763, 801, 1027, 1127

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Breithaupt, Jack F.—570, 603, 605, 765, 1052-1053

Vopava, Lorraine M.—718, 763, 801, 965, 1052-1053

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Mitchell, Monty—721, 764, 803, 912, 953-955

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Koehrsen, Bernal F. Jr.—720, 764, 804, 938, 1052-1053

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Alt, Connie M.—721, 764, 803, 912, 953-955

Sutton, Ross M.—721, 764, 803, 999, 1052-1053

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O'Neill, Ann—721, 763, 803, 912, 1052-1053

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Morris, Jr. Vilas L.—721, 762, 845, 1072, 1127-1128

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Teahen, Peter R.—572, 604, 606, 703, 790-791

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Knutstrom, Nancy E.—717, 763, 802, 911, 1210-1211

Meister, Eugene—570, 604, 606, 703, 790-791

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- Mayner, Alexa L.—573, 604, 607, 913, 953-955
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- Jensen, John W.—Senator Eleventh District
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 Senate File 476—1804 adopted
 Senate File 496—1810-1811 adopted
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Time Festival and members of her court: Desha Craver, Ronda Goemaat,
Mary Ver Ploeg and Alicia Dieleman—1454
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Bills introduced—198, 219, 237, 434, 492, 557, 776

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Bills introduced—134, 147, 296, 309, 337, 344, 557, 776

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Bills introduced—248, 337, 391, 493, 524, 556, 652, 708, 753, 754

Amendments filed—239, 555, 1159, 1199

Investigating committee reports—483, 517, 551, 710, 748, 927, 1027

Resolutions offered—1482, 1506

Standing committees and subcommittees appointed to—31

Subcommittee assignments, governor's appointments—385, 800

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Appointed and appointments to—32

Appointees, investigation of—602, 637, 762

Bills introduced—630, 742, 743, 787, 788

Amendments filed—398, 782, 1072, 1159, 1199, 1631

Investigating committee reports—799, 948, 1071, 1140

Referred to—1290, 1539

Standing committees and subcommittees appointed to—32

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Appointed and appointments to—34, 42

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Resolution offered—198, 199

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Senate Resolution 4 - Senate code of ethics. S.J. 199, 204-205, 236,
253 as amended adopted.

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Senate File 529 - Senator Rensink—1777
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Senators appointed to—184

FRAISE, EUGENE—Senator Thirty-first District

- Bills introduced—147, 198, 219, 337, 376, 492, 557, 716, 776
- Amendments filed—215, 268, 275, 582, 639, 678, 751, 849, 969, 1031, 1062, 1124, 1159, 1334, 1339, 1340, 1378, 1440, 1473, 1655, 1700, 1708, 1710, 1743, 1764, 1773, 1781
- Amendments offered—252, 683, 1009, 1054, 1132, 1430, 1493
- Amendments withdrawn—1062, 1492
- Committee appointments—36, 1730, 1785, 1839
- Escorted Senator Lloyd-Jones to the rostrum—11
- Petitions presented—1377
- Reports—1813, 1881
- Resolutions offered—448, 612, 952, 1264, 1311, 1611
- Standing committees and subcommittees appointed to—31, 32, 33, 34
- Statutory appointments—331
- Subcommittee assignments, governor's appointments—608, 800, 801, 804, 805

FUHRMAN, LINN—Senator Fifth District

- Bills introduced—25, 134, 301, 309, 344, 374, 377, 399, 448, 449, 508, 524, 557, 583, 776
- Amendments filed—263, 418, 419, 544, 679, 751, 841, 877, 880, 949, 967, 1149, 1313, 1339, 1347, 1355, 1378, 1448, 1499, 1565, 1599, 1835
- Amendments offered—474, 663, 1010, 1149, 1499, 1565, 1835
- Amendments withdrawn—880, 1498
- Committee appointments—36, 234, 1730
- Reports—1879
- Resolutions offered—325, 1264, 1657
- Standing committees and subcommittees appointed to—31, 32, 33, 34
- Subcommittee assignments, governor's appointments—605, 608, 623, 801, 804, 844

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Resolutions relating to:

- Senate Concurrent Resolution 1, Compensation of chaplains, officers and employees of the seventy-fourth g.a. S.J. 23-24, 27, 28 adopted, 29, 91 - H.J. 54, 63, 79-91 adopted, 116 - S.J. 1694.
- Senate Concurrent Resolution 2, Joint rules. S.J. 24, 27, 29 adopted, 143, 150-151, 265, 282, 303, 313 conference committee report adopted, 326 - H.J. 54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted.
- Senate Concurrent Resolution 7, Biennial memorial session. S.J. 560,

- 565, 587 adopted, 588, 784 - H.J. 587, 595, 747-748 adopted.
- Senate Concurrent Resolution 28, Approve and confirm the appointment of the citizens' aide, William P. Angrik II. S.J. 1790, 1791, 1797-1798 adopted, 1824, 1828 as amended, adopted, 1829 - H.J. 2376, 2411-2412 as amended, adopted, 2440.
- Senate Concurrent Resolution 29, Final adjournment, Saturday, May 11, 1991. S.J. 1791, 1842, 1844 as amended, adopted, 1845, 1851 - H.J. 2460 adopted.
- Senate Resolution 1, Permanent rules of Senate. S.J. 23, 27, 28-29 adopted.
- Senate Resolution 3, Senate rules governing lobbyists. S.J. 198, 204-205, 215, 253 as amended, adopted.
- Senate Resolution 4, Senate code of ethics. S.J. 199, 204-205, 236, 253 as amended, adopted.
- Senate Resolution 5, Gubernatorial appointments require senate confirmation. S.J. 328, 329 adopted.
- Senate Resolution 6, Support military personnel in the Persian Gulf. S.J. 448, 476, 565, 589 adopted.
- Senate Resolution 10, Honor Paul Engle, Clark Fisher Ansley Professor of Creative Writing at the University of Iowa, honor his wife, novelist Hualing Nieh. S.J. 1200, 1215, 1267, 1368, 1388, 1389 adopted.
- Senate Resolution 11, Defer action on confirmation of Douglas E. Gross, appointee. S.J. 1235, 1236 adopted.
- Senate Resolution 12, Defer action on confirmation of Larry J. Wilson, appointee. S.J. 1235, 1236, 1239, 1240 failed.
- Senate Resolution 16, Honor former Senator C. Joseph Coleman. S.J. 1519, 1534, 1556 adopted.
- Senate Resolution 21, Dailey operations of the Senate. S.J. 1638 adopted.
- Senate Resolution 22, Gubernatorial appointment requiring senate confirmation, David J. Lyons, Commissioner of Insurance. S.J. 1790, 1791, 1792 adopted, 1798 confirmed.
- House Concurrent Resolution 1, Joint convention, Monday, January 14, 1991, 1:30 p.m., canvas of votes, Governor and Lt. Governor; Tuesday, January 15, 1991, 10:00 a.m., Governor Terry E. Branstad deliver his condition of the state message. H.J. 13 adopted, 14 - S.J. 20, 21 adopted - H.J. 76.
- House Concurrent Resolution 2, Joint convention, Wednesday, January 16, 1991, 10:00 a.m., Chief Justice McGiverin present his condition of the judicial department message. H.J. 14 adopted - S.J. 20, 60, 66 adopted - H.J. 76.
- House Concurrent Resolution 3, Appointment of a joint inaugural committee. H.J. 14 adopted - S.J. 20, 21, adopted - H.J. 76.
- House Concurrent Resolution 12, Joint session, Wednesday, April 10, 1991, 1:30 p.m., Pioneer Lawmakers present program. H.J. 595, 747 adopted - S.J. 784, 848, 937, 1122, 1126 adopted, 1128 - H.J. 1179.

GETTINGS, DONALD E.—Senator Thirty-third District

- Bills introduced—51, 216, 309, 492, 557, 716, 776
- Amendments filed—201, 263, 268, 275, 993, 1124, 1334, 1339, 1340, 1440, 1473, 1559, 1762, 1850
- Amendments offered—201, 266, 824, 993, 1351, 1590
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- Resolutions offered—325, 952, 1244, 1264
- Standing committees and subcommittees appointed to—31, 32, 33, 34
- Subcommittee assignments, governor's appointments—608, 614, 804

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- Addressed joint convention—53-59
- Bills signed by—353, 502-503, 564, 590, 671, 926, 962-963, 1095, 1216, 1245, 1266, 1421-1422, 1439, 1461, 1532-1533, 1569-1570, 1597-1598, 1629-1630, 1704-1705, 1717-1718, 1847-1848
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- Resolution relating to the Condition of the State Address Message, HCR 1 - H.J. 13 adopted, 14 - S.J. 20, 21 adopted - H.J. 76.
- Closing message—1857

GRONSTAL, MICHAEL E.—Senator Fiftieth District

- Bills introduced—21, 26, 134, 161, 205, 219, 337, 434, 497, 528, 628, 843
- Amendments filed—28, 268, 336, 347, 393, 435, 555, 582, 751, 819, 849, 890, 900, 919, 928, 940, 946, 950, 967, 1017, 1031, 1038, 1073, 1098, 1124, 1219, 1314, 1331, 1334, 1347, 1355, 1378, 1422, 1436, 1441, 1473, 1563, 1570, 1590, 1631, 1636, 1674, 1696, 1722, 1723, 1743, 1762, 1773
- Amendments offered—347, 393, 438, 798, 900, 904, 919, 946, 1036, 1038, 1077, 1079, 1104, 1151, 1163, 1331, 1340, 1432, 1562, 1563, 1590, 1722, 1723, 1747, 1748, 1762
- Amendments withdrawn—28, 944, 1009, 1037, 1175, 1563
- Committee appointments—6, 36, 71, 1730, 1761, 1776
- Escorted Governor Branstad and guests into House chamber for Condition of the Iowa Judiciary Message—71
- Escorted Chief Justice McGiverin to the speakers station—71
- Presided at sessions of the Senate—974
- Reports—1803, 1810, 1839
- Resolutions offered—448, 653, 1264

Standing committees and subcommittees appointed to—31, 32, 33, 34
 Statutory appointments—48
 Subcommittee assignments, governor's appointments—385, 404, 605, 606,
 637, 800, 801, 802

HAGERLA, MARK R.—Senator Thirtieth District, Assistant Minority Leader
 Bills introduced—25, 66, 84, 174, 238, 248, 260, 298, 309, 337, 344, 374,
 399, 423, 482, 492, 493, 541, 557, 628, 744
 Amendments filed—263, 347, 372, 667, 782, 928, 1083, 1304, 1314, 1337,
 1346, 1348, 1355, 1459, 1463, 1493, 1509, 1655, 1696, 1708, 1757, 1781
 Amendments offered—667, 933, 1304, 1459, 1493, 1579, 1818
 Amendments withdrawn—1459, 1493, 1579
 Committee appointments—6, 36-37
 Reports—6, 1881
 Resolutions offered—325, 423, 448, 612, 1657
 Standing committees and subcommittees appointed to—31, 32, 34
 Statutory appointments—48, 154
 Subcommittee assignments, governor's appointments—416, 605, 623, 801,
 845

HANNON, BEVERLY A.—Senator Twenty-second District
 Bills introduced—21, 198, 309, 337, 434, 524, 652, 662, 716
 Amendments filed—250, 264, 268, 660, 782, 913, 993, 1112, 1206, 1287, 1288,
 1314, 1378, 1437, 1500, 1504, 1743, 1781, 1849, 1850
 Amendments offered—278, 791, 993, 1112, 1253, 1309, 1311, 1500, 1837
 Amendments withdrawn—278
 Call of the Senate—1795
 Called up appointees on Individual Confirmation Calendar—1235
 Committee appointments—12, 37, 1572, 1668
 Presided at sessions of the Senate—1306
 Reports—1721, 1765
 Resolutions offered—612, 952, 1526
 Rulings—1307
 Standing committees and subcommittees appointed to—32, 34
 Statutory appointments—330
 Subcommittee assignments, governor's appointments—386, 416, 623, 801,
 844, 845

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 Senators appointed to—48

HEARINGS—
 Atchison, Christopher G., Director of Public Health—947

HEDGE, H. KAY—Senator Thirty-second District
 Bills introduced—51, 248, 298, 309, 344, 399, 405, 423, 492, 493, 541, 557,
 628, 680, 716, 776
 Amendments filed—263, 328, 967, 992, 1083, 1313, 1339, 1378, 1422, 1423,
 1440, 1486, 1536, 1559, 1599, 1616, 1743, 1764, 1835

Amendments offered—340, 1408, 1478, 1520
 Amendments withdrawn—1478
 Committee appointments—37, 71, 199, 483, 1184, 1785
 Petitions presented—293
 Reports—234, 483, 1813, 1878, 1881
 Resolutions offered—325, 448, 612, 1264, 1657
 Standing committees and subcommittees appointed to—31, 32, 33, 34
 Statutory appointments—48, 184
 Subcommittee assignments, governor's appointments—608, 800

HESTER, JACK W.—Senator Forty-ninth District

Bills introduced—25, 174, 248, 309, 344, 423, 448, 449, 628, 776
 Amendments filed—432, 1103, 1314, 1334, 1339, 1351, 1440, 1463, 1599, 1743,
 1764
 Amendments offered—1103, 1544
 Committee appointments—37, 1730, 1761
 Reports—1810
 Resolutions offered—325, 448, 1264, 1657
 Standing committees and subcommittees appointed to—31, 32, 33
 Statutory appointments—48, 327
 Subcommittee assignments, governor's appointments—605, 608, 799, 801,
 845

HORN, WALLY E.—Senator Twenty-fifth District, Assistant Majority Leader

Bills introduced—21, 219, 281, 313, 374, 430, 434, 452, 508, 524, 557, 657,
 662, 682
 Amendments filed—531, 639, 678, 950, 988, 1017, 1072, 1147, 1334, 1440,
 1504
 Amendments offered—665, 1036, 1147, 1318, 1504
 Amendments withdrawn—1037
 Appointed to Legislative Council—159
 Call of the Senate—1795
 Called up appointees on Individual Confirmation Calendar—1228
 Committee appointments—18, 21, 37, 100, 199, 1184, 1856
 Introduced Al Meier, State Labor Commissioner and Iowa Boxing
 Commissioner; Angelo Dundee, national boxing trainer and Michael
 Nunn, Middleweight Boxing Champion of the World—1677
 Presented Specialist E4 Michael Brandt of the 186th Military Police, Camp
 Dodge, who recently returned from serving in Operation Desert Storm,
 the son of Lynn Brandt, Ass't. Sergeant-at-arms of the Senate—1613
 Presided at joint Senate and House memorial session—1181
 Reports—44, 98, 100, 234, 483
 Resolutions offered—448, 952, 1264
 Standing committees and subcommittees appointed to—31, 32, 33, 34
 Statutory appointments—204
 Subcommittee assignments, governor's appointments—385, 416, 605, 606,
 607, 623, 636, 800, 801, 802, 803, 804, 844, 845

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Appointed and appointments to—32
Appointees, investigation of—382, 416, 602-603, 762-763
Bills introduced—218, 524, 613, 631, 635, 682, 688, 743, 745, 754, 775, 1167
Amendments filed—615, 639, 692
Investigating committee reports—649, 778, 1045, 1072, 1154, 1177, 1193
Referred to—1289, 1506
Standing committees and subcommittees appointed to—32
Subcommittee assignments, governor's appointments—623, 844

HUSAK, EMIL J.—Senator Thirty-eighth District, Assistant Majority Leader
 Bills introduced—51, 134, 198, 337, 344, 391, 492, 524, 541, 557, 628, 652,
 681, 682, 712, 716, 776, 777
 Amendments filed—268, 275, 639, 678, 890, 919, 1116, 1124, 1233, 1334,
 1339, 1340, 1440, 1463, 1473, 1491, 1616, 1674, 1706, 1710, 1726, 1762,
 1764, 1818, 1819
 Amendments offered—1349, 1579, 1761, 1808, 1818, 1819
 Amendments withdrawn—1820
 Appointed to Legislative Council—159
 Committee appointments—18, 21, 37, 716, 1730
 Petitions presented—503
 Presented Hofi Sveinsdohir from Iceland and Piia Rinne of Finland,
 exchange students attending Washington High School in Vinton—579
 Presided at sessions of the Senate—270, 774, 879, 1469, 1489
 Reports—44, 98, 99, 867, 1839
 Resolutions offered—325, 612, 952, 1264, 1790
 Rulings—881, 884
 Standing committees and subcommittees appointed to—31, 32, 33, 34
 Statutory appointments—48, 184, 204
 Subcommittee assignments, governor's appointments—805

HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Majority Leader
 Addressed the Senate—1-3
 Bills introduced—21, 123, 198, 557, 1538, 1584, 1752-1753, 1786
 Amendments filed—28, 264, 268, 275, 278, 559, 882, 890, 1561, 1588, 1706,
 1781, 1842
 Amendments offered—28, 29, 882, 1561, 1842
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 Appointed to Legislative Council—159
 Call of the Senate—1795
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 Committee appointments—37, 234, 282, 1538
 Escorted Senator Coleman to well of the Senate—1556
 Petitions presented—49, 503, 579, 1695
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 pro tempore for the Seventy-fourth G.A.—10
 Placed nomination for Senator Joe J. Welsh as candidate for President of
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 Presented the Senate Pages with a certificate of recognition for serving
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 Standing committees and subcommittees appointed to—32
 Statutory appointments—48, 214

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- Governor-elect Terry E. Branstad and Lieutenant Governor-elect Joy Corning inaugurated—101
- Inaugural address by Governor Terry E. Branstad—101-106
- Invocation delivered by Reverend Daniel Kucera, Archbishop of the Dubuque Diocese—101
- Oath of office administered by Chief Justice McGiverin with Mrs. Chris Branstad assisting—101
- President Welsh presented Governor Terry E. Branstad who delivered the inaugural address—101
- Resolution relating to arrangement of, HCR 1 - H.J. 13 adopted, 14 - S.J. 20, 21 adopted - H.J. 76.

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Senators appointed to—327

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Senators appointed to—331

JENSEN, JOHN W.—Senator Eleventh District, Assistant Minority Leader

- Bills introduced—123, 134, 198, 219, 344, 448, 492, 493, 523, 557, 628, 680, 713, 776
- Amendments filed—263, 429, 588, 639, 678, 750, 841, 933, 967, 988, 1017, 1140, 1233, 1245, 1340, 1351, 1378, 1422, 1423, 1452, 1463, 1464, 1474, 1599, 1631, 1649, 1683, 1743, 1757
- Amendments offered—488, 588, 922, 1459, 1649, 1818
- Amendments withdrawn—1489, 1823
- Appointed to Legislative Council—159
- Committee appointments—18, 38, 1572, 1856
- Presented Norma Leticia Munguioi Canales of Honduras; Kattia Maria Aguilar Delgado of Costa Rica; Laia Persiva Martinez and Marina Diaz Jimenez of Spain—353
- Reports—44, 1721
- Resolutions offered—325, 448, 584, 612, 1519, 1595, 1657
- Standing committees and subcommittees appointed to—31, 32, 33, 34

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Resolutions relating to:

Senate Concurrent Resolution 7 - Biennial memorial session. S.J. 560, 565, 587 adopted, 588, 784 - H.J. 587, 595, 747-748 adopted.

House Concurrent Resolution 1 - Condition of the State Address, Governor Terry E. Branstad. H.J. 13 adopted, 14 - S.J. 20, 21 adopted - H.J. 76.

House Concurrent Resolution 2 - Condition of the Iowa Judiciary Message of Chief Justice Arthur A. McGiverin. H.J. 14 adopted - S.J. 20, 60, 66 adopted - H.J. 76.

House Concurrent Resolution 12 - Pioneer Lawmakers. H.J. 595, 747 adopted - S.J. 784, 848, 937, 1122, 1126 adopted, 1128 - H.J. 1179.

Tellers of joint conventions—21, 22-23

JOINT RULES—

(See also Rules)

Resolutions relating to:

Senate Concurrent Resolution 2, Joint rules. S.J. 24, 27, 29 adopted, 143, 150-151, 265, 282, 303, 313 conference committee report adopted, 326 - H.J. 54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted.

JUDICIARY, COMMITTEE ON—

Appointed and appointments to—32

Appointees, investigation of—603

Bills introduced—316, 390, 561, 629, 631, 632, 652, 657, 662, 714, 743, 753, 774, 775, 777, 786

Amendments filed—750, 782, 1031, 1219, 1570, 1600, 1744

Investigating committee reports—725, 765, 965, 1027

Referred to—341, 821, 1289, 1539, 1548, 1657, 1725

Standing committees and subcommittees appointed to—32

Subcommittee assignments, governor's appointments—605, 801

JUVENILE JUSTICE PLANNING GROUP—

Senators appointed to—48

KERSTEN, JIM—Senator Seventh District

Bills introduced—25, 134, 147, 260, 298, 344, 399, 405, 423, 448, 449, 492, 493, 541, 688, 716, 776

Amendments filed—263, 432, 445, 582, 639, 678, 679, 933, 945, 1056, 1083, 1159, 1314, 1339, 1351, 1405, 1422, 1423, 1463, 1487, 1504, 1536, 1559, 1631
 Amendments offered—432, 920, 933, 1056, 1249, 1416, 1504, 1562
 Amendments withdrawn—445, 1559
 Committee appointments—12, 38, 100, 1751, 1816
 Presided at sessions of the Senate—1234, 1259, 1589
 Reports—100, 1654, 1802, 1830
 Resolutions offered—325, 448, 584, 612, 1264, 1657
 Standing committees and subcommittees appointed to—31, 32, 33, 34
 Statutory appointments—331
 Subcommittee assignments, governor's appointments—804

KIBBIE, JOHN P.—Senator Sixth District

Bills introduced—66, 134, 144, 160, 198, 214, 300, 309, 337, 420, 434, 492, 497, 524, 541, 556, 557, 613, 632, 716, 776
 Amendments filed—275, 342, 412, 639, 660, 678, 913, 967, 1072, 1206, 1219, 1288, 1313, 1314, 1336, 1338, 1339, 1351, 1371, 1422, 1440, 1599, 1645, 1647, 1656, 1696, 1708, 1743, 1762
 Amendments offered—412, 431, 921, 975, 1272, 1349, 1470, 1543, 1544, 1645, 1647, 1708, 1772
 Committee appointments—38, 52, 1607, 1673, 1776, 1785
 Escorted Governor Branstad into House chamber—53
 Escorted guests and family of Governor Branstad—52-53
 Escorted President of the Senate Joe Welsh to rostrum for oath—9
 Petitions presented—579
 Presented Brendan Kenneally, T.D., member of the Irish Parliament, accompanied by his wife, Martina; Neil Bergus, deputy consultant general from Ireland, stationed in Chicago; and Miss Shamrock, Tracy Runneberg of Emmetsburg—640
 Presented the Honorable Jean Lloyd-Jones, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate—1173
 Presented the Honorable John Connors, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House of Representatives—1173
 Presented the Honorable William Harbor, member of the House of Representatives, who welcomed the Pioneer Lawmakers—1174
 Presided at sessions of the Senate—595, 1173, 1317, 1475
 Reports—1803, 1813
 Resolutions offered—448, 612, 952, 1264, 1311
 Standing committees and subcommittees appointed to—31, 32, 33
 Statutory appointments—184
 Subcommittee assignments, governor's appointments—385, 386, 606, 607, 624, 636, 800, 801, 802, 803
 Welcomed the Honorable Gene Waldorf, State Senator from Minnesota—590

KINLEY, GEORGE R.—Senator Fortieth District

Bills introduced—188, 337, 492, 742, 743, 744, 745

Amendments filed—850, 1142, 1314, 1418, 1547, 1762

Amendments offered—859, 1142, 1418

Call of the Senate—1795

Committee appointments—38, 1836

Introduced Virginia M. Moore, RN, nurse for the Iowa State Capitol Complex since 1978, who will retire on June 20, 1991, he also presented her with a certificate of Recognition and expressed appreciation for 13 years of dedicated service—1758

Presented Senator Rife with an Iowa flag that was flown over the Iowa Capitol on November 11, 1990, the day he was elected minority leader—1842

Presided at sessions of the Senate—945, 1709, 1738

Reports—1843

Resolutions offered—325, 448, 925, 1264

Standing committees and subcommittees appointed to—31, 32, 33, 34

Statutory appointments—327

Subcommittee assignments, governor's appointments—385, 800, 804

KRAMER, MARY E.—Senator Forty-first District

Bills introduced—260, 298, 337, 344, 399, 423, 523, 541, 556, 631, 668, 713, 744

Amendments filed—263, 582, 660, 751, 1050, 1083, 1233, 1314, 1339, 1341, 1437, 1463, 1570, 1582, 1588, 1617, 1763

Amendments offered—1437, 1575, 1763, 1799

Committee appointments—12, 38, 234, 1572, 1668

Presented Angie Kim, 1991 Iowa Young Woman of the Year, a career goal of a pianist, will represent Iowa at the June national finals in Mobile, Alabama—648

Presented Pertti and Irja Raunio, rotary exchange couple from Rauma, Finland—1653

Presided at sessions of the Senate—1511

Reports—1654, 1721, 1765, 1882

Resolutions offered—325, 423, 448, 1200, 1264, 1526, 1657

Standing committees and subcommittees appointed to—31, 32, 33

Subcommittee assignments, governor's appointments—385, 386, 404, 416, 605, 606, 607, 623, 636, 800, 801, 802, 804, 844, 845

LEGISLATIVE COUNCIL—

(See also Study Committees)

Senators appointed to—159

LEGISLATIVE COUNCIL RESOLUTION—

Report—461-469, 469-472

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LEGISLATIVE FISCAL COMMITTEE—

Senators appointed to—184

LIEUTENANT GOVERNOR CORNING, JOY C.

Canvas of votes—22-23

Certificate of election—99

Oath of office administered by Chief Justice Arthur A. McGiverin, assisted by Carol Hallquist and Claudia Peyton, daughters of the Lieutenant Governor-elect—101

LIEUTENANT GOVERNOR ZIMMERMAN, JO ANN

Addressed the Senate—1, 6, 9

Announced vacancy—5

Presented gavel to President of the Senate Joe J. Welsh and congratulated him—9

Presided at sessions of the Senate—1, 6, 9

LIND, JIM—Senator Thirteenth District

Bills introduced—21, 25, 26, 51, 91, 112, 126, 134, 143, 188, 260, 281, 298, 310, 344, 374, 391, 399, 423, 449, 475, 492, 524, 525, 528, 541, 557, 595, 668, 776

Amendments filed—263, 555, 639, 890, 939, 967, 991, 993, 1056, 1083, 1110, 1259, 1339, 1340, 1341, 1387, 1455, 1463, 1750, 1781, 1842

Amendments offered—942, 977, 991, 993, 1083, 1282, 1387, 1455, 1750, 1823, 1842

Amendments withdrawn—1823

Appointed to Legislative Council—159

Called up appointees on Individual Confirmation Calendar—1234-1235

Committee appointments—38, 52, 298, 716, 1856

Escorted Governor Branstad into House chamber—53

Escorted guests and family of Governor Branstad into House chamber—52-53

Escorted Senator Rife to the well of the Senate and presented an Iowa flag from Senator Kinley that was flown over the Iowa Capitol on November 11, 1990, the day Senator Rife was elected minority leader—1842

Presided at sessions of the Senate—437, 557, 919, 1806, 1809

Resolutions offered—448, 1264, 1656

Rulings—1809

Standing committees and subcommittees appointed to—31, 33, 34

Statutory appointments—204

Subcommittee assignments, governor's appointments—385, 605, 606, 607, 614, 800, 801, 802, 803, 804

LLOYD-JONES, JEAN—Senator Twenty-third District, President Pro Tempore

Bills introduced—21, 91, 160, 174, 218, 260, 310, 337, 449, 631, 662, 713

Amendments filed—215, 236, 582, 827, 835, 945, 988, 1140, 1314, 1500, 1577, 1617

Amendments offered—253, 596, 827, 835, 945, 1063, 1148, 1338, 1577

Amendments withdrawn—1340

- Appointed to Legislative Council—159
 Assignment of bills—1702, 1715, 1726
 Committee appointments—21, 38, 282, 1776, 1856
 Oath of office—10-11
 Presented Chief Justice McGiverin who delivered the Condition of the Iowa
 Judiciary Message—71
 Presented Dr. Maria Stolzman, member of the Polish Parliament and
 Solidarity trade union—216
 Presented 1991 winners of the essay contest in "Write Women Back Into
 History" in celebration of Women's History Month—496
 Presented Judy Leader and Jane Austin from England—926
 Presented Janos Avar, a ten-year Washington correspondent for the
 "Hungarian Nation" (Magyar Nemzet) magazine—942
 Presented Ebenezer Ayirebi-Acquah from Ghana, head of Research Dept.
 of the National Commission for Democracy; Angeline Marion Laryea
 of Ghana, president of the Ghana Federation of Women Lawyers; Mariya
 Abdullahi, Nigeria administrator and executive chairperson of Bakori
 Local Government Area, Katsina State; Charles Adigwu, Nigeria
 member of Bendal State House of Assembly; and Ransford Jarrett-
 Coker of Sierra Leone, member of Parliament—1508
 Presided at joint conventions—70
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 291, 329, 345, 347, 373, 451, 488, 511, 568, 583, 616, 628, 640, 641, 652,
 664, 693, 715, 742, 752, 798, 930, 941, 968, 980, 989, 1009, 1020, 1039,
 1053, 1079, 1087, 1104, 1116, 1161, 1221, 1234, 1238, 1247, 1289, 1326,
 1341, 1349, 1372, 1379, 1395, 1408, 1442, 1480, 1481, 1488, 1490, 1503,
 1510, 1511, 1519, 1527, 1544, 1552, 1559, 1561, 1578, 1589, 1606, 1615,
 1624, 1632, 1637, 1681, 1698, 1707, 1711, 1713, 1725, 1729, 1732, 1758,
 1763, 1789, 1799, 1803, 1815, 1850
 Reports—303, 1803-1804
 Resolutions offered—423, 612, 952, 1200, 1311
 Rulings—667, 945, 1054, 1058, 1080, 1105, 1350, 1411, 1416, 1491, 1544,
 1593, 1687, 1708, 1735, 1818, 1821
 Served as chair of the Committee of the Whole—640
 Standing committees and subcommittees appointed to—31, 32, 33, 34
 Statutory appointments—204
 Subcommittee assignments, governor's appointments—404, 605, 606, 607,
 608, 802
 Welcomed nine Soviet students and three University of Northern Iowa
 students all accompanied by Dr. Marian Krogman from University
 of Northern Iowa—871
 Welcomed Pioneer Lawmakers—1113
 Welcomed the Honorable Delbert Floy, former member of the Senate from
 Thornton, Iowa, who was present in the Senate chamber—1587

LOBBYISTS—

(See Ethics, Committee on)

LOCAL GOVERNMENT, COMMITTEE ON—

- Appointed and appointments to—32
- Appointees, investigation of—763
- Bills introduced—186, 187, 325, 392, 479, 641, 744, 754, 775, 776
- Amendments filed—398, 479, 782
- Investigating committee reports—938, 1015
- Referred to—1290
- Standing committees and subcommittees appointed to—32
- Subcommittee assignments, governor's appointments—801

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, Richard Varn—Senator Twenty-seventh District

- (See Varn, Richard—Senator Twenty-seventh District, Majority Floor Whip)

MANAGEMENT, DEPARTMENT OF—

- Claims approved—622
- Claims denied—621
- Claims filed—621-622

MCLAREN, DERRYL—Senator Forty-seventh District

- Bills introduced—248, 260, 298, 309, 344, 423, 492, 541, 557, 716, 776
- Amendments filed—263, 849, 890, 928, 1083, 1334, 1339, 1405, 1599, 1630, 1764
- Amendments offered—1011, 1800
- Committee appointments—12, 39, 1730
- Presided at sessions of the Senate—1589
- Reports—1839
- Resolutions offered—325, 448, 584, 1264, 1657, 1790
- Standing committees and subcommittees appointed to—31, 33
- Subcommittee assignments, governor's appointments—404, 606, 799, 802, 803, 804

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- Committee appointed—199
- Committee appointments—1184
- Committee reports—234, 483
- In memoriam list—234, 1182-1183
- Joint Memorial Service—1181-1184
- Resolution relating to, SCR 7 - S.J. 560, 565, 587 adopted, 588, 784 - H.J. 587, 595, 747-748 adopted.
- Memorials—1181-1182, 1877-1882
- Senate memorial committee—1184

MESSAGES—

(See also Communications, Joint Conventions and Addressed the Senate)

From House—19-20, 91, 113, 143, 176, 240, 265, 297, 301, 315-316, 326, 337, 349, 389, 436-437, 451-452, 482, 498-499, 511-512, 523, 532, 545, 594-595, 632, 661, 680, 693, 714, 742, 752-753, 774, 783-785, 820, 885-886, 892-895, 908, 930, 941, 951-952, 968, 971-974, 989-990, 990-991, 997-998, 1012-1013, 1020, 1025-1026, 1032-1033, 1048, 1064, 1074-1075, 1091-1092, 1099-1101, 1111, 1119, 1132, 1152-1153, 1161, 1166-1167, 1185, 1207, 1221, 1283-1285, 1335-1336, 1342-1343, 1352, 1356-1359, 1372-1373, 1374, 1402, 1406, 1442-1443, 1459-1460, 1472, 1475-1477, 1482, 1510-1511, 1511-1512, 1513-1515, 1526, 1537-1538, 1548, 1556-1557, 1567, 1571-1572, 1594-1595, 1604-1605, 1615, 1623, 1625, 1641-1643, 1656, 1675-1676, 1698-1699, 1711-1713, 1720-1721, 1726-1727, 1729-1730, 1731, 1738-1739, 1745-1746, 1752, 1774-1775, 1786-1787, 1792-1793, 1802, 1812, 1824-1826, 1830, 1832-1833, 1841, 1842-1843, 1850-1851

From Governor Terry E. Branstad, closing—1857

From Governor Terry E. Branstad, item veto—961-962, 1754-1755, 1865-1870

From Governor Terry E. Branstad, veto—1626-1627, 1695-1696, 1778-1779, 1871-1874

MILEAGE, COMMITTEE ON—

Committee appointed—17-18

Reports—43-44

MILLER, ALVIN V.—Senator Tenth District

Bills introduced—24, 296, 309, 414, 415, 524, 557, 689, 776

Amendments filed—268, 372, 639, 660, 678, 750, 873, 1017, 1124, 1245, 1314, 1339, 1378, 1473, 1609, 1636, 1674, 1683, 1743

Amendments offered—421, 1033, 1327, 1429, 1800

Committee appointments—39

Reports—6

Resolutions offered—325, 434, 448, 952, 1264

Standing committees and subcommittees appointed to—31, 32, 34

Statutory appointments—327

Subcommittee assignments, governor's appointments—624, 799, 801, 802

MINORITY FLOOR LEADER, Jack Rife—Senator Twenty-ninth District

(See Rife, Jack—Senator Twenty-ninth District, Minority Leader)

MOTION TO OVERRIDE GOVERNOR'S VETO—

Filed:

Senate File 209—1164-1165

Senate File 422—1699-1700

Senate File 457—1680-1681

Lost:

Senate File 209—1165

Senate File 422—1700

Senate File 457—1680-1681

MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate File 10, S-3157—1109
Senate File 42—358
Senate File 42—361
Senate File 83—1569
Senate File 83, S-3661—1584
Senate File 110(2)—1420
Senate File 110—1440
Senate File 138—353
Senate File 166—418
Senate File 178—671
Senate File 186—593
Senate File 187—671
Senate File 227—870
Senate File 254, S-3141 to S-3119—796
Senate File 259—691
Senate File 260—928
Senate File 260—936
Senate File 260—966
Senate File 260, S-3135—936
Senate File 268—671
Senate File 268—1404
Senate File 268, concurred in S-3437—1420
Senate File 281—847
Senate File 281—848
Senate File 332—848
Senate File 339—928
Senate File 356—1404
Senate File 356, S-3509 as amended—1404
Senate File 356, S-3523 to S-3509—1404
Senate File 363—1421
Senate File 377—890
Senate File 382—848
Senate File 390—870
Senate File 435—848
Senate File 451(2)—1071
Senate File 451, S-3300—1056-1057
Senate File 452—1551
Senate File 460—1507
Senate File 460—1516
Senate File 476, S-3237—1082
Senate File 481—987
Senate File 491, refused to concur in S-3581—1587
Senate File 491, refused to concur in S-3581—1630
Senate File 501(2)—910

Senate File 508(2)—1071
Senate File 508, S-3290—1057
Senate File 530—1533
Senate File 547—1634
Confirmation of Richard J. Witham—1237
Confirmation of Robert D. Wilson—1239
Confirmation of Varel G. Bailey—1242
Confirmation of Varel G. Bailey—1243
Confirmation of Thomas E. Donahue—1243
House File 20—1313
House File 182—1587
House File 200—1654
House File 201—1630
House File 214—1507
House File 220—987
House File 232—1587
House File 423—1287
House File 455—1507
House File 479—1795
House File 500(2)—1266
House File 500, S-3389—1309
House File 502—1287
House File 569—1545
House File 569, S-3607—1516
House File 569, S-3603A—1516
House File 569, S-3620 to S-3603A—1516
House File 583, S-3412—1353
House File 601—1287
House File 615—1473
House File 651(2)—1486
House File 683, S-3691 as amended—1686
House File 683, S-3710 to S-3691—1686
House File 693, S-3776A—1801
House File 700, S-3687—1700-1701
House File 703, S-3760A—1822

Prevailed:

Senate File 10, S-3157—1112
Senate File 254, S-3141 to S-3119—796
Senate File 260—1113-1114
Senate File 260, S-3135—1114
Senate File 332—981
Senate File 339—1144
Senate File 382—975
Senate File 451, S-3300—1057
Senate File 501—914
Senate File 508—1150-1151
Senate File 508, S-3290—1057
Senate File 547—1634
House File 200—1664-1665

House File 479—1796
House File 500—1308-1309
House File 500, S-3389—1309
House File 569, S-3607—1541
House File 569, S-3603A—1542
House File 569, S-3620 to S-3603A—1542
House File 583, S-3412—1456
House File 615—1687
House File 683, S-3691 as amended—1686
House File 683, S-3710 to S-3691—1686
House File 700, S-3687—1701
House File 703, S-3760A—1822

Lost:

Senate File 83—1583-1584
Senate File 110—1573-1574
Senate File 227—1034-1035
Senate File 476, S-3237—1082
Confirmation of Richard J. Witham—1237-1238
Confirmation of Robert D. Wilson—1239
Confirmation of Varel G. Bailey—1243
Confirmation of Thomas E. Donahue—1244
House File 20—1850
House File 214—1707-1708
House File 232—1635-1636
House File 569—1545-1546

Ruled out of order (motions to reconsider filed):

Senate File 83, S-3661—1584
Senate File 110(2)—1574
Senate File 260(2)—1115
Senate File 501—916
Senate File 508—1152
House File 500—1310

Withdrawn:

Senate File 42—360
Senate File 42—361
Senate File 138—1007
Senate File 166—633
Senate File 178—1574
Senate File 186—1033
Senate File 187—1572
Senate File 259—715
Senate File 268—708-709
Senate File 268—1522
Senate File 281(2)—1574
Senate File 356—1468
Senate File 363—1574
Senate File 377—1033
Senate File 390—1111-1112
Senate File 435—860

Senate File 451(2)—1707
 Senate File 452—1576
 Senate File 460(2)—1573
 Senate File 481—1143-1144
 Senate File 491, refused to concur S-3581—1677
 Senate File 491, refused to concur S-3581—1688-1689
 Senate File 530—1677
 House File 182—1658
 House File 201—1753
 House File 220—995
 House File 423—1380
 House File 455—1575
 House File 502—1310
 House File 601—1352
 House File 651(2)—1505
 House File 693, S-3776A—1801

MURPHY, LARRY—Senator Fourteenth District, Assistant Majority Leader
 Bills introduced—21, 145, 337, 349, 373, 414, 434, 492, 524, 525, 528, 631,
 652, 653, 681, 716, 776, 931
 Amendments filed—264, 268, 275, 336, 419, 429, 544, 639, 660, 850, 901,
 939, 945, 946, 969, 1017, 1046, 1047, 1140, 1159, 1337, 1338, 1339, 1341,
 1452, 1463, 1464, 1551, 1599, 1609, 1616, 1630, 1655, 1710, 1743, 1789,
 1850
 Amendments offered—346, 663, 945, 946, 978, 1319, 1321, 1341, 1452, 1489,
 1789, 1799
 Amendments withdrawn—663, 901, 1452, 1690, 1789
 Called up appointee on Individual Confirmation Calendar—1241
 Called up reappointment on Individual Confirmation Calendar—1224
 Committee appointments—39, 1572, 1619, 1761
 Escorted President of the Senate Welsh to the rostrum for oath—9
 Reports—1654, 1721, 1810
 Resolutions offered—612, 1264
 Standing committees and subcommittees appointed to—31, 32, 33, 34
 Statutory appointments—48, 184
 Subcommittee assignments, governor's appointments—385, 416, 605, 606,
 607, 623, 636, 800, 802, 803, 804, 844, 845

NATURAL RESOURCES, COMMITTEE ON—

Appointed and appointments to—32
 Appointees, investigation of—603, 648, 763
 Bills introduced—238, 325, 653, 775
 Amendments filed—639, 1124, 1219
 Investigating committee reports—726, 927, 1176
 Referred to—1289
 Standing committees and subcommittees appointed to—32
 Subcommittee assignments, governor's appointments—845

NOMINATIONS—

- For President of the Senate—9
- For President pro tempore of the Senate—10-11

NYSTROM, JOHN N.—Senator Forty-fourth District

- Bills introduced—124, 219, 241, 260, 298, 344, 357, 423, 492, 557, 613, 628, 631, 776
- Amendments filed—275, 1110, 1313, 1339
- Appointed to Legislative Council—159
- Committee appointments—39, 234
- Reports—1880
- Resolutions offered—325, 448, 1244, 1264, 1657
- Standing committees and subcommittees appointed to—31, 33, 34
- Statutory appointments—48, 184
- Subcommittee assignments, governor's appointments—404, 605, 606, 607, 608, 802, 803, 804

OATH OF OFFICE—

- By President of the Senate—9
- By President pro tempore, Senator Lloyd-Jones of the Senate—11
- By newly elected Senators—8
- By Secretary of the Senate—5

OFFICERS AND EMPLOYEES OF THE SENATE—

- Pages appointed and took oath of office—16-17
- Permanent officers appointed and took oath of office—13-14
- Secretaries appointed and took oath of office—15-16
- Senate employees, classification, grades and steps—108-111
- Temporary officers appointed and took oath of office—5
- Resolution relating to, SCR 1 - S.J. 23-24, 27, 28 adopted, 29, 91 - H.J. 54, 63, 79-91 adopted, 116, 1694.

PAGES—

- Appointment of—16-17
- Special presentation to—1807

PALMER, WILLIAM D.—Senator Thirty-ninth District

- Bills introduced—492, 524, 631, 744
- Amendments filed—582, 679, 751, 1010, 1017, 1046, 1072, 1098, 1116, 1339, 1404, 1405, 1463, 1473, 1617, 1748
- Amendments offered—832, 1037, 1088, 1104, 1116, 1417, 1490, 1617, 1748, 1818
- Amendments withdrawn—1088
- Called up appointees on Individual Confirmation Calendar—1240
- Committee appointments—39, 234
- Petitions presented—579, 1377
- Reports—1828, 1880, 1882
- Resolutions offered—325, 448, 1264
- Standing committees and subcommittees appointed to—31, 32, 33, 34

Subcommittee assignments, governor's appointments—385, 605, 608, 614, 623, 799, 800, 804, 845

PATE, PAUL D.—Senator Twenty-fourth District

Bills introduced—260, 298, 337, 343, 344, 399, 405, 423, 452, 473, 492, 628, 688, 776

Amendments filed—263, 660, 841, 850, 883, 933, 967, 982, 991, 1083, 1098, 1339, 1473, 1504, 1599, 1758

Amendments offered—841, 982, 1504

Amendments withdrawn—883

Committee appointments—21, 39, 1776

Reports—1804

Resolutions offered—325, 448, 584, 1264, 1526, 1657

Standing committees and subcommittees appointed to—31, 32, 33

Statutory appointments—48, 49

Subcommittee assignments, governor's appointments—386, 623, 624, 801, 802, 804

PERMANENT PENSIONS COMMITTEE—

Senators appointed to—184

PETERSON, JOHN A.—Senator Thirty-fourth District

Bills introduced—344, 448, 492, 524, 557, 716, 776

Amendments filed—268, 410, 639, 678, 939, 967, 1339, 1440, 1743, 1764, 1780

Amendments offered—410, 1294

Committee appointments—39, 483

Reports—1878

Resolutions offered—448, 952, 1264

Standing committees and subcommittees appointed to—31, 32, 33

Statutory appointments—49

Subcommittee assignments, governor's appointments—386, 605, 623, 624, 801

PIONEER LAWMAKERS ASSOCIATION OF IOWA—

Addressed by the Honorable Ralph McCartney, Chief Judge of the Second Judicial District from Charles City and former member of the Senate and House—1174

Honorable Jean Lloyd-Jones, President pro tempore of the Senate, welcomed the Pioneer Lawmakers—1173

President Kibbie presiding—1173

Program by—Representative Mike Peterson sang "Promise Me You'll Remember"—1174

Resolution relating to HCR 12 — H.J. 595, 747 adopted - S.J. 784, 848, 937, 1122, 1126 adopted, 1128 - H.J. 1179.

POINTS OF ORDER RAISED AND RULINGS—

Senate File 48, S-3140 - Senator Szymoniak—866

Senate File 77; S-3250, same subject matter previously considered

- Senator Priebe—1063

- Senate File 110, S-3517 to S-3508 - Senator Drake—1411
 Senate File 110, S-3539 to S-3508 - Senator Dieleman—1418
 Senate File 184, S-3045 - Senator Connolly—413
 Senate File 187, S-3127 - Senator Horn—667
 Senate File 209, S-3096 to S-3085 - Senator Boswell—559
 Senate File 317, S-3613 to S-3464 - Senator Gronstal—1495
 Senate File 457, S-3185 - Senator Running—880
 Senate File 501, S-3672 to S-3568 - Senator Running—1593
 Senate File 503, S-3180 as amended - Senator Running—943
 Senate File 503, S-3242 - Senator Running—977
 Senate File 513, S-3426 - Senator Fuhrman—1417
 Senate File 515, S-3615A - Senator Running—1500
 Senate File 529, S-3276 - Senator Fuhrman—993
 Senate File 540, S-3566 - Senator Drake—1735
 Senate File 548, S-3765 - Senator Hutchins—1763
 Confirmation of Varel G. Bailey - Senator Vande Hoef—1242
 House File 173, S-3034 to S-3021 - Senator Priebe—276
 House File 173, S-3022A - Senator Boswell—279
 House File 201, S-3659, violation of Joint Rule 11 & 12 - Senator Palmer—1621
 House File 214, S-3529 - Senator Riordan—1454
 House File 214, S-3560 - Senator Riordan—1455
 House File 214, S-3571 - Senator Riordan—1497
 House File 232, S-3411 - Senator Jensen—1575
 House File 372, S-3398 - Senator Lind—1294
 House File 420, S-3445 - Senator Gronstal—1304
 House File 479, S-3477 not divisible - Senator Szymoniak—1337
 House File 510, S-3347 as amended - Senator Priebe—1459
 House File 651, referred to Ways & Means - Senator Dieleman—1471
 House File 651, S-3592 - Senator Kibbie—1471
 House File 693, S-3673 as amended - Senator Szymoniak—1800
 House File 704, S-3763 - Senator Dieleman—1765
 House File 713, S-3787 - Senator Jensen—1837

Ruled in order:

- Senate File 48, S-3140—866
 Senate File 77, S-3250—1063
 Senate File 513, S-3426—1417
 Senate File 515, S-3615A—1500
 Senate File 540, S-3566—1735
 House File 173, S-3034 to S-3021—276
 House File 201, S-3659—1621
 House File 214, S-3560—1455

Ruled out of order:

- Senate File 110, S-3517 to S-3508—1411
 Senate File 110, S-3539 to S-3508—1418
 Senate File 187, S-3127—667
 Senate File 209, S-3096 to S-3085—559
 Senate File 317, S-3613 to S-3464—1495

Senate File 457, S-3185—881
 Senate File 501, S-3672 to S-3568—1593
 Senate File 503, S-3180 as amended—943
 Senate File 503, S-3242—977
 Senate File 529, S-3276—993
 Senate File 548, S-3765—1763
 House File 173, S-3022A—279
 House File 214, S-3529—1455
 House File 214, S-3571—1497
 House File 232, S-3411—1575
 House File 372, S-3398—1294
 House File 510, S-3347 as amended—1459
 House File 651, S-3592—1471
 House File 693, S-3673 as amended—1800
 House File 704, S-3763—1765
 House File 713, S-3787—1837

Ruled not well taken:

Confirmation of Varel G. Bailey—1242
 House File 479, S-3477 not divisible—1337
 House File 651, refer to Ways & Means—1471

Withdrawn:

Senate File 184, S-3045—413
 House File 420, S-3445—1304

PRESENTATIONS—

(See also Addressed the Senate)

- Senator Lloyd-Jones presented Dr. Maria Stolzman, a member of the Polish Parliament and Solidarity trade union—216
- Senator Priebe presented Dr. Timothy Schmidt, Professor of Music at Waldorf College, Forest City, Iowa; Thomas Tsanga from Camproon, Africa, international student at Waldorf College; and Dr. Vladimir Lazar, Scholar in Residence at Waldorf College—285
- Senator Rife welcomed the Honorable Jim Leach, member of the U.S. House of Representatives from Iowa's First Congressional District—321
- Senator Riordan presented Chad Osler, 7, of Redfield, who saved his grandmother's life by executing the Heimlich maneuver. Accompanying Chad were his parents, Keith and Jenny Osler; brother, Ryan; grandmother, Robin Chormley; and the substitute teacher who taught Chad the Heimlich maneuver, Mrs. Lucy Roe and her husband Dean—330
- President Welsh welcomed the Honorable Jim Nussle, United States Congressman—342
- Senator Jensen presented Norma Leticia Munguioi Canales of Honduras; Kattia Maria Quilar Delgado of Costa Rica; Laia Persiva Martinez and Marina Diaz Jimenez of Spain—353
- Senator Lloyd-Jones presented 1991 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: Magda

- Hanna, Sonya Smith, Katie Eakins, Tracy Meier, Amy Estlund, Danny Wagener—497
- Senator Husak presented Hofi Sveinsdohir from Iceland, and Piia Rinne of Finland—579
- Senator Kibbie welcomed the Honorable Gene Waldorf, State Senator from Minnesota—590
- Senator Kibbie presented Brendan Kenneally, T.D., member of the Irish Parliament, accompanied by his wife Martina; Neil Bergus, deputy consultant general from Ireland, stationed in Chicago; and Miss Shamrock, Tracy Runneberg of Emmetsburg—640
- Senator Kramer presented Angie Kim, 1991 Iowa Young Woman of the Year, a career goal of a pianist, will represent Iowa at the June national finals in Mobile, Alabama—648
- Senator Lloyd-Jones welcomed nine Soviet students and three University of Northern Iowa students, all accompanied by Dr. Marian Krogman from the University of Northern Iowa—871
- Senator Lloyd-Jones presented Judy Leader and Jane Austin from England—926
- Senator Tinsman presented Jason Rekers of Pleasant Valley, Iowa, a scout in U.S. Army, who recently returned from Saudi Arabia after serving seven and one-half months in Operation Desert Storm—937
- Senator Lloyd-Jones presented Janos Avar, a ten-year Washington correspondent for the "Hungarian Nation" (Magyar Nemzet) magazine—942
- Senator Dieleman presented Jennifer Vander Werf, Queen of the Fifty-sixth Annual Tulip Time Festival, who in turn introduced the members of her court: Desha Craver, Ronda Goemaat, Mary Ver Ploeg and Alicia Dieleman—1454
- President pro tempore Lloyd-Jones presented the following guests: Ebenezer Ayirebi-Acquah from Ghana, head of the Research Department of the National Commission for Democracy; Angeline Marion Laryea of Ghana, president of the Ghana Federation of Women Lawyers; Mariya Abdullahi, Nigeria, administrator and executive chairperson of Bakori Local Government Area, Katsina State; Charles Adigwu, Nigeria, member of Bental State House of Assembly; and Ransford Jarrett-Coker of Sierra Leone, member of the Parliament—1508
- Senator Lloyd-Jones welcomed the Honorable Delbert Floy, former member of the Senate from Thornton, Iowa, who was present in the Senate chamber—1587
- Senator Boswell introduced Vietnam veterans, Color Guard and non-commissioned officers in charge; Color Guard advanced the U.S. Flag and POW/MIA Flag to the well of the Senate—1601-1604
- Senator Horn presented Specialist E4 Michael Brandt of the 186th Military Police, Camp Dodge, who recently returned from serving in Operation Desert Storm. Mike is son of Lynn Brandt, Ass't. Sergeant-at-arms of the Senate—1613
- Senator Kramer presented Pertti and Irja Raunio, rotary exchange couple from Rauma, Finland—1653
- Senator Kinley introduced Virginia M. Moore, RN, nurse for the Iowa State

Capitol Complex since 1978, who will retire on June 20, 1991. Senator Kinley presented her with a Certificate of Recognition and expressed appreciation for 13 years of dedicated service—1758

Senators Hutchins and Rife invited the Senate Pages to the well of the Senate for a special presentation and thanked them for their service to the Senate—1807

Senator Rife was escorted to the well of the Senate by Senators Lind and Soorholtz and presented with an Iowa flag from Senator Kinley that was flown over the Iowa Capitol on November 11, 1990, the day Senator Rife was elected minority leader—1842

PRESIDENT OF THE SENATE - Joe J. Welsh—Senator Seventeenth District
(See Welsh, Joe J.—Senator Seventeenth District)

PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

Resolutions relating to:

Senate Concurrent Resolution 6, memorializing the U.S. Congress to support and enact legislation directing federal agencies to disclose information concerning U.S. armed forces personnel classified as prisoners of war or missing in action. S.J. 509, 517, 580, 587, 1122, 1126 adopted, 1128 - H.J. 1179, 1184.

Senate Concurrent Resolution 8, petition United States Navy for return of the battleship USS Iowa's silver service. S.J. 565, 566, 587, 588 as amended adopted, 588, 714 - H.J. 587, 595, 707 adopted.

Senate Concurrent Resolution 23, express opposition to proposed graduated annual fee for recreational vessels operated on navigable waters of the U.S. where coast guard is present. S.J. 1328-1329, 1355, 1368-1369, 1388 adopted, 1640 - H.J. 1478, 1516, 1870, 1914-1915 adopted.

Senate Resolution 6, support military personnel in the Persian Gulf. S.J. 448, 476, 565, 587 adopted.

Senate Resolution 7, urge and request the Senate and House Agriculture Committee of the U.S. Congress to support American Agriculture by immediately working to ensure the federal 1990 Farm Bill improves, family farm profitability. S.J. 598, 615, 675, 704, 795 adopted.

House Concurrent Resolution 15, ratify the United Nations' Convention on the Elimination of All Forms of Discrimination against Women. H.J. 718, 793 adopted, 879 - S.J. 892, 927, 967, 1369, 1388, 1389 adopted - H.J. 1475.

House Concurrent Resolution 25, honor members of the Iowa national guard and reserve units called to active duty for Operation Desert Shield and Desert Storm. H.J. 1230, 1459 adopted - S.J. 1476, 1485, 1653, 1791-1792, 1807-1808 as amended, adopted, 1825 - H.J. 2413, 2429, House concurred H. 4138, as amended, adopted, 2429.

PRESIDENT PRO TEMPORE OF THE SENATE—Senator Jean Lloyd-Jones
(See Lloyd-Jones, Jean—Senator Twenty-third District)

PRESS, MEMBERS OF—

Assignment of desks in press gallery—12-13

PRIEBE, BERL E.—Senator Eighth District

Bills introduced—26, 84, 90, 112, 123, 143, 160, 174, 183, 198, 237, 238, 248, 296, 309, 337, 344, 373, 492, 557, 598, 616, 628, 631, 681, 689, 707, 716, 776

Amendments filed—146, 263, 275, 290, 295, 359, 418, 450, 567, 615, 639, 678, 750, 842, 849, 913, 928, 950, 991, 1031, 1098, 1219, 1233, 1334, 1339, 1346, 1347, 1387, 1405, 1441, 1459, 1521, 1536, 1547, 1599, 1609, 1706, 1710, 1743, 1762, 1764

Amendments offered—148, 278, 453, 841, 842, 991, 1076, 1187, 1281, 1521, 1764

Amendments withdrawn—278, 795, 841, 1341

Committee appointments—12, 21, 40

Presented Dr. Timothy Schmidt, Professor of Music at Waldorf College; Thomas Tsanga from Cameroon, Africa, international student at Waldorf College; and Dr. Vladimir Lazar, Scholar in Residence at Waldorf College. Dr. Lazar is a Professor of Linguistics, Izmail Teachers Training Institute, Ismail, Ukraine U.S.S.R.—285-286

Presided at sessions of the Senate—1174

Reports—20

Resolutions offered—325, 448, 952, 1264, 1790

Standing committees and subcommittees appointed to—31, 32, 33

Subcommittee assignments, governor's appointments—404, 605, 606, 607, 614, 648, 799, 802, 803, 845

PRINTING DIVISION OF GENERAL SERVICES—

Journals, bills and binders be mailed to all county auditors - Senate Resolution 19, costs of printing, binding and distributing the completed journals of the g.a., committee study. S.J. 1595, 1598.

PROOF OF PUBLICATION—

Senate File 544—1630

House File 129—285

House Joint Resolution 5 (1989)—45-46

House Joint Resolution 12 (1989)—45-46

REAPPOINTMENTS—

(See Appointments - Reappointments, Statutory - Senators)

RENSINK, WILMER—Senator Third District

Bills introduced—134, 237, 260, 298, 309, 344, 399, 423, 448, 473, 492, 541, 557, 680, 776

Amendments filed—263, 342, 432, 544, 678, 841, 890, 992, 994, 1083, 1314, 1339, 1404, 1423, 1440, 1463, 1599, 1743

Amendments offered—432, 560, 1416, 1683

Committee appointments—21, 40, 71, 234, 1785

Escorted Chief Justice McGiverin to the speakers station—71

Escorted Governor Branstad and guests into House chamber for the condition of the Iowa Judiciary Message—71
 Petitions presented—293, 503, 1740
 Reports—1813, 1877
 Resolutions offered—325, 612, 680, 1264, 1657
 Standing committees and subcommittees appointed to—31, 32, 34
 Statutory appointments—331, 1420
 Subcommittee assignments, governor's appointments—385, 622, 636, 801, 845

REPORTS—

(See Communications and/or individual headings)

REQUEST FOR UNANIMOUS CONSENT—

Senator Horn asked and received unanimous consent to rescind the request by him to reassign Senate File 278 from Appropriations to Ways & Means—641

RESIGNED—

Joy Corning, District 12, effective December 3, 1990—5, 8

RESOLUTIONS—

(See also Legislative Index Volume)

Assigned to committee—60, 159, 331, 435, 476, 517, 615, 636, 658, 696, 848, 927, 947, 969, 1002, 1093, 1120, 1215, 1245, 1334, 1355, 1485, 1533, 1598, 1630, 1673, 1718, 1778, 1793
 Introduction, Senate Concurrent Resolutions—23, 24, 325, 375, 423, 509, 560, 566, 584, 612, 653, 680, 925, 952, 1048, 1049, 1244, 1264, 1311, 1328, 1506, 1605, 1611, 1656-1657, 1790, 1842
 Introduction, Senate Resolutions—23, 148, 198, 199, 328, 448, 598, 998, 1132, 1200, 1235, 1482, 1511, 1519, 1526, 1595, 1610-1611, 1638, 1790
 Placed on calendar—23, 23-24, 24, 198, 199, 328, 375, 560, 566, 1048, 1049, 1132-1133, 1235, 1482-1483, 1506, 1519, 1610-1611, 1638, 1790, 1842
 Referred from Regular Calendar to Rules and Administration—1075-1076, 1185, 1583, 1606, 1641
 Resolutions printed after session—3054-3150
 Sent to Secretary of State—130, 1777
 Substituted—1831
 Withdrawn—1832

RIFE, JACK—Senator Twenty-ninth District, Minority Leader

Addressed the Senate—3-5
 Bills introduced—21, 24, 26, 148, 260, 298, 344, 405, 557, 776, 1538, 1584, 1752-1753, 1786
 Amendments filed—28, 1083, 1245, 1314
 Announced statutory appointments—48-49
 Appointed to Legislative Council—159
 Committee appointments—40, 282, 1538
 Escorted Senator Coleman to well of the Senate—1556

- Escorted to the well of the Senate by Senators Lind and Soorholtz, presented with an Iowa flag from Senator Kinley that was flown over the Iowa Capitol on November 11, 1990, the day Senator Rife was elected minority leader—1842
- Presented Senate pages with a Certificate of Recognition for serving with honor and distinction as a Senate page during the 1991 Regular Session, also a Page group picture was presented to each one—1807
- Presided at sessions of the Senate—1809
- Reports—1770
- Resigned statutory appointment to Health Data Commission—154
- Resolutions offered—423, 584, 998, 1264, 1311, 1526, 1657
- Standing committees and subcommittees appointed to—32
- Statutory appointments—48, 184, 204
- Subcommittee assignments, governor's appointments—404, 606, 607, 802
- Welcomed the Honorable Jim Leach, U.S. Representative—321
- RIORDAN, JAMES R.—Senator Forty-fifth District**
- Bills introduced—24, 26, 91, 198, 214, 219, 337, 344, 373, 448, 631, 652, 688, 745, 776
- Amendments filed—250, 263, 275, 290, 639, 660, 678, 747, 796, 913, 992, 1003, 1245, 1246, 1314, 1339, 1341, 1463, 1464, 1473, 1474, 1505, 1509, 1599, 1683, 1743, 1773
- Amendments offered—250, 290, 747, 796, 980, 992, 1009, 1251, 1330, 1339, 1464, 1497, 1504, 1505, 1525, 1683, 1773
- Amendments withdrawn—796, 1080, 1251, 1464, 1505, 1524
- Called appointees on Individual Confirmation Calendar—1225
- Committee appointments—12, 40, 100, 1572, 1836
- Presented Chad Osler, 7, of Redfield, who saved his grandmother's life by executing the Heimlich maneuver. Accompanying Chad were his parents, brother, grandmother Robin Chormley and substitute teacher, Mrs. Lucy Roe who taught Chad the Heimlich maneuver—330
- Reports—100, 1721, 1843
- Resolutions offered—448, 598, 952, 1264, 1526
- Standing committees and subcommittees appointed to—31, 32, 33
- Statutory appointments—48
- Subcommittee assignments, governor's appointments—386, 416, 623, 799, 801, 844, 845
- RITTMER, SHELDON—Senator Nineteenth District**
- Bills introduced—161, 298, 344, 423, 492, 776
- Amendments filed—263, 639, 660, 1083, 1314, 1334, 1339, 1463, 1764
- Committee appointments—18, 40, 199, 1173, 1184, 1816
- Escorted Pioneer Lawmakers to seats—1173
- Petitions presented—1740
- Reports—44, 234, 483
- Resolutions offered—325, 448, 612, 1264, 1657
- Standing committees and subcommittees appointed to—31, 32, 34
- Subcommittee assignments, governor's appointments—416, 623, 624, 845

ROSENBERG, RALPH—Senator Thirty-seventh District

- Bills introduced—21, 25, 67, 96, 123, 134, 174, 260, 310, 337, 357, 524, 776
- Amendments filed—275, 890, 920, 1017, 1031, 1054, 1098, 1140, 1159, 1219, 1334, 1378, 1404, 1437, 1440, 1441, 1469, 1565, 1590, 1636, 1728, 1733
- Amendments offered—275, 920, 992, 1024, 1025, 1049, 1050, 1054, 1316, 1327, 1328, 1430, 1469, 1501, 1502, 1565, 1733
- Called up appointees on Individual Confirmation Calendar—1229
- Committee appointments—12, 40, 234, 1668
- Reports—1765, 1880
- Resolutions offered—448, 952
- Standing committees and subcommittees appointed to—32, 33, 34
- Statutory appointments—331
- Subcommittee assignments, governor's appointments—605, 608, 637, 648, 800, 801, 804, 845
- Voted "present" on Senate File 377—883

RULES—

(See also Joint Rules)

Temporary rules adopted—5

Resolutions relating to permanent rules:

- Senate Concurrent Resolution 2, joint rules. S.J. 24, 27, 29 adopted, 143, 150-151, 265, 282, 303, 313 conference committee report adopted, 326 - H.J. 54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted.
- Senate Resolution 1, permanent rules of the Senate. S.J. 23, 27, 28-29 adopted.

Rules invoked—

Rule 13 (returned to calendar):

House File 662—1741

Rule 18 (call of the senate):

House File 479—1795

Rule 21 (engrossment of bills, Secretary's report on enrolling):

Senate File 2—1096

Senate File 4—1851

Senate File 56—1612

Senate File 83—1596

Senate File 184—1851

Senate File 209—910-911

Senate File 311—1852

Senate File 318—1852

Senate File 338—1694

Senate File 343—1716

Senate File 356—1740

Senate File 362—1874

Senate File 372—1120

Senate File 444—1852

Senate File 452—1852

Senate File 471—1852

Senate File 473—1653
Senate File 477—1215
Senate File 495—1517
Senate File 496—1852
Senate File 519—1853
Senate File 529—1874
Senate File 532—1716
Senate File 541—1853
Senate File 542—1853
Senate File 549—1853

Rule 21 (Secretary's report in engrossment, amendments):

Senate File 2, S-3143—1096
Senate File 273—1672
Senate File 478, S-3292—1042-1043
House File 325, S-3524—1484
House File 618, S-3453—1375-1376
House File 672, S-3555 as amended by S-3569—1585

Rule 24 (motions to reconsider, failed):

House File 20—1850

Rule 28 (introduction, reading and form of bills and resolutions):

Senate Joint Resolution 2—69
Senate File 44—96
Senate File 71—145
Senate File 89—186
Senate File 90—187
Senate File 91—187
Senate File 92—187
Senate File 93—187
Senate File 102—205
Senate File 106—214
Senate File 107—214
Senate File 108—214
Senate File 109—214
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Senate File 111—215
Senate File 112—215
Senate File 124—226
Senate File 151—263
Senate File 259—479
Senate File 260—479
Senate File 271—495
Senate File 272—495
Senate File 302—530
Senate File 310—544
Senate File 311—544
Senate File 332—593
Senate File 437—712
Senate File 526—849
Senate File 532—1206

Senate Concurrent Resolution 4—375

Senate Resolution 5—328

Rule 59 (confirmation of appointments):

Subcommittee assignments, Governor's appointments—385-386, 403-404, 416, 604-608, 614, 622-624, 636-637, 648, 799-805, 844-845

Confirmation of Governor's appointments—694-695, 789-791, 851-852, 895, 931, 953-954, 1051-1053, 1090-1091, 1127-1128, 1190, 1210-1211, 1222-1223, 1223-1224, 1224-1225, 1226-1227, 1227-1228, 1229-1230

Ruled out of order (amendments, etc.):

Senate File 4, S-3748, S-3743—1773

Senate File 4, S-3251—1080

Senate File 23, S-3005—406

Senate File 77, S-3105, S-3106—841

Senate File 87, S-3010—266

Senate File 91, S-3051—1494

Senate File 181, S-3046—432

Senate File 184, S-3713, S-3728—1708

Senate File 193, S-3164—833

Senate File 202, S-3311—1129

Senate File 210, S-3064—1010

Senate File 294, S-3171—1012

Senate File 317, S-3583—1491

Senate File 317, S-3563—1491

Senate File 317, S-3613—1495

Senate File 443, S-3378—1166

Senate File 444, S-3234—945

Senate File 451, S-3294—1054

Senate File 452, S-3156—1076

Senate File 457, S-3185—881

Senate File 465, S-3260A, S-3195—1102

Senate File 476, S-3338, S-3339, S-3340—1083

Senate File 501, S-3672—1593

Senate File 505, S-3183—884

Senate File 506, S-3327—1105

Senate File 508, S-3312—1050

Senate File 508, S-3290—1058

Senate File 515, S-3595—1500

Senate File 524, S-3214—933

Senate File 529, S-3266—993

Senate File 529, S-3268 to S-3254—994

Senate File 540, S-3599—1735

House File 109, S-3099—1416

House File 214, S-3567—1497

House File 297, S-3382—1307

House File 325, S-3501—1429

House File 479, S-3484—1338

House File 569, S-3607B—1542

House File 610, S-3442—1544
 House File 675, S-3455—1350
 House File 675, S-3497, S-3498, S-3421—1351
 House File 683, S-3719, S-3710 to S-3691—1687
 House File 688, S-3651—1610
 House File 693, S-3649B—1801
 House File 695, S-3734, S-3745—1735.
 House File 703, S-3758—1818
 House File 703, S-3773A—1821
 House File 712, S-3780—1809
 House File 713, S-3781—1837

RULES AND ADMINISTRATION, COMMITTEE ON—

Appointed and appointments to—32

Amendments filed—29, 1808

Appointees placed on En Bloc Confirmation Calendar—483, 510, 517, 550-551, 579, 649, 658, 672, 690, 702-703, 710

Appointees referred to—361-363, 716-724, 1789-1790

Appointees referred to standing committees—382-383, 602-604, 761-765

Referred to—1583

Reports, administration—13, 15-16, 16-17, 44-45, 194, 614, 1694

Resolutions relating to:

Senate Concurrent Resolution 1, compensation of chaplains, officers and employees of the seventy-fourth g.a. S.J. 23-24, 27, 28 adopted, 29, 91 - H.J. 54, 63, 79-91 adopted, 116 - S.J. 1694.

Senate Concurrent Resolution 2, joint rules. S.J. 24, 27, 29 adopted, 143, 150-151, 265, 282, 303, 313 conference committee report adopted, 326 - H.J. 54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted.

Senate Concurrent Resolution 29, final adjournment, Saturday, May 11, 1991. S.J. 1791, 1842, 1844 as amended, adopted, 1845, 1851 - H.J. 2460 adopted.

Senate Resolution 1, permanent rules of the Senate. S.J. 23, 27, 28-29 adopted.

Senate Resolution 3, Senate rules governing lobbyists. S.J. 198, 204-205, 215, 253 as amended, adopted.

Senate Resolution 4, Senate code of ethics. S.J. 199, 204-205, 236, 253 as amended, adopted.

Senate Resolution 5, gubernatorial appointments require senate confirmation. S.J. 328, 329 adopted.

Senate Resolution 11, defer action on confirmation of Douglas E. Gross, appointee. S.J. 1235, 1236 adopted.

Senate Resolution 12, defer action on confirmation of Larry J. Wilson, appointee. S.J. 1235, 1236, 1239, 1240 failed.

Senate Resolution 16, honor former Senator C. Joseph Coleman. S.J. 1519, 1534, 1556 adopted.

Senate Resolution 21, daily operations of the Senate. S.J. 1638 adopted.

Senate Resolution 22, gubernatorial appointment requiring senate confirmation, David J. Lyons, Commissioner of Insurance. S.J.

1790, 1791, 1792 adopted, 1798 confirmed.

Standing committees and subcommittees appointed to—32

RUNNING, RICHARD V.—Senator Twenty-sixth District

Bills introduced—203, 219, 281, 296, 376, 430, 434, 449, 492, 508, 557, 662, 669, 713

Amendments filed—270, 278, 336, 559, 850, 890, 939, 942, 991, 992, 993, 994, 1017, 1124, 1199, 1313, 1340, 1341, 1404, 1469, 1473, 1504, 1505, 1509, 1762, 1850

Amendments offered—270, 278, 559, 853, 857, 942, 992, 994, 1024, 1055, 1101, 1145, 1341, 1454, 1497, 1504, 1505

Amendments withdrawn—274, 993, 1469, 1542

Assignment of bills—1827

Committee appointments—40, 1607

Presided at sessions of the Senate—347, 876, 1606, 1689, 1786, 1826, 1835, 1838

Resolutions offered—509, 448, 612, 952, 1244, 1264, 1605

Rulings—1837

Standing committees and subcommittees appointed to—31, 32, 33, 34

Subcommittee assignments, governor's appointments—385, 386, 605, 607, 622, 623, 800, 801, 802, 803, 804, 844

RURAL HEALTH ADVISORY—

Senators appointed to—331

SEATS—

Selection of members—18-19

Assignment to desks in Press Gallery—12-13

SECRETARY OF STATE, Elaine Baxter—

Communications from—45-46

Certification—6-8

Certification of special election—8

SECRETARY OF THE SENATE, John F. Dwyer—

Acknowledgment of communications—46, 622, 1789-1790

Assignment of seats to press—12-13

Communications received and on file—42, 45-46, 130, 361-363, 366-369, 937, 1528-1532, 1570, 1789-1790, 1853-1855

Elected temporary Secretary of the Senate—5

Oath of office—5

Proofs of publication—45-46, 285

Reports, Bills sent to Governor—321, 459, 503, 537-538, 548, 579-580, 870-871, 889, 910, 1000, 1137, 1194, 1216, 1344, 1375, 1484, 1516-1517, 1613-1614, 1629, 1653, 1693, 1704-1705, 1716-1717, 1728, 1756, 1855

Reports, Certificates of Recognition—46-47, 115, 141, 158, 224, 293, 321, 365, 369, 379, 403, 442, 476, 503, 529, 551, 578, 621, 658, 725, 870, 947, 1232-1233, 1286, 1508-1509, 1528, 1597, 1718-1719, 1740-1741, 1777, 1849

- Reports, Resolutions Sent to Sec. of State—130, 1777
Reports on corrections, Senate Rule 21 (amendments)—1096, 1042-1043,
1375-1376, 1484, 1585, 1672
Reports on corrections in engrossment, Senate Rule 21—459, 1014, 1042,
1043, 1096, 1109-1110, 1120, 1596
Reports on corrections in enrollment, Senate Rule 21—910-911, 1215, 1517,
1612, 1653, 1694, 1716, 1740, 1851-1853, 1874-1875

SENATE CONCURRED—

- Senate File 4, S-3714 as amended—1773
Senate File 23, S-3503—1384
Senate File 56, S-3502—1385
Senate File 83, S-3740—1736
Senate File 92, S-3122—830
Senate File 97, S-3506—1424
Senate File 110, S-3508—1419
Senate File 114, S-3467—1382
Senate File 115, S-3439—1380
Senate File 138, S-3507—1386
Senate File 141, S-3083—527
Senate File 172, S-3514—1425
Senate File 182, S-3438 as amended—1408
Senate File 184, S-3692 as amended—1709
Senate File 193, S-3669—1609
Senate File 205, S-3468—1399
Senate File 209, S-3085—559
Senate File 210, S-3473—1436
Senate File 211, S-3466—1409
Senate File 221, S-3518—1446
Senate File 268, S-3437—1389
Senate File 276, S-3494—1407
Senate File 297, S-3465—1383
Senate File 311, S-3626 as amended—1559
Senate File 313, S-3410—1379
Senate File 314, S-3505—1412
Senate File 317, S-3464 as amended—1495
Senate File 318, S-3627—1546
Senate File 324, S-3515—1390
Senate File 329, S-3512—1444
Senate File 338, S-3471—1400
Senate File 340, S-3511—1445
Senate File 342, S-3629—1557
Senate File 343, S-3551—1523
Senate File 346, S-3536—1449
Senate File 355, S-3440—1398
Senate File 356, S-3509—1387
Senate File 363, S-3519—1413
Senate File 382, S-3403—1393
Senate File 411, S-3472—1410

Senate File 412, S-3520—1415
 Senate File 429, S-3504 as amended—1491
 Senate File 441, S-3628—1558
 Senate File 444, S-3638 as amended—1650
 Senate File 445, S-3374—1396
 Senate File 452, S-3630 as amended—1547
 Senate File 453, S-3463—1401
 Senate File 455, S-3703—1681-1682
 Senate File 471, S-3470—1437
 Senate File 473, S-3513—1447
 Senate File 478, S-3648 as amended—1592
 Senate File 479, S-3441—1381
 Senate File 496, S-3698 as amended—1723
 Senate File 501, S-3568—1593
 Senate File 502, S-3522 as amended—1448
 Senate File 503, S-3521—1414
 Senate File 505, S-3688—1815
 Senate File 507, S-3633 as amended—1649
 Senate File 508, S-3632 as amended—1636-1637
 Senate File 519, S-3685—1623
 Senate File 532, S-3624—1539
 Senate File 539, S-3726—1702
 Senate File 541, S-3699—1644
 Senate File 542, S-3708 as amended—1670
 Senate File 548, S-3772—1783
 Senate File 550, S-3779—1812
 Senate Concurrent Resolution 24, S-3749—1746
 Senate Concurrent Resolution 28, S-3782—1828
 House File 302, S-3694 as amended—1769
 House File 380, S-3681—1619
 House File 517, S-3675—1622
 House File 618, S-3662—1645
 House File 668, S-3690—1659
 House File 706, S-3756 as amended—1767
 House File 709, S-3786 to H-4113—1833

SENATE INSISTS—

Senate File 184—1783
 Senate File 209—715
 Senate File 496—1759
 House File 173—297-298
 House File 455—1619
 House File 712—1832

SENATE RECEDES—

Senate File 210—1759-1760
 Senate File 273—1679-1680
 Senate File 444—1714

Senate File 478—1684-1685

House File 233—1678

SENATE REFUSED TO CONCUR—

Senate File 42, S-3495—1402

Senate File 101, S-3510—1411

Senate File 131, S-3359—1520

Senate File 362, S-3701—1714

Senate File 476, S-3631—1758-1759

Senate File 491, S-3581—1581

Senate File 529, S-3625—1512

Senate File 536, S-3716—1702

Senate Concurrent Resolution 2, S-3007—151-152

House File 335, S-3737—1736

House File 479, S-3623—1513

SLIFE, HARRY—Senator Twelfth District

Bills introduced—112, 298, 337, 343, 344, 423, 493, 557, 668

Amendments filed—263, 264, 1050, 1073, 1083, 1098, 1117, 1334, 1339, 1404,
1536, 1599, 1650, 1692, 1781

Amendments offered—1117, 1162, 1692

Amendments withdrawn—1692

Committee appointments—21, 40, 1607, 1751

Presided at sessions of the Senate—1841

Reports—1802

Resolutions offered—325, 448, 1264, 1657

Standing committees and subcommittees appointed to—31, 33

Statutory appointments—330

Subcommittee assignments, governor's appointments—385, 605, 614, 622,
623, 800, 801

SMALL BUSINESS AND ECONOMIC DEVELOPMENT, COMMITTEE ON—

Appointed and appointments to—32

Appointees, investigation of—382-383, 603, 623-624, 763

Bills introduced—187, 473, 787

Investigating committee reports—540, 658, 965-966, 1110, 1193, 1216-1217

Standing committees and subcommittees appointed to—32

Subcommittee assignments, governor's appointments—386, 801-802

SOORHOLTZ, JOHN E.—Senator Thirty-sixth District

Bills introduced—183, 337, 344, 541, 712, 716, 776

Amendments filed—263, 849, 913, 919, 928, 1031, 1334, 1339, 1378, 1491,
1547, 1743, 1764

Amendments offered—1491, 1547

Committee appointments—41, 282, 1607, 1836

Escorted Senator Rife to the well of the Senate and presented him with
an Iowa flag from Senator Kinley that was flown over the Iowa Capitol
on November 11, 1990, the day Senator Rife was elected minority
leader—1842

Petitions presented—354

Reports—1843

Resolutions offered—448, 612, 952, 1244, 1264, 1657, 1790

Standing committees and subcommittees appointed to—31, 32, 33

Subcommittee assignments, governor's appointments—605, 606, 607, 799, 800, 803, 804

STANDING COMMITTEES AND SUBCOMMITTEES—

Standing committees appointed—31-33

Chairpersons listed—31-33

List of appointments to—31-34

Senators and respective committees—35-42

Subcommittees appointed and appointments to—33-34

STATE APPEAL BOARD—

Richard D. Johnson, Chairman

Communications from, stating claims filed—621-622

Claims approved—622

Claims disapproved—621

STATE GOVERNMENT, COMMITTEE ON—

Appointed and appointments to—33

Appointees, investigation of—383, 603-604

Bills introduced—69, 206, 214, 215, 263, 309, 343, 360, 508, 512, 568, 583, 598, 662, 694, 745, 753, 787, 788, 1615

Amendments filed—285, 429, 782, 819, 1072, 1140, 1518, 1744

Investigating committee reports—510, 579, 672, 702-703, 763-764, 765-766, 911-913, 999, 999-1000, 1097, 1123'

Referred to—266, 348, 588, 821, 1289

Standing committees and subcommittees appointed to—33

Subcommittee assignments, governor's appointments—404, 605-607, 802-803

STATUTORY APPOINTMENTS AND REAPPOINTMENTS TO COMMISSIONS, COMMITTEES, COUNCILS AND ADVISORY BOARDS—

(See Appointments - Reappointments, Statutory - Senators)

STUDY BILLS IN COMMITTEES—

Agriculture—95, 121, 122, 162, 294, 364, 425, 514, 576, 599, 673-674, 674, 887

Appropriations—83, 122, 455, 534, 1267

Business and Labor Relations—156, 220, 302, 330, 350, 364, 439, 514, 515, 617, 674, 675, 698, 699, 729, 758

Commerce—64, 82, 131, 163, 178, 235, 317, 378, 494, 534, 547, 576, 617, 642, 698, 698-699, 729, 757, 758

Education—130, 166, 167, 178, 194, 235, 318, 365, 378, 425, 515, 599, 617, 674, 698, 729, 887, 1507

Environment and Energy Utilities—122, 207, 302, 378, 425, 439, 515, 699

- Human Resources—83, 95, 145, 163, 207, 246, 302, 504, 535, 547, 674, 698, 728
- Judiciary—154-155, 163, 164, 165, 166, 220, 221, 303, 364, 440, 504, 515, 547, 599, 642, 643, 675, 700, 758, 1694
- Local Government—83, 115, 131, 163, 302, 303, 365, 439, 504, 617, 674, 698, 728
- Natural Resources—65, 178, 302, 303, 350, 642, 675
- Small Business/Economic Development—83, 317, 365, 378, 758
- State Government—42, 64, 65, 96, 115, 145, 155, 156, 193, 194, 207, 246, 293, 294, 330, 350, 416, 417, 455, 504, 547, 576, 642, 699, 700, 729, 1568
- Transportation—64, 115, 131, 167, 208, 221, 234, 330, 365, 504, 674, 699
- Ways and Means—82, 121, 122, 163, 207, 208, 425, 514, 617, 1097-1098, 1137, 1194, 1267, 1403, 1596

STUDY COMMITTEES—

Resolutions relating to:

- Senate Concurrent Resolution 24, Iowa's early childhood, primary, and secondary education system, require reporting by certain dates, committee study. S.J. 1506, 1508, 1536, 1522 adopted, 1738 - H.J. 1944, 1991, 2097, 2098, 2146, 2162, 2195, 2212-2214 as amended, adopted, 2214 - S.J. 1746, Senate concurred, 1765 - H.J. 2243.

STURGEON, AL—Senator First District

- Bills introduced—206, 281, 300, 434, 524, 595, 776
- Amendments filed—264, 268, 276, 877, 881, 945, 950, 967, 969, 1004, 1146, 1159, 1233, 1245, 1287, 1288, 1314, 1347, 1404, 1422, 1436, 1448, 1469, 1499, 1544, 1650, 1762
- Amendments offered—276, 881, 945, 1010, 1039, 1146, 1166, 1302, 1327, 1436, 1448, 1469, 1488, 1499, 1575, 1579, 1580, 1621, 1650
- Amendments withdrawn—1306, 1499
- Call of the Senate—1795
- Committee appointments—41, 234, 1761
- Presided at sessions of the Senate—832, 1675
- Reports—1810, 1877
- Resolutions offered—612, 680, 952, 1244, 1264
- Rulings—833
- Standing committees and subcommittees appointed to—31, 32, 34
- Statutory appointments—331, 1420
- Subcommittee assignments, governor's appointments—416, 614, 623, 801, 844, 845

SUBCOMMITTEE APPOINTMENTS—

- Appropriations subcommittees, listed and members of—33-34
- Assignments for governor's appointments—385-386, 403-404, 416, 604-608, 614, 622-624, 636-637, 648, 799-805, 844-845

SUBCOMMITTEE ASSIGNMENTS—

- Assignments—49, 65, 81-82, 93-94, 115-117, 120-121, 131-133, 142, 157-158,

167-173, 182, 195-197, 211-212, 221-224, 235, 247, 294-295, 306-308, 311, 322-324, 336, 354-356, 370-372, 386-388, 404-405, 417-418, 428, 442-444, 459-461, 487, 494, 505-506, 517-520, 538-539, 551-553, 580-582, 599-601, 618, 643-645, 675-678, 700, 702, 729-732, 758-761, 848-849, 871-873, 889, 911, 926-927, 937, 966-967, 987-988, 1000, 1017-1019, 1043-1045, 1097, 1107-1108, 1135-1137, 1170-1171, 1176, 1194, 1267-1268, 1312, 1368, 1422, 1462, 1507, 1517-1518, 1569, 1585-1586, 1596, 1614, 1630, 1653-1654, 1694, 1705, 1719, 1739-1740, 1756, 1847

Reassigned subcommittee assignments—132, 156, 157, 182, 195, 196, 371, 519, 581, 731

SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)
Administered oath of office to Governor Terry E. Branstad and Lt. Governor Joy Corning—101

Communication from Ethics committee appointments—42

Resolution relating to the Judicial Department Message:
House Concurrent Resolution 2 - joint convention, Wednesday, January 16, 1991, 10:00 a.m., Chief Justice McGiverin presents his condition of the judicial department message. H.J. 14 adopted - S.J. 20, 60, 66 adopted - H.J. 76.

SZYMONIAK, ELAINE—Senator Forty-second District

Bills introduced—21, 24, 30, 112, 216, 248, 281, 288, 310, 337, 373, 415, 434, 497, 508, 524, 541, 556, 557, 629, 630, 631, 662, 688, 707, 744

Amendments filed—117, 146, 268, 336, 372, 444, 615, 750, 782, 918, 939, 940, 988, 1072, 1073, 1098, 1140, 1233, 1337, 1338, 1348, 1433, 1463, 1500, 1551, 1610, 1630, 1762, 1850

Amendments offered—406, 407, 863, 866, 903, 918, 1114, 1337, 1426, 1433, 1606, 1609, 1610

Amendments withdrawn—1799

Call of the Senate—1795

Called up appointees on Individual Confirmation Calendar—1229

Committee appointments—6, 41, 71, 716, 1668

Reports—6, 867, 1765

Resolutions offered—423, 612, 1264

Standing committees and subcommittees appointed to—31, 32, 33, 34

Subcommittee assignments, governor's appointments—385, 416, 608, 623, 636, 800, 801, 844, 845

TAYLOR, RAY—Senator Ninth District

Bills introduced—24, 67, 134, 143, 176, 183, 198, 241, 248, 260, 298, 309, 337, 344, 390, 423, 424, 448, 449, 492, 493, 508, 524, 533, 541, 557, 628, 630, 635, 681, 682, 694, 707, 743, 753, 776

Amendments filed—263, 342, 418, 444, 582, 639, 750, 782, 841, 873, 880, 988, 992, 1003, 1031, 1054, 1073, 1199, 1233, 1245, 1287, 1339, 1347, 1348, 1351, 1378, 1405, 1422, 1423, 1463, 1598, 1599, 1701, 1726, 1743, 1763, 1835

Amendments offered—880, 942, 1054, 1258, 1309, 1324, 1341, 1407, 1593,
1726, 1763
Amendments withdrawn—1341, 1407, 1732
Committee appointments—41, 1836
Petitions presented—293, 304
Reports—1843
Resolutions offered—325, 448, 584, 612, 1657
Standing committees and subcommittees appointed to—31, 32, 33, 34
Statutory appointments—48
Subcommittee assignments, governor's appointments—385, 416, 608, 623,
800, 844, 845

TIEDEN, DALE L.—Senator Sixteenth District

Bills introduced—248, 260, 281, 298, 309, 344, 374, 399, 423, 437, 452, 492,
493, 497, 524, 556, 557, 628, 631, 668, 669, 716, 776
Amendments filed—263, 950, 991, 1245, 1314, 1339, 1340, 1341, 1463, 1464,
1559, 1743, 1764
Amendments offered—268
Appointed to Legislative Council—159
Asked unanimous consent that SF 513 be referred to Appropriations,
withdraw request—1417
Committee appointments—41, 298, 716, 1538
Petitions presented—1107
Reports—1770
Resolutions offered—325, 448, 584, 612, 1264, 1657
Standing committees and subcommittees appointed to—31, 32
Statutory appointments—184, 204
Subcommittee assignments, governor's appointments—385, 636, 648, 800,
845

TINSMAN, MAGGIE—Senator Twentieth District, Assistant Minority Leader

Bills introduced—21, 24, 25, 147, 148, 174, 238, 260, 298, 337, 344, 399,
557, 631, 680, 681
Amendments filed—263, 432, 639, 940, 991, 1022, 1083, 1110, 1206, 1245,
1263, 1463, 1582, 1837
Amendments offered—906, 1022, 1104, 1105, 1263, 1582, 1837
Amendments withdrawn—1481, 1582
Committee appointments—21, 41
Petitions presented—1107, 1233
Presided at session of the Senate—1389
Reports—98, 1765
Resolutions offered—448, 584, 998, 1264, 1657
Standing committees and subcommittees appointed to—31, 32, 34
Subcommittee assignments, governor's appointments—385, 416, 623, 636,
800, 844, 845

TRANSPORTATION, COMMITTEE ON—

Appointed and appointments to—33
Appointees, investigation of—604, 764

Bills introduced—198, 298, 523, 584, 588, 589, 593, 598, 612, 743, 744
 Amendments filed—522, 639, 1047, 1481
 Investigating committee reports—690, 799, 938
 Standing committees and subcommittees appointed to—33
 Subcommittee assignments, governor's appointments—607-608

VACANCIES—

District 12 - Joy Corning, resignation effective December 3, 1990—5

VANDE HOEF, RICHARD—Senator Fourth District, Assistant Minority Leader

Bills introduced—24, 27, 96, 124, 134, 219, 248, 260, 296, 298, 309, 344,
 405, 423, 424, 452, 492, 493, 495, 533, 541, 628, 713, 776
 Amendments filed—263, 328, 582, 639, 660, 678, 873, 883, 890, 922, 933,
 939, 1089, 1206, 1313, 1314, 1334, 1338, 1339, 1340, 1351, 1405, 1422,
 1423, 1453, 1463, 1599, 1683, 1719, 1743, 1764
 Amendments offered—345, 490, 922, 976, 1114, 1340, 1732
 Amendments withdrawn—1453
 Committee appointments—12, 41
 Resolutions offered—325, 448, 1264, 1311, 1511, 1657
 Standing committees and subcommittees appointed to—31, 32, 33, 34
 Subcommittee assignments, governor's appointments—386, 605, 607, 623,
 799, 801, 802, 803

VARN, RICHARD—Senator Twenty-seventh District, Majority Floor Whip

Bills introduced—21, 134, 143, 160, 237, 260, 337, 343, 434, 524, 525, 568,
 616, 628, 653, 669, 693, 707
 Amendments filed—268, 271, 275, 347, 372, 686, 849, 890, 915, 928, 988,
 1003, 1004, 1017, 1031, 1050, 1175, 1245, 1259, 1263, 1339, 1340, 1341,
 1378, 1404, 1405, 1509, 1609, 1636, 1674, 1686, 1692, 1706, 1762, 1837,
 1849
 Amendments offered—271, 347, 413, 685, 686, 915, 932, 1050, 1087, 1162,
 1175, 1259, 1276, 1279, 1280, 1305, 1340, 1396, 1525, 1609, 1660, 1683,
 1686, 1836, 1837
 Amendments withdrawn—347
 Called up appointees on Individual Confirmation Calendar—1227
 Committee appointments—42, 71, 1751, 1785, 1816
 Escorted Chief Justice McGiverin to the speakers station—71
 Escorted Governor Branstad and guests into the House chamber for the
 Condition of the Iowa Judicial Message—71
 Escorted Senator Lloyd-Jones to rostrum—11
 Reports—1802, 1813, 1830
 Resolutions offered—448, 1200, 1264
 Standing committees and subcommittees appointed to—31, 32, 34
 Statutory appointments—184
 Subcommittee assignments, governor's appointments—385, 605, 800, 801

WAYS AND MEANS, COMMITTEE ON—

Appointed and appointments to—33
 Appointees, investigation of—604, 764-765

Bills introduced—174, 309, 310, 628, 629, 1064, 1285, 1359, 1402, 1438, 1459, 1599, 1624
 Amendments filed—175, 890, 950, 1003, 1355, 1536, 1570, 1631, 1639, 1655, 1761, 1781
 Investigating committee reports—703, 889-890, 948
 Referred to—118, 394, 493, 499, 668, 821, 825, 1635
 Standing committees and subcommittees appointed to—33
 Subcommittee assignments, governor's appointments—804-805

WELSH, JOE J.—Senator Seventeenth District, President of the Senate

Addressed the Senate—9
 Bills introduced—90, 147, 337, 343, 391, 434, 492, 497, 542, 556, 557, 653, 682, 776
 Amendments filed—268, 275, 751, 939, 1059, 1125, 1140, 1199, 1259, 1337, 1338, 1339, 1480, 1762, 1781, 1850
 Amendments offered—1059, 1480
 Amendments withdrawn—1496
 Announcements:
 Honorable Terry E. Branstad elected to the office of Governor; and the Honorable Joy Corning elected to the office of Lieutenant Governor—98
 Senator Rife has resigned his statutory appointment to Health Data Commission and Senator Hagerla had been appointed to serve the remainder of the term—154
 Senator Dieleman appointed to Capitol Planning Board CODE 18A—1673
 Senators Boswell and Kibbie appointed to Advisory Commission on Quality Grain Marketing—1673
 Appointed to Legislative Council—159
 Assignment of bills—49-50, 68, 89, 95, 117, 121, 135, 141, 145, 159, 182, 189, 205, 211, 220, 245, 262, 287, 299, 310, 331, 342, 358, 375, 395, 418, 435, 450, 476, 494, 502, 510, 516-517, 529, 543, 566, 590, 614-615, 636, 658, 690, 696, 710, 725, 748, 765, 778, 848, 927-928, 947, 969, 974, 1002-1003, 1028, 1065, 1093, 1120, 1154, 1370, 1404, 1485, 1516, 1538, 1570, 1598, 1630, 1673, 1695, 1737, 1746, 1753, 1770, 1778, 1782, 1786, 1793
 Call of the Senate—1795
 Committee appointments—42, 282, 298, 1538
 Presented Governor Terry E. Branstad who delivered the inaugural address—101
 Presided at joint conventions—22, 23, 52, 97, 100
 Presided at sessions of the Senate—22, 23, 51, 59, 66, 70, 84, 90, 91, 97, 107, 112, 113, 118, 123, 126, 134, 136, 143, 147, 160, 174, 176, 183, 188, 198, 206, 216, 218, 227, 237, 248, 265, 266, 270, 273, 276, 279, 288, 296, 298, 300, 309, 315, 325, 337, 343, 357, 360, 376, 389, 391, 399, 405, 420, 430, 431, 436, 437, 445, 473, 480, 488, 496, 508, 523, 532, 541, 542, 545, 556, 557, 568, 594, 595, 597, 612, 661, 680, 707, 713, 715, 745, 783, 820, 851, 874, 879, 884, 892, 914, 924, 932, 951, 971, 974, 990, 1005, 1032, 1039, 1048, 1060, 1074, 1082, 1099, 1111, 1116, 1141, 1161, 1174, 1175, 1185, 1200, 1207, 1212, 1234, 1251, 1269, 1294, 1308, 1315, 1335, 1336,

- 1340, 1349, 1356, 1360, 1406, 1424, 1426, 1456, 1464, 1469, 1477, 1481,
1492, 1512, 1537, 1539, 1571, 1594, 1601, 1633, 1745, 1751, 1758, 1762,
1764, 1770, 1775-1776, 1782, 1786, 1788, 1791, 1795, 1821, 1827, 1850
- Reassignment of bills—95, 395
- Reports—99, 303, 335, 1770, 1793, 1836
- Resolutions offered—952, 1264, 1328
- Rulings—276, 279, 406, 432, 559, 841, 866, 933, 977, 993, 994, 1010, 1012,
1050, 1076, 1083, 1102, 1129, 1166, 1337, 1338, 1417, 1418, 1429, 1455,
1459, 1471, 1494, 1495, 1497, 1500, 1542
- Standing committees and subcommittees appointed to—31, 32, 33
- Statutory appointments—184, 204, 331
- Subcommittee assignments, governor's appointments—404, 605, 606, 607,
804
- Welcomed the Honorable Jim Nussle, United States Congressman—342
- Item veto messages received—961-962, 1754-1755, 1865-1870
- Veto messages received—1626-1627, 1695-1696, 1871-1874